

**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.

**SOLMETEX'S PRELIMINARY PROPOSED CLAIM CONSTRUCTIONS AND
IDENTIFICATION OF EXTRINSIC EVIDENCE**

II. The ‘970 Patent

Term (Patent, Claim)	Proposing Party	Solmetex’s Construction	Preliminary Disclosure of Extrinsic Evidence
“wherein the plurality of protrusions of the bridge structure protrude from the interior surface of the second wall in a wave shape comprising one or more crests and one or more troughs” (‘970 Patent, Claim 18)	Solmetex	the plurality of protrusions of the bridge structure protrude from the interior surface of the second wall and are arranged to form a pattern of curved surfaces between the one or more crests and the one or more troughs	Garris Decl. SOLMETEX_0029756 (Merriam-Webster dictionary definition for “wave”) SOLMETEX_0029703 (Cambridge dictionary definition for “wave”) SOLMETEX_0029775 (American Heritage dictionary definition for “wave”) SOLMETEX_0029718 (Merriam-Webster dictionary definition for “crest”) SOLMETEX_0029671 (Cambridge dictionary definition for “crest”) SOLMETEX_0029769 (American Heritage dictionary definition for “crest”) SOLMETEX_0029742 (Merriam-Webster dictionary definition for “trough”) SOLMETEX_0029693 (Cambridge dictionary definition for “trough”) SOLMETEX_0029773 (American Heritage dictionary definition for

			“trough”) SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“crests” (‘970 Patent, Claim 18)	Solmetex / Ascentcare	points away from the second wall that serve as contact points against the first wall during suction	Garris Decl. SOLMETEX_0029718 (Merriam-Webster dictionary definition for “crest”) SOLMETEX_0029671 (Cambridge dictionary definition for “crest”) SOLMETEX_0029769 (American Heritage dictionary definition for “crest”)
“troughs” (‘970 Patent, Claim 18)	Solmetex / Ascentcare	points nearest to the second wall that create the gaps between the crests that allow for the transfer of fluids during suction	Garris Decl. SOLMETEX_0029742 (Merriam-Webster dictionary definition for “trough”) SOLMETEX_0029693 (Cambridge dictionary definition for “trough”) SOLMETEX_0029773 (American Heritage dictionary definition for “trough”)
“a mouth prop molded in one	Solmetex	a mouth prop molded as a unitary	Garris Decl.

piece”		structure	SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057) SOLMETEX_0021388 (Ascentcare’s Petition in IPR2025-01175) SOLMETEX_0021846 (Declaration of Dr. Brian Black in IPR2025-01175)
“main body portion” (‘970 Patent, Claim 18)	Ascentcare	Plain and ordinary meaning	Garris Decl. SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“pocket” (‘970 Patent, Claim 18)	Ascentcare	Plain and ordinary meaning	Garris Decl. SOLMETEX_0029733 (Merriam-Webster dictionary definition for “pocket”) SOLMETEX_0029698 (Cambridge dictionary definition for “pocket”) SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057)

			SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“interior space” (‘970 Patent, Claim 18)	Ascentcare	Plain and ordinary meaning	Garris Decl. SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“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” (‘970 Patent, Claim 18)	Ascentcare	Plain and ordinary meaning	Garris Decl. SOLMETEX_0029748 (Merriam-Webster dictionary definition for “wall”) SOLMETEX_0029698 (Cambridge dictionary definition for “wall”) SOLMETEX_0029667 (Cambridge dictionary definition for “correspond”) SOLMETEX_0029767 (American Heritage dictionary definition for “correspond”) SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“bridge structure” (‘970	Ascentcare	Plain and ordinary meaning, except as	Garris Decl.

Patent, Claim 18)		construed as part of the phrase “wherein the plurality of protrusions of the bridge structure protrude from the interior surface of the second wall in a wave shape comprising one or more crests and one or more troughs”	SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)
“the interior surface of the second wall” (‘970 Patent, Claim 18)	Ascentcare	Plain and ordinary meaning, except as construed as part of the phrase “wherein the plurality of protrusions of the bridge structure protrude from the interior surface of the second wall in a wave shape comprising one or more crests and one or more troughs”	Garris Decl. SOLMETEX_0012759 (Ascentcare’s Petition in IPR2025-01057) SOLMETEX_0013337 (Declaration of Dr. Brian Black in IPR2025-01057)

		This term is not indefinite, and is discernible in the context of the claims and specification, and a person of ordinary skill in the art would understand the scope of what is claimed with reasonable certainty.	SOLMETEX_0027276 (Ascentcare's Petition in PGR2025-000568) SOLMETEX_0027774 (Declaration of Dr. Brian Black in PGR2025-000568)
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