

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

In re BIOLASE, INC. SECURITIES LITIGATION	Case No. CV-13-1300-JLS (FFMx)
NOTICE OF PENDENCY OF PROPOSED SETTLEMENT OF CLASS ACTION AND SETTLEMENT HEARING THEREON	

**TO: ALL PERSONS WHO PURCHASED THE COMMON STOCK OF BIOLASE, INC. (“BIOLASE”) DURING THE PERIOD NOVEMBER 5, 2012 THROUGH AUGUST 13, 2013, INCLUSIVE (“CLASS PERIOD” OR “SETTLEMENT CLASS PERIOD”).<sup>1</sup>**

**PARA UNA NOTIFICACION EN ESPANOL, LLAMAR O VISITAR NUESTRO WEBSITE**

A federal court authorized this Notice to be sent to you. This is not a solicitation from a lawyer.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS LITIGATION. PLEASE NOTE THAT IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU MAY BE ENTITLED TO SHARE IN THE PROCEEDS OF THE PROPOSED SETTLEMENT DESCRIBED IN THIS NOTICE. TO CLAIM YOUR SHARE OF THIS FUND, YOU MUST SUBMIT A VALID PROOF OF CLAIM POSTMARKED ON OR BEFORE AUGUST 15, 2015.

**Security and Time Period:** BIOLASE common stock purchased during the period November 5, 2012 through August 13, 2013, inclusive.

**Settlement Fund:** \$1,750,000 in cash, plus all interest or income earned thereon. Your recovery will depend on the amount of BIOLASE common stock you purchased, the timing of your purchases and sales, if any, and the number of eligible shares that participate in the Settlement and when those shares were purchased and sold, if at all. Based on the information currently available to Lead Plaintiff and the analysis performed by his damages consultant, it is estimated that if Settlement Class Members submit claims for 100% of the shares eligible for a distribution under the proposed Plan of Allocation (described in Question 10 below), the estimated average distribution per share will be approximately \$.10 before deduction of Court-approved fees and expenses, including the cost of notifying Members of the Settlement Class and settlement administration and any attorneys’ fees and expenses awarded by the Court to Plaintiffs’ Counsel. Historically, actual claim rates are less than 100%, which results in higher distributions per share. The payment you get will reflect the percentage of the Net Settlement Fund that your Recognized Loss bears to the total of the Recognized Losses of all Authorized Claimants.

**Reasons for Settlement:** Provides for a substantial dollar recovery now while avoiding the costs and risks associated with continued litigation, including the danger of no recovery.

**If the Case Had Not Settled:** The Settlement must be weighed against the risk of no recovery if the case were dismissed or lost at trial. Defendants have denied, and continue to deny, all charges of wrongdoing, and had moved to dismiss the Complaint for, among other things, failure to state a claim upon which relief could be granted. The claims alleged in the Complaint involve numerous complex legal and factual issues over which the Parties disagree. Among the issues over which the Parties disagree are: (1) whether Defendants made any false or misleading statements or omissions; (2) whether any such statements or omissions, if made, were material; (3) whether any such statements or omissions, if made, were made knowingly or recklessly; (4) whether the price of BIOLASE common stock was artificially inflated during the Class Period, and if so, (a) the method for determining whether BIOLASE common stock was artificially inflated during the Class Period; (b) the amount by which shares of BIOLASE common stock were allegedly artificially inflated; (c) the extent to which external factors, such as general market and industry conditions, influenced the price of BIOLASE common stock at various times during the Class Period; and (d) the extent to which the statements and omissions that Lead Plaintiff alleges were materially false or misleading influenced (if at all) the price of BIOLASE common stock at various times during the Class Period; and (5) whether Lead Plaintiff or the Settlement Class incurred any damages recoverable under the federal securities laws.

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<sup>1</sup> All otherwise undefined terms have the definitions set forth in the Stipulation of Settlement (the “Stipulation”), executed by the Parties on March 30, 2015.

**Fees and Expenses:** Plaintiffs' Counsel, who have been prosecuting this Litigation on a wholly-contingent basis since its inception, have not received any payment of attorneys' fees for their representation of the Settlement Class (including, but not limited to, investigating the facts, drafting and filing the Complaint, responding to Defendants' motions to dismiss, and negotiating the Settlement) and have advanced the funds to pay expenses necessarily incurred to prosecute the Litigation. Lead Plaintiff's Counsel will ask the Court for attorneys' fees not to exceed 25% of the Settlement Fund and reimbursement of out-of-pocket expenses not to exceed \$100,000 to be paid from the Settlement Fund. Additionally, Lead Plaintiff may request an award for the reimbursement of his costs and expenses relating to his direct representation of the Settlement Class. If the above amounts are requested and approved by the Court, the average cost per share will be approximately \$0.03. Lead Plaintiff's Counsel will file their Fee and Expense Application by September 4, 2015, or 20 days before the deadline to be excluded from the Class or to object to any part of the Settlement or the Fee and Expense Application. The Fee and Expense Application will be available on PACER (<http://www.pacer.gov>), as well as at the Clerk's office, which is located at 411 West Fourth Street, Room 1053, Santa Ana, CA 92701-4516.

**Deadlines:**

Submit Claim:	August 15, 2015
Request Exclusion:	September 24, 2015
File Objection:	September 24, 2015

**Court Hearing on Fairness of Settlement:**

**More Information:**

October 9, 2015

[www.rg2claims.com/biolase.html](http://www.rg2claims.com/biolase.html) or  
[www.bernlieb.com](http://www.bernlieb.com)

**Claims Administrator:**

In re BIOLASE, Inc. Securities Litigation  
c/o RG/2 Claims Administration LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479  
866-742-4955

**Lead Plaintiff's Counsel:**

BERNSTEIN LIEBHARD LLP  
Jeffrey M. Haber, Esq.  
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10 East 40th Street  
New York, New York 10016  
212-779-1414

- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

**SUBMIT A CLAIM FORM**

The only way to receive a payment from the proposed Settlement.

**EXCLUDE YOURSELF**

Receive no payment. This is the only option that allows you to commence or participate in another lawsuit against the Defendants or their Corresponding Released Parties relating to the Released Claims.

