



Australian
Competition &
Consumer
Commission

Our Ref: N92538
Contact Officer: Ursula Everett
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12 September 2006

Mr Scott Sloan
Partner
Dibbs Abbott Stillman Lawyers
Level 8 Angel Place
123 Pitt Street
SYDNEY NSW 2000

Dear Mr Sloan

Re: ResMed Asia Pacific Limited – Notification N92538

I refer to the above exclusive dealing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 5 July 2006. The notification has been placed on the ACCC's public register.

You have described the conduct as:

Sales of the CPAP Products are made through a network of partners accredited by ResMed. It is proposed that the accredited partners:

- *will only be permitted to sell the CPAP Products direct to patients;*
- *will only be permitted to sell the CPAP Products from a physical site, except with ResMed's express consent; and*
- *will not be permitted to sell the CPAP Products by remote methods (e.g. by mail order, Internet, telephone or facsimile sales), except with ResMed's express consent.*

Legal immunity conferred by the notification came into force on 5 July 2006.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage. In this case, the ACCC may revoke immunity where it is later satisfied that the conduct will substantially lessen competition and that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



A copy of this letter has been placed on the ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Ursula Everett on (02) 6243 1271.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long, sweeping horizontal line extending to the right.

Scott Gregson
General Manager
Adjudication Branch