

1 Roger A. Denning, SBN 228998, denning@fr.com
Todd Miller, SBN 163200, miller@fr.com
2 Frank Albert, SBN 247741, albert@fr.com
Fish & Richardson P.C.
3 12390 El Camino Real
San Diego, CA 92130
4 Phone: 858-678-5070 / Fax: 858-678-5099

5 Frank E. Scherkenbach, SBN 142549, scherkenbach@fr.com
Fish & Richardson P.C.
6 One Marina Park Dr.
Boston, MA 02210
7 Phone: 617-542-5070 / Fax: 617-542-8906

8 Christina Brown Marshall SBN 280552, brown-marshall@fr.com
Fish & Richardson P.C.
9 1180 Peachtree Street, 21st Floor
Atlanta, GA 30309
10 Phone: 404-724-5005 / Fax: 404-892-5002

11 Attorneys for Plaintiffs

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 RESMED INC., a Delaware Corporation,
15 RESMED CORP, a Minnesota Corporation,
and RESMED LTD, an Australian
16 Corporation,

17 Plaintiffs,

18 v.

19 FISHER & PAYKEL HEALTHCARE
20 CORPORATION LIMITED, a New Zealand
Corporation, FISHER & PAYKEL
21 HEALTHCARE LIMITED, a New Zealand
Corporation, FISHER & PAYKEL
22 HEALTHCARE INC., a California
Corporation, FISHER & PAYKEL
23 HOLDINGS INC., a California Corporation,
24 and FISHER & PAYKEL HEALTHCARE
25 DISTRIBUTION INC., a California
26 Corporation

27 Defendants.
28

CASE NO: '16CV2072 JAH MDD

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff ResMed Inc, Plaintiff ResMed Corp., and Plaintiff ResMed Ltd
2 hereby complains of Defendant Fisher & Paykel Healthcare Corporation Limited,
3 Defendant Fisher & Paykel Healthcare Limited, Defendant Fisher & Paykel
4 Healthcare Inc., Defendant Fisher & Paykel Holdings Inc., and Fisher & Paykel
5 Healthcare Distribution Inc. and alleges as follows:

6 **PARTIES**

7 1. Plaintiff ResMed Inc. is a corporation organized under the laws of the
8 state of Delaware with its principal place of business in this district in San Diego,
9 California.

10 2. Plaintiff ResMed Corp is a corporation organized under the laws of the
11 state of Minnesota with its principal place of business in this district in San Diego,
12 California.

13 3. Plaintiff ResMed Ltd is a corporation organized under the laws of
14 Australia, having its principal place of business in Bella Vista, New South Wales,
15 Australia.

16 4. ResMed Corp and ResMed Ltd are, respectively, direct and indirect
17 subsidiaries of ResMed Inc.

18 5. As used herein, the term “Plaintiffs” or “ResMed” means individually
19 and/or collectively ResMed Inc., ResMed Corp, and ResMed Ltd.

20 6. On information and belief, Defendant Fisher & Paykel Healthcare
21 Corporation Limited (“F&P Healthcare Corp. Ltd”) is a corporation organized under
22 the laws of the country of New Zealand and is the overall parent company of Fisher
23 & Paykel Healthcare entities.

24 7. On information and belief, F&P Healthcare Corp. Ltd has its principal
25 place of business at 15 Maurice Paykel Place, East Tamaki, Auckland 2013, New
26 Zealand.

1 8. On information and belief, Defendant Fisher & Paykel Healthcare
2 Limited (“F&P Healthcare Ltd”) is a New Zealand subsidiary of F&P Healthcare
3 Corp. Ltd.

4 9. On information and belief, F&P Healthcare Ltd is a corporation
5 organized under the laws of the country of New Zealand.

6 10. On information and belief, F&P Healthcare Ltd has its principal place
7 of business at 15 Maurice Paykel Place, East Tamaki, Auckland 2013, New Zealand.

8 11. On information and belief, Defendant Fisher & Paykel Holdings Inc.
9 (“F&P Holdings Inc.”) is a U.S. subsidiary of F&P Healthcare Corp. Ltd.

10 12. On information and belief, F&P Holdings Inc is a corporation
11 organized under the laws of the state of California.

12 13. On information and belief, F&P Holdings Inc. is a corporation with its
13 principal place of business at 15365 Barranca Parkway, Irvine, CA 92618.

14 14. On information and belief, Defendant Fisher & Paykel Healthcare Inc
15 (“F&P Healthcare Inc.”) is a U.S. sales entity and subsidiary of F&P Holdings Inc.

16 15. On information and belief, F&P Healthcare Inc. is a corporation
17 organized under the laws of the state of California.

18 16. On information and belief, F&P Healthcare Inc. is a corporation with
19 its principal place of business at 15365 Barranca Parkway, Irvine, CA 92618.

20 17. On information and belief, Fisher & Paykel Healthcare Distribution
21 Inc. (“F&P Healthcare Dist.”) is a U.S. distribution entity and subsidiary of F&P
22 Holdings Inc.

23 18. On information and belief, F&P Healthcare Dist. is a corporation
24 organized under the laws of the state of California.

25 19. On information and belief, F&P Healthcare Dist. is a corporation with
26 its principal place of business at 15365 Barranca Parkway, Irvine, CA 92618.

27
28

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.