**OBJECT**

If you do not like the proposed Settlement, the proposed Plan of Allocation, or the Fee and Expense Application, you may write the Court and explain why you do not like any or all of them. You cannot object to the proposed Settlement, the proposed Plan of Allocation, or the Fee and Expense Application unless you are a Settlement Class Member and do not exclude yourself.

**GO TO A HEARING**

Filing a written objection and notice of intention to appear allows you to speak in court about the fairness of the proposed Settlement, the proposed Plan of Allocation, and/or the Fee and Expense Application. If you submit a written objection, you may (but do not have to) attend the hearing and speak to the Court about your objection.

**DO NOTHING**

If you are a member of the Settlement Class and you do not submit a Proof of Claim by August 15, 2015, you will not be eligible to receive any payment from the Net Settlement Fund. You will, however, remain a member of the Settlement Class, which means that you give up your right to sue about the claims that are resolved by the proposed Settlement and you will be bound by any judgments or orders entered by the Court pertaining to the Litigation.

- These rights and options - and the deadlines to exercise them - are explained in this Notice.

- The Court in charge of this case must decide whether to approve the proposed Settlement. Payments will be made if the Court approves the Settlement and, if there are any appeals, after appeals are resolved. Please be patient.

## BASIC INFORMATION

### 1. Why Did I Get This Notice Package?

You or someone in your family may have purchased shares of BIOLASE common stock during the period November 5, 2012 through August 13, 2013, inclusive.

The Court directed us to send this Notice because, as a potential Settlement Class Member, you have a right to know about the proposed Settlement, and about all of your options, before the Court decides whether to approve the proposed Settlement. Additionally, you have the right to understand how a class action lawsuit may generally affect your legal rights. See Question 4 below. If the Court approves the Settlement and the Plan of Allocation (or some other plan of allocation), the Claims Administrator selected by Lead Plaintiff and approved by the Court will make payments pursuant to the Settlement and the court-approved Plan of Allocation after any objections and appeals are resolved. This Notice is also being sent to inform you of a hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the proposed Settlement, the proposed Plan of Allocation, and the Fee and Expense Application.

This Notice does not express any opinion by the Court concerning the merits of any claim in the Litigation. It is being sent to explain the Litigation, the proposed Settlement, your legal rights, the benefits available, who is eligible for them, and how to get them.

The Court in charge of the case is the Honorable Josephine L. Staton of the United States District Court for the Central District of California, and the case is known as *In re BIOLASE, Inc. Securities Litigation*, Case No. CV 13-1300-JLS-FFMx.

### 2. How Is Notice of the Lawsuit and Proposed Settlement Being Made?

A copy of the Notice and Proof of Claim (the “Claim Packet”) is being mailed via first class mail to potential Settlement Class Members who can be reasonably identified through the company’s transfer records. As these mailings will be made to the Settlement Class Member’s last known address, it is possible that the Claim Packet will be returned by the post office. If a forwarding address is provided by the post office, the Claims Administrator will re-send the Claim Packet to the Settlement Class Member at that new address. If the post office does not provide an updated address, then the Claims Administrator will attempt to locate the new address through a search of the National Change of Address database. If an address can be found in that database, the Claim Packet will be re-mailed to the Settlement Class Member at the updated address.

The Claims Administrator will also mail the Notice and Proof of Claim to brokerage firms, banks, institutions and other nominees, who in turn will notify their customers of the Litigation and proposed Settlement or request that the Claims Administrator mail the Claim Packet to their customers at an address provided by the institution.

Additionally, notice of the Litigation and the proposed Settlement will be published in the *Investor’s Business Daily* and posted on the Claims Administrator’s website.

### 3. What Is This Lawsuit About?

Lead Plaintiff alleges that Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 by misrepresenting and omitting material facts about, among other things, the growth of, and demand for, BIOLASE’s WaterLase dental laser systems, and BIOLASE’s Class Period liquidity. Lead Plaintiff also alleges that the false and misleading statements and omissions resulted in the artificial inflation of the price of BIOLASE common stock during the period November 5, 2012, through August 13, 2013, inclusive.

Defendants, individually and collectively, have denied and continue to deny any wrongdoing whatsoever and have denied and continue to deny that they have committed or attempted to commit, any of the wrongful acts or violations of law that are alleged in the Litigation, including that they made any material misrepresentations or omissions or that the Lead Plaintiff or Members of the Settlement Class were harmed by the conduct alleged in the Complaint. In addition, Defendants maintain that they have meritorious defenses to all claims alleged in the Litigation, and maintain that their conduct was at all times proper and in compliance with applicable provisions of law.

### 4. Why Is This a Class Action?

A class action is a type of lawsuit in which the claims of a number of individuals are resolved together, thus providing the class members with both consistency and efficiency. Once the class is certified, the court must resolve all issues on behalf

of the class members, except for any Persons who choose to exclude themselves from the class. Here, all these people, together, are called the Settlement Class or Settlement Class Members.

In a class action, one or more people called lead plaintiffs or class representatives sue on behalf of people who have similar claims. In the Litigation, the Court appointed Dr. Pradeep Khurana to serve as the Lead Plaintiff, and approved Lead Plaintiff's selection of Bernstein Liebhard LLP to serve as lead counsel on behalf of the Settlement Class ("Lead Counsel").

The Court has preliminarily certified the Litigation to proceed as a class action for settlement purposes only and preliminarily certified Lead Plaintiff as the representative for the Settlement Class.

## **5. Why Is There a Settlement?**

The Court did not decide in favor of Lead Plaintiff or Defendants. Instead, the Parties have negotiated a settlement that they believe is in the best interests of their respective clients. The Settlement allows both sides to avoid the risks and cost of lengthy and uncertain litigation and the uncertainty of a trial and appeals, and permits eligible Settlement Class Members to be compensated without further delay.

The proposed Settlement was arrived at through arms'-length negotiations conducted over several months. Lead Plaintiff and Lead Counsel agreed to the terms of the proposed Settlement after considering the results of their factual and legal investigation, and the strengths and weaknesses of the claims and defenses asserted in the Litigation. Based upon that evaluation, among other things, Lead Plaintiff and his counsel have concluded that the terms and conditions of the proposed Settlement are fair, reasonable and adequate to the Settlement Class, and that it is in the best interests of the Settlement Class to settle the claims alleged in the Litigation pursuant to the terms and provisions of the Stipulation.

