

Filed on behalf of: Align Technology, Inc.

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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
Patent No. 10,755,409

**PETITIONER'S IDENTIFICATION OF ARGUMENTS RAISED IN
PATENT OWNER RESPONSE AND RESPONDED TO IN REPLY**

As authorized by the Board’s August 30, 2024, email, the following chart responds to Patent Owner’s listing (Paper 27) of purported new arguments in Petitioner’s reply by identifying arguments in the POR (Paper 19) countered by arguments and evidence in Petitioner’s reply (Paper 23).

Citation	Basis for Response
EX1030, EX1031	POR, 35-36 (challenging authenticity of Wayback Machine pages); <i>see also</i> Pet. (Paper 2), 10-11; EX1002, ¶¶64-67.
Reply §V.A; EX1048, ¶¶24-28	POR’s contrivance of “COB neural network” to include only part of Maninis’s disclosure cited and discussed in petition. <i>E.g.</i> , POR, 1, 27-32, 38-42, 49; <i>see also</i> Pet., 11, 22, 23, 33-34 (citing EX1007, 11-12).
Reply §V.B.3.ii; EX1048, ¶¶40-45, 47-49; EX1039-42, EX1045	POR, 51-54 (assuming POSAs would need to implement deep learning using smartphone, but be unable to do so in real time; generating long processing time estimates; and arguing this would discourage POSAs); <i>see also</i> Pet., 21-24 (proposing “to analyze images using a deep learning device as taught by Maninis,” with image acquisition apparatus <i>employing</i> its architecture, not necessarily <i>incorporating</i> it), 25-27 (identifying smartphone as claimed image acquisition apparatus), 28-31 (discussing “a device comprising a deep

	learning neural network trained with a learning base, as taught by Salah and Maninis” without reference to specific computing device), 31-35, 37-41 (proposing feedback to re-take photos that can be “real time” even under PO’s assumed processing time); Paper 10 at 32 (noting record does not require deep learning device integrated into mobile device).
Reply §§V.B.3.ii (second-to-last paragraph), V.C (second paragraph); EX1048, ¶¶57-60	POR, 51-54, 57-59 (alleging drawbacks limited to select image attribute examples); <i>see also</i> Pet. 31-41 (examples of obvious image attributes each separately meet claim elements; permitting but not requiring that different examples be used together) (citing EX1002, ¶¶111-14, 125, 128-130 (discussing “overlay” contour alignment example), 115-120, 126, 134-37 (discussing “required teeth” presence example)).
EX1035, EX1036	POR 24-25 (arguing Carrier’s “user” would not be understood to include patients), 45-49 (arguing Salah’s registration marks would be superior to Carrier’s alignment techniques), 57-59 (arguing Carrier would not be understood to teach detecting required teeth); EX2030 (introducing testimony allegedly tied to specialized dental knowledge); <i>see also</i> Pet., 14-15 (POSA can call upon team members’ knowledge when appropriate).

Respectfully submitted,

Dated: September 16, 2024

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petitioner's Identification of Arguments Raised in Patent Owner Response and Responded to in Reply served on September 16, 2024, at the following electronic service addresses:

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