

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:25-cv-02680-LL-JLB**

Fractus, S.A. v. ResMed Inc. et al
Assigned to: Judge Linda Lopez
Referred to: Magistrate Judge Jill L. Burkhardt
Cause: 35:0271 Patent Infringement

Date Filed: 10/09/2025
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Fractus, S.A.

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V.

Defendant

Resmed Inc.
TERMINATED: 01/26/2026

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Defendant

Resmed Corp.

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Date Filed	#	Docket Text
10/09/2025	<u>1</u>	COMPLAINT with Jury Demand against All Defendants (Filing fee \$ 405 receipt number ACASDC-20368426.), filed by Fractus, S.A.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A - U.S. Patent No. 8,456,365, # <u>3</u> Exhibit B - U.S. Patent No. 8,674,887, # <u>4</u> Exhibit C - U.S. Patent No. 8,593,349, # <u>5</u> Exhibit D - U.S. Patent No. 8,362,960, # <u>6</u> Exhibit E - U.S. Patent No. 11,031,677) The new case number is 3:25-cv-2680-LL-JLB. Judge Linda Lopez and Magistrate Judge Jill L. Burkhardt are assigned to the case. (Ng, Michael)(axcl) (anh). (Entered: 10/09/2025)
10/09/2025	<u>2</u>	REPORT on the filing or determination of an action regarding patent and/or trademark number(s) *8,456,365*, *8,674,887*, *8,593,349*, *8,362,960*, *11,031,677* cc:USPTO (axcl) (anh). (Entered: 10/09/2025)
10/09/2025	<u>3</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (axcl) (anh). (Entered: 10/09/2025)
10/09/2025	<u>4</u>	Corporate Disclosure Statement by Fractus, S.A.. No Corporate Parents/Interested Parties. (Ng, Michael) (bdc). (Entered: 10/09/2025)
10/09/2025	<u>5</u>	NOTICE of Party With Financial Interest by Fractus, S.A. (Ng, Michael) (bdc). (Entered: 10/09/2025)
10/09/2025	<u>6</u>	NOTICE of Appearance by Michael K. Ng on behalf of Fractus, S.A. (Ng, Michael) (bdc). (Entered: 10/09/2025)
10/09/2025	<u>7</u>	NOTICE of Appearance by Daniel A. Zaheer on behalf of Fractus, S.A. (Zaheer, Daniel) (bdc). (Entered: 10/09/2025)
10/09/2025	<u>8</u>	NOTICE of Appearance by Zachary Robert Ritz on behalf of Fractus, S.A. (Ritz, Zachary) Attorney Zachary Robert Ritz added to party Fractus, S.A.(pty:pla) (bdc). (Entered: 10/09/2025)
10/09/2025	<u>9</u>	NOTICE of Appearance by Kimberly Kennedy on behalf of Fractus, S.A. (Kennedy, Kimberly) (bdc). (Entered: 10/09/2025)
10/14/2025	<u>10</u>	SUMMONS Returned Executed by Fractus, S.A.. ResMed Corp. served. (Ng, Michael) (bdc). (Entered: 10/14/2025)
10/14/2025	<u>11</u>	SUMMONS Returned Executed by Fractus, S.A.. ResMed Inc. served. (Ng, Michael) (bdc). (Entered: 10/14/2025)

