IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OMNI MEDSCI, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-140 (WCB)
	)	
WHOOP, INC.,	)	
	)	
Defendant.	)	

DEFENDANT'S ANSWER TO FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT

Defendant WHOOP, Inc. ("WHOOP"), by and through its undersigned counsel, respond to the allegations in Plaintiff Omni MedSci, Inc.'s ("Omni") First Amended Complaint for Patent Infringement (D.I. 11) (the "Complaint") as follows:

Anything alleged by Omni in its Complaint that is not expressly admitted is hereby denied. Any express admission below is admitted only as to the particularly identified fact(s) and not as to any purported conclusions, characterizations, implications, or speculations that may arguably follow from the admitted fact(s). WHOOP further denies that Omni is entitled to the relief requested or any other relief.

Response to "NATURE OF THE ACTION"

1. WHOOP admits that Omni's Complaint purports to bring an action for patent infringement under 35 U.S.C. §§ 100, *et seq*. The remainder of Paragraph 1 contains legal conclusions to which no response is required. To the extent a response is required, WHOOP denies all such allegations and specifically denies that Omni is entitled to any relief in this action or that WHOOP has committed or is committing any acts of infringement.

Response to "THE PARTIES"

2. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and therefore denies all such allegations.

3. Admitted.

4. WHOOP admits the allegations of Paragraph 4 and further states that WHOOP has its principal place of business at One Kenmore Square, #601, Boston, Massachusetts 02215.

5. Admitted.

6. WHOOP admits that it sells its products through authorized sellers and sales representatives in the United States, including in this District. WHOOP denies the remaining allegations of Paragraph 6, and specifically denies that it committed or is committing any acts of infringement.

Response to "JURISDICTION AND VENUE"

7. WHOOP does not contest that venue is proper in this District, but denies that venue is convenient. WHOOP does not contest that the Court has personal jurisdiction over it for purposes of this case only.

8. WHOOP admits that Omni's Complaint purports to set forth an action of patent infringement arising under the Patents Laws of the United States, Title 35 of the United States Code. WHOOP admits that this Judicial District has subject matter jurisdiction over actions arising out of the Patent Laws pursuant to 28 U.S.C. §§ 1331 and 1338(a). WHOOP denies that is has committed or is committing any acts of infringement and denies that Omni is entitled to any relief.

9. WHOOP admits that it is incorporated in Delaware. WHOOP does not contest that the Court has personal jurisdiction over it for purposes of this case only, but denies that is has committed or is committing any acts of infringement.

10. WHOOP does not contest that the Court has personal jurisdiction over it for purposes of this case only, but denies it has committed or is committing any acts of infringement and, on that basis, denies the remaining allegations in Paragraph 10 of the Complaint.

11. WHOOP admits that it has authorized retailers and distributors in Delaware and this District, but denies that it has committed or is committing any acts of infringement, and on that basis, denies the remaining allegations in Paragraph 11 of the Complaint.

12. WHOOP does not contest whether personal jurisdiction over it properly lies in this Judicial District, but denies it has committed or is committing any acts of infringement, and on that basis, denies the remaining allegations in Paragraph 12 of the Complaint.

13. WHOOP does not contest that venue is proper in this District, but denies that venue is convenient and denies it has committed or is committing any acts of infringement, and on that basis, denies the remaining allegations in Paragraph 13 of the Complaint.

Response to "BACKGROUND – Dr. Mohammed Islam and Omni MedSci, Inc."

14. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14, and therefore denies all such allegations.

15. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15, and therefore denies all such allegations.

16. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16, and therefore denies all such allegations.

17. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17, and therefore denies all such allegations.

18. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18, and therefore denies all such allegations.

19. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 19, and therefore denies all such allegations.

20. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20, and therefore denies all such allegations.

21. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21, and therefore denies all such allegations.

22. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22, and therefore denies all such allegations.

23. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23, and therefore denies all such allegations.

24. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24, and therefore denies all such allegations.

Response to "THE ASSERTED PATENTS – U.S. Patent No. 9,055,868"

25. WHOOP admits that what appears to be a copy of U.S. Patent No. 9,055,868 (the "'868 Patent") is attached as Exhibit 1 to the Complaint and that on its face, the patent bears an issue date of June 16, 2015. WHOOP denies the remaining allegations of Paragraph 25.

26. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26, and therefore denies all such allegations.

27. WHOOP denies the allegations in Paragraph 27 of the Complaint.

28. To the extent the allegations in Paragraph 28 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 28.

29. To the extent the allegations in Paragraph 29 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that the asserted claims of the '868 Patent are not directed to an abstract idea. WHOOP denies the remaining allegations of Paragraph 29.

30. To the extent the allegations in Paragraph 30 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 30.

31. WHOOP denies the allegations in Paragraph 31 of the Complaint.

Response to "U.S. Patent No. 9,651,533"

32. WHOOP admits that what appears to be a copy of U.S. Patent No. 9,651,533 (the "'533 Patent") is attached as Exhibit 2 to the Complaint and that on its face, the patent bears an issue date of May 16, 2017. WHOOP denies the remaining allegations of Paragraph 32.

33. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33, and therefore denies all such allegations.

34. WHOOP denies the allegations in Paragraph 34 of the Complaint.

35. To the extent the allegations in Paragraph 35 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 35.

36. To the extent the allegations in Paragraph 36 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 36.

37. To the extent the allegations in Paragraph 37 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that

the asserted claims of the ’533 Patent are not directed to an abstract idea. WHOOP denies the remaining allegations of Paragraph 37.

38. To the extent the allegations in Paragraph 38 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 38.

39. WHOOP denies the allegations in Paragraph 39 of the Complaint.

Response to “U.S. Patent No. 10,517,484”

40. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

41. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

42. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

43. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

44. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

45. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

46. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

47. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

48. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

49. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

50. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

Response to “U.S. Patent No. 10,874,304”

51. WHOOP admits that what appears to be a copy of U.S. Patent No. 10,874,304 (the “’304 Patent”) is attached as Exhibit 4 to the Complaint and that on its face, the patent bears an issue date of December 29, 2020. WHOOP denies the remaining allegations of Paragraph 51.

52. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 52, and therefore denies all such allegations.

53. WHOOP denies the allegations in Paragraph 53 of the Complaint.

54. To the extent the allegations in Paragraph 54 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 54.

55. To the extent the allegations in Paragraph 55 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that the asserted claims of the '304 Patent are not directed to an abstract idea. WHOOP denies the remaining allegations in Paragraph 55.

56. To the extent the allegations in Paragraph 56 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 56.

57. To the extent the allegations in Paragraph 57 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 57.

58. WHOOP denies the allegations in Paragraph 58 of the Complaint.

Response to "U.S. Patent No. 11,160,455"

59. WHOOP admits that what appears to be a copy of U.S. Patent No. 11,160,455 (the "'455 Patent") is attached as Exhibit 5 to the Complaint and that on its face, the patent bears an November 2, 2021. WHOOP denies the remaining allegations of Paragraph 59.

60. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60, and therefore denies all such allegations.

61. WHOOP denies the allegations in Paragraph 61 of the Complaint.

62. To the extent the allegations in Paragraph 62 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 62.

63. To the extent the allegations in Paragraph 63 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that the asserted claims of the ’455 patent are not directed to an abstract idea. WHOOP denies the remaining allegations in Paragraph 63.

64. To the extent the allegations in Paragraph 64 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 64.

65. To the extent the allegations in Paragraph 65 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 65.

66. WHOOP denies the allegations in Paragraph 66 of the Complaint.

Response to “U.S. Patent No. 12,193,790”

67. WHOOP admits that what appears to be a copy of U.S. Patent No. 12,193,790 (the “’790 Patent”) is attached as Exhibit 6 to the Complaint and that on its face, the patent bears an January 14, 2025. WHOOP denies the remaining allegations of Paragraph 67.

68. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 68, and therefore denies all such allegations.

69. WHOOP denies the allegations in Paragraph 69 of the Complaint.

70. To the extent the allegations in Paragraph 70 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 70.

71. To the extent the allegations in Paragraph 71 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that the asserted claims of the ’790 patent are not directed to an abstract idea. WHOOP denies the remaining allegations in Paragraph 71.

72. To the extent the allegations in Paragraph 72 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 72.

73. To the extent the allegations in Paragraph 73 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 73.

74. WHOOP denies the allegations in Paragraph 74 of the Complaint.

Response to “U.S. Patent No. 12,268,475”

75. WHOOP admits that what appears to be a copy of U.S. Patent No. 12,268,475 (the “’475 Patent”) is attached as Exhibit 13 to the Complaint and that on its face, the patent bears an April 8, 2025. WHOOP denies the remaining allegations of Paragraph 75.

