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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DENTAL MONITORING SAS,

Plaintiff/Counterclaim
Defendant,

v.

ALIGN TECHNOLOGY, INC.,

Defendant/Counterclaim
Plaintiff.

Case No. 3:22-cv-7335-WHA

DEFENDANT ALIGN TECHNOLOGY, INC.'S STIPULATION RE CHALLENGED CLAIMS IN IPR2023-01369

On August 31, 2023, Defendant Align Technology Inc. ("Align") filed a petition with the Patent Trial and Appeal Board requesting *inter partes* review of U.S. Patent No. 10,755,409 ("the '409 patent")—petition number IPR2023-01369. The petition advanced a single ground of unpatentability against each of claims 1-15 of the '409 patent (the "Challenged Claims").

Align hereby stipulates that if the Patent Trial and Appeal Board institutes *inter partes* review on IPR2023-01369, then Align will not pursue in this case, against any of the Challenged Claims, the specific ground advanced in IPR2023-01369 or any ground that reasonably could have been raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 against any of the Challenged Claims only on the basis of prior art patents or printed publications).

This stipulation is not intended and should not be construed to limit Align's ability to assert invalidity of the claims of the '409 patent on any other ground regardless of whether *inter partes* review is instituted.

Dated: January 8, 2024

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