

From: [Director Discretionary Decision](#)
To: [Nguyen, Lisa K.](#); [Director Discretionary Decision](#)
Cc: [Mark J. DeBoy](#); [Patrick Finnan](#); [Larry Shatzer](#); [PH-Resmed-Fractus-IPR](#)
Subject: RE: Resmed v. Fractus, IPR2026-00341: Request to File Corrected Brief
Date: Thursday, October 1, 2026 1:15:41 PM
Attachments: [image001.png](#)

Petitioner may file the corrected opposition and should do so today, October 1, 2026. The initial filing will be expunged. Patent Owner is authorized to file a 5-page reply in IPR2026-00341, due no later than Monday, October 5, 2026, limited to addressing the matters raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Wednesday, October 8, 2026.

From: Nguyen, Lisa K. <lisanguyen@paulhastings.com>
Sent: Wednesday, September 30, 2026 9:10 AM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Mark J. DeBoy <mdeboy@esfip.com>; Patrick Finnan <pfinnan@esfip.com>; Larry Shatzer <lshatzer@esfip.com>; PH-Resmed-Fractus-IPR <PH-Resmed-Fractus-IPR@paulhastings.com>
Subject: Resmed v. Fractus, IPR2026-00341: Request to File Corrected Brief

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Dear Honorable Director,

Petitioner writes regarding an oversight in Petitioner's Opposition to Patent Owner's Request for Discretionary Denial ("Opposition") in which administrative errors in finalizing the brief resulted in the page limit being inadvertently exceeded by a half of a page. If requested, Lead Counsel for Petitioner can submit a declaration confirming that she sent and gave her final sign off on a brief that was 20-pages on Tuesday, September 22 at 12:31pm ET, and that subsequent non-substantive edits (including edits to the citation format to PTAB decision) inadvertently resulted in exceeding the page limit. Petitioner apologizes for this oversight and respectfully requests approval to submit a corrected version that conforms with the 20-page limit for the brief pursuant to *Samsung Electronics Co., Ltd. v. Omni Medsci, Inc.*, Case No. IPR2025-01249, Ex. 3101 (PTAB Nov. 14, 2025) and *Google LLC v. Sonos, Inc.*, Case No. IPR2025-01213, Ex. 3101 (PTAB Sept. 22, 2025). Petitioner also requests that the Opposition as originally filed be expunged from the record.

Patent Owner separately requests expungement of the original Opposition. As indicated by Petitioner's characterization above, the non-compliant Opposition was a result of Petitioner's failure to comply with the signatory requirements of 37 C.F.R. §§ 11.18 and

42.11. Therefore, good cause exists for expungement of the non-compliant Opposition and no good cause exists for a corrected Opposition. Further, Petitioner's cited cases are inapplicable. The non-compliant Opposition was identified by Patent Owner (not Petitioner) and would not have been compliant if correctly formatted (see IPR2025-01249, Ex. 3101), and there is no agreement between the parties or recent rule change (see IPR2025-01213, Ex. 3101). If Petitioner is permitted to file a Corrected Opposition, Patent Owner seeks a 5 page reply to address Petitioner's characterization of the "technology space" in which Patent Owner has asserted its patents, the settled expectations of the parties related to the "technology space," and Petitioner's assertions directed to Taoglas as they relate to the '960 Patent. Petitioner does not oppose this request if it is provided a 3 page sur-reply limited to the points raised by Patent Owner in its Reply.

The Parties are available at the following times for a conference call with the Director:

Thursday, October 1, 12 pm-5 pm; and

Tuesday, October 6, 11 am-5pm.

Respectfully submitted,

Lisa Nguyen

Lead Counsel for Petitioner

PAUL
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