

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FISHER & PAYKEL HEALTHCARE LIMITED,
Petitioner,

V.

RESMED LIMITED,
Patent Owner.

Case IPR2017-00632
Patent 8,944,061 B2

Record of Oral Hearing
Held: JULY 11, 2018

Before BARRY L. GROSSMAN, BEVERLY M. BUNTING AND
JAMES J. MAYBERRY, *Administrative Patent Judges*.

Case IPR2017-00632
Patent 8,944,061 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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ALSO PRESENT:

Benjamin J. Everton, Knobbe Martens
Sheila Swaroop, Knobbe Martens
Robert Roby, Knobbe Martens
Curtiss Dosier, Knobbe Martens

ALSO PRESENT:

Michael Hawkins, Fish & Richardson
Jason Zucchi, Fish & Richardson
Michael Rider, ResMed

The above-entitled matter came on for trial hearing on Wednesday, July 11, 2018, commencing at 9:04 a.m., at the U.S. Patent and Trademark Office, 300 River Place South, Suite 2900, Detroit, Michigan.

1 PROCEEDINGS

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3 JUDGE BUNTING: So we'll go on record, and
4 today, this morning we're here for a final hearing in
5 IPR 2017-00632 involving Petitioner Fisher & Paykel and
6 Patent Owner ResMed, and that concerns Patent Number
7 8,944,061. After the hearing today in IPR2017-00632,
8 we'll take a short break and then conduct the hearing in
9 IPR2017-00272. So for the record, I'm Judge Bunting and
10 I will be presiding today. And appearing remotely is
11 Judge Mayberry and Judge Grossman. I don't see Judge
12 Grossman, so can you change the -- I guess in
13 Alexandria, they'll have to change the camera. There he
14 is. Okay. So Judge Grossman will be on your -- I guess
15 on your left, and Judge Mayberry on the right. As
16 discussed in the hearing Order, each party will have 45
17 minutes of total time to present its arguments.
18 Petitioner has the burden, and it will go first. Next,
19 Patent Owner will argue their opposition to Petitioner's
20 case. Petitioner, you may reserve rebuttal time as
21 indicated in the Order. May I have the appearances of
22 counsel, beginning with Petitioner?

23 MR. SGANGA: Good morning, Your Honor. John

1 Sganga for Petitioner Fisher & Paykel Healthcare. With
2 me are my colleagues from Knobbe Martens, at counsel's
3 table Ben Everton, Sheila Swaroop, Rob Roby, and Curt
4 Dosier.

5 JUDGE BUNTING: Thank you. And this is
6 probably a good opportunity for me to remind the parties
7 to step up to the microphone. I'm not sure -- Judge
8 Grossman and Judge Mayberry, did you hear that?

9 JUDGE GROSSMAN: I did, yes.

10 JUDGE BUNTING: Okay. Good.

11 JUDGE MAYBERRY: I did as well.

12 JUDGE BUNTING: Okay. Good. And so
13 Patent Owner, may we have appearances?

14 MR. DENNING: Good morning, Your Honor. It's
15 Roger Denning from Fish & Richardson on behalf of Patent
16 Owner ResMed, and I will be speaking this morning. With
17 me are my colleagues from Fish & Richardson, Michael
18 Hawkins and Jason Zucchi, as well as Michael Rider, who
19 is General Counsel-Americas with ResMed.

20 JUDGE BUNTING: All right. Thank you. And,
21 again, just a reminder that Judge Mayberry and Grossman
22 will not be able to see whatever is presented on the
23 screen -- in this case, the wall -- so please explain

1 carefully whatever you're referring to. So if you're
2 referring to a demonstrative, state the slide number so
3 that the remote judges can follow along, and also for
4 clarity of the record. So we have a clock on the wall
5 that I'll use, as well as we have a new timer, so
6 hopefully that's going to work. I'll probably use both
7 to just monitor the time. And I guess this new timer
8 will give you -- will give you a 5-minute warning
9 when you're reaching the end of your argument time. So
10 just a reminder that the hearing is open, and I
11 understand there is no confidential information. Does
12 either side have any questions? Petitioner?

13 MR. SGANGA: No, Your Honor.

14 JUDGE BUNTING: And Patent Owner?

15 MR. DENNING: No, Your Honor.

16 JUDGE BUNTING: All right. Petitioner, you
17 may begin when you're ready to present. And will you be
18 reserving any time for rebuttal? And how much time?

19 MR. SGANGA: Yes, Your Honor. I'd like to
20 reserve 20 minutes.

21 JUDGE BUNTING: 20 minutes? Okay.

22 MR. SGANGA: Good morning, and thank you. I'd
23 like to turn to slide number 2 in our presentation to

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