

Filed on behalf of: Resmed Corp.

Filed: September 1, 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

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”) 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 five business days of service of evidence to which these objections are directed. 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

Exhibit 2041

Petitioner objects to Exhibit 2041 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 Exhibit 2041 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.

Petitioner further objects to Exhibit 2041 to the extent Patent Owner seeks to rely on the declaration for opinions, reasoning, or evidence not expressly identified and explained in the Patent Owner's Response. The Patent Owner's Response cites only paragraphs 7-9 of Exhibit 2041. *See* POR, 51. The Patent Owner's Response does not cite to or explain the relevance of paragraphs 1-6 or 10-11. To the extent Patent Owner intends the uncited portions of Exhibit 2041 to supply arguments or evidentiary support not presented with particularity in the Patent Owner's Response, such reliance would constitute an improper incorporation by reference contrary to 37 C.F.R. § 42.6(a)(3), and Petitioner objects to any later attempt to rely on those portions as untimely or beyond the proper scope of the Patent Owner's Response. Petitioner further objects to paragraphs 1-6 and 10-11 under FRE 401 and 402 because Patent Owner has not identified any issue for which those paragraphs are relevant or connected their contents to any challenged claim, asserted ground, or argument actually presented in the Patent Owner's Response.

Petitioner additionally objects under FRE 702, 703, and 705 to the opinions in Exhibit 2041, including, without limitation, the opinions in paragraphs 7-11

because the declaration does not sufficiently identify the facts, data, testing, simulations, measurements, calculations, assumptions, or methodology supporting those opinions or demonstrate that any reliable methodology was reliably applied to the particular Ciais-Quadband antenna or to the combinations at issue. Petitioner likewise objects to any opinion based on facts or data that have not been disclosed or shown to be of a type reasonably relied upon by experts in the pertinent field.

Exhibit 2042

Petitioner objects to Exhibit 2042 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.

Date: September 1, 2026

Respectfully submitted,

By: / Lisa K. Nguyen /
Lisa K. Nguyen (Reg. No. 58,018)
PAUL HASTINGS LLP
1117 S. California Avenue
Palo Alto, CA 94304
Telephone: 650-320-1800
lisanguyen@paulhastings.com

Counsel for Petitioner
RESMED CORP.

CERTIFICATE OF SERVICE

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

Mark J. DeBoy (Reg. No. 66,983)
Patrick Finnan (Reg. No. 39,189)
Larry L. Shatzer (*pro hac vice*)
EDEL SHAPIRO AND FINNAN, LLC
9801 Washingtonian Boulevard, Suite 750
Gaithersburg, MD 20878
mdeboy@esfip.com
pfinnan@esfip.com
lshatzer@esfip.com

Date: September 1, 2026

Respectfully submitted,

By: / Lisa K. Nguyen /
Lisa K. Nguyen (Reg. No. 58,018)
PAUL HASTINGS LLP
1117 S. California Avenue
Palo Alto, CA 94304
Telephone: 650-320-1800
lisanguyen@paulhastings.com

Counsel for Petitioner
RESMED CORP.