

# Exhibit C

**2012 PATENT FAMILY TERMS/PHRASES IN DISPUTE**

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
1	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12;	<p>“wherein the protrusions of the bridge structure protrude from the interior surface of the second wall toward the first wall in a <i>wave shape</i> comprising one or more crests and one or more troughs” ('969 Pat., Cl. 19);</p> <p>“wherein the plurality of protrusions of the bridge structure protrude from the interior surface of the second wall in a <i>wave shape</i> comprising one or more crests and one or more troughs” ('970 Pat., Cl. 18; '686 Pat. Cl. 12)</p>	<p>The protrusions of the bridge structure protrude from the interior surface of the second wall toward the first wall<sup>1</sup> in an arrangement forming a pattern of curved surfaces between the one or more crests and the one or more troughs</p> <p>The protrusions of the bridge structure protrude from the interior surface of the second wall in an arrangement forming a pattern of curved surfaces between the one or more crests and the one or more troughs</p>	No construction necessary, except “bridge structure” and “interior surface of the second wall”
2	'418 Pat., Cl. 1, 11	“a plurality of crests of a <i>wave-like structure</i> is formed on an interior surface of the second wall to provide contact points with the first wall, and a plurality of troughs of the <i>wave-like structure</i> provides gaps between adjacent ones of the plurality of crests for allowing the suctioning of fluid through the plurality of troughs”	The interior surface of the second wall includes a structure with curved surfaces between (i) crests that provide contact points with the first wall during suction, and (ii) troughs that provide gaps that allow for the transfer of fluids during suction	No construction necessary, except “a plurality of crests of a wave-like structure” and “interior surface of the second wall”

<sup>1</sup> Claim 19 of the '969 Patent also includes the “toward the first wall” phrase.

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
3	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12; '329 Pat., Cl. 9, 30;	“ <i>crests</i> ” <sup>2</sup>	Points furthest away from the second wall that serve as contact points against the first wall during suction	The full extending distance of a projection of the internal bridge structure
4	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12; '418 Pat., Cl. 20	<p>“a <i>connecting wall that connects</i> 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” (969 Pat., Cl. 19);</p> <p>“a <i>connecting wall that connects</i> one of the first edges of the first wall to one of the second edges of the second wall across a distance between the first wall and the second wall” ('970 Pat., Cl. 18);</p> <p>“a <i>third wall that connects one</i> of the first edges of the first wall to one of the second edges of the second wall” ('418 Pat., Cl. 20)</p>	Plain and ordinary meaning	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

<sup>2</sup> Claims 1, 11, and 20 of the related '418 Patent also use the “crests” language but require the crests “to provide contact points with the first wall.” Thus, the claims of the '418 Patent do not require construction for “crests” because the plain language of the claims is adequate.

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
5	‘329 Pat., Cl. 9, 30; ‘418 Pat., Cl. 1, 11;	<p>“a <i>third wall</i> connecting the first wall and the second wall such that the first wall is spaced from the second wall to define an inner cavity” (‘329 Pat., Cl. 9, 30);</p> <p>“a <i>third wall</i> connecting the first wall and the second wall such that the first wall is spaced from the second wall” (‘418 Pat., Cl. 1, 11)</p>	Plain and ordinary meaning	<p>Indefinite</p> <p>OR</p> <p>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</p>

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
6	'969 Pat., Cl. 19; '329 Pat., Cl. 30; '418 Pat., Cl. 1	<p>“a second wall having a shape that <i>corresponds to</i> the shape of the first wall, the shape of the second wall defined by one or more <i>corresponding edges</i> along one or more corresponding sides” ('969 Pat., Cl. 19);</p> <p>wherein the first wall and the second wall are shaped such that the first edge of the first wall <i>corresponds to</i> the third edge of the second wall and the second edge of the first wall <i>corresponds to</i> the fourth edge of the second wall” ('329 Pat., Cl. 30);</p> <p>a first wall and the second wall are shaped such that the first edge of the first wall <i>corresponds in shape</i> to the third edge of the second wall and the second edge of the first wall <i>corresponds in shape</i> to the fourth edge of the second wall; and wherein the first shape of the first wall <i>corresponds to</i> the second shape of the second wall” ('418 Pat., Cl. 1)</p>	Plain and ordinary meaning	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

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
7	'970 Pat., Cl. 18 '418 Pat., Cl. 25	“a mouth prop molded in one piece” (‘970 Pat., Cl. 18);  “a mouth prop injection-molded in one piece” (‘418 Pat., Cl. 25)	Mouth prop molded (or injection-molded) as a unitary structure	No construction necessary, except Ascentcare’s expert opines this term should be construed to be the mouth-prop is “detachable.” Shen Decl. ¶235.
8	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12; '329 Pat., Cl. 9, 30; '418 Pat., Cl. 1, 11, 20	“main body portion”	Plain and ordinary meaning	The portion of the mouthpiece between, but not including, the cheek retractor portion and the suction connector and mouth prop, if present
9	'969 Pat., Cl. 19; '970 Pat., Cl. 18	“pocket”	Plain and ordinary meaning	An enclosure without subdivisions that spans between the anterior wall, the posterior wall, an inferior sidewall and/or a superior sidewall

