

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIGN TECHNOLOGY, INC.,

Petitioner,

v.

DENTAL MONITORING SAS,

Patent Owner.

Case No. IPR2023-01369

U.S. Patent No. 10,755,409

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Dental Monitoring SAS (“Dental Monitoring”) submits the following objections to exhibits filed by Petitioner Align Technology, Inc. (“Align”) prior to institution. These objections are being timely filed within ten business days of the March 5, 2024, Institution Decision.

Exhibit No.	Objection(s)
1002	Align identifies this exhibit as “Declaration of Dr. Hassan Foroosh.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE¹ 801/802: Each statement in this exhibit is inadmissible hearsay not subject to any exception, pending confirmation that Dr. Foroosh will be made available for cross-examination in a manner complying with all rules governing this proceeding. This exhibit also repeats statements from the various other exhibits cited therein (identified below) which are themselves inadmissible hearsay and/or hearsay-within-hearsay to the extent offered for the truth of the matter asserted therein. <i>E.g.</i>² EX1002 ¶¶ 41, 45-49, 53-60, 62-67 (statements regarding the dates on which exhibits were submitted and/or made publicly available, the manner in which exhibits were classified, the policies and practices of arXiv.org, and the content of webpages at specific prior dates), 77-87, 91, 94-95, 97, 101 (statement that particular methods were “well-known and preferred”), 217. FRE 701/702: The expert testimony in this exhibit, including as to the obviousness or ultimate patentability of the challenged claims, is inadmissible because Dr. Foroosh is not qualified as an expert by knowledge, skill, experience, training, or education to provide the

¹ Federal Rules of Evidence.

² Dental Monitoring cites select examples here and throughout without limitation as to the scope of the objections of which the citations are exemplary.

perspective of a person of ordinary skill in the art relevant to U.S. Patent No. 10,755,409, as properly construed. Specifically, Dr. Foroosh is not qualified to provide the perspective of individuals on a multidisciplinary team who are familiar with medical imaging, dental imaging, dentistry, and/or orthodontics. *E.g.* EX1002 ¶¶ 44 (concluding that the dependent claims “involve routine aspects known in the art”), 70 (defining a person of ordinary skill), 73-76 (interpreting the claims from the perspective of a person of ordinary skill), 81-82 and 84-87 (opining on the motivations and expectations of a person of skill), 101 (providing interpretation of “a typographical error” from the perspective of a person of skill), 104-105 (opining on “techniques a POSA would have found useful”), 111 (addressing what “a POSA would recognize,” “underst[an]d,” and “seek”), 115 (opining on what “[a] POSA would understand”), 118-19 (opining on the motivations and expectations of a person of skill), 124-26 (opining on what “a POSA would consider . . . to be a routine option” and what a POSA “would implement”), 134 (addressing what “a POSA would be motivated to” do), 142 (same), 143 (addressing what was “well known” to a “POSA”), 145 (opining on the motivations and expectations of a person of skill), 149-51 (same), 167 (opining on what would be “routine”), 176 (opining on the motivations and expectations of a person of skill), 184 (same), 193 (addressing what “a POSA would have understood”), 197-99 (addressing what “would be straightforward” and “predictable” and what “[a] POSA would have understood”), 224 (addressing how “a POSA would accomplish” an alleged goal), 228 (opining on the motivations and expectations of a person of skill),

FRE 402/403/701/702: Each of Dr. Foroosh’s opinions regarding the validity/patentability of U.S. Patent No. 10,755,409 is irrelevant as based on ground references, each of which has not been established as prior art. EX1005; EX1007; EX1012. Furthermore, Dr. Foroosh’s expert testimony regarding, and based on, each of the inadmissible exhibits objected to herein—including the aforementioned opinion testimony regarding the validity/patentability of U.S. Patent No. 10,755,409—is inadmissible because it is not based on sufficient facts or data, is not the product of reliable principles and methods, and does

