

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SOLMETEX, LLC,

Plaintiff/Counter-Defendant,

Case No. 1:24-cv-00954-RJJ-MV

v.

Hon. Robert J. Jonker

ASCENTCARE DENTAL PRODUCTS,
INC.,

Defendant/Counter-Plaintiff.

**DEFENDANT/COUNTER-PLAINTIFF'S STIPULATION OF INVALIDITY
CONTENTIONS**

Defendant/Counter-plaintiff Ascentcare Dental Products, Inc. (“Ascentcare”) submits this stipulation of invalidity contentions.

On May 20, 2025, Ascentcare filed petition number IPR2025-01020 with the Patent Trial and Appeal Board requesting *inter partes* review of U.S. Patent No. 11,589,969 (the “969 Patent”); on May 28, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number IPR2025-01057 requesting *inter partes* review of U.S. Patent No. 11,589,970 (the “970 Patent”); on May 28, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number IPR2025-01059 requesting *inter partes* review of U.S. Patent No. 11,744,686 (the “686 Patent”); on June 6, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number IPR2025-01065 requesting *inter partes* review of U.S. Patent No. 11,826,217 (the “217 Patent”); on June 7, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number IPR2025-01104 requesting *inter partes* review of U.S. Patent No. 12,011,329 (the “329 Patent”); on June 19, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number PGR2025-00058 requesting post-grant review of U.S. Patent No. 12,167,948 (the “948 Patent”); and on June 24, 2025, Ascentcare filed with the Patent Trial and Appeal Board petition number IPR2025-01175 requesting *inter partes* review of U.S. Patent No. 12,290,418 (the “418 Patent”).

The Petitions assert the following grounds of invalidity:

IPR/PGR Petition No.	Patent No.	IPR/PGR Ground	Grounds of Unpatentability
IPR2025-01020	11,589,969	1	Claim 19 is anticipated or obvious under 35 U.S.C. § 102(b) or 35 U.S.C. § 103 by U.S. Patent No. 8,029,280 (“Black”)
		2	Claims 1-4, 6-9, 11-12, 14, and 16-19 are obvious under 35 U.S.C. § 103 in view of Korean Patent No. KR10-1082826 (“Park”), U.S. Patent No. 3,101,543 (“Baughan”), and U.S. Patent No. 4,017,975 (“Johnson”)
		3	Claim 10 is obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson and U.S. Patent Application Publication No. 2003/0134253 (“Hirsch”)
		4	Claims 13 and 15 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson and Black.
		5	Claim 19 is obvious under 35 U.S.C. § 103 in view of Black and Hirsch
IPR2025-01057	11,589,970	1	Claims 1, 9-13, 15-16, and 18 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson
		2	Claims 2-4, 7-8, and 17 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Black
		3	Claim 14 is obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson and Hirsch.
IPR2025-01059	11,744,686	1	Claims 12-15, 17-18, and 20-21 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson
		2	Claims 16 and 19 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Hirsch
IPR2025-01065	11,826,217	1	Claims 1-11, 13-23 are obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 8,911,232 (“Nguyen”) and Black
		2	Claims 8 and 19 are further obvious under 35 U.S.C. § 103 in view of Nguyen, Black, and U.S. Patent No. 9,532,858 (“Hirsch2”)
		3	Claims 17-23 are obvious under 35 U.S.C. § 103 in view of Nguyen and Hirsch

IPR2025-01104	12,011,329	1	Claims 1–5 and 8 are obvious under 35 U.S.C. § 103 in view of Black
		2	(Claims 6, 7, 9–25, and 27–30 are obvious under 35 U.S.C. § 103 in view of Black and Hirsch
		3	Claims 1–4, 6, and 8 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson
		4	Claims 5, 9–20, and 30 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Black
		5	Claims 7, 21–25, and 27–29 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Hirsch
		6	Claims 1–5 and 8 are obvious under 35 U.S.C. § 103 in view of Black and Zheng
		7	Claims 6, 7, 9–25, and 27–30 are obvious under 35 U.S.C. § 103 in view of Black, Hirsch, and Zheng
		8	Claims 1–4, 6, and 8 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Zheng
		9	Claims 5, 9–20, and 30 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, Black, and Zheng
		10	Claims 7, 21–25, and 27–29 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, Hirsch, and Zheng
PGR2025-00058	12,167,948	1	Claims 1-14, 17-24, and 28 are obvious under 35 U.S.C. § 103 in view of Nguyen and Black
		2	Claims 15-16, 25-27, and 29-31 are further obvious under 35 U.S.C. § 103 in view of Nguyen, Black, and Hirsch
		3	Claims 1-3 and 5-31 are obvious under 35 U.S.C. § 103 in view of Nguyen and Hirsch
		4	Claim 4 is obvious under 35 U.S.C. § 103 in view of Nguyen, Hirsch, and Black
		5	Claims 20-31 are Invalid for Lack of Written Description under 35 U.S.C. § 112
		6	Claim 18 is Invalid as Indefinite under 35 U.S.C. § 112
IPR2025-01175	12,290,418	1	Claims 1–9, 11–17, and 19 are obvious under 35 U.S.C. § 103 in view of Black and Hirsch
		2	Claims 20–22 and 24–28 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, and Johnson

		3	Claims 1–9, 11–17, and 23 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Hirsch
		4	Claim 19 is obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, Hirsch, and Black
		5	Claims 1–9, 11–17, and 23 are obvious under 35 U.S.C. § 103 in view of Black, Hirsch, and Zheng
		6	Claims 20–22 and 24–28 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, and Zheng
		7	Claims 1–9, 11–17, and 20–28 are obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, Hirsch, and Zheng
		8	Claim 19 is obvious under 35 U.S.C. § 103 in view of Park, Baughan, Johnson, Hirsch, Black, and Zheng

Ascentcare hereby stipulates that if the Patent Trial and Appeal Board institutes IPR on IPR2025-01020, IPR2025-01057, IPR2025-01059, IPR2025-01065, IPR2025-01104, and/or IPR2025-01175, then Ascentcare will not pursue in this case the specific grounds identified above in connection with the referenced patent(s) and claim(s) as originally issued on the instituted *inter partes* review petition, or on any other ground for a given patent for which the Board institutes, that was raised or could have been reasonably raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications). This stipulation is not intended, and should be construed, to limit Defendants' ability to assert invalidity of the asserted claims of the '969 Patent, '970 Patent, '686 Patent, '217 Patent, '329 Patent, and '418 Patent in this case on any other ground (i.e., invalidity under 35 §§ 101, 112), regardless of whether *inter partes* review is instituted.

Ascentcare further stipulates that if the Patent Trial and Appeal Board institutes PGR on PGR2025-00058, then Ascentcare will not pursue in this case the specific grounds identified above in connection with the referenced patent(s) and claim(s) as originally issued on the instituted post-grant review petition, or on any other ground for a given patent for which the Board institutes, that was raised or could have been reasonably raised in a PGR. This stipulation is not intended, and should be construed, to limit Defendants' ability to assert invalidity of the asserted claims of the '948 Patent in this case on any other ground (i.e., invalidity under 35 §§ 102 or 103 not based on patents or printed publications), regardless of whether post-grant review is instituted.

Date: August 20, 2025

By: /s/Nathan P. Sportel
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CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of August 2025, I caused the foregoing to be filed electronically with the Clerk of the Court and to be served via the Court's Electronic Filing system upon all counsel of record.

By: /s/Nathan P. Sportel
Nathan P. Sportel (P87032)