Term	Patent / Claim	Disputed Term / Phrase	Solmetex Construction	Ascentcare Construction
10	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12; '418 Pat., Cl. 20	"interior space" / "space"	Plain and ordinary Meaning	(1) An open space defined by the pocket (for the '969 and '970 Patents)  OR  (2) An open space defined by an enclosure without subdivisions that spans between the anterior wall, the posterior wall, an inferior sidewall and/or a superior sidewall (for the '686 and '418 Patents)
11	'329 Pat., Cl. 9, 30	"inner cavity"	Plain and ordinary Meaning	An open space defined by an enclosure without subdivisions that spans between the anterior wall, the posterior wall, an inferior sidewall and/or a superior sidewall
12	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12; '329 Pat. Cl. 9, 30; '418 Pat. Cl. 1, 11, 20	"an interior surface of the second wall"	Plain and ordinary Meaning	a surface of the second wall facing the first wall between, but not including, the edges of the second wall
13	'969 Pat., Cl. 19; '970 Pat., Cl. 18; '686 Pat., Cl. 12	"bridge structure"	Plain and ordinary Meaning	An internal structure attached to the second wall that prevents the collapse of the first and second wall during suction

<b>Term</b>	<b>Patent / Claim</b>	<b>Disputed Term / Phrase</b>	<b>Solmetex Construction</b>	<b>Ascentcare Construction</b>
14	'329 Pat., Cl. 9, 30	"a plurality of protrusions"	Plain and ordinary Meaning	An internal structure attached to the second wall that prevents the collapse of the first and second wall during suction

**2019 PAT. FAMILY TERMS/PHRASES IN DISPUTE**

<b>Term</b>	<b>Patent / Claim</b>	<b>Disputed Term / Phrase</b>	<b>Solmetex Construction</b>	<b>Ascentcare Construction</b>
15	'217 Pat., Cl. 17; '948 Pat., Cl. 23	“main body portion”	Plain and ordinary meaning	The portion of the mouthpiece between, but not including, the cheek retractor portion and the suction connector and mouth prop, if present.
16	'217 Pat., Cl. 17; '948 Pat., Cl. 23	“interior space”	Plain and ordinary meaning	A generally open and unobstructed space allowing for suction to flow throughout and having a similar shape as the shape of the anterior and posterior walls
17	'948 Pat., Cl. 23	“the first wall is configured at the two edges to have a <i>ridged configuration</i> ”	Plain and ordinary meaning	First wall has a ridged intervening wall at each edge
18	'948 Pat., Cl. 23	“the plurality of ridges forming an <i>open-meshed configuration</i> between the first and second walls to allow for suction of fluids from a patient's mouth into the interior space between the first and second walls”	the ridges of the ridged configuration provide a mesh through which the fluids can be suctioned into the interior space between the first and second walls and that mesh can be opened to provide access into the interior space	Indefinite  Or  Two ridged walls aligned, but unconnected, at their respective ridges allowing for suction of fluids from the patient’s mouth into the interior space through openings between aligned ridges of the two ridged walls

**THE THREE DESIGN PATENTS**

Term	Patent	Disputed Design	Solmetex Construction	Ascentcare Construction
19	'438 Design Pat.	Figures 1-4	The ornamental design for a mouthpiece, as shown in Figures 1-4.	<p>The '438 Patent is invalid as indefinite.</p> <p>Alternatively, the '438 Patent is invalid as fully functional.</p> <p>Alternatively, to the extent not fully functional or indefinite, the '438 Patent claims a smooth and unadorned tubular suction connector with one cutout in a triangular shape. The tubular nature of the suction connector is functional and configured to connect to a suction adaptor and not protected unless it contributes to the overall ornamentation of the design. The triangular cutout is also functional and configured to connect to a suction adaptor and not protected unless it contributes to the overall ornamentation of the design.</p>

Term	Patent	Disputed Design	Solmetex Construction	Ascentcare Construction
20	'439 Design Pat.	Figures 1-4	The ornamental design for a mouthpiece, as shown in Figures 1-4.	<p>The '439 Patent is invalid as indefinite.</p> <p>Alternatively, the '439 Patent is invalid as fully functional.</p> <p>Alternatively, to the extent not fully functional or indefinite, the '438 Patent claims a smooth and unadorned tubular suction connector with one cutout in a triangular shape and an unadorned bite block. The tubular nature of the suction connector is functional and configured to connect to a suction adaptor and not protected unless it contributes to the overall ornamentation of the design. The triangular cutout is also functional and configured to connect to a suction adaptor and not protected unless it contributes to the overall ornamentation of the design. The bite block is also functional and configured to the hinge shape of a patient's jaw and not protected unless it contributes to the overall ornamentation of the design.</p>
21	'436 Design Pat.	Figures 1-5	The ornamental design for a mouthpiece, as shown in Figures 1-5.	<p>The '436 Patent is invalid as indefinite</p> <p>Alternatively, the '436 Patent is invalid as fully functional.</p> <p>Alternatively, to the extent not fully functional or indefinite, the '436 Patent claims fifteen identically sized and uniformly spaced semi-circles along the four polygonal edges of a dental isolation mouthpiece.</p>