UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,
Patent Owner.

Case IPR2025-00247
U.S. Patent No. 11,872,029

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 24. 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 Jason Kirkness, Ph.D. (Ex. 1071, the "Kirkness Reply Declaration")

Patent Owner objects to the Kirkness Reply Declaration under Federal Rules of Evidence ("FRE") 802 as inadmissible hearsay if Petitioner does not make Dr. Kirkness 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 AASM Manual for the Scoring of Sleep and Associated Event

Petitioner has failed to authenticate Exhibit 1070 under FRE 901 and FRE 602. Specifically, Petitioner has failed to establish that Exhibit 1070 is what Petitioner claims it is, and has failed to authenticate Exhibit 1070.

To the extent that Petitioner attempts to rely on any date that appears on Exhibit 1070 to establish public accessibility of Exhibit 1070 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. Exhibit 1070 has a copyright date of 2023 making it unavailable as prior art. Further, the dates in Exhibit 1070 have not been authenticated and are inadmissible under FRE 901.

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

Respectfully submitted,

Dated: January 22, 2026

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(Case No. IPR2025-00247)

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.

Date of service	January 22, 2026
Manner of service	Electronic Filing and Electronic Mail (PH-ResMed-CleveMed@paulhastings.com)
Documents served	PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64
Persons Served	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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