10/16/2025	12	SUMMONS Returned Executed by Fractus, S.A.. ResMed Corp. served. (Ng, Michael) (bdc). (Entered: 10/16/2025)
10/16/2025	13	SUMMONS Returned Executed by Fractus, S.A.. ResMed Inc. served. (Ng, Michael) (bdc). (Entered: 10/16/2025)
10/29/2025	14	Joint MOTION for Extension of Time to File Answer re 1 Complaint, by Fractus, S.A. (Ng, Michael) (bdc). (Entered: 10/29/2025)
10/29/2025	15	ORDER Granting Joint Motion to Extend Time for Defendants to Respond to Complaint 14 Motion for Extension of Time to Answer ResMed Corp. answer due 1/5/2026; ResMed Inc. answer due 1/5/2026. Signed by Judge Linda Lopez on 10/29/2025. (bdc) (Entered: 10/29/2025)
11/20/2025	16	NOTICE of Appearance by Michael Lewis Merriman on behalf of Fractus, S.A. (Merriman, Michael)Attorney Michael Lewis Merriman added to party Fractus, S.A. (pty:pla) (bdc). (Entered: 11/20/2025)
11/20/2025	17	Request to Appear Pro Hac Vice (Filing fee received: \$ 224 receipt number ACASDC-20507015.)(Application to be reviewed by Clerk.) (Fender, Jessica)(jrd) (Entered: 11/20/2025)
11/20/2025	18	PRO HAC APPROVED: Jessica K. Fender appearing for Plaintiff Fractus, S.A. (no document attached) (jrd) (Entered: 11/20/2025)
11/24/2025	19	Request to Appear Pro Hac Vice (Filing fee received: \$ 224 receipt number ACASDC-20519037.) (Application to be reviewed by Clerk.) (Stamatopoulos, Giorgos) (rmc). (Entered: 11/24/2025)
11/24/2025	20	PRO HAC APPROVED: Giorgos Stamatopoulos appearing for Plaintiff Fractus, S.A. (no document attached) (rmc) (Entered: 11/24/2025)
01/05/2026	21	Corporate Disclosure Statement by ResMed Corp., ResMed Inc. identifying Corporate Parent Resmed Inc., Other Affiliate The Vanguard Group, Inc. for ResMed Inc. (Nguyen, Lisa) (bdc). (Entered: 01/05/2026)
01/05/2026	22	MOTION to Dismiss for Failure to State a Claim by ResMed Corp., ResMed Inc.. (Attachments: # 1 Exhibit A)(Nguyen, Lisa)Attorney Lisa K. Nguyen added to party ResMed Corp.(pty:dft), Attorney Lisa K. Nguyen added to party ResMed Inc.(pty:dft) (bdc). (Entered: 01/05/2026)
01/26/2026	23	NOTICE of Voluntary Dismissal by Fractus, S.A. <i>as to Resmed Inc. without prejudice</i> (Fender, Jessica) (bdc). (Entered: 01/26/2026)
01/26/2026	24	NOTICE of Appearance by Tammy Su on behalf of Fractus, S.A. (Su, Tammy)Attorney Tammy Su added to party Fractus, S.A.(pty:pla) (bdc). (Entered: 01/26/2026)
01/26/2026	25	RESPONSE in Opposition re 22 MOTION to Dismiss for Failure to State a Claim filed by Fractus, S.A.. (Ng, Michael) (bdc). (Entered: 01/26/2026)
02/02/2026	26	REPLY to Response to Motion re 22 MOTION to Dismiss for Failure to State a Claim filed by Resmed Corp. (Nguyen, Lisa) (bdc). (Entered: 02/02/2026)
04/23/2026	27	MOTION to Withdraw as Attorney by Fractus, S.A.. (Attachments: # 1 Declaration of Jessica Fender In Support of Motion to Withdraw Tammy Su as Attorney of Record for Plaintiff)(Fender, Jessica) Motion under submission, no appearances are required unless ordered by the Court.(mjw). (Entered: 04/23/2026)
04/24/2026	28	ORDER Granting Motion to Withdraw [ECF No. 27]. Signed by Judge Linda Lopez on 04/24/2026. (mjw) (Entered: 04/24/2026)

