

Exhibit A04 - Invalidity of '284 Patent – U.S. Patent App. Pub. No. 2016/0193437 (“Bao”)

ResMed’s invalidity contentions, including this chart, are based in part on Cleveland Medical’s (“CleveMed”) infringement contentions and apparent claim interpretations. In some instances, certain claim limitations are expressly or inherently present in the prior art in light of CleveMed’s apparent claim interpretations in its infringement contentions. ResMed offers these contentions in response to CleveMed’s infringement contentions and without prejudice to any position ResMed may later take as to any claim construction issues. To the extent these contentions reflect claim constructions that are consistent with CleveMed’s infringement contentions, no implication is intended, nor should any inference be drawn, that ResMed agrees with any construction implied by CleveMed’s infringement contentions.

CleveMed has asserted claims 1, 2, 3, 6, 12, and 14-20 (“the asserted claims”) of U.S. Patent No. 11,602,284 (“the ’284 patent”). The asserted claims of the ’284 patent are invalid in view of U.S. Patent Application Publication No. U.S. 2016/0193437 A1 (“Bao”) as either anticipated, under post-AIA 35 U.S.C. § 102, and/or as obvious, under 35 U.S.C. § 103. The chart below discloses how this prior art reference discloses, either expressly or inherently, and/or renders obvious the asserted claims.

The citations provided are exemplary and do not necessarily include each and every disclosure of a limitation in the reference. ResMed has endeavored to cite to the most relevant portions of the identified prior art, but other portions of the identified prior art may additionally disclose, either expressly or inherently, and/or render obvious, one or more limitations of the asserted claims. ResMed reserves the right to rely on: (1) uncited portions of the identified prior art; (2) other prior art not identified herein; (3) references that show the state of the art and the knowledge of a person of skill in the art, irrespective of whether such references themselves qualify as prior art to the asserted patents; (4) factual testimony from the inventors or authors of the prior art references, or purveyors of prior art devices; and/or (5) expert testimony, to provide context to or aid in understanding the prior art, the state of the art, and/or the knowledge of a person of ordinary skill in the art. ResMed reserves the right to rely on any materials incorporated by reference into any cited prior art reference. To the extent ResMed asserts that a claim limitation is indefinite, ResMed has used its best efforts to interpret the claims to fulfill its duties in charting the prior art references.

Where ResMed cites to a particular drawing or figure in the accompanying charts, the citation encompasses the description of the drawing or figure, as well as any text associated with the drawing or figure. Similarly, where ResMed cites to text concerning a figure, the citation encompasses that figure. This prior art at least discloses certain claim limitations, and ResMed reserves the right to rely on inherency to demonstrate the invalidity of the asserted claims. ResMed may rely on cited or uncited portions of the prior art, other documents, factual testimony, and expert testimony to invalidate the asserted claims.

U.S. Patent Application Publication U.S. Patent App. Pub. No. 2016/0193437 A1 (“Bao”) was filed as a PCT application on February August 5, 2014, claims priority to a Provisional Application filed on August 5, 2013, and was published on July 7, 2016. Bao qualifies as prior art under at least post-AIA § 102(a)(1), (2). This chart also references the following disclosures:

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- U.S. Patent Application Publication No. 2018/0199882 (“Klee”) published July 19, 2018;
- WO 2021/152526 (“Shouldice”) published August 5, 2021;
- U.S. Patent No. 5,424,942 (“Dong”) issued June 13, 1995;
- U.S. Patent No. 5,704,345 (“Berthon-Jones”) issued January 6, 1998;
- U.S. Patent No. 6,644,311 (“Truitt”) issued November 11, 2003;
- U.S. Patent Application Publication No. 2004/0129838 (“Lisy”) published July 8, 2004.

US 11,602,284 Claim	Invalidating Prior Art Disclosure – Bao
1. [pre] A positive airway pressure (PAP) sleep disorder treatment system comprising:	To the extent the preamble is limiting, Bao discloses or at least renders obvious this preamble. For example, Bao discloses: “FIG. 2 is a block diagram illustrating an embodiment of a CPAP device/apparatus 200 incorporating certain features, aspects and advantages of an embodiment of the present invention. The CPAP apparatus 200 comprises a blower 202 that propels a stream of pressurized air through a breathing conduit 106 (see FIG. 1) to an interface 107 wearable by a patient.” Bao, ¶124; FIGS. 1, 2. FIGURE 1 Bao, FIG. 1.