UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED LIMITED, RESMED INC. AND RESMED CORP., Petitioners,

v.

FISHER & PAYKEL HEALTHCARE LIMITED, Patent Owner.

Case IPR2019-00179

U.S. Patent No. 9,333,315 Issue Date: May 10, 2016 Title: Breathing Assistance Apparatus

PETITION FOR INTER PARTES REVIEW

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



TABLE OF CONTENTS

I.	MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)		
	A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	1
	B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
	C.	Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	1
	D.	Service Information	2
II.	PAY	MENT OF FEES – 37 C.F.R. § 42.103	2
III.	REQ	UIREMENTS FOR IPR	3
	A.	Grounds for Standing Under 37 C.F.R. § 42.104(a)	3
	B.	Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	3
IV.	SUM	MARY OF THE '315 PATENT	4
	A.	Brief Description	4
	В.	Prosecution History of the '315 Patent	4
	C.	The Critical Date of the Claims of the '315 Patent	5
V.	Clain	n Construction Under 37 C.F.R. §§ 42.104(b)(3)	6
	A.	"Tube"	7
	B.	POSITA	7
VI.	GRO	UND 1: CLAIMS 1, 4-14, 16-19 ARE OBVIOUS UNDER 35 USC	
	103 I	BASED ON GUNARATNAM	8
VII.	GRO	UND 2: CLAIMS 2, 15 ARE OBVIOUS UNDER 35 USC 103	
	BAS	ED ON GUNARATNAM IN VIEW OF HO3	7



VIII.	GROUND 3: CLAIMS 6-7, 9-14, 16-18 ARE OBVIOUS UNDER 35 USC
	103 BASED ON THOMLINSON IN VIEW OF GUNARATNAM39
IX.	GROUND 4: CLAIMS 1, 3-5, 8, 19 ARE OBVIOUS UNDER 35 USC 103
	BASED ON THOMLINSON IN VIEW OF GUNARATNAM AND
	MADAUS59
Χ.	GROUND 5: CLAIM 2 IS OBVIOUS UNDER 35 USC 103 BASED ON
	THOMLINSON IN VIEW OF GUNARATNAM, MADAUS AND HO67
XI.	GROUND 6: CLAIM 15 IS OBVIOUS UNDER 35 USC 103 BASED ON
	THOMLINSON IN VIEW OF GUNARATNAM AND HO68
ХП	HO PROVISIONAL APPLICATION 68



EXHIBITS

RMD1001: U.S. Patent No. 9,974,914 ("the '914 patent")

RMD1002: Prosecution History of the '914 Patent ("Prosecution History")

RMD1003: U.S. Patent No. 9,333,315 ("the '315 patent")

RMD1004: Prosecution History of the '315 Patent ("Prosecution History")

RMD1005: U.S. Patent No. 9,539,405 ("the '405 patent")

RMD1006: Prosecution History of the '405 Patent ("Prosecution History")

RMD1007: New Zealand Patent Application 531332

RMD1008: New Zealand Patent Application 534606

RMD1009: Declaration of Anthony Michael Ging

RMD1010: U.S. Pat. Pub. No. 2005/0011524 ("Thomlinson")

RMD1011: U.S. Pat. Pub. No. 2004/0226566 ("Gunaratnam")

RMD1012: RESERVED

RMD1013: U.S. Patent No. 7,357,136 ("Ho")

RMD1014: RESERVED

RMD1015: RESERVED

RMD1016: RESERVED

RMD1017: U.S. Provisional Application Serial No. 60/529,696 ("Gunaratnam

Provisional Application")

RMD1018: U.S. Pat. Pub. No. 2004/0025882A1 ("Madaus")



RMD1019: McGraw-Hill Dictionary of Scientific and Technical Terms, Sixth Edition (2003), p.2200 ("tube").

RMD1020: Public Exhibit No. 29 in 337-TA-1136 (excerpt, pp.41-43).

RMD1021: U.S. Provisional Application Serial No. 60/496,059 ("Ho Provisional Application").



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