## **WHO IS IN THE SETTLEMENT**

To see if you will receive money from the proposed Settlement, you first have to determine if you are a Settlement Class Member.

## **6. How Do I Know If I Am Part of the Settlement?**

The Settlement Class includes all Persons who purchased BIOLASE common stock during the period November 5, 2012 through August 13, 2013, inclusive, except those Persons who are excluded, as described below.

## **7. Are There Exceptions to Being Included in the Settlement Class?**

Yes. Excluded from the Settlement Class are Defendants, members of the immediate family of the Individual Defendants, any entity in which any Defendant has or had a controlling interest, current and former directors and officers of BIOLASE and the legal representatives, heirs, successors, or assigns of any such excluded Person. Also excluded from the Settlement Class are those Persons who timely and validly request exclusion from the Settlement Class pursuant to this Notice.

If you sold BIOLASE common stock during the Settlement Class Period – November 5, 2012 through and August 13, 2013, inclusive – that alone does not make you a Settlement Class Member. You are a Settlement Class Member only if you purchased BIOLASE common stock during the Settlement Class Period.

## **8. I'm Still Not Sure if I Am Included.**

If you are still not sure whether you are included, you can ask for free help. You can call the Claims Administrator at 866-742-4955, or visit [www.rg2claims.com/biolase.html](http://www.rg2claims.com/biolase.html) for more information. Or you can complete and return the Proof of Claim described in Question 11, to see if you qualify.

## **THE SETTLEMENT BENEFITS - WHAT YOU GET**

## **9. What Does the Settlement Provide?**

Defendants have agreed to cause their insurer to pay \$1.75 million in cash in settlement of the Litigation (the "Cash Settlement Amount"). The Cash Settlement Amount, plus interest or income earned thereon from the date it is established (the "Settlement Fund"), less costs, fees, and expenses (the "Net Settlement Fund"), will be divided among all eligible Settlement Class Members who submit valid Proofs of Claim and whose claim for recovery has been allowed pursuant to the terms of the Stipulation ("Authorized Claimants"). Costs, fees, and expenses include Court-approved attorneys' fees and expenses, the costs of notifying Settlement Class Members, including the costs of printing and mailing this Notice and the cost of publishing the Publication Notice, the costs of claims administration, and Taxes on the Settlement Fund.

## **10. How Much Will My Payment Be?**

Your share of the Net Settlement Fund will depend on (a) the number of valid Proofs of Claim submitted by Settlement Class Members (the fewer the number of Settlement Class Members who choose to participate in the Settlement, the larger will be the recovery for each participating Settlement Class Member) and (b) how many shares of BIOLASE common stock you purchased during the Settlement Class Period and when you bought and sold them.

In order to recover damages, you must have suffered an actual monetary loss on the shares of BIOLASE common stock that you purchased during the Settlement Class Period. That is, (i) for shares that you purchased and sold during the Settlement Class Period, the purchase price must have been greater than the sales price; or (ii) for shares that you purchased during the Settlement Class Period and held at the end of that period, the purchase price must have been greater than \$1.87 per share. The date of purchase or sale is the “contract” or “trade” date as distinguished from the “settlement date.”

For Settlement Class Members who held shares of BIOLASE common stock at the beginning of the Settlement Class Period or made multiple purchases or sales during the Settlement Class Period, the first-in, first-out (“FIFO”) method will be applied to such holdings, purchases, and sales for purposes of calculating a claim. Under the FIFO method, sales of shares during the Settlement Class Period will be matched, in chronological order, first against shares held at the beginning of the Settlement Class Period. The remaining sales of shares during the Settlement Class Period will then be matched, in chronological order, against shares purchased during the Settlement Class Period.

The payment you get will reflect your *pro rata* share of the amount in the Net Settlement Fund (as a fraction, your recognized loss divided by the total of all recognized losses for the Net Settlement Fund) after deduction of Court-approved fees and expenses. Depending on the number of eligible shares that participate in the proposed Settlement and when those shares were purchased and sold, the estimated average payment will be approximately \$.10 per share before deduction of court-approved fees and expenses (with an approximate average cost per share of \$0.03). The number of Claimants who send in claims varies widely from case to case. You could receive more or less money per share than described above.

In addition, no distribution will be made unless the amount of the check will be at least \$10.00.

The Plan of Allocation set forth herein is the plan that is being proposed by Lead Plaintiff and Lead Counsel to the Court for approval. The Court may approve this Plan of Allocation as proposed or it may modify the Plan of Allocation without further notice to the Settlement Class. Any orders regarding a modification of the Plan of Allocation will be posted on the settlement website, [www.rg2claims.com/biolase.html](http://www.rg2claims.com/biolase.html).

The Plan of Allocation for distributing the Net Settlement Fund is as follows:

1. For each share of Biolase, Inc. common stock (“BIOL”) purchased between November 5, 2012 and August 7, 2013 inclusive, and:
  - a) Sold prior to the close of trading on August 7, 2013, the Recognized Loss is \$0.00.
  - b) Sold at a loss between August 8, 2013 and August 13, 2013, inclusive, the Recognized Loss shall be the lesser of: a) \$0.90 per share; or b) the difference between the purchase price per share and the sale price per share.
  - c) Sold at a loss between August 14, 2013 and November 12, 2013 inclusive, the Recognized Loss shall be the lesser of: a) \$1.08 per share; or b) the difference between the purchase price per share and the mean trading price from August 14, 2013 through date of sale.
  - d) Held as of the close of trading on November 12, 2013, the Recognized Loss shall be the lesser of: a) \$1.08 per share; or b) the difference between the purchase price per share and \$1.87 per share, if greater than zero.<sup>2</sup>
2. For each share of BIOL purchased between August 8, 2013 and August 13, 2013, inclusive, and:
  - a) Sold prior to the close of trading on August 13, 2013, the Recognized Loss is \$0.00.
  - b) Sold at a loss between August 14, 2013 and November 12, 2013 inclusive, the Recognized Loss shall be the lesser of: a) \$0.18 per share; or b) the difference between the purchase price per share and the mean trading price from August 14, 2013 through date of sale.
  - c) Held as of the close of trading on November 12, 2013, the Recognized Loss shall be the lesser of: a) \$0.18 per share; or b) the difference between the purchase price per share and \$1.87 per share, if greater than zero.

