

**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-CFC-SRF

**PLAINTIFFS' UNOPPOSED MOTION TO AMEND CAPTION**

Pursuant to Federal Rules of Civil Procedure 15, 17, and 21, and other applicable law, Plaintiffs University of Massachusetts Medical School (the "Medical School") and Carmel Laboratories, LLC ("Carmel Labs"), move the Court to amend the case caption to reflect that the University of Massachusetts, not the Medical School, is a party-in-interest. In support, Plaintiffs state as follows:

Plaintiffs filed this action against Defendants seeking relief from Defendants' conduct infringing United States Patent Numbers 6,423,327 and 6,645,513, assigned to the University of Massachusetts and licensed to Carmel Labs. The Medical School is not a separate legal entity but, rather, operates under the control of the University of Massachusetts. *See* Mass. Gen. L. ch. 75 §§ 1, 34. The patents and Patent Owner Mandatory Notices filed in the related IPR proceedings, attached as Exhibits A-D, all reflect that the University of Massachusetts is the assignee of the patents-in-suit and the real party-in-interest in this lawsuit. Accordingly, Plaintiffs seek to conform the caption in this case to the supporting documentation.

Counsel for the Medical School and Carmel Labs will serve as counsel for the University of Massachusetts.

Counsel for Plaintiffs conferred with counsel for Defendants, who do not oppose Plaintiffs' motion, but do so without waiving any rights to challenge, discover, and/or address any issues that stem from Plaintiffs' representations here and in other forums, such as the Patent Trial and Appeal Board (PTAB). Plaintiffs do not believe Defendants will suffer any prejudice if the motion is granted, because discovery has not begun and the amendment does not change the nature and substance of Plaintiffs' claims. *See, e.g., Invensas Corp. v. Renesas Electronics Corp.*, No. 11-cv-448, 2013 WL 1776112, at \*3 (D. Del. Apr. 24, 2013).

Wherefore, Plaintiffs respectfully request an order from the Court amending the case caption to substitute the University of Massachusetts for the Medical School in this action.

Dated: March 22, 2019

Respectfully submitted,

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