	not reflect a reliable application of the principles and methods to the facts of the case. FRE 402/403/602/701/702: Dr. Foroosh lacks foundation for his testimony regarding the prior-art status of EX1007, including his discussion and analysis of each of EX1007, EX1021, EX1022, EX1023, EX1024, EX1025, and EX1026. <i>E.g.</i>, EX1002 ¶¶62-67. Dr. Foroosh’s opinions regarding the same are inadmissible either as a lay witness or as an expert witness, including at least because they are neither based on his perception nor based on scientific, technical, or other specialized knowledge, and because he is not qualified to form them and has neither based them on sufficient facts or data nor reliably applied reliable principles and methods in forming them. <i>Id.</i> This testimony, which at most concerns an exhibit that has not been established as prior art, is irrelevant. For example, Dr. Foroosh offers several statements and/or opinions regarding information that is not within his personal knowledge, including but not limited to: the dates on which EX1007 was allegedly “published . . . on arXiv.org,” “transmitted to subscribers,” and or “disseminated to interested persons in the scientific community”; how other authors interacted with arXiv.org; the manner in which arXiv.org handles submissions; the policies and practices of arXiv.org; and the content of webpages at specific prior dates, including as allegedly “archived.” <i>Id.</i> Dr. Foroosh is likewise not qualified to offer as either a lay or expert witness any of the aforementioned statements and/or opinions, including additionally, for example: the origin and/or significance of any “stamp”; the timeline on which arXiv.org would have processed submissions; whether or not any of the exhibits discussed were revised or changed; the significance of any undisclosed document metadata; and the status and availability of any given website and/or link, including on any particular date. <i>Id.</i> Furthermore, Dr. Foroosh purports to rely on “metadata” evidence that was not submitted as an exhibit in violation of at least 37 C.F.R. §§ 42.63(a) and 42.65(a). <i>Id.</i> ¶ 66.
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	FRE 402/403/701/702: Dr. Foroosh’s testimony is likewise inadmissible as <i>ipse dixit</i>, including because he has not cited sufficient evidence to support his conclusions, fails to meaningfully discuss each of the exhibits he does cite, and offers only conclusory assertions regarding the state of the art, the motivation to combine the ground references, and the reasonable expectation of success in doing so. <i>E.g.</i>, ¶¶ 30-34, 35, 41, 44, 50-61, 81-82 (conclusory testimony regarding motivation to combine and reasonable expectation of success), 109, 111, 113-114, 116, 118 (same), 120, 158-59, 176-77, 201-211, 228, 230-32.
1003	Align identifies this exhibit as “Curriculum Vitae of Hassan Foroosh, Ph.D.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.
1004	Align identifies this exhibit as “U.S. Patent Application No. 16/031,201 File History.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.
1005	Align identifies this exhibit as “U.S. Patent Pub. No. 2021/0068923 to Carrier et al.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.

	FRE 402/403: Align identifies this exhibit as a ground reference but has failed to demonstrate that it is prior art. This exhibit is accordingly irrelevant to the merits of the instituted proceeding.
1006	Align identifies this exhibit as “Provisional Patent Application No. 62/417,985 to Carrier et al.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: Align has not established that this exhibit is prior art. Align relies on this exhibit only in connection with its arguments regarding the priority of EX1005, which Align has not established is prior art. This exhibit is thus irrelevant.
1007	Align identifies this exhibit as “Maninis et al., ‘Convolutional Oriented Boundaries: From Image Segmentation to High-Level Tasks,’ arXiv.org (Apr. 28, 2017).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: Align identifies this exhibit as a ground reference but has failed to demonstrate that it is prior art. This exhibit is accordingly irrelevant to the merits of the instituted proceeding. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit is prior art published on a specific date in a particular manner. <i>E.g.</i>, Paper 2, at 10-11. Align has thus not authenticated this exhibit. For example, EX1007 does not on its face

	identify a publication method, date, or format, nor has any competent testimony been offered as to its nature.
1008	Align identifies this exhibit as “Translation of PCT Pub. No. WO 2016066651 to Salah et al.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. The declarants’ statements are likewise inadmissible hearsay pending confirmation that he will be made available for cross-examination in a manner complying with the rules governing this proceeding. FRE 402/403: Align identifies this exhibit as a translation of a ground reference (EX1012). This exhibit is not itself prior art and has no independent relevance to the instituted proceeding. To the extent this exhibit is improperly translated and thus does not reflect the disclosure of the underlying reference, it is irrelevant to the merits of the instituted proceeding. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit is a true and correct translation of another document. <i>E.g.</i>, Paper 2 at 7. Align has thus not authenticated this exhibit.
1009	Align identifies this exhibit as “U.S. Patent Pub. No. 2013/0282351 to Martin Tank.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.

	FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35.
1010	Align identifies this exhibit as “U.S. Patent Pub. No 2020/0229901 (Application No. 16/827,594).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds and is only referenced in connection with EX1005, which Align has not established is prior art. <i>See</i> Paper 2 at 8; EX1002 ¶48.
1011	Align identifies this exhibit as “U.S. Patent Pub. No. 2018/0125610 (Application No. 15/803,718).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds and is only referenced in connection with EX1005, which Align has not established is prior art. <i>See</i> Paper 2 at 8; EX1002 ¶48.
1012	Align identifies this exhibit as “PCT Pub. No. WO 2016066651 to Salah et al.” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows:

	FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.
1013	Align identifies this exhibit as “Xie et al., ‘Semantic Instance Annotation of Street Scenes by 3D to 2D Label Transfer,’ 2016 IEEE Conference on Computer Vision and Pattern Recognition (2016).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1013 does not on its face identify a publication method, date, or format, nor has any competent testimony been offered as to its nature.
1014	Align identifies this exhibit as “Chen et al., ‘Beat the MTurkers: Automatic Image Labeling from Weak 3D Supervision,’ 2014 IEEE Conference on Computer Vision and Pattern Recognition (2014).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows:

	FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1014 does not on its face identify a publication method, date, or format, nor has any competent testimony been offered as to its nature.
1015	Align identifies this exhibit as “Krizhevsky et al., ‘ImageNet Classification with Deep Convolutional Neural Networks,’ Advances in Neural Information Processing Systems 25 (2012).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35.

	FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1015 does not on its face identify a publication method, date, or format, does not indicate that it is a publication, bears no copyright, bears no volume, issue, catalogue, or index numbers, and makes no reference to “Advances in Neural Information Processing Systems,” nor has any competent testimony been offered as to its nature.
1016	Align identifies this exhibit as “Patrick Cavanaugh, ‘Visual Cognition’ Vision Research 51 (2011).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35.
1017	Align identifies this exhibit as “Prasad et al., ‘Learning Class-specific Edges for Object Detection and Segmentation,’ Computer Vision, Graphics and Image Processing: 5th Indian Conference, ICVGIP 2006 (2006).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope.

	FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1017 does not on its face identify a publication method, date, or format, does not indicate that it is a publication, bears no copyright, bears no volume, issue, catalogue, or index numbers, and makes no reference to “Computer Vision, Graphics and Image Processing: 5th Indian Conference, ICVGIP 2006,” nor has any competent testimony been offered as to its nature.
1018	Align identifies this exhibit as “Wang et al., ‘Simultaneous Image Classification and Annotation,’ CVPR 1, No. 2 (2009).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent

	Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1018 does not on its face identify a publication method, date, or format, does not indicate that it is a publication, bears no copyright, bears no volume, issue, catalogue, or index numbers, and makes no reference to “CVPR 1, No. 2,” nor has any competent testimony been offered as to its nature.
1019	Align identifies this exhibit as “Tao et al., ‘Similarity Voting based Viewpoint Selection for Volumes,’ Computer Graphics Forum 35, No. 2 (2016).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: The substance of this exhibit is addressed neither in Align’s petition nor in the declaration of Align’s expert. The exhibit is thus irrelevant to the merits of this proceeding. To the extent Align seeks to rely on the substance of this exhibit, it would constitute an improper incorporation by reference. 37 C.F.R. § 42.6(a)(3); <i>see also</i> PTAB Consolidated Trial Practice Guide November 2019, 35. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically to the extent Align claims that this exhibit is prior art published on a specific date in a particular manner. Align has thus not authenticated this exhibit. For example, EX1019 does not on its face identify a publication method, date, or format, nor has any competent testimony been offered as to its nature.
1020	Align identifies this exhibit as “United States District Courts — National Judicial Caseload Profile, available at https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0331.2023.pdf (March 2023).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows:

	FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is offered solely to support Align’s arguments against the Board’s discretion to deny institution (<i>e.g.</i>, Paper 2 at 71). This issue is now moot. Thus, this exhibit is no longer relevant.
1021	Align identifies this exhibit as “Maninis et al., ‘Convolutional Oriented Boundaries: From Image Segmentation to High-Level Tasks,’ arXiv.org (Jan. 17, 2017).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶¶62, 66. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶¶62, 66. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶¶62, 66. Align has thus not authenticated this exhibit. For example, EX1021 does not on its face identify a publication method, date, or format, nor has any competent testimony been offered as to its nature.
1022	Align identifies this exhibit as “arXiv.org Submission Help Page, https://arxiv.org/help/submit (as archived May 3, 2017, at https://web.archive.org/web/20170503071322/https://arxiv.org/help/su

	bmit).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶¶64-65. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶¶64-65. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶¶64-65. Align has thus not authenticated this exhibit. For example, EX1022 does not on its face identify an “archived” date or methodology, nor has any competent testimony been offered as to its nature.
1023	Align identifies this exhibit as “arXiv.org Article Replacement Help Page, https://arxiv.org/help/replace (as archived July 18, 2017, at https://web.archive.org/web/20170718173822/https://arxiv.org/help/replace).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶66. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶66.

	FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶66. Align has thus not authenticated this exhibit. For example, EX1023 does not on its face identify an “archived” date or methodology, nor has any competent testimony been offered as to its nature.
1024	Align identifies this exhibit as “COB - Convolutional Oriented Boundaries, http://people.ee.ethz.ch/~cvlsegmentation/cob/ (as archived May 3, 2017, at http://web.archive.org/web/20170503233424/http://people.ee.ethz.ch/~cvlsegmentation/cob/).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶67. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶67. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶67. Align has thus not authenticated this exhibit. For example, EX1024 does not on its face identify an “archived” date or methodology, nor has any competent testimony been offered as to its nature.
1025	Align identifies this exhibit as “arXiv.org Author Search Page for Luc van Gool, https://arxiv.org/find/cs/1/au:+Gool_L/0/1/0/all/0/1 (as archived July 8, 2017, at https://web.archive.org/web/20170708002617/https://arxiv.org/find/cs/

	1/au:+Gool_L/0/1/0/all/0/1).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶67. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶67. FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶67. Align has thus not authenticated this exhibit. For example, EX1025 does not on its face identify an “archived” date or methodology, nor has any competent testimony been offered as to its nature.
1026	Align identifies this exhibit as “arXiv.org Article Replacement Help Page, https://arxiv.org/help/replace (as archived September 8, 2016, at https://web.archive.org/web/20160908205209/https://arxiv.org/help/replace).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, which Align offers to prove the truth of matters asserted, are inadmissible hearsay that does not fall under any exception. EX1002 ¶66. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is irrelevant, including because it does not concern the merits of the instituted grounds, is only referenced through the inadmissible testimony of Dr. Foroosh, and is not probative of whether EX1007 is prior art. <i>See</i> Paper 2 at 10-11; EX1002 ¶66.

	FRE 901: Align has not produced evidence sufficient to establish this exhibit is what Align claims it is, including specifically in connection with Align’s claim that this exhibit was published on a specific date in a particular manner. <i>E.g.</i>, Paper 2 at 10-11; EX1002 ¶66. Align has thus not authenticated this exhibit. For example, EX1026 does not on its face identify an “archived” date or methodology, nor has any competent testimony been offered as to its nature.
1027	Align identifies this exhibit as “Joint Stipulation and Proposed Order (Dkt. No. 73), Dental Monitoring SAS v. Align Technology, Inc., No. 3-22-cv-07335-WHA (N.D. Cal.).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is offered solely to support Align’s arguments against the Board’s discretion to deny institution (<i>e.g.</i>, Paper 2 at 71). This issue is now moot. Thus, this exhibit is no longer relevant.
1028	Align identifies this exhibit as “Defendant Align Technology, Inc.’s Stipulation re Challenged Claims in IPR2023-01369 (Dkt. No. 106), Dental Monitoring SAS v. Align Technology, Inc., Case No. 3-22-cv-07335 (N.D. Cal., Jan. 8, 2024).” Paper 2 at 75-77. Dental Monitoring objects to this exhibit as follows: FRE 801/802/105: The statements contained in this exhibit, to the extent they are offered to prove the truth of any matters asserted, are inadmissible hearsay that does not fall under any exception. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. FRE 402/403: This exhibit is offered solely to support Align’s arguments against the Board’s discretion to deny institution. <i>See</i>

	EX3001. This issue is now moot. Thus, this exhibit is no longer relevant.
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Date: March 19, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on March 19, 2024, a complete copy of **PATENT OWNER'S OBJECTIONS TO EVIDENCE** was served in its entirety on the Petitioner's counsel of record by email to:

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