<sup>2</sup> Pursuant to Section 21(D)(e)(1) of the Private Securities Litigation Reform Act of 1995, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and the mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated.” The mean closing price of BIOL common stock during the 90-day period beginning on August 14, 2013 and ending on November 12, 2013 was \$1.87 per share.

Biolase, Inc.  
PSLRA 90-day Mean Trading Price

8/14/2013	\$ 1.18	9/30/2013	\$ 1.82
8/15/2013	\$ 1.51	10/1/2013	\$ 1.83
8/16/2013	\$ 1.53	10/2/2013	\$ 1.83
8/19/2013	\$ 1.54	10/3/2013	\$ 1.83
8/20/2013	\$ 1.55	10/4/2013	\$ 1.84
8/21/2013	\$ 1.57	10/7/2013	\$ 1.84
8/22/2013	\$ 1.58	10/8/2013	\$ 1.84
8/23/2013	\$ 1.61	10/9/2013	\$ 1.84
8/26/2013	\$ 1.63	10/10/2013	\$ 1.84
8/27/2013	\$ 1.64	10/11/2013	\$ 1.84
8/28/2013	\$ 1.65	10/14/2013	\$ 1.84
8/29/2013	\$ 1.66	10/15/2013	\$ 1.84
8/30/2013	\$ 1.66	10/16/2013	\$ 1.85
9/3/2013	\$ 1.67	10/17/2013	\$ 1.85
9/4/2013	\$ 1.68	10/18/2013	\$ 1.85
9/5/2013	\$ 1.69	10/21/2013	\$ 1.86
9/6/2013	\$ 1.70	10/22/2013	\$ 1.86
9/9/2013	\$ 1.70	10/23/2013	\$ 1.87
9/10/2013	\$ 1.71	10/24/2013	\$ 1.87
9/11/2013	\$ 1.73	10/25/2013	\$ 1.87
9/12/2013	\$ 1.74	10/28/2013	\$ 1.87
9/13/2013	\$ 1.76	10/29/2013	\$ 1.87
9/16/2013	\$ 1.77	10/30/2013	\$ 1.87
9/17/2013	\$ 1.78	10/31/2013	\$ 1.87
9/18/2013	\$ 1.79	11/1/2013	\$ 1.87
9/19/2013	\$ 1.79	11/4/2013	\$ 1.87
9/20/2013	\$ 1.79	11/5/2013	\$ 1.87
9/23/2013	\$ 1.79	11/6/2013	\$ 1.87
9/24/2013	\$ 1.80	11/7/2013	\$ 1.87
9/25/2013	\$ 1.81	11/8/2013	\$ 1.87
9/26/2013	\$ 1.82	11/11/2013	\$ 1.87
9/27/2013	\$ 1.82	11/12/2013	\$ 1.87

## UNDERSTANDING YOUR PAYMENT

STEP 1: Go to the table on the next page, find the date you bought your BIOLASE shares, and see what the artificial inflation rate per share (“Artificial Inflation”) was on that date.

STEP 2: Multiply the number of shares you bought by the Artificial Inflation for that date. This result is your Recognized Loss. Skip to STEP 6 if you did not sell this stock during the Class Period. If you sold any of your BIOL stock during the Class Period, continue with STEP 3.

STEP 3: Go to the table on the next page, find the date you sold your shares of BIOLASE stock that you purchased during the Class Period, and see the Artificial Inflation for that date.

STEP 4: Multiply the number of shares you sold by the Artificial Inflation for that date.

STEP 5: Subtract the amount calculated in STEP 4 from the amount calculated in STEP 2. This is your “Net Recognized Loss”. If your Net Recognized Loss is equal to or less than zero, you do not have a claim in this settlement.

STEP 6: Your Net Recognized Loss is a percentage of the total Net Recognized Losses from all Settlement Class Members’ claims. This percentage is the same percentage of the Settlement Fund that you will get. This amount can be estimated only after the Claims Administrator receives all the Proof of Claim forms. If less than 100% of the Settlement Class sends in a Proof of Claim form, you could get more money.

STEP 7: The Claims Administrator will calculate your payment from the Settlement Fund.

### EXAMPLE - PAYMENT CALCULATION

**Suppose John Smith bought 500 shares of BIOLASE stock on April 5, 2013 and sold 400 shares of BIOL stock on August 9, 2013:**

<b>STEP 1:</b>	On 4/5/13 the Artificial Inflation = \$1.08
<b>STEP 2:</b>	500 shares bought x \$1.08 = \$540.00 Recognized Loss
<b>STEP 3:</b>	On 8/9/13 the Artificial Inflation = \$0.18
<b>STEP 4:</b>	400 shares sold x \$0.18 = \$72.00
<b>STEP 5:</b>	\$540.00 - \$72.00 = \$468.00
<b>STEP 6:</b>	Suppose in this example that there is a total Net Recognized Loss of \$5 million claimed by all Class Members who send in claim forms: $\$468 \div \$5,000,000 = $ John Smith's Net Recognized Loss is .0000936 of the total.
<b>STEP 7:</b>	.0000936 x \$1,750,000 = John Smith's payment would be \$163.80

