

Filed: May 11, 2018

Filed on behalf of:

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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 No. IPR2016-01719

U.S. Patent No. 6,398,197

**PATENT OWNER'S NOTICE OF APPEAL TO THE U.S. COURT OF
APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 28 U.S.C. § 1295(a)(4)(A); 35 U.S.C. §§ 141(c), 142, and 319; 37 C.F.R. §§ 90.2(a) and 90.3; and Rule 4(a) of the Federal Rules of Appellate Procedure, Patent Owner Fisher & Paykel Healthcare Limited (“FPH”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 32) entered on March 9, 2018 and from all underlying orders, decisions, rulings, and opinions that are adverse to FPH related thereto and included therein, including those within the Decision on Institution of *Inter Partes* Review, entered March 13, 2017 (Paper 12).

For the limited purpose of providing the information requested in 37 C.F.R. § 90.2 (a)(3)(ii), FPH identifies that the issues on appeal include, but are not limited to: the determination that Claims 1–3, 6, and 13 have been shown to be unpatentable under 35 U.S.C. § 103; any finding or determinations supporting or relating to these issues; and all other procedural and substantive issues decided adversely to FPH in any order, decision, ruling, or opinion by the Board in this proceeding.

FPH is concurrently providing true and correct copies of this Notice of Appeal, along with the required fees, with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

IPR2016-01719
ResMed v. Fisher & Paykel

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 11, 2018

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CERTIFICATE OF SERVICE

I hereby certify that the original of this Notice of Appeal was filed via U.S.P.S. Priority Mail Express on May 11, 2018 with the Director of the United States Patent and Trademark Office at the address below:

Office of the General Counsel
Director of the U.S. Patent & Trademark Office
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Priority Mail Express Tracking No.: EF 204270573 US

A copy of this Notice of Appeal is being filed and served on May 11, 2018 as follows:

To the USPTO Patent Trial and Appeal Board:

Patent Trial and Appeal Board
Madison Building East
600 Dulany Street
Alexandria, VA 22313

(via PTAB E2E – as authorized by the Board)

To the U.S. Court of Appeals for the Federal Circuit:

Clerk of Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

(via CM/ECF – with filing fee)

IPR2016-01719
ResMed v. Fisher & Paykel

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(via email pursuant to 37 C.F.R. § 42.6(e))

Dated: May 11, 2018

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