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Attorneys for Defendant
ALIGN TECHNOLOGY, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Dental Monitoring SAS,

Plaintiff,

v.

Align Technology, Inc.,

Defendant.

CASE NO. 3:22-cv-07335-WHA

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE OF
THE '945 PATENT**

ALIGN EXHIBIT - 1013

1 Pursuant to Civil Local Rule 7-12, Plaintiff Dental Monitoring SAS (“Plaintiff”) and
2 Defendant Align Technology, Inc. (“Defendant”), by and through their respective undersigned
3 counsel of record, and subject to the approval of the Court, hereby jointly stipulate and agree as
4 follows:

5 WHEREAS, on November 18, 2022 Plaintiff filed suit against Defendant alleging
6 infringement of U.S. Patent Nos. 10,755,409 (“’409 patent”), 11,049,248 (“’248 patent”), and
7 11,109,945 (“’945 patent”);

8 WHEREAS, pursuant to the Court’s December 6, 2022 Notice and Order RE Procedure for
9 Patent Cases, the Court employs a patent showdown procedure in which the parties each select a claim
10 to proceed on expedited discovery and summary judgment motions;

11 WHEREAS, the Court entered a Patent Showdown Scheduling Order on July 14, 2023;

12 WHEREAS, on September 18, 2023, consistent with the Court’s patent showdown procedure,
13 Plaintiff notified Defendant that Plaintiff would be proceeding in the litigation with only specified
14 asserted claims of infringement of the ’409 and ’248 patents;

15 WHEREAS, on October 3, 2023, the Court held an in-person hearing on discovery and
16 directed Plaintiff’s claims of infringement of the ’945 patent be dismissed without prejudice, noting
17 that the patent shall not be reasserted in this action;

18 NOW, THEREFORE, Plaintiff and Defendant hereby jointly stipulate and agree, subject to
19 the approval of the Court, the following:

20 1. Plaintiff voluntarily withdraws its allegations of infringement by Defendant of all
21 claims of the ’945 patent in the above-captioned matter and dismisses the ’945 patent from
22 the above-captioned matter without prejudice. Plaintiff shall not reassert any claims of the
23 ’945 patent in this action.

24 2. Defendant voluntarily withdraws its counterclaims and defenses as to the ’945 patent
25 in the above-captioned matter and dismisses its counterclaims as to the ’945 patent from the
26 above-captioned matter without prejudice.

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28 **IT IS SO STIPULATED.**

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2 Dated: October 9, 2023

Respectfully submitted,

3
4 /s/ Charlotte Jacobsen

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ALIGN TECHNOLOGY, INC.

ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that all signatories to this document concur in its filing.

/s/ Charlotte Jacobsen
Charlotte Jacobsen

1 ~~[PROPOSED]~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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4 Dated: October 12, 2023.

5 
6 THE HONORABLE WILLIAM H. ALSUP
7 UNITED STATES DISTRICT JUDGE
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