Date	Artificial Inflation Rate per Share	Date	Artificial Inflation Rate per Share	Date	Artificial Inflation Rate per Share	Date	Artificial Inflation Rate per Share
11/5/2012	\$1.08	1/15/2013	\$1.08	3/27/2013	\$1.08	6/6/2013	\$1.08
11/5/2012	\$1.08	1/16/2013	\$1.08	3/28/2013	\$1.08	6/7/2013	\$1.08
11/6/2012	\$1.08	1/17/2013	\$1.08	4/1/2013	\$1.08	6/10/2013	\$1.08
11/7/2012	\$1.08	1/18/2013	\$1.08	4/2/2013	\$1.08	6/11/2013	\$1.08
11/8/2012	\$1.08	1/22/2013	\$1.08	4/3/2013	\$1.08	6/12/2013	\$1.08
11/9/2012	\$1.08	1/23/2013	\$1.08	4/4/2013	\$1.08	6/13/2013	\$1.08
11/12/2012	\$1.08	1/24/2013	\$1.08	4/5/2013	\$1.08	6/14/2013	\$1.08
11/13/2012	\$1.08	1/25/2013	\$1.08	4/8/2013	\$1.08	6/17/2013	\$1.08
11/14/2012	\$1.08	1/28/2013	\$1.08	4/9/2013	\$1.08	6/18/2013	\$1.08
11/15/2012	\$1.08	1/29/2013	\$1.08	4/10/2013	\$1.08	6/19/2013	\$1.08
11/16/2012	\$1.08	1/30/2013	\$1.08	4/11/2013	\$1.08	6/20/2013	\$1.08
11/19/2012	\$1.08	1/31/2013	\$1.08	4/12/2013	\$1.08	6/21/2013	\$1.08
11/20/2012	\$1.08	2/1/2013	\$1.08	4/15/2013	\$1.08	6/24/2013	\$1.08
11/21/2012	\$1.08	2/4/2013	\$1.08	4/16/2013	\$1.08	6/25/2013	\$1.08
11/23/2012	\$1.08	2/5/2013	\$1.08	4/17/2013	\$1.08	6/26/2013	\$1.08
11/26/2012	\$1.08	2/6/2013	\$1.08	4/18/2013	\$1.08	6/27/2013	\$1.08
11/27/2012	\$1.08	2/7/2013	\$1.08	4/19/2013	\$1.08	6/28/2013	\$1.08
11/28/2012	\$1.08	2/8/2013	\$1.08	4/22/2013	\$1.08	7/1/2013	\$1.08
11/29/2012	\$1.08	2/11/2013	\$1.08	4/23/2013	\$1.08	7/2/2013	\$1.08
11/30/2012	\$1.08	2/12/2013	\$1.08	4/24/2013	\$1.08	7/3/2013	\$1.08
12/3/2012	\$1.08	2/13/2013	\$1.08	4/25/2013	\$1.08	7/5/2013	\$1.08
12/4/2012	\$1.08	2/14/2013	\$1.08	4/26/2013	\$1.08	7/8/2013	\$1.08
12/5/2012	\$1.08	2/15/2013	\$1.08	4/29/2013	\$1.08	7/9/2013	\$1.08
12/6/2012	\$1.08	2/19/2013	\$1.08	4/30/2013	\$1.08	7/10/2013	\$1.08
12/7/2012	\$1.08	2/20/2013	\$1.08	5/1/2013	\$1.08	7/11/2013	\$1.08
12/10/2012	\$1.08	2/21/2013	\$1.08	5/2/2013	\$1.08	7/12/2013	\$1.08
12/11/2012	\$1.08	2/22/2013	\$1.08	5/3/2013	\$1.08	7/15/2013	\$1.08
12/12/2012	\$1.08	2/25/2013	\$1.08	5/6/2013	\$1.08	7/16/2013	\$1.08
12/13/2012	\$1.08	2/26/2013	\$1.08	5/7/2013	\$1.08	7/17/2013	\$1.08
12/14/2012	\$1.08	2/27/2013	\$1.08	5/8/2013	\$1.08	7/18/2013	\$1.08
12/17/2012	\$1.08	2/28/2013	\$1.08	5/9/2013	\$1.08	7/19/2013	\$1.08
12/18/2012	\$1.08	3/1/2013	\$1.08	5/10/2013	\$1.08	7/22/2013	\$1.08
12/19/2012	\$1.08	3/4/2013	\$1.08	5/13/2013	\$1.08	7/23/2013	\$1.08
12/20/2012	\$1.08	3/5/2013	\$1.08	5/14/2013	\$1.08	7/24/2013	\$1.08
12/21/2012	\$1.08	3/6/2013	\$1.08	5/15/2013	\$1.08	7/25/2013	\$1.08
12/24/2012	\$1.08	3/7/2013	\$1.08	5/16/2013	\$1.08	7/26/2013	\$1.08
12/26/2012	\$1.08	3/8/2013	\$1.08	5/17/2013	\$1.08	7/29/2013	\$1.08
12/27/2012	\$1.08	3/11/2013	\$1.08	5/20/2013	\$1.08	7/30/2013	\$1.08
12/28/2012	\$1.08	3/12/2013	\$1.08	5/21/2013	\$1.08	7/31/2013	\$1.08
12/31/2012	\$1.08	3/13/2013	\$1.08	5/22/2013	\$1.08	8/1/2013	\$1.08
1/2/2013	\$1.08	3/14/2013	\$1.08	5/23/2013	\$1.08	8/2/2013	\$1.08
1/3/2013	\$1.08	3/15/2013	\$1.08	5/24/2013	\$1.08	8/5/2013	\$1.08
1/4/2013	\$1.08	3/18/2013	\$1.08	5/28/2013	\$1.08	8/6/2013	\$1.08
1/7/2013	\$1.08	3/19/2013	\$1.08	5/29/2013	\$1.08	8/7/2013	\$1.08
1/8/2013	\$1.08	3/20/2013	\$1.08	5/30/2013	\$1.08	8/8/2013	\$0.18
1/9/2013	\$1.08	3/21/2013	\$1.08	5/31/2013	\$1.08	8/9/2013	\$0.18
1/10/2013	\$1.08	3/22/2013	\$1.08	6/3/2013	\$1.08	8/12/2013	\$0.18
1/11/2013	\$1.08	3/25/2013	\$1.08	6/4/2013	\$1.08	8/13/2013	\$0.18
1/14/2013	\$1.08	3/26/2013	\$1.08	6/5/2013	\$1.08		

If there is any balance remaining in the Net Settlement Fund six months from the date of distribution of the Net Settlement Fund by reason of un-cashed distributions or otherwise, then, after the Claims Administrator has made reasonable efforts to have Authorized Claimants cash their distributions, and if it is economically feasible, any balance remaining in the Net Settlement Fund will be redistributed to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such redistribution after the payment of any Taxes and unpaid costs or fees incurred in administering the Net Settlement Fund for such redistribution. If, after six months following such redistribution funds still remain in the Net Settlement Fund, the outstanding balance shall be donated to a non-sectarian, not-for-profit 501(c)(3) organization serving the public interest, designated by Lead Plaintiff and approved by the Court.

