

Filed on behalf of: Resmed Corp.

Filed: June 16, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.
Petitioner,

v.

FRACTUS, S.A.
Patent Owner.

Case No. IPR2026-00191
U.S. Patent No. 11,031,677

**PETITIONER'S OBJECTIONS TO EVIDENCE
SERVED BEFORE INSTITUTION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Resmed Corp. ("Petitioner") submits the following objections to evidence submitted by Patent Owner Fractus S.A. ("Patent Owner") prior to institution of the trial in IPR2026-00191. Petitioner's objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within ten business days of the institution decision. Notwithstanding these objections, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibits 2010 and 2029

Petitioner objects to Exhibits 2010 and 2029 as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent it impermissibly acts as a conduit for hearsay, including the hearsay objected to herein, and does not rely on the kinds of facts or data that experts in the relevant field would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioner further objects to the exhibit for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701,

to the extent it offers testimony in areas outside of the area of expertise of Dr. Hossein Hashemi.

Petitioner further objects to 2010 and 2029 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions if Patent Owner does not make Dr. Hashemi available for deposition for this proceeding.

Exhibits 2011, 2015, 2016, 2036, 2037, 2038 and 2040

Petitioner objects to these Exhibits 2011, 2015, 2016, 2036, 2037, 2038 and 2040 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902. To the extent Patent Owner relies on the exhibit for the truth of the matter asserted, Petitioner objects to the exhibit as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 2002, 2003, 2004, 2028, 2032, 2034 and 2035

Petitioner objects to these Exhibits 2002, 2003, 2004, 2028, 2032, 2034 and 2035 as irrelevant under FRE 401 and 402 because they pertain to a district court case to which Petitioner is not a party and is not relevant to this proceeding.

Exhibits 2012-2014 and 2017-2027

Petitioner objects to these Exhibits 2012-2014 and 2017-2027 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient

evidence to show that they are authentic or self-authenticating under FRE 902.

Petitioner further objects to these exhibits under FRE 106 (completeness), as the exhibits are incomplete and only include select portions of larger documents that in fairness ought to be considered in connection with the exhibit.

To the extent Patent Owner relies on these exhibits for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Date: June 16, 2026

Respectfully submitted,

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RESMED CORP.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of **PETITIONER'S OBJECTIONS TO EVIDENCE SERVED BEFORE INSTITUTION** is being served by electronic mail on Patent Owner's counsel of record listed below, pursuant to its Mandatory Notices:

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Respectfully submitted,

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