

**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.

**DECLARATION OF PROFESSOR CHARLES GARRIS, PH.D. REGARDING CLAIM
CONSTRUCTION**

11,589,970	IPR2025-01057
11,744,686	IPR2025-01059
11,826,217	IPR2025-01065
12,011,329	IPR2025-01104
12,167,948	PGR2025-00058
12,290,418	IPR2025-01175

34. I understand that Ascentcare has not disclosed its proposed claim constructions at the time of this declaration. Thus, in certain portions of this declaration, I address certain positions that Ascentcare advanced in these PTAB proceedings.

VI. CLAIM TERMS AND CONSTRUCTIONS – DISPUTED

35. In this section, I provide my analysis for claim terms that I understand the parties have disclosed as being potentially disputed and potentially requiring construction.

A. The ‘969 Patent

36. I understand that one or both of the parties have proposed that the following terms and phrases in independent claim 19 of the ‘969 Patent should be construed.

1. “wherein the protrusions of the bridge structure protrude from the interior surface of the second wall toward the first wall in a wave shape comprising one or more crests and one or more troughs” (claim 19)

37. I understand that Solmetex has proposed to construe this phrase as “the protrusions of the bridge structure protrude from the interior surface of the second wall toward the first wall in an arrangement forming a pattern of curved surfaces between the one or more crests and the one or more troughs.” I agree that this is how a POSITA would understand this phrase in view of the specification and prosecution history.

38. In the IPR for the ‘969 Patent, Ascentcare’s expert, Dr. Black, opines that “the claim’s requirement that a bridge structure have a ‘wave shape’ in view of the specification