

Filed: September 12, 2019

Filed on behalf of:

Fisher & Paykel Healthcare Limited

By: Douglas G. Muehlhauser

Jon W. Gurka

Benjamin J. Everton

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

Email: BoxFPH892@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED PTY LTD., RESMED CORP., and
RESMED INC.,
Petitioners

v.

FISHER & PAYKEL HEALTHCARE LIMITED,
Patent Owner

Case No. IPR2019-00172

U.S. Patent No. 9,974,914

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION UNDER 35 U.S.C. § 317(a)**

ResMed v. Fisher & Paykel
IPR2019-00172

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and the Board's authorization on September 9, 2019, Petitioners ResMed Pty Ltd., ResMed Corp., and ResMed Inc., and Patent Owner Fisher & Paykel Healthcare Limited, jointly request that the confidential Settlement Agreement (Ex. FPH2005), filed concurrently herewith along with the Joint Motion to Terminate this proceeding, be filed as business confidential information. The parties further jointly request that the confidential Settlement Agreement be kept separate from the file of this proceeding and the involved patent, and be made available only to Federal Government agencies on written request, and only to persons showing good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). In view of the above, the Settlement Agreement has been filed for access by the "Parties and Board Only."

Respectfully submitted,

Dated: September 12, 2019

By: /Doug Muehlhauser/

Douglas G. Muehlhauser (Reg. No. 42,018)

Jon W. Gurka (Reg. No. 44,139)

Benjamin J. Everton (Reg. No. 60,659)

KNOBBE, MARTENS, OLSON & BEAR, LLP

Attorneys for Patent Owner

Fisher & Paykel Healthcare Limited

(949) 760-0404

ResMed v. Fisher & Paykel
IPR2019-00172

Dated: September 12, 2019

By: /Edward H. Sikorski/

Edward H. Sikorski (Reg. No. 39,478)
DLA PIPER LLP
Attorney for Petitioners
ResMed Pty. Ltd., ResMed Corp. and
ResMed Inc.
(619) 699-2645

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e)(1) and agreement of the parties, a true and correct copy of **JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION UNDER 35 U.S.C. § 317(a)** is being served via email on September 12, 2019, to counsel for ResMed at the email addresses below:

Edward H. Sikorski (Lead Counsel)
Tiffany Miller
DLA PIPER LLP
401 B Street, Suite 1700
San Diego, CA 92101
Tel: 619-699-2645
Ed.sikorski@dlapiper.com
Tiffany.miller@dlapiper.com

James M. Heintz
DLA PIPER LLP
One Fountain Square, Suite 300
Reston, VA 20190
Tel: 703-773-4148
James.heintz@dlapiper.com

Dated: September 12, 2019

By: /Doug Muehlhauser/

Douglas G. Muehlhauser (Reg. No. 42,018)
Jon W. Gurka (Reg. No. 44,139)
Benjamin J. Everton (Reg. No. 60,659)
Customer No. 20,995
Attorneys for Patent Owner
Fisher & Paykel Healthcare Limited
(949) 760-0404