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BY E-MAIL

Peter A. Cummings
Bodman PLC
99 Monroe Avenue NW
Grand Rapids, MI 49503

RE: **Notice of Further Infringement of U.S. Patent Nos. 11,744,686, D988,505, and D988,506 Owned by Solmetex**

Dear Peter:

I called you earlier this afternoon to discuss this matter but received your voicemail. This letter serves to put Ascentcare on notice of three recently issued patents owned by Solmetex – U.S. Patent No. D988,505, U.S. Patent No. D988,506, and U.S. Patent No. 11,744,686. In addition to the other Solmetex patents mentioned in my letter dated May 17, 2023, it is our position that Ascentcare's VacuLUX mouthpieces also infringe these three patents as well.

With regard to your letter dated June 16, 2023, we disagree with Ascentcare's analysis and its contentions that the VacuLUX mouthpieces do not infringe the patents. Without getting into the details of our various points of disagreement, we note that the proper analysis for evaluating infringement of the design patents requires a comparison to the actual VacuLUX product – not patent drawings that are allegedly representative of the VacuLUX product.

Solmetex values its intellectual property rights. To the extent that Ascentcare desires to amicably resolve the dispute, it should propose a reasonable business solution to Solmetex no later than September 22, 2023. Otherwise, Solmetex will take the necessary steps to enforce Solmetex's intellectual property rights. Solmetex expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Mr. Peter Cummings
September 6, 2023

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We look forward to hearing from you.

Regards,

Daniel J. Burnham

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