76. WHOOP lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76, and therefore denies all such allegations.

77. WHOOP denies the allegations in Paragraph 77 of the Complaint.

78. To the extent the allegations in Paragraph 78 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 78.

79. To the extent the allegations in Paragraph 79 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP specifically denies that the asserted claims of the ’475 patent are not directed to an abstract idea. WHOOP denies the remaining allegations in Paragraph 79.

80. To the extent the allegations in Paragraph 80 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 80.

81. To the extent the allegations in Paragraph 81 purport to quote or characterize the contents of a written document, said document speaks for itself. WHOOP denies the remaining allegations of Paragraph 81.

82. WHOOP denies the allegations in Paragraph 82 of the Complaint.

Response to “[Alleged] Knowledge of the Asserted Patents”

83. WHOOP admits that it has knowledge of the ’533, ’304, ’455, and ’475 Patents based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, the allegation with respect to the ’484 Patent does not require a response from WHOOP.

84. WHOOP admits that it has knowledge of the ’475 Patent based upon service of the Complaint, but denies that any such knowledge is sufficient for purposes of willful or indirect infringement.

85. WHOOP admits that it has knowledge of the ’868 Patent based upon service of the Original Complaint (D.I. 1) filed in *Cheetah Omni, LLC v. WHOOP, Inc.*, Case No. 6:23-cv-00478 on June 30, 2023, but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 85 of the Complaint.

86. WHOOP admits that it has knowledge of the ’868 Patent based upon service of the Original Complaint (D.I. 1) filed in *Cheetah Omni, LLC v. WHOOP, Inc.*, Case No. 6:23-cv-00478 on June 30, 2023, but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 86 of the Complaint.

87. Admitted.

88. Denied.

89. WHOOP admits that it had knowledge that Dr. Islam was listed as a purported inventor on the ’868 Patent based upon service of the Original Complaint (D.I. 1) filed in *Cheetah Omni, LLC v. WHOOP, Inc.*, Case No. 6:23-cv-00478 on June 30, 2023. WHOOP denies the remaining allegations in Paragraph 89 of the Complaint.

90. WHOOP admits that it had knowledge that Dr. Islam was listed as a purported inventor on the ’868 Patent based upon service of the Original Complaint (D.I. 1) filed in *Cheetah Omni, LLC v. WHOOP, Inc.*, Case No. 6:23-cv-00478 on June 30, 2023. To the extent that Omni’s allegations purport to characterize the ’868 Patent, the ‘868 Patent speaks for itself. WHOOP denies the remaining allegations in Paragraph 90 of the Complaint.

91. Denied.

92. Denied.

93. WHOOP admits that on December 20, 2024, Omni filed a complaint in the Eastern District of Texas (*Omni MedSci, Inc. v. Samsung Elecs. Co., Ltd., et al*, Case No. 2:24-cv-01070) against Samsung (including Samsung Electronics America, Inc.), Fossil Group, Inc., Fossil Partners, LP, Fossil Stores I, Inc., OnePLus Technology (Shenzhen) Co., Ltd., Oura Health OY in which Omni asserted the '868, '533, '304, '455, '475, and '475 Patents. Omni moved to dismiss the '484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, the allegation with respect to the '484 Patent does not require a response from WHOOP. WHOOP denies the remaining allegations in Paragraph 93 of the Complaint.

94. Denied.

Response to "THE ACCUSED SYSTEMS"

95. WHOOP admits that its wearable devices include at least WHOOP 1.0, WHOOP 2.0, WHOOP 3.0, and WHOOP 4.0. and that these devices include the ability to measure one or more physiological parameters including heart rate, heart rate variability, respiratory rate, blood oxygen, stress and strain, and sleep quality. WHOOP further admits that the WHOOP 1.0, WHOOP 2.0, WHOOP 3.0, and WHOOP 4.0 are designed and intended for use with smartphones and/or tablet computers. The remainder of Paragraph 95 contains legal conclusions to which no response is required. To the extent a response is required, WHOOP denies all such allegations.

