Filed on behalf of: Resmed Corp. Filed: September 23, 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. IPR2026-00341
U.S. Patent No. 8,362,960

PETITIONER'S MOTION TO SEAL
UNDER 37 C.F.R. §§ 42.14, 42.55

I. STATEMENT OF RELIEF REQUESTED

Concurrent with filing the Declaration of Dwayne Wheatley regarding Resmed's U.S. manufacturing operations and investments (Exhibit 1032, "Declaration") and Petitioner's Opposition to Patent Owner's Request for Discretionary Denial ("Opposition"), Petitioner moves: (1) for entry of the Board's Default Protective Order as set forth in Appendix B of the Consolidated Trial Practice Guide ("CTPG"); and (2) for the Board to seal the Declaration and the unredacted Opposition under that Protective Order. Petitioner proposes that the parties adopt the Board's Default Protective Order as set forth in Appendix B of the CTPG and respectfully request its entry in this proceeding. Petitioner concurrently files herewith a public redacted version of the Opposition.

This motion is based on 37 C.F.R. §§ 42.14 and 42.55(a), and Appendix B of the Board's Consolidated Trial Practice Guide.

II. ARGUMENT

Petitioner moves to seal the Declaration of Dwayne Wheatley (Exhibit 1032) and the unredacted Opposition under the Board's Default Protective Order because they contain confidential, non-public information regarding Resmed's U.S. manufacturing operations, facilities, supply-chain and logistics infrastructure, and related operational investments and plans that are undergoing negotiations. That

information is not publicly available and reflects sensitive commercial information concerning Resmed's business operations.

Good cause exists to seal the Declaration. The Board's rules and the Default Protective Order contemplate sealing confidential information filed with the Board. The Declaration and the unredacted Opposition concern non-public facts regarding Resmed's U.S. manufacturing footprint, operational infrastructure, and related business information offered in support of Petitioner's opposition to discretionary denial. Public disclosure of that material could harm Resmed by revealing confidential operational information to competitors, market participants, and contractors with whom Resmed is currently in negotiations to expand its operations.

III. CERTIFICATION OF NON-PUBLICATION STATUS

Counsel for Petitioner certifies that, to the best of counsel's knowledge, the information sought to be sealed by this motion has not been published or otherwise made public.

IV. PETITIONER REQUESTS ENTRY OF DEFAULT PROTECTIVE ORDER

Petitioner requests entry of the Default Protective Order. It is respectfully requested that the Default Protective Order govern the confidential materials in this proceeding.

V. CONCLUSION

For the above reasons, Petitioner respectfully requests that the Declaration of Dwayne Wheatley (Exhibit 1032) and the unredacted Opposition be placed under seal.

Date: September 23, 2026

Respectfully submitted,

By: / Lisa K. Nguyen /
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CERTIFICATE OF SERVICE

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

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Respectfully submitted,

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