Payment pursuant to the Plan of Allocation, or such other plan as may be approved by the Court, shall be conclusive against all Authorized Claimants. Defendants, their Corresponding Released Parties, and Defendants' Counsel shall have no responsibility for the administration of the Settlement and shall have no liability to the Settlement Class in connection with such administration. Neither Defendants, their Corresponding Released Parties, nor Defendants' Counsel shall have any responsibility for or liability whatsoever with respect to (and none of the Settlement Class Members, nor any Authorized Claimant shall have any claim against the Defendants, their Corresponding Released Parties, or Defendants' Counsel in connection with) the investment of the Settlement Fund, the payment of any money from the Settlement Fund, the distribution of the Net Settlement Fund to the Settlement Class, the Plan of Allocation, the Claims Administrator's giving of notice to the Settlement Class, the determination, administration, calculation, or payment of claims, the review of Proofs of Claim or any costs or losses associated therewith, the payment or withholding of Taxes and Tax Expenses, or any losses incurred in connection therewith.

Additionally, no Person shall have any claim against Lead Plaintiff, Plaintiffs' Counsel, the Claims Administrator or any other agent designated by Plaintiffs' Counsel based on distribution determinations or claim rejections made substantially in accordance with the Stipulation and the Settlement contained therein, the Plan of Allocation, or further orders of the Court.

## **HOW YOU RECEIVE A PAYMENT - SUBMITTING A CLAIM FORM**

### **11. How Will I Receive a Payment?**

Each Person wishing to participate in the distribution of the Net Settlement Fund must timely submit a valid Proof of Claim establishing membership in the Settlement Class, and include all required documentation, postmarked on or before August 15, 2015, to the address set forth in the Proof of Claim that accompanies this Notice. A Proof of Claim form is enclosed with this Notice. Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it in the enclosed envelope postmarked on or before August 15, 2015.

If you submit a claim that lacks the required information or supporting documentation, or is otherwise deficient, in whole or in part, the Claims Administrator will send you either a notice of rejection of part of your claim or a notice of rejection of the entire claim (collectively, the "Notices of Deficiency"). The Notices of Deficiency will advise you of the deficiency and request the submission of the appropriate information and/or documentation to correct the deficiency. The notice of rejection of part of your claim will inform you that unless the deficiency is corrected within twenty (20) days, your claim will be accepted only to the extent of the information and documentation supplied. The notice of rejection of the entire claim will inform you that unless you provide the required documentation or filing information for all stated transactions within twenty (20) days, your claim will be rejected in its entirety. This notice will also advise you if your claim is being rejected for reasons for which there is no cure, for example, that your purchase of BIOLASE common stock does not fall within the Settlement Class Period.

Unless the Court otherwise orders, any Settlement Class Member who fails to submit a Proof of Claim postmarked on or before August 15, 2015, shall be fully and forever barred from receiving payments pursuant to the Settlement, but will in all other respects remain a Settlement Class Member and be subject to the provisions of the Stipulation and Settlement that is approved, including the terms of any judgment entered and releases given.

The Court has reserved jurisdiction to allow, disallow, or adjust the Claim of any Settlement Class Member on equitable grounds.

Each Claimant shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her, or its Proof of Claim. Upon request of the Claims Administrator, each Person that submits a Proof of Claim shall subject his, her, or its claim form to investigation as to his, her, or its status as a Claimant and the allowable amount of his, her, or its claim.

Persons that are excluded from the Settlement Class by definition or that exclude themselves from the Settlement Class will not be eligible to receive a distribution from the Net Settlement Fund and should not submit a Proof of Claim.

### **12. When Will I Receive My Payment?**

The Court will hold a hearing on October 9, 2015 at 2:30 p.m. at the U.S. Courthouse, located at 411 West Fourth Street, Room 1053, Santa Ana, CA 92701-4516, to decide whether to approve the Settlement, the proposed Plan of Allocation,

and Fee and Expense Application. If Judge Staton approves the Settlement, the proposed Plan of Allocation, and Fee and Expense Application, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps several years. Please be patient.

After approval of the Settlement by the Court, and upon satisfaction of the other conditions to the Settlement, including the expiration of the time for the filing of any appeals, the Net Settlement Fund will be distributed to Authorized Claimants in accordance with the Plan of Allocation approved by the Court. Neither Defendants nor any other Person that paid any portion of the Cash Settlement Amount is entitled to get back any portion of the Net Settlement Fund once the Final Judgment and Order of Dismissal approving the Settlement becomes final. Defendants will not have any liability, obligation, or responsibility for the administration of the Settlement or disbursement of the Net Settlement Fund or the Plan of Allocation.

Approval of the Settlement is independent from approval of the Plan of Allocation. Any determination with respect to the Plan of Allocation will not affect the Settlement, if approved.

#### **13. What Am I Giving Up to Receive a Payment or Stay in the Settlement Class?**

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants and their Corresponding Released Parties about the Released Claims in this case. It also means that all of the Court's orders will apply to you and legally bind you and, in return for your participation in the Settlement, you will release your claims in this case against the Defendants and their Corresponding Released Parties. The terms of the release are included in the Proof of Claim that is enclosed.

#### **14. What If A Settlement Class Member Is Deceased?**

The authorized legal representative(s) of a Settlement Class Member may receive a recovery on behalf of the deceased Settlement Class Member.

#### **15. What If I Bought BIOLASE Common Stock On Someone Else's Behalf?**

If you purchased BIOLASE common stock during the Settlement Class Period for the beneficial interest of a Settlement Class Member, you must either (a) send copies of the Notice and Proof of Claim to the beneficial owner(s) of the stock within ten (10) days from the receipt of the Notice, and provide written confirmation to the Claims Administrator of such transmittal, or (b) provide the Claims Administrator with the names and addresses of such beneficial owner(s) within ten (10) days from the receipt of the Notice, in which event the Claims Administrator will promptly mail the Notice and Proof of Claim to such beneficial owner(s). The Claims Administrator will provide nominees with additional copies of the Notice and Proof of Claim upon request. Nominees may seek reimbursement of their reasonable administrative costs and expenses actually incurred in searching their records to find the names and addresses of beneficial owners and for mailing the Notice and Proof of Claim by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought.

