

News Release

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

WITHDRAWAL OF US INTERNATIONAL TRADE COMMISSION COMPLAINT AGAINST FISHER & PAYKEL HEALTHCARE

Auckland, New Zealand, 17 May 2017 - Fisher & Paykel Healthcare Corporation Limited announced today that ResMed has filed a motion with the US International Trade Commission (ITC) to terminate the current investigation by withdrawing its complaint against Fisher & Paykel Healthcare.

Following a pre-trial ruling by the US ITC Administrative Law Judge concerning ResMed's evidence of domestic industry, ResMed has today notified Fisher & Paykel Healthcare that it has filed an unopposed motion for termination of the investigation by withdrawal of the complaint. The unopposed motion to terminate is still to be approved by the Administrative Law Judge and requires approval from the full Commission. ResMed also indicated in today's filing that it intends to file an additional ITC complaint.

Managing Director and Chief Executive Officer, Lewis Gradon said "We are pleased with today's developments. As we said when these proceedings commenced in August last year we are confident in our intellectual property position. Should ResMed request that the ITC conduct another investigation, we will vigorously contest this and we remain confident in regards to future proceedings."

In August 2016, Fisher & Paykel Healthcare filed patent infringement proceedings in the US District Court for the Southern District of California seeking judgment that ResMed's AirSense™ 10 and AirCurve™ 10 range of flow generator products, ClimateLineAir™ heated air tubing, and water chambers for use with such flow generator products, as well as Swift LT™ and Swift FX™ masks infringe patents held by Fisher & Paykel Healthcare.

Subsequently, ResMed counterclaimed in the US District Court, filed proceedings in Germany and New Zealand and requested that the ITC conduct an investigation into patent infringement allegations. ResMed was seeking an exclusion order through the ITC which, if granted, could have prevented the import of Fisher & Paykel Healthcare's Simplus™ and Eson™ range of masks into the US.

The withdrawal of the complaint with the US ITC does not impact the patent litigation proceedings involving Fisher & Paykel Healthcare and ResMed in the US District Court, Germany, the UK and New Zealand.

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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