

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**RESMED PTY LTD., RESMED INC., AND RESMED CORP.,**  
Petitioners,

v.

**FISHER & PAYKEL HEALTHCARE LIMITED,**  
Patent Owner.

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Case No. IPR2019-00179  
Patent No. 9,333,315

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**DECLARATION OF PATRICK W. TRUITT, JR. IN SUPPORT OF  
PATENT OWNER FISHER & PAYKEL HEALTHCARE LIMITED'S  
PRELIMINARY RESPONSE**

**Fisher & Paykel Ex. 2001**  
ResMed v. Fisher & Paykel

I, Patrick W. Truitt, Jr., declare and state as follows:

## I. INTRODUCTION

1. I have been retained on behalf of Fisher & Paykel Healthcare Limited (“FPH”). I am making this declaration on behalf of FPH in the matter of IPR2019-00179 before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office. This matter involves a petition for *inter partes* review of U.S. Patent No. 9,333,315 (“the ’315 patent”) filed by ResMed Pty Ltd., ResMed Inc., and ResMed Corp. (“Petitioner”).

2. I am being compensated for my work in this matter on an hourly-fee basis. My compensation does not depend in any way on the outcome of this matter.

## II. QUALIFICATIONS AND PERSONAL BACKGROUND

3. I have worked as a mechanical engineer in the medical device field for over fifteen years. I have been a member of the American Society of Mechanical Engineers (ASME) since 1998, and a member of the Society of Plastics Engineers (SPE) since 2000. A copy of my *curriculum vitae* is submitted as FPH2002.

4. In 1988, I enlisted in the United States Navy and was accepted in the Naval Nuclear Power Program. I attended the Naval Nuclear Power School in Orlando, Florida and the Naval Nuclear Prototype School in Ballston Spa, New York. I graduated from the program in 1990 in the top 3 of my class, and was granted a Nuclear Operator’s License from the Department of Energy, where I was

responsible for training students on the operation of a 100 megawatt nuclear reactor. I was granted Secret Clearance as part of my involvement with that program. From 1990 to 1992, I served as a staff instructor in the Naval Nuclear Prototype School in Ballston Spa, New York.

5. From 1993 to 1994, I attended Allegheny Community College in Pittsburgh, Pennsylvania, where I received an Associates of Science in Environmental Science Technologies.

6. From 1994 to 1996, I worked for L.V.R. Inc. as a refractory sales engineer, in which I designed refractory installation projects for the power, cement and steel-making industries.

7. I graduated from Bridgewater University in 2000 with a Bachelor of Science in Mechanical Engineering and a minor in Electrical Engineering.

8. From 1996 to 2005, I worked for Respironics, Inc. as a senior mechanical engineer on several new product development projects, including several products related to CPAP devices. During my tenure at Respironics, I was lead Mechanical Engineer on the design of Chronic and Acute ventilators, patient interface devices such as nasal cannula and several CPAP machines. In 2006, I worked for Renal Solutions as a lead mechanical engineer, where I designed and built kidney dialysis machines for in home use.

9. From 2006 to 2009, I worked for Starr Life Sciences Corp. as an electro-mechanical project engineer responsible for new product development. In that capacity, I led the full design verification of a veterinary medical device pulse oximeter.

10. From 2009 to 2012, I worked as a lead mechanical engineer for Vocollect. My primary responsibilities in that capacity were technical work on injection-mold part designs, including performing finite element analysis (FEA).

11. In 2013, I worked for Bayer Health Care as a Principal Mechanical Engineer. In that capacity, I was the lead engineer on particulate filters for fluid injectors of contrast agents for CT scan machines, and for sterile fluid path syringe disposables.

12. Since 2013, I have worked as a Lead Consultant Mechanical Engineer for Sigenix. In that capacity, I have performed medical device design consulting services, including for medical device start-up companies, such as Vapotherm High Flow Nasal Cannula treatment device.

13. Since 2014, I have also worked for TTI Floor Care North America. From 2014 to 2015, I held the title of Senior Research and Design Scientist. Since 2015, I have held the title of Research and Design Manager. My responsibilities at TTI have focused on research and design on projects relating to vacuum-robots.

14. I am a named inventor of approximately 15 United States patents, as well as several pending patent applications. My inventions protected by those patents are primarily for mechanical and electronic medical devices, including in CPAP and similar fields. For example, I am a named inventor of the following patents:

- U.S. Patent No. 6,269,811, titled “Pressure support system with a primary and a secondary gas flow and a method of using same;”
- U.S. Patent No. 6,581,596, titled “Apparatus and method of providing high frequency variable pressure to a patient;”
- U.S. Patent No. 6,622,724, titled “Impeller and a pressure support system and method using such an impeller;”
- U.S. Patent No. 6,644,311, titled “Monitoring fluid flow in a pressure support system;”
- U.S. Patent No. 6,915,705, titled “Flow sensor and flow resistive element;”
- U.S. Patent No. 7,975,688, titled “Vibration reducing blower assembly mounting;”
- U.S. Patent No. 8,561,611, titled “Respiratory device measurement system;” and

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