

## Stock Exchange Announcement

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

### Update on patent proceedings in Germany

Auckland, New Zealand, 23 October 2018 - Fisher & Paykel Healthcare Corporation Limited announced today that the Munich Regional Court has found the headgear for two of its masks used in the treatment of obstructive sleep apnea (OSA) infringed a patent held by ResMed. This ruling will not impact the sale or supply of the affected masks.

The Court ruled that ResMed patent EP'368 was infringed by the headgear for Fisher & Paykel Healthcare's Simplus and Eson 2 masks. This decision can be appealed to the Higher Regional Court Munich.

Fisher & Paykel Healthcare had earlier appealed a decision of the European Patent Office (EPO) regarding the validity of these patent claims. If successful, that appeal will invalidate the claims that the Munich Regional Court has found to be infringed.

"While we are disappointed with today's outcome, this decision will not impact the sale or supply of our current Simplus and Eson 2 masks to our customers in Germany," said Fisher & Paykel Healthcare Managing Director and CEO, Lewis Gradon. "Furthermore, we continue to anticipate our earlier challenge to the validity of this patent with the EPO."

### Other updates

The two other patents asserted by ResMed in Germany against the Simplus and Eson 2 masks are stayed pending the outcome of Fisher & Paykel Healthcare's challenges to their validity in the EPO.

This decision is also separate to patent EP'271 being asserted by Fisher & Paykel Healthcare in relation to ResMed's AirSense 10 and AirCurve 10 range of flow generator products and Lumis series of non-invasive ventilators. This claim is currently stayed, also pending a validity evaluation by the EPO.

### 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](http://www.fphcare.com).

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