

SRX 2012

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BRIGHTEX BIO-PHOTONICS, LLC,

Plaintiff,

v.

L'OREAL USA, INC.,

Defendant.

Case No. 3:24-cv-07919-JCS

**DEFENDANTS' STIPULATION
REGARDING INVALIDITY
CONTENTIONS AS TO U.S. PATENT
NO. 9,542,595**

1 Defendant L'Oréal USA, Inc. ("L'Oréal USA") submits this stipulation regarding asserted
2 U.S. Patent No. 9,542,595 ("the '595 patent"). Defendant is challenging the validity of certain
3 claims of the '595 patent in *Inter Partes* Review Proceeding No. IPR2025-00971. The Petition
4 asserts the following grounds of invalidity:

- 5 1. Claims 5, 6, and 11 are rendered obvious under 35 U.S.C. § 103 by Bandic (U.S. Patent
6 U.S. Patent App. Pub. No. 2011/0301441).
- 7 2. Claims 5, 6, and 11 are rendered obvious under 35 U.S.C. § 103 by Rubinstenn '103
8 (U.S. Patent No. 7,634,103) in view of Bandic.
- 9 3. Claims 1, 2, 3, and 4 are rendered obvious under 35 U.S.C. § 103 by Rubinstenn '103
10 in view of Rubinstenn '300 (U.S. Patent App. Pub. No. 2003/0063300) and Bandic.
- 11 4. Claims 9, 13, 10, 15, 7, 12, 8 and 14 are rendered obvious under 35 U.S.C. § 103 by
12 Rubinstenn '103 in view of Rubinstenn '300 and Bandic.

13 In this Petition, L'Oréal USA is a real party is interest, subject to 37 C.F.R. § 42.8(b).

14 In connection with IPR2025-00971, L'Oréal USA hereby stipulates that if the Patent Trial
15 and Appeal Board institutes *inter partes* review on the grounds presented in L'Oréal USA's
16 Petition (above), L'Oréal USA will not pursue an invalidity defense in this proceeding that the
17 patent claims subject to the instituted *inter partes* review are invalid based on the same grounds
18 as in the Petition or any grounds that could have reasonably been raised in the Petition.

19 This stipulation is limited to the grounds in the Petition. This stipulation is not intended,
20 and should not be construed, to limit L'Oréal USA's ability to assert invalidity of any claims of
21 the '595 patent on any other ground, regardless of whether *inter partes* review is instituted.
22 Likewise, this stipulation is not intended, and should not be construed, to limit L'Oréal USA's
23 ability to use the asserted prior art references for any purpose other than invalidity under §§ 102
24 or 103, regardless of whether *inter partes* review is instituted.

1 Dated: May 12, 2025

By: /s/ Ramsey M. Al-Salam

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025, I caused the foregoing document to be filed with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

/s/ Ramsey M. Al-Salam
Ramsey M. Al-Salam