



## NEWS RELEASE

# ITC Rules Redesigned APEX Humidifier Still Infringes ResMed Patents

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### Additional Redesigned APEX CPAP Humidifier Deemed 'Inferior' by APEX Expert

SAN DIEGO, July 21, 2014 /PRNewswire/ -- An International Trade Commission (ITC) ruling issued Friday held that, despite a redesign of its iCH CPAP device, Taiwanese device manufacturer APEX continues to infringe ResMed patents in its humidification. ResMed (NYSE: RMD) is the innovation leader and pioneer in designing and manufacturing devices for the treatment of sleep-disordered breathing.

"Our research and development teams are constantly researching and improving designs to reach new levels of comfort, performance and efficacy," said David Pendarvis, ResMed chief administrative officer and global general counsel. "This result – and APEX's own expert – affirms that the superior quality and functionality generated by ResMed innovation cannot be duplicated."

The original ITC action filed by ResMed in March 2013 asserted patent infringement by four products: APEX iCH and XT Fit CPAP humidifiers, the WiZARD 220 full face mask, and the WiZARD 210 nasal mask. In July 2013, APEX agreed to entry of an order prohibiting it from infringing ResMed's patents. And as a result, APEX has been banned from selling infringing products in the United States.

APEX then redesigned its products and sought a ruling that it had avoided ResMed's patents. In this new ruling, the full commission held that the APEX iCH humidifier continues to infringe. As a result, APEX should continue to be banned from selling the iCH humidifier in the United States. The redesigned APEX XT Fit was found not to infringe. But APEX's own expert stated that the redesigned humidifiers compromised on functionality and performance. The

redesigned WiZARD 220 full face mask – which now has a fused elbow instead of the more desirable detachable elbow -- was found not to infringe on ResMed patents. Again, APEX's expert noted that the redesigned masks sacrificed functional advantages present in the ResMed products. Finally, APEX chose to withdraw its redesigned WiZARD 210 nasal mask from these proceedings, so the July 2013 order remains in place as to that product.

### About ResMed:

ResMed changes lives by developing, manufacturing and distributing medical equipment for treating, diagnosing, and managing sleep-disordered breathing, COPD, and other chronic diseases. We develop innovative products and solutions to improve the health and quality of life of those who suffer from these conditions, and we work to raise awareness of the potentially serious health consequences of untreated sleep-disordered breathing. For more information on ResMed, visit [www.resmed.com](http://www.resmed.com).

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Contacts:  
For News Media  
Gretchen Griswold  
Director, Global Corporate Communications  
O: 858-836-6789  
[news@resmed.com](mailto:news@resmed.com)

For Investors  
Agnes Lee  
Senior Director, Investor Relations  
O: 858-836-5971  
[investorrelations@resmed.com](mailto:investorrelations@resmed.com)

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