

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

SOLMETEX LLC,

Plaintiffs,

v.

ASCENTCARE DENTAL PRODUCTS,  
INC.,

Defendants.

Civil Action No. 1:24-cv-00954-rjj-mv

The Honorable Robert J. Jonker

**ASCENTCARE'S PROPOSED CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE**

Pursuant to this Court’s First Case Management Order (Dkt. No. 20 at 1) (“Parties exchange proposed terms for constructions, including any terms, phrases or clauses that a party contends should be construed or found indefinite”), Ascentcare provides the following proposed terms for constructions for U.S. Patent No. 11,589,969 (“the ’969 Patent”); U.S. Patent No. 11,589,970 (“the ’970 Patent”); U.S. Patent No. 11,744,686 (“the ’686 Patent”); U.S. Patent No. 12,011,329 (“the ’329 Patent”); U.S. Patent No. 12,290,418 (“the ’418 Patent”); U.S. Patent No. 11,826,217 (“the ’217 Patent”); U.S. Patent No. 12,167,948 (“the ’948 Patent”); U.S. Design Patent No. D962,438 (“the ’438 Patent”); U.S. Design Patent No. D962,439 (“the ’439 Patent”); and U.S. Design Patent No. D1,037,436 (“the ’436 Patent”).

'969 Patent	Claim	Term	Proposed Construction	Extrinsic Evidence
'969	19	“main body portion”	The portion of the mouthpiece between, but not including, the cheek retractor portion and the suction connector and mouth prop, if present	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> </ul>

				<ul style="list-style-type: none"> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> <li>• Dryshield Autoclavable Mouthpiece</li> <li>• Dryshield Single Use Mouthpiece</li> <li>• Isolite Mouthpiece</li> <li>• The '217 Patent</li> <li>• Prosecution History of the '217 Patent</li> <li>• Dictionary Definition of "Enclosed"</li> <li>• Dictionary Definition of "Edge"</li> <li>• Dictionary Definition of "internal"</li> <li>• Dictionary Definition of "interior"</li> <li>• Dictionary Definition of "inside"</li> </ul>
'969	19	"pocket"	An enclosure without subdivisions that spans between the anterior wall, the posterior wall, an inferior sidewall and/or a superior sidewall	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> </ul>

				<ul style="list-style-type: none"> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> <li>• Dryshield Autoclavable Mouthpiece</li> <li>• Dryshield Single Use Mouthpiece</li> <li>• Isolite Mouthpiece</li> <li>• The '217 Patent</li> <li>• Prosecution History of the '217 Patent</li> <li>• Dictionary Definition of "Enclosed"</li> <li>• Dictionary Definition of "Edge"</li> </ul>
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				<ul style="list-style-type: none"> <li>• Dictionary Definition of “internal”</li> <li>• Dictionary Definition of “interior”</li> </ul> <p>Dictionary Definition of “inside”</p>
'969	19	“an interior space”	An open space defined by the pocket	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> </ul>

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'969	19	"a second wall having a shape that corresponds to the shape of the first wall, the shape of the second wall defined by one or more corresponding edges along one or more corresponding sides,"	A second wall having a substantially identical shape to the shape of the first wall, such that the edges of the second wall are aligned with the edges of the first wall	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> </ul>

				<ul style="list-style-type: none"> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> <li>• Dryshield Autoclavable Mouthpiece</li> <li>• Dryshield Single Use Mouthpiece</li> <li>• Isolite Mouthpiece</li> <li>• The '217 Patent</li> <li>• Prosecution History of the '217 Patent</li> <li>• Dictionary Definition of "Enclosed"</li> <li>• Dictionary Definition of "Edge"</li> <li>• Dictionary Definition of "internal"</li> <li>• Dictionary Definition of "interior"</li> </ul>
'969	19	"bridge structure"	An internal structure attached to the second wall that prevents the collapse of the first and second wall during suction	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> </ul>

				<ul style="list-style-type: none"> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> <li>• Dryshield Autoclavable Mouthpiece</li> <li>• Dryshield Single Use Mouthpiece</li> <li>• Isolite Mouthpiece</li> <li>• The '217 Patent</li> <li>• Prosecution History of the '217 Patent</li> <li>• Dictionary Definition of "Enclosed"</li> </ul>
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'969	19	“an interior surface of the second wall”	a surface of the second wall facing the first wall between, but not including, the edges of the second wall	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> </ul>

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'969	19	"a connecting wall that connects one or more edges of the first wall to the one or more corresponding edges of the second wall across a span between the first wall and the second wall"	A sidewall that connects either the inferior edge of the first wall to the inferior edge of the second wall or the superior edge of the first wall to the superior edge of the second wall	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> </ul>

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'969	19	"crest"	the full extending distance of a projection of the internal bridge structure	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> <li>• Prosecution History of AU2014202637B2</li> <li>• Prosecution History of AU2016200275A1</li> <li>• Declaration of Brian P. Black supporting IPR Petition of '969 Patent</li> <li>• Dryshield Autoclavable Mouthpiece</li> <li>• Dryshield Single Use Mouthpiece</li> <li>• Isolite Mouthpiece</li> </ul>
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'969	19	"trough"	a location of the internal bridge structure substantially flush to the surface of the second wall within the interior space	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> <li>• EP2903557B1</li> <li>• EP3184076B1</li> <li>• JP5961328B1</li> <li>• JP6349350B2</li> <li>• KR101730509B1</li> <li>• MX354381B</li> <li>• NZ718848A</li> <li>• PH12016500682B1</li> <li>• RU2659012C1</li> <li>• WO2015088577A1</li> <li>• Prosecution History of EP2903557B1</li> <li>• Prosecution History of EP3184076B1</li> </ul>

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<b>'970 Patent</b>	<b>Claim</b>	<b>Term</b>		
'970	18	"main body portion"	The portion of the mouthpiece between, but not including, the cheek retractor portion and the suction connector and mouth prop, if present	<ul style="list-style-type: none"> <li>• Declaration of Dr. Stephen Shen</li> <li>• AU2014202637B2</li> <li>• AU2016200275A1</li> <li>• BR112014011637B1</li> <li>• CA2851861C</li> <li>• CA2919142C</li> <li>• CN105578986B</li> </ul>