Copies of this Notice and the Proof of Claim can be obtained from the website maintained by the Claims Administrator, [www.rg2claims.com/biolase.html](http://www.rg2claims.com/biolase.html), by calling the Claims Administrator toll-free at 1-866-742-4955, or from Lead Counsel's website, [www.bernlieb.com](http://www.bernlieb.com).

#### **16. How And What Do I Do To Make Sure The Claims Administrator Has My Correct Address?**

If your address changes from the address to which this Notice was directed, you must notify the Claims Administrator of your new address as soon as possible. Failure to keep the Claims Administrator informed of your address may result in the loss of any monetary award you might be eligible to receive. Please send your new contact information to the Claims Administrator at the address listed below and include your old address, new address, new telephone number, date of birth, and Social Security Number. These last two items are required so that the Claims Administrator can verify that the address change is from an actual Settlement Class Member.

In re BIOLASE, Inc. Securities Litigation  
ADDRESS CHANGE  
c/o RG/2 Claims Administration LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want a payment from the Settlement, but you want to keep the right to sue or continue to sue one or more of the Defendants on your own for the Released Claims in this case, then you must take steps to get out of the Settlement Class. This is called excluding yourself from, or is sometimes referred to as opting out of, the Settlement Class.

## **17. How Do I Get Out of the Settlement Class?**

To exclude yourself from the Settlement Class, you must send a letter by first-class mail by September 24, 2015, stating that you want to be excluded from *In re BIOLASE, Inc. Securities Litigation*, Case No. CV 13-1300-JLS-FFMx. You must include (a) the name, address, and telephone number of the Person requesting exclusion; (b) the Person's purchases and sales of BIOLASE common stock made during the Settlement Class Period, including the dates, the number of shares, and price paid or received per share for each such purchase or sale; and (c) a statement that the Person wishes to be excluded from the Settlement Class. No request for exclusion will be considered valid unless all of the information described above is included in any such request.

Any Person who wishes to exclude him/her/itself from the Settlement Class must submit a valid and timely Request for Exclusion to:

RG/2 CLAIMS ADMINISTRATION LLC  
In re BIOLASE, Inc. Securities Litigation  
EXCLUSIONS  
P.O. Box 59479  
Philadelphia, PA 19102-9479

You cannot exclude yourself on the phone, by fax, or by e-mail. If you ask to be excluded, you are not eligible to receive any Settlement payment, and you cannot object to the Settlement, or any part of it, including the proposed Plan of Allocation, and Fee and Expense Application. You will not be legally bound by anything that happens in this lawsuit, and you will not be precluded, by reason of your decision to request exclusion from the Settlement Class, from otherwise prosecuting an individual claim, if timely, against one or more of the Defendants and their Corresponding Released Parties based on the matters complained of in the Litigation.

## **18. If I Do Not Exclude Myself, Can I Sue the Defendants for the Same Thing Later?**

No. Unless you exclude yourself, you give up any right to sue the Defendants and their Corresponding Released Parties for all the Released Claims in the Settlement. If you have a pending lawsuit against any of the Defendants, speak to your lawyer in that case immediately. Remember, the exclusion deadline is September 24, 2015.

## **19. If I Exclude Myself, Can I Get Money from This Settlement?**

No. If you exclude yourself, do not send in a Proof of Claim. But, you may sue, continue to sue, or be part of a different lawsuit, involving the Released Claims against the Defendants and their Corresponding Parties. Once you exclude yourself, you will receive no cash payment even if you also submit a Proof of Claim.

# **THE LAWYERS REPRESENTING YOU**

## **20. Do I Have a Lawyer in This Case?**

The Court appointed Bernstein Liebhard LLP to represent you and other Settlement Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense.

## **21. How Will the Lawyers Be Paid?**

Plaintiffs' Counsel, including Lead Counsel, will ask the Court for an award of attorneys' fees not to exceed 25% of the Settlement Fund (an average of \$0.03 per share) and for the reimbursement of out-of-pocket expenses of up to \$100,000, which were incurred in connection with the Litigation. If awarded, the total cost to the Settlement Class would be approximately \$0.03 per share. Such sums as may be approved by the Court will be paid from the Settlement Fund. Settlement Class Members are not personally liable for any such fees or expenses.

The attorneys' fees and expenses requested, to the extent they are awarded by the Court, will be the only payment to Plaintiffs' Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly-contingent basis. To date, Plaintiffs' Counsel have not been paid for their services in conducting this Litigation on behalf of the Lead Plaintiff and the Settlement Class and have not been paid for their substantial out-of-pocket expenses. The fees requested, if awarded, will compensate Plaintiffs' Counsel for their work and risk in achieving the Settlement. Plaintiffs' Counsel believe that these fees are well within the range of fees awarded to class counsel under similar circumstances in other cases of this type. The Court may award less than this amount.

The deadline for objecting to Lead Plaintiff's Counsel's motion for attorney fees and reimbursement of expenses is September 24, 2015, 20 days after Lead Plaintiff's Counsel files their motion requesting attorney fees and reimbursement of expenses on September 4, 2015.

Plaintiffs' Counsel, without further notice to the Settlement Class, may subsequently apply to the Court for fees and expenses incurred in connection with administrating and distributing the Net Settlement Fund to Settlement Class Members and any other proceedings subsequent to the Settlement Hearing.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

### 22. How Do I Tell the Court that I Do Not Like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it, including the proposed Plan of Allocation and the request for attorneys' fees and reimbursement of out-of-pocket expenses. You can state why you think the Court should not approve it. The Court will consider your views. To object, you must send a written objection saying that you object to the Settlement, or any part of it, in *In re BIOLASE, Inc. Securities Litigation*, Case No. CV 13-1300-JLS-FFMx. Be sure to include your name, address, telephone number, your signature, the number of shares of BIOLASE common stock purchased and sold during the period November 5, 2012 through August 13, 2013, inclusive, including proof of your purchase of BIOLASE common stock, and the reasons for your objection. Any Person who wishes to object to the Settlement, the Plan of Allocation and/or the Fee and Expenses Application must file and serve an objection on or before September 24, 2015, to:

RG/2 Claims Administration LLC  
In re BIOLASE, Inc. Securities Litigation  
OBJECTIONS  
P.O. Box 59479  
Philadelphia, PA 19102-9479

You may file a written objection without having to appear at the Settlement Hearing. You may not, however, appear at the Settlement Hearing to present your objection unless you first filed and served a written objection in accordance with the procedures described above, unless the Court orders otherwise.

