

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNIVERSITY OF MASSACHUSETTS  
MEDICAL SCHOOL and CARMEL  
LABORATORIES, LLC,

Plaintiffs,

v.

L'ORÉAL S.A. and L'ORÉAL USA, INC.,

Defendants.

Case No. 17-cv-868-JFB-SRF

**DECLARATION OF MICHAEL J. FARNAN IN OPPOSITION TO L'ORÉAL S.A.'S  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

I, Michael J. Farnan, hereby declare:

1. Attached as Exhibit 1 is a true and correct copy of a page from L'Oréal S.A.'s website; *L'Oréal Group: Only One Line of Business*, <http://www.loreal.com/group> (last accessed November 27, 2017).

2. Attached as Exhibit 2 is a true and correct copy of a page from L'Oréal S.A.'s website; *Contact Us*, <http://www.loreal.com/contact-us> (last accessed December 1, 2017).

3. Attached as Exhibit 3 is a true and correct copy of a page from L'Oréal S.A.'s website; *L'Oréal Around the World*, <http://www.loreal.com/group/our-activities/1%E2%80%99or%C3%A9al-around-the-world> (last accessed November 23, 2017).

4. Attached as Exhibit 4 is a true and correct copy of L'Oréal S.A. 2016 Annual Report.

5. Attached as Exhibit 5 is a true and correct copy of a page from L'Oréal S.A.'s website; *L'Oréal Group: Key Figures*, <http://www.loreal.com/group/our-activities/key-figures> (last accessed November 28, 2017).

6. Attached as Exhibit 6 is a true and correct copy of L'Oréal S.A.'s 2016 Registration Document: Annual Financial Report.

7. Attached as Exhibit 7 is a true and correct copy of a page from L'Oréal USA's website; *L'Oréal USA Facts and Figures*, <http://www.lorealusa.com/group/discover-l'or%C3%A9al-usa/l%E2%80%99or%C3%A9al-usa-facts-and-figures> (last accessed November 29, 2017).

8. Attached as Exhibit 8 is a true and correct copy of a page from L'Oréal S.A.'s website; *A Network That is Open to the World*, <http://www.loreal.com/research-and-innovation/our-innovation-model/a-network-that-is-open-to-the-world> (last accessed November 28, 2017).

9. Attached as Exhibit 9 is a true and correct copy of a page from L'Oréal S.A.'s website; *L'Oréal Group: Organization*, <http://www.loreal.com/group/our-activities/organization> (last accessed November 28, 2017).

10. Attached as Exhibit 10 is a true and correct copy of a page from L'Oréal Paris' website; *About L'Oréal Paris*, <https://www.lorealparisusa.com/about-loreal-paris.aspx> (last accessed November 28, 2017).

11. Attached as Exhibit 11 is a true and correct copy of a page from the website *Whois lorealparisusa.com*, <https://www.whois.com/whois/lorealparisusa.com> (last accessed November 28, 2017).

12. Attached as Exhibit 12 is a true and correct copy of a page from L'Oréal Paris' website; *L'Oréal Paris: Adenosine Anti-Aging Skincare Benefit*, <https://www.lorealparisusa.com/ingredient-library/adenosine.aspx> (last accessed November 27, 2017).

13. Attached as Exhibit 13 is a true and correct copy of an article by M.I. Abella, L'Oréal Recherche, *Evaluation of anti-wrinkle efficacy of adenosine-containing products using the FOITS technique*, International Journal of Cosmetic Chemistry, 2006 at 447-451.

14. Attached as Exhibit 14 is a true and correct copy of a page from L'Oréal S.A.'s website; *Lancome: Advanced Génifique*, [https://www.lancome-usa.com/skin-care/collections/genifique/advanced-genifique/1000302.html#start=3&cgid=L3\\_Axe\\_Skincare\\_Genifique](https://www.lancome-usa.com/skin-care/collections/genifique/advanced-genifique/1000302.html#start=3&cgid=L3_Axe_Skincare_Genifique) (last accessed December 1, 2017).

15. Attached as Exhibit 15 is a true and correct copy of a page from L'Oréal S.A.'s website; *Genetic Science in the Service of Beauty*, <http://www.loreal.com/research-and-innovation/push-back-the-boundaries-of-knowledge/genetic-science-in-the-service-of-beauty> (last accessed November 28, 2017).

16. Attached as Exhibit 16 is a true and correct copy of a page from L'Oreal USA's website; *L'Oréal USA Research and Innovation*, <http://www.lorealusa.com/group/discover-1%27or%C3%A9al-usa/l%E2%80%99or%C3%A9al-usa-research-and-innovation> (last accessed December 4, 2017).

17. Attached as Exhibit 17 is a true and correct copy of the Complaint in *L'Oréal S.A. and L'Oréal U.S.A., Inc. v. Merck and Co., Inc.*, No. 12-cv-00099-GMS (D. Del.).

18. Attached as Exhibit 18 is a true and correct copy of the Complaint in *L'Oréal S.A. and L'Oréal U.S.A., Inc. v. Estee Lauder Companies, Inc., Estee Lauder, Inc. and Origins Natural Resources, Inc.*, No. 04-cv-01660-GEB-ES (D.N.J.).

19. Attached as Exhibit 19 is a true and correct copy of the Civil Docket for *L'Oréal S.A., et al v. Revlon Consumer Prod., et al*, No. 98-cv-00424-SLR (D. Del.).

20. Attached as Exhibit 20 is a true and correct copy of the search results for L'Oréal S.A. United States patents.

21. Attached as Exhibit 21 are true and correct copies received by Brother Dennis Wyrzykowski, President of Teresian Carmelites and Carmel Labs, from L'Oréal S.A, dated April 14, 2015, May 18, 2015, June 5, 2015, and July 3, 2015.

22. Attached as Exhibit 22 is a true and correct copy of a page from Walmart's website, <https://www.walmart.com/ip/L-Oreal-Paris-RevitaLift-Triple-Power-Deep-Acting-Facial-Moisturizer-1-7-Oz/21062555> (last accessed December 4, 2017).

23. Attached as Exhibit 23 is a true and correct copy of the August 26, 2014 Complaint in *M2M Solutions LLC v. Telit Communications PLC and Telit Wireless Solutions, Inc.*, 1:14-cv-01103-RGA (D. Del.).

24. Attached as Exhibit 24 is a true and correct copy of a page from L'Oreal S.A.'s website, [http://www.skin-science.com/\\_int/\\_en/topic/topic\\_rub.aspx?tc=SKIN\\_SCIENCE\\_ROOT%5EAN\\_ORGAN\\_REVEALED&cur=AN\\_ORGAN\\_REVEALED&](http://www.skin-science.com/_int/_en/topic/topic_rub.aspx?tc=SKIN_SCIENCE_ROOT%5EAN_ORGAN_REVEALED&cur=AN_ORGAN_REVEALED&) (last accessed November 23, 2017).

25. Attached as Exhibit 25 is a true and correct copy of the May 2, 2008 order in *Bare Escentuals Beauty, Inc. v. L'Oréal S.A.*, No. C-07-1669 MMC (N.D. Cal.).

26. Attached as Exhibit 26 is a true and correct copy of the June 11, 2003 order in *Chaygan v. L'Oréal S.A.*, No. 02-21485 (S.D. Fla.).

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 8, 2017

/s/ Michael J. Farnan  
Michael J. Farnan