

News Release

STOCK EXCHANGE LISTINGS: NEW ZEALAND (FPH), AUSTRALIA (FPH)

FISHER & PAYKEL HEALTHCARE CONTESTS PATENT INFRINGEMENT ALLEGATIONS, PROVIDES AN UPDATE ON EARNINGS GUIDANCE

Auckland, New Zealand, 3 September 2018 - Fisher & Paykel Healthcare announced today that it will contest patent allegations made against it by ResMed in the US International Trade Commission (ITC) and US District Court for the Southern District of California.

On Saturday (NZT), ResMed filed complaints in the ITC and the US District Court in relation to Fisher & Paykel Healthcare's Eson™ and Simplus™ range of masks used in the treatment of obstructive sleep apnea. ResMed is seeking an exclusion order through the ITC, which if granted could prevent the import of these products into the US, and is seeking damages and injunctive relief in the US District Court.

This action follows ResMed's withdrawal of its original complaint against Fisher & Paykel Healthcare in the ITC in May 2017 in respect of the same products. At that time, ResMed voluntarily filed an unopposed motion for termination of their complaint, but indicated that it would re-file in the ITC. Fisher & Paykel Healthcare and ResMed have been in litigation since August 2016 with allegations of patent infringement brought by both parties in the US, Europe, New Zealand and Australia.

Given the legal costs expected to be incurred in connection with this additional US litigation activity the company now expects, at current exchange rates, that net profit after tax for the 2019 financial year will be in the range of approximately NZ\$205 to NZ\$210 million. The full year earnings guidance previously provided was for net profit after tax to be approximately NZ\$215 million. The company advises that the earnings guidance for its 2019 half year result remains unchanged.

Lewis Gradon, Fisher & Paykel Healthcare Managing Director and Chief Executive Officer, said "Fisher & Paykel Healthcare respects the valid intellectual property rights of others, and we are confident in our position with respect to ResMed's patents given the rigorous clearance we conduct before any product is released to market. We are well prepared to vigorously contest these claims."

About Fisher & Paykel Healthcare

Fisher & Paykel Healthcare is a leading designer, manufacturer and marketer of products and systems for use in respiratory care, acute care, surgery and the treatment of obstructive sleep apnea. The company's products are sold in over 120 countries worldwide. For more information about the company, visit our website www.fphcare.com.

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