96. WHOOP admits that it provides the WHOOP App. WHOOP denies the remaining allegations in Paragraph 96 of the Complaint.

97. Denied.

Response to "COUNT I – ([Alleged] Infringement of the '868 Patent)"

98. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

99. Denied.

100. Denied.

101. Denied.

Response to "COUNT II – ([Alleged] Infringement of the '533 Patent)"

102. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. WHOOP admits that it has knowledge of the '533 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 108.

109. WHOOP admits that it has knowledge of the '533 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 109.

110. Denied.

111. WHOOP admits that it has knowledge of the '533 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 111 of the Complaint.

112. Denied.

113. Denied.

114. WHOOP admits that it has knowledge of the ’533 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 114 of the Complaint.

Response to “COUNT III – ([Alleged] Infringement of the ’484 Patent)”

115. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

116. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

117. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

118. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

119. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

120. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

121. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

122. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

123. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

124. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

125. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

126. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

127. Omni moved to dismiss the ’484 Patent from this case on May 28, 2025 (D.I. 14), which the Court granted on June 2, 2025. D.I. 15. Thus, these allegations do not require a response from WHOOP.

Response to "COUNT IV – ([Alleged] Infringement of the '304 Patent)"

128. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. WHOOP admits that it has knowledge of the '304 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 135 of the Complaint.

136. WHOOP admits that it has knowledge of the '304 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 136 of the Complaint.

137. Denied.

138. WHOOP admits that it has knowledge of the '304 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 138 of the Complaint.

139. Denied.

140. Denied.

141. WHOOP admits that it has knowledge of the ’304 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 141 of the Complaint.

Response to “COUNT V – ([Alleged] Infringement of the ’455 Patent)”

142. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

143. Denied.

144. Denied.

145. Denied.

146. Denied.

147. Denied.

148. WHOOP admits that it has knowledge of the ’455 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 148.

149. WHOOP admits that it has knowledge of the ’455 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 149.

150. Denied.

151. WHOOP admits that it has knowledge of the ’455 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 151.

152. Denied.

153. Denied.

154. WHOOP admits that it has knowledge of the ’455 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 154.

Response to “COUNT VI – ([Alleged] Infringement of the ’790 Patent)”

155. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

156. Denied.

157. Denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

162. WHOOP admits that it has knowledge of the ’790 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 162.

163. WHOOP admits that it has knowledge of the ’790 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 163.

164. Denied.

165. WHOOP admits that it has knowledge of the ’790 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 165.

166. Denied.

167. WHOOP admits that it has knowledge of the ’790 Patent based upon service of the originally-filed complaint (D.I. 1), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 167.

Response to “COUNT VII – ([Alleged] Infringement of the ’475 Patent)”

168. WHOOP incorporates by reference each of its responses set forth in in the preceding paragraphs as if fully set forth herein.

169. Denied.

170. Denied.

171. Denied.

172. Denied.

173. WHOOP admits that it has knowledge of the ’475 Patent based upon service of the Complaint (D.I. 11), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 173.

174. WHOOP admits that it has knowledge of the ’475 Patent based upon service of the Complaint (D.I. 11), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 174.

175. Denied.

176. WHOOP admits that it has knowledge of the ’475 Patent based upon service of the Complaint (D.I. 11), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 176.

177. Denied.

178. Denied.

179. WHOOP admits that it has knowledge of the ’475 Patent based upon service of the Complaint (D.I. 11), but denies that any such knowledge is sufficient for purposes of willful or indirect infringement. WHOOP denies the remaining allegations in Paragraph 179.

Response to “JURY DEMAND”

180. This paragraph contains a legal conclusion to which no response is required.

Response to “PRAYER FOR RELIEF”

WHOOP denies that Omni is entitled to any relief and denies all the allegations contained in Omni’s subparagraph’s i-vi of Omni’s Prayer for Relief. WHOOP requests the Court deny all relief to Omni and enter judgment in favor of WHOOP on all claims and award WHOOP its costs and reasonable attorneys’ fees and any further relief as the Court may deem appropriate. To the extent that any allegations of the Complaint have not been previously specifically admitted or denied, WHOOP denies them.

DEFENSES

WHOOP alleges and asserts the following defenses in response to the allegations of the Complaint, undertaking the burden of proof only as required by law. WHOOP reserves all rights to amend its Answer, or to assert additional defenses, including allegations of inequitable conduct, consistent with facts discovered in this case as additional information becomes available and/or is discovered.