If you file an objection to the proposed Settlement, proposed Plan of Allocation, and/or the Fee and Expense Application you also have a right to appear at the Settlement Hearing either in person or through counsel hired by you at your own expense. If you wish to be heard orally at the hearing in opposition to the approval of the proposed Settlement, the proposed Plan of Allocation, or the Fee and Expense Application, and if you file and serve a timely written objection as described above, you must also file a notice of appearance with the Clerk's Office and serve it on the Claims Administrator at the address set forth above. Persons who intend to object and desire to present evidence at the Settlement Hearing must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the hearing.

Unless the Court orders otherwise, any Settlement Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Settlement, the proposed Plan of Allocation and the Fee and Expense Application.

### 23. What is the Difference Between Objecting and Excluding?

Objecting is telling the Court that you do not like something about the proposed Settlement or any part of it, including the proposed Plan of Allocation, and Fee and Expense Application. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the proposed Settlement, the proposed Plan of Allocation, and/or the Fee and Expense Application. You may attend and you may ask to speak, but you do not have to.

### 24. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a fairness hearing at 2:30 p.m., on October 9, 2015, at the United States Courthouse, Courtroom 10A, 411 West Fourth Street, Santa Ana, CA 92701-4516. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Staton will listen to people who have asked to speak at the hearing. *See* Question 22, above. The Court will also decide whether to approve the proposed Plan of Allocation and the payment of fees and expenses to Plaintiffs' Counsel. The Court may decide these issues at the hearing or take them under consideration and decide them at a later time. We do not know how long these decisions will take.

The Court may adjourn or continue the Settlement Hearing without further notice to the Settlement Class. If you intend to attend the Settlement Hearing, you should confirm the date and time with Lead Counsel.

**25. Do I have to Come to the Hearing?**

No. Settlement Class Members do not need to attend the Settlement Hearing; thus, you are not obligated to attend. Lead Counsel will answer any questions Judge Staton may have. Moreover, the Court will consider any submission made in accordance with the provisions in this Notice even if the Settlement Class Member does not attend the hearing. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary. *See Question 22, above.*

**26. May I Speak at the Hearing?**

You may ask the Court for permission to speak at the Settlement Hearing. To do so, you must send a letter saying that it is your intention to appear in *In re BIOLASE, Inc. Securities Litigation*, Case No. CV 13-1300-JLS-FFMx. Be sure to include your name, address, telephone number, your signature, and the number of shares of BIOLASE common stock purchased during the Settlement Class Period. Your notice of intention to appear must be filed with Clerk of the Court at the United States Courthouse, 411 West Fourth Street, Santa Ana, CA 92701-4516 prior to the date of the Settlement Hearing, and be sent to the Lead Counsel, and Defendants' counsel, at the addresses below.

BERNSTEIN LIEBHARD LLP  
Jeffrey M. Haber, Esq.  
10 East 40th Street  
New York, New York 10016

*Counsel for Lead Plaintiff and Lead Counsel for  
the Settlement Class*

JONES DAY  
Eric Landau, Esq.  
3161 Michelson Drive, Suite 800  
Irvine, California 92612

*Counsel for Defendant Federico Pignatelli*

ROPES & GRAY LLP  
Richard L. Gallagher, Jr., Esq.  
Three Embarcadero Center  
San Francisco, CA 94111-4006

*Counsel for Defendants BIOLASE, Alexander Arrow and  
Frederick Furry*

You cannot speak at the hearing if you exclude yourself from the Settlement Class.

## **IF YOU DO NOTHING**

**27. What Happens if I Do Nothing at All?**

If you do nothing, you will receive no money from the Settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants and their Corresponding Related Parties about the Released Claims in this case.

## **GETTING MORE INFORMATION**

**28. Are There More Details About the Settlement?**

This Notice is a summary and does not describe all of the details of the Stipulation. For the precise terms and conditions of the proposed Settlement, you may review the Stipulation filed with the Court, as well as the other pleadings and records of the Litigation, which may be inspected during regular business hours, at the office of the Clerk of the Court, United States District Court for the Central District of California, 411 West Fourth Street, Room 105, Santa Ana, CA 92701-4516, during regular business hours, via the Court's PACER (Public Access to Court Electronic Records) website at <http://www.pacer.gov>, via the Claims Administrator's website at [www.rg2claims.com/biolase.html](http://www.rg2claims.com/biolase.html), or via Lead Counsel's website, [www.bernlieb.com](http://www.bernlieb.com). Settlement Class Members without access to the internet may be able to review the Stipulation on-line at locations such as a public library.

**29. How Do I Get More Information?**

For further information regarding the proposed Settlement you may contact: Jeffrey M. Haber, Esq. or Joseph R. Seidman, Jr., Esq., Bernstein Liebhard LLP, 10 East 40th Street, New York, New York 10016, or call (212) 779-1414. You

may also call or write to the Claims Administrator at In re BIOLASE, Inc. Securities Litigation, c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479 or call 866-742-4955, stating that you are requesting assistance regarding the BIOLASE litigation. Please do not call any representative of Defendants.

**DO NOT TELEPHONE THE COURT REGARDING THIS NOTICE**

**SPECIAL NOTICE TO NOMINEES**

If you hold shares of any BIOLASE common stock purchased during the period November 5, 2012 through August 13, 2013, inclusive, as nominee for a beneficial owner, then, within ten (10) days after you receive this Notice, you must either: (1) send a copy of this Notice by first class mail to all such Persons; or (2) provide a list of the names and addresses of such Persons to the Claims Administrator:

**IN RE BIOLASE, Inc. Securities Litigation  
c/o RG/2 Claims Administration LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479**

If you choose to mail the Notice and Proof of Claim yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of this Notice and Proof of Claim as you will need to complete the mailing.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for or advancement of reasonable administrative costs actually incurred or expected to be incurred in connection with forwarding the Notice and which would not have been incurred but for the obligation to forward the Notice, upon submission of appropriate documentation to the Claims Administrator.

DATED: June 15, 2015

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA