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## ResMed and Fisher & Paykel Healthcare Announce Settlement of Global Patent Infringement Litigation

- *Settlement will end infringement cases worldwide*

SAN DIEGO, California, USA and AUCKLAND, New Zealand, February 21, 2019 – ResMed (NYSE: RMD, ASX: RMD), and Fisher & Paykel Healthcare (NZX: FPH, ASX: FPH) today announced an agreement to settle all outstanding patent infringement disputes between the companies in all venues around the world.

The settlement involves no payment or admission of liability by either side. Under the agreement, all ongoing infringement proceedings against named products will be dismissed, and each party will bear its own attorney fees and costs incurred in the global proceedings. All other terms remain confidential.

As a result of the settlement, there will be no further infringement proceedings against ResMed products, including AirSense flow generators, AirFit P10, Swift LT and Swift FX masks, and ClimateLine heated tubes; or against Fisher & Paykel Healthcare products including Simplus, Eson and Eson 2.

“I am pleased we were able to resolve these disputes,” said ResMed CEO Mick Farrell. “This agreement supports the best interests of ResMed, and all of our stakeholders, including patients, providers, physicians, and shareholders. ResMed will continue to lead with innovative products, services and solutions for sleep apnea, COPD, and out-of-hospital healthcare software. We will defend our intellectual property wherever necessary to ensure that our mask, device and software customers receive the innovative solutions they deserve.”

“We are pleased to bring these disputes to a close and we appreciate the support of our customers and shareholders throughout the process,” said Fisher & Paykel Healthcare CEO Lewis Gradon. “The intellectual property we have generated through our investment in R&D over the past 50 years has enabled us to positively impact the lives of many millions of patients. We have an ongoing commitment to improve patient care and outcomes through inspired and world-leading healthcare solutions and this resolution supports that commitment.”

The settlement is effective immediately, and both companies have begun requesting the withdrawal of the pending cases.

#### About ResMed

At ResMed (NYSE: RMD, ASX: RMD) we pioneer innovative solutions that treat and keep people out of the hospital, empowering them to live healthier, higher-quality lives. Our cloud-connected medical devices transform care for people with sleep apnea, COPD and other chronic diseases. Our comprehensive out-of-hospital software platforms support the professionals and caregivers who help people stay healthy in the home or care setting of their choice. By enabling better care, we improve quality of life, reduce the impact of chronic

disease and lower costs for consumers and healthcare systems in more than 120 countries. To learn more, visit [ResMed.com](http://ResMed.com) and follow [@ResMed](https://twitter.com/ResMed).

### **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).

### **Safe harbor statement**

Statements contained in this release that are not historical facts are "forward-looking" statements as contemplated by the Private Securities Litigation Reform Act of 1995. These forward-looking statements – including statements regarding ResMed's projections of future revenue or earnings, expenses, new product development, new product launches, new markets for its products, the integration of acquisitions, litigation, and tax outlook – are subject to risks and uncertainties, which could cause actual results to materially differ from those projected or implied in the forward-looking statements. Additional risks and uncertainties are discussed in ResMed's periodic reports on file with the U.S. Securities & Exchange Commission. ResMed does not undertake to update its forward-looking statements.

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