

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 WHOOP, INC.’S STIPULATION REGARDING INVALIDITY
CONTENTIONS FOR U.S. PATENT NO. 12,193,790**

On October 13, 2025, Defendant WHOOP, Inc. (“Defendant” or “WHOOP”) filed petition no. PGR2026-00003 with the Patent Trial and Appeal Board (“PTAB”), requesting post grant review of U.S. Patent No. 12,193,790 (“the ’790 patent”).

The petition asserts five grounds of invalidity: (1) claim 7 would have been obvious over U.S. Patent No. 9,241,676 (“Lisogurski”) in view of U.S. Patent App. Pub. No. 2005/0049458 (“Carlson”); (2) claim 7 would have been obvious over Lisogurski in view of Carlson and U.S. Patent App. Pub. No. 2011/0237911 (“Lamego”); (3) claim 7 would have been obvious over Lisogurski in view of Carlson and U.S. Patent No. 6,304,767 (“Soller”); (4) applying Plaintiff’s position as to the scope of claim 7, as advanced by Plaintiff in *Omni MedSci, Inc. v. Apple Inc.*, No. 25-1646 (Fed. Cir.), claim 7 is indefinite under 35 U.S.C. § 112(b); and (5) claim 7 lacks enablement under 35 U.S.C. § 112(a).

Defendant hereby stipulates that if the PTAB institutes PGR on a ground presented in the petition, Defendant will not pursue in this co-pending district court litigation the specific ground asserted in the petition, or any other ground that was raised or could have been reasonably raised

in a PGR. *See Sotera Wireless, Inc. v. Masimo Corp.*, No. IPR2020-00109, Paper 12 at 18–19 (P.T.A.B. Dec. 1, 2020).

In so stipulating, WHOOP seeks to avoid a situation in which multiple proceedings address the validity of the challenged claim based on the same grounds. Instead, through this Stipulation, WHOOP expresses its preference that only the PTAB address the grounds of invalidity raised or that could have been reasonably raised in the PGR for this claim.

Defendant further stipulates that if the PTAB institutes PGR on a ground presented in Defendant’s petition, Defendant will not pursue in this co-pending district court litigation an argument that a claim subject to such PGR is indefinite.

Notwithstanding this Stipulation, WHOOP reserves the right to assert in this litigation any grounds or claims on which the PTAB declines to institute post grant review. WHOOP also reserves the right to assert grounds other than the grounds raised or could have been reasonably raised in the PGR for this claim.

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2026, 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 January 22, 2026, upon the following in the manner indicated:

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