FIRST DEFENSE

WHOOP has not infringed and does not infringe, either literally or under the doctrine of equivalents, under any theory of infringement, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), any valid, enforceable claim of the Asserted Patents. For example, one or more of the Asserted Patents is not entitled to the priority date identified on the face of the patents. To the extent that a fact finder determines one or more of the Asserted Patents is entitled to a priority date only a year or more after WHOOP's commercial use of the accused products, WHOOP would not infringe because it commercially used the accused products in the United States, either in connection with an internal commercial use or an actual arm's length sale or other arm's length commercial transfer of a useful end result of such commercial use a year or more before the effective filing date of the Asserted Patents or public disclosure of the purported invention. *See* 35 U.S.C. § 273(a).

SECOND DEFENSE

Each asserted claim of the Asserted Patents is invalid for failure to comply with one or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112, and the rules, regulations, and laws pertaining thereto.

THIRD DEFENSE

To the extent Omni relies on the doctrine of equivalents to allege infringement, Omni's claims are barred because the asserted scope of the equivalency encompasses or ensnares the prior art.

FOURTH DEFENSE

The claims of the Asserted Patents are not entitled to a scope sufficient to encompass any system employed or process practiced by WHOOP, including in light of the doctrine of prosecution

history estoppel and/or prosecution history disclaimer based on amendments, statements, admissions, omissions, representations, disclaimers, and/or disavowals made during prosecution of the applications leading to issuance of the Asserted Patents.

FIFTH DEFENSE

Omni's Complaint fails to state a claim upon which relief can be granted because, among other things, the Asserted Patents are not directed to patent eligible subject matter under 35 U.S.C. § 101.

SIXTH DEFENSE

Omni is barred from obtaining a finding of willfulness or receiving enhanced damages, including because it has failed to plead facts alleging egregious conduct on the part of WHOOP, which is a prerequisite for both a finding of willfulness and an award of enhanced damages.

SEVENTH DEFENSE

Omni's claims for damages are limited or barred by 35 U.S.C. §§ 286 and 287. Omni is further barred under 35 U.S.C. § 288 from recovering costs associated with its action.

EIGHTH DEFENSE

Omni's remedies are limited under 28 U.S.C. § 1498(a). WHOOP is not liable to the extent the accused products were used or manufactured by or for the United States, or to the extent accused activities were undertaken on behalf of the United States, according to at least 28 U.S.C. § 1498.

NINTH DEFENSE

To the extent that Omni or any predecessors-in-interest to the Asserted Patents failed to properly mark any of their relevant products or materials as required by 35 U.S.C. § 287, or otherwise give proper notice that WHOOP's actions allegedly infringe the Asserted Patents,

WHOOP is not liable to Omni for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the Asserted Patents.

TENTH DEFENSE

To the extent that Omni asserts that WHOOP indirectly infringes the Asserted Patents, either by contributory infringement or inducement of infringement, WHOOP is not liable to Omni for the acts alleged to have been performed before WHOOP knew that its actions would allegedly cause infringement.

ELEVENTH DEFENSE

The claims of the Asserted Patents are not entitled to a scope sufficient to encompass any system employed or process practiced by WHOOP, including in light of the doctrine of prosecution history estoppel and/or prosecution history disclaimer based on amendments, statements, admissions, omissions, representations, disclaimers, and/or disavowals made during prosecution of the applications leading to issuance of the Asserted Patents.

TWELFTH DEFENSE

Omni is not entitled to any injunctive relief for alleged infringement of the Asserted Patents because any alleged injury to Omni is not immediate or irreparable, the balance of hardships and public interest weighs against the grant of an injunction, and Omni has an adequate remedy at law.

DEMAND FOR JURY TRIAL

WHOOP requests a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, WHOOP prays that the Court enter judgment in its favor and against Omni as follows:

A. Dismissing, with prejudice, Omni's claims against WHOOP;

B. Denying all relief that Omni seeks in its Complaint;

C. Finding this case to be exceptional under 35 U.S.C. § 285 and awarding WHOOP its costs and attorneys' fees; and

D. Awarding any other relief the Court deems just and proper.

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September 29, 2025

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 29, 2025, upon the following in the manner indicated:

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