IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNIVERSITY OF MASSACHUSETTS and CARMEL LABORATORIES, LLC, Plaintiffs, v. L'ORÉAL USA, INC., Defendant.	C.A. No. 17-868-CFC-SRF JURY TRIAL DEMANDED

DEFENDANT L'ORÉAL USA, INC.'S ANSWER AND DEFENSES TO PLAINTIFFS' FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND COUNTERCLAIMS

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L'Oréal USA, Inc.

Dated: June 14, 2019

Subject to its defenses, and without waiving any rights, privileges or defenses, Defendant L'Oréal USA, Inc. ("L'Oréal USA"), by and through its attorneys of record, by way of answer to Plaintiffs University of Massachusetts Medical School and Carmel Laboratories, LLC's (collectively, "Plaintiffs") First Amended Complaint ("FAC"), hereby admits, denies and alleges as follows:

THE PARTIES

1. Answering Paragraph 1 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

2. Answering Paragraph 2 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

3. Answering Paragraph 3 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

4. Answering Paragraph 4 of the FAC, L'Oréal USA denies the allegations contained in this paragraph to the extent they do not accurately describe Exhibits 1 and 2 to the FAC. L'Oréal USA further denies that University of Massachusetts Medical School is the assignee of United States Patent numbers 6,423,327 (the "'327 patent") and 6,645,513 (the "'513 patent"). L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph and therefore denies them.

5. Answering Paragraph 5 of the FAC, L'Oréal USA admits that L'Oréal S.A. is a French corporation with its principal place of business at 41 Rue Martre, Clichy, Paris, Ile-de-

France 92117, France. L'Oréal USA denies the remaining allegations contained in this paragraph—namely, that L'Oréal S.A. is a Defendant in this action—as L'Oréal S.A. was dismissed from this case. (*See* D.I. 36.)

6. Answering Paragraph 6 of the FAC, L'Oréal USA admits that it is a Delaware corporation with its principal place of business at 10 Hudson Yards, New York, NY 10001. L'Oréal USA denies the remaining allegations contained in this paragraph.

7. Answering Paragraph 7 of the FAC, L'Oréal USA admits that it is a wholly-owned subsidiary of L'Oréal S.A. L'Oréal USA denies the remaining allegations in this paragraph.

JURISDICTION AND VENUE

8. The allegations in Paragraph 8 constitute conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, L'Oréal USA denies that this court has subject matter jurisdiction over this matter, in part because Plaintiff University of Massachusetts Medical School is not the assignee of the '327 and '513 patents, and, as such, could not have licensed either patent to Plaintiff Carmel Laboratories, LLC. Thus, neither Plaintiff has standing to pursue claims for patent infringement. L'Oréal USA does not contest venue at this time. Except as expressly admitted, L'Oréal USA denies the remaining allegations contained in this paragraph.

THE ALLEGED CLAIMED ADENOSINE TECHNOLOGY

9. Answering Paragraph 9 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

10. Answering Paragraph 10 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

11. Answering Paragraph 11 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

12. Answering Paragraph 12 of the FAC, L'Oréal USA admits that claim 1 of Exhibit 1 and claim 1 of Exhibit 2 contain the text quoted in Paragraph 12 of the FAC, but denies the allegations contained in this paragraph to the extent they do not accurately describe the '327 patent and the '513 patent. Except as expressly admitted, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

13. Answering Paragraph 13 of the FAC, L'Oréal USA admits that claim 9 of Exhibit 1 and claim 9 of Exhibit 2 contain the text quoted in Paragraph 13 of the FAC but denies the allegations contained in this paragraph to the extent they do not accurately describe the '327 patent and the '513 patent. Except as expressly admitted, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

PLAINTIFFS' PRODUCTS

14. Answering Paragraph 14 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

15. Answering Paragraph 15 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

16. Answering Paragraph 16 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

17. Answering Paragraph 17 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

DEFENDANT'S ALLEGED USE OF PLAINTIFFS' PATENTED TECHNOLOGY

18. Answering Paragraph 18 of the FAC, L'Oréal USA admits that it is a cosmetic company that sells hair care, skin care, make-up, and perfume products. Except as expressly admitted, L'Oréal USA denies the remaining allegations contained in this paragraph.

19. Answering Paragraph 19 of the FAC, L'Oréal USA lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies them.

20. Answering Paragraph 20 of the FAC, L'Oréal USA admits that Exhibit 3 contains the quoted text in Paragraph 20, excluding any bracketed text, but denies the allegations contained in this paragraph to the extent they do not accurately describe Exhibit 3 to the FAC or U.S. Patent Application No. 10/701,495. Except as expressly admitted, L'Oréal USA denies the remaining allegations contained in this paragraph.

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