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Attorneys for Defendant Align Technology, Inc.

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
 IPR2024-00052**

1 On October 16, 2023, Defendant Align Technology Inc. (“Align”) filed a petition with the
2 Patent Trial and Appeal Board requesting *inter partes* review of U.S. Patent No. 11,049,248 (“the
3 ’248 patent”)—petition number IPR2024-00052. The petition advanced a single ground of
4 unpatentability against each of claims 1, 2, 4, 7, 8, and 13-16 of the ’248 patent (the “Challenged
5 Claims”).

6 Align hereby stipulates that if the Patent Trial and Appeal Board institutes *inter partes*
7 review on IPR2024-00052, then Align will not pursue in this case, against any of the Challenged
8 Claims, the specific ground advanced in IPR2024-00052 or any ground that reasonably could
9 have been raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 against any
10 of the Challenged Claims only on the basis of prior art patents or printed publications).

11 This stipulation is not intended and should not be construed to limit Align’s ability to
12 assert invalidity of the claims of the ’248 patent on any other ground regardless of whether *inter*
13 *partes* review is instituted.

Dated: February 15, 2024

Perkins Coie LLP

By: /s/ Hari Santhanam

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