

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,
Patent Owner.

Case IPR2025-00159
U.S. Patent No. 11,375,921

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Patent Owner Cleveland Medical Devices, Inc. (“CleveMed” or “Patent Owner”) objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Petitioner ResMed Corp. (“ResMed” or “Petitioner”) in its Petitioner’s Reply to Patent Owner’s Response. *See* Paper 27. Thus, Patent Owner’s objections are timely under 37 C.F.R. § 42.64(b)(1). Patent Owner serves Petitioner with these objections to provide notice that Patent Owner will move to exclude the above-identified exhibits as improper evidence.

I. PETITIONER’S EVIDENCE

A. Objections to the Declaration of Dr. Sandeep Chatterjee (Ex. 1069, the “Chatterjee Reply Declaration”)

Patent Owner objects to the Chatterjee Reply Declaration under Federal Rules of Evidence (“FRE”) 802 as inadmissible hearsay if Petitioner does not make Dr. Chatterjee available for deposition in this proceeding.

B. Various Exhibits and Publications

Patent Owner objects to the admissibility of the following exhibits for at least the following reasons:

Exhibit No.	Description
Ex. 1070	The Microsoft Computer Dictionary definition of “localhost”

Exhibit No.	Description
Ex. 1071	LibreText Engineering, 12:Physical Database Design available at https://eng.libretexts.org/Courses/Delta_College/Introduction_to_Database_Systems/12%3A_Physical_Database_Design_and_Database_Security
Ex. 1072	LibreText Engineering 12.4: Data Partitioning available at: https://eng.libretexts.org/Courses/Delta_College/Introduction_to_Database_Systems/12%3A_Physical_Database_Design_and_Database_Security/12.04%3A_Data_Partitioning

Petitioner has failed to authenticate Exhibits 1070-1072 under FRE 901 and FRE 602. Specifically, Petitioner has failed to establish that Exhibits 1070-1072 are what Petitioner claims they are, and has failed to authenticate Exhibits 1070-1072.

To the extent that Petitioner attempts to rely on any date that appears on Exhibits 1070-1072 to establish public accessibility of Exhibits 1070-1072 as a printed publication or prior art reference, the date is hearsay under FRE 801 and does not fall within a hearsay exception under FRE 802 and FRE 803. Further, the dates in Exhibits 1070-1072 have not been authenticated and are inadmissible under FRE 901.

Exhibits 1070-1072 are incomplete and thus confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under FRE 403.

Patent Owner's Objections to Evidence
IPR2025-00159 (U.S. Patent No. 11,375,921)

Respectfully submitted,

Dated: December 16, 2025

/James Hannah/

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(Case No. IPR2025-00159)

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the P-TACTS constitutes electronic service, if Patent Owner provides the foregoing document (excluding exhibits), service was made on the Petitioner as detailed below.

<i>Date of service</i>	December 16, 2025
<i>Manner of service</i>	Electronic Filing and Electronic Mail (PH-ResMed-CleveMed@paulhastings.com)
<i>Documents served</i>	PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64
<i>Persons Served</i>	Paul Hastings LLP Lisa K. Nguyen David M. Tennant Eric E. Lancaster Grace Wang Howard Herr Kamilah Alexander Rachel Wu Hankinson

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