

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED LIMITED, RESMED INC., and RESMED CORP.,
Petitioner

v.

FISHER & PAYKEL HEALTHCARE LIMITED
Patent Owner

Case IPR2016-01729
Patent 8,091,547

PETITIONER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 142 and 37 C.F.R. § 90.2(a), Petitioner, ResMed Limited (“Petitioner”), hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“Board”) Final Written Decision entered on March 7, 2018 (Paper 29), and from all other underlying orders, decisions, rulings and opinions that are adverse to Petitioner, including, without limitation, those within the Decision on Institution of Inter Partes Review entered on March 8, 2017 (Paper 9).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner indicates that the issues on appeal include, but are not limited to (1) whether the Board erred in finding that claim 5 of U.S. Patent No. 8,091,547 has not been shown to be unpatentable under 35 U.S.C. § 103; (2) the Board’s claim constructions or failure to construe any terms, and (3) any findings or determinations supporting or related to the aforementioned issues as well as other issues decided adversely to Petitioner in any order, decisions, rulings, or opinions.

Simultaneous with this submission, a copy of the Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, are being electronically filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: May 9, 2018

/Michael T. Hawkins/
Michael T. Hawkins, Reg. No. 57,867
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on May 9, 2018 a complete and entire copy of this Petitioner's Notice of Appeal was provided via email to Patent Owner by serving the correspondence address of record as follows:

Brenton R. Babcock
Joseph F. Jennings
Matthew S. Bellinger
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Email: BoxFPH773@knobbe.com

I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal, was filed by hand on February 23, 2018, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 1 OB20
600 Dulany Street
Alexandria, VA 22314-5793

I hereby certify that on February 23, 2018, a true and correct copy of the foregoing Notice of Appeal, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

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