07/29/2026	29	ANSWER to 1 Complaint, with Jury Demand by Resmed Corp. (Attachments: # 1 Exhibit A)(Nguyen, Lisa) (bdc). (Entered: 07/29/2026)
07/29/2026	30	MOTION for Judgment on the Pleadings <i>and Memorandum of Points and Authorities</i> by Resmed Corp. (Nguyen, Lisa) (bdc). (Entered: 07/29/2026)
07/29/2026	31	MOTION to Stay <i>Pending Inter Partes Review and Memorandum of Points and Authorities</i> by Resmed Corp. (Nguyen, Lisa) (bdc). (Entered: 07/29/2026)
08/14/2026	32	NOTICE AND ORDER Setting Early Neutral Evaluation and Case Management Conferences. Early Neutral Evaluation set for 10/21/2026 09:00 AM before Magistrate Judge Jill L. Burkhardt. Case Management Conference set for 10/21/2026 09:00 AM before Magistrate Judge Jill L. Burkhardt. Joint Discovery Plan due 10/14/2026. Signed by Magistrate Judge Jill L. Burkhardt on 8/14/2026.(bdc) (Entered: 08/17/2026)
08/17/2026	33	Joint MOTION for Extension of Time to File Response/Reply as to 30 MOTION for Judgment on the Pleadings <i>and Memorandum of Points and Authorities</i> , 31 MOTION to Stay <i>Pending Inter Partes Review and Memorandum of Points and Authorities</i> by Fractus, S.A.. (Fender, Jessica) (bdc). (Entered: 08/17/2026)
08/17/2026	34	ORDER Granting Joint Motion to Extend Briefing Schedule Related to Resmed's Pending Motions 33 Motion for Extension of Time to File Response/Reply re 31 MOTION to Stay <i>Pending Inter Partes Review and Memorandum of Points and Authorities</i> , 30 MOTION for Judgment on the Pleadings <i>and Memorandum of Points and Authorities</i> Responses due by 8/28/2026 Replies due by 9/4/2026. Signed by Judge Linda Lopez on 8/17/2026. (bdc) (Entered: 08/17/2026)
08/25/2026	35	MINUTE ORDER by Magistrate Judge Jill L. Burkhardt: The deadline by which the parties may request that the 10/21/2026 Early Neutral Evaluation Conference be held in person is extended up to and including <u>09/14/2026</u> . All other deadlines set forth in the 8/14/2026 Order remain in effect. (exj) (Entered: 08/25/2026)
08/27/2026	36	Joint MOTION to Dismiss <i>Claims Related to U.S. Patent No. 11,031,677</i> by Fractus, S.A.. (Fender, Jessica)(axc1). (Entered: 08/27/2026)
08/28/2026	37	ORDER Granting Joint Stipulation and Motion to Dismiss With Prejudice Claims Related to U.S. Patent No. 11,031,677 (ECF No. 36). Signed by Judge Linda Lopez on 8/28/2026. (All non-registered users served via U.S. Mail Service)(axc1) (Entered: 08/28/2026)
08/28/2026	38	RESPONSE in Opposition re 30 MOTION for Judgment on the Pleadings <i>and Memorandum of Points and Authorities</i> filed by Fractus, S.A.. (Ng, Michael) (axc1). (Entered: 08/28/2026)
08/28/2026	39	MOTION to Amend/Correct 1 Complaint,, by Fractus, S.A.. (Attachments: # 1 Exhibit 1. Redline Proposed Amended Complaint, # 2 Exhibit 2. Proposed Amended Complaint, # 3 Exhibit A. U.S. Patent 8,456,365, # 4 Exhibit B. U.S. Patent 8,674,887, # 5 Exhibit C. U.S. Patent 8,593,349, # 6 Exhibit D. U.S. Patent 8,362,960, # 7 Exhibit E. U.S. Patent 8,810,458)(Ng, Michael) (axc1). (Entered: 08/28/2026)
09/01/2026	40	ORDER Granting Plaintiff's Motion for Leave to Amend Complaint granting 39 Motion to Amend/Correct Amended Pleadings due by 9/3/2026. Signed by Judge Linda Lopez on 9/1/2026. (bdc) (Entered: 09/01/2026)
09/02/2026	41	AMENDED COMPLAINT with Jury Demand against Resmed Corp., filed by Fractus, S.A.. (Attachments: # 1 Exhibit 1. Redline First Amended Complaint, # 2 Exhibit A. U.S. Patent 8,456,365, # 3 Exhibit B. U.S. Patent 8,674,887, # 4 Exhibit C. U.S. Patent 8,593,349, # 5 Exhibit D. U.S. Patent 8,362,960, # 6 Exhibit E. U.S. Patent 8,810,458) (Ng, Michael) (bdc). (Entered: 09/02/2026)

09/04/2026	42	NOTICE <i>Re Mootness of Pending Motion to Dismiss and Motion for Judgment on the Pleadings and Intent to File Consolidated Motion to Dismiss Amended Complaint</i> by Resmed Corp. re 30 MOTION for Judgment on the Pleadings <i>and Memorandum of Points and Authorities</i> , 22 MOTION to Dismiss for Failure to State a Claim (Nguyen, Lisa) (bdc). (Entered: 09/04/2026)
09/16/2026	43	MINUTE ORDER by Magistrate Judge Jill L. Burkhardt: On 09/14/2026, counsel jointly called chambers regarding the upcoming Early Neutral Evaluation Conference. Upon review of the voicemail left by counsel, the Court hereby SETS a Status Conference for <u>9/17/2026 at 02:00 PM</u> before Magistrate Judge Jill L. Burkhardt. For purposes of the conference, counsel shall call the Court's teleconference line at (619) 657-0677 and use conference identification number 995 115 855. (nxo.) (Entered on 09/16/2026.) (Entered: 09/16/2026)
09/16/2026	44	MOTION to Dismiss for Failure to State a Claim by Resmed Corp. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Nguyen, Lisa) (bdc). (Entered: 09/16/2026)
09/17/2026	45	MINUTE ORDER by Magistrate Judge Jill L. Burkhardt: Due to a conflict with the Court's calendar, the Status Conference set for 09/17/2026 at 2:00 PM is RESET to <u>09/17/2026 at 4:00 PM</u> . For purposes of the conference, counsel shall call the Court's conference line at (619) 657-0677, and use identification number 995 115 855. (nxo.) (Entered on 09/17/2026.) (Entered: 09/17/2026)
09/17/2026	46	MINUTE ORDER by Magistrate Judge Jill L. Burkhardt: Due to a conflict with the Court's calendar, the Status Conference set for 09/17/2026 is RESET for <u>9/18/2026 at 11:00 AM</u> before Magistrate Judge Jill L. Burkhardt. For purposes of the conference, counsel shall call the Court's conference line at (619) 657-0677, and use identification number 722 847 806#. (nxo.) (Entered on 09/17/2026.) (Entered: 09/17/2026)
09/22/2026	47	Minute Entry for proceedings held before Magistrate Judge Jill L. Burkhardt: Status Conference held on 9/18/2026. (Plaintiff Attorney Michael Ng). (Defendant Attorney Lisa Nguyen). (no document attached) (exj) (Entered: 09/22/2026)