

Stock Exchange Announcement

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

Fisher & Paykel Healthcare wins patent case against ResMed in UK court

Auckland, New Zealand, 13 November 2017 - Fisher & Paykel Healthcare Corporation Limited has today announced a UK Court ruling that a patent asserted against it by ResMed is invalid.

In 2016, Fisher & Paykel Healthcare sought a declaration from the High Court of Justice, Chancery Division, Patents Court in the United Kingdom that three of ResMed's European patents were invalid in the UK and should be revoked. ResMed counterclaimed for infringement. Just before the trial was to start, ResMed conceded to revocation of two of its patents in the UK, leaving only one, EP 2 708 258 B1, for consideration by the Court.

ResMed argued that EP 2 708 258 B1 was infringed by two of Fisher & Paykel Healthcare's masks used for obstructive sleep apnea therapy, the Eson and Simplus masks. Had the patent been valid it would have been infringed. However, the Court found that the patent was invalid in its entirety.

Subject to any appeal, this European patent will therefore be revoked in the UK. Fisher & Paykel Healthcare is entitled to recover its legal costs of the proceedings from ResMed in an amount yet to be determined by the Court. This result confirms that UK patients can continue to purchase and enjoy the benefits of our high-performance masks.

Infringement proceedings brought by ResMed in Germany in relation to the same three European patents are stayed pending the outcome of opposition proceedings before the European Patent Office. All three opposition proceedings will continue as Fisher & Paykel Healthcare seeks to invalidate these ResMed patents throughout Europe. Other patent litigation actions remain in progress in the United States and New Zealand.

"While today's ruling is just one more step on the journey, it reinforces our confidence in our position and we are satisfied with progress so far," said Managing Director and CEO, Lewis Gradon.

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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