

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. IPR2024-00052
Patent No. 11,049,248

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

As authorized by the Board’s October 16, 2024, email, the following chart identifies arguments in the POR (Paper 20) countered by arguments and evidence in Petitioner’s Reply (Paper 25).

Citation	Basis for Response
EX1030	PO’s argument is baseless, as this exhibit was not filed.
EX1031	POR, 40-41; <i>see</i> Pet. (Paper 2), 10; EX1002, ¶¶53-58.
Reply §V.A; EX1048, ¶¶12-16	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, 2, 30-39, 42-46, 58-61, 68-69; <i>see also</i> Pet., 10, 25, 37-38, 45, 53 (citing EX1007, 11-12, 13).
Reply §§V.B.1 (fifth paragraph), V.C.2 (third paragraph)	POR, 48 (attacking motivation to combine based on alleged differences between Kim and Salah and arguing no other motivation was discussed in petition), 27, 60 (editing Salah to mischaracterize its teachings and omitting proper citation); <i>see</i> Pet., 20 (citing EX1005, ¶66 as teaching sending a photo or video of a worn aligner to be checked by an orthodontist), 21-24 (explaining POSAs would appreciate that Salah’s image processing teachings would beneficially support analysis by remote orthodontist, as suggested by Kim and Invisalign), 27 (describing combination applying contour

	detection teachings of Salah and Maninis to detect edges of teeth and aligners).
Reply §V.B.1 (final paragraph); EX1048, ¶24	POR, 54-55 (arguing that prior art taught away from using contour detection on aligner images); <i>see</i> Pet., 36 (citing EX1007, 3-5 as teaching use of contour probability strength to detect region borders); <i>see also id.</i>, 10, 40-41, 48; EX1002, ¶¶59, 97, 106, 131.
EX1035 of IPR2023-01369	POR, 4-5 (arguing Align’s expert lacked dental/orthodontics training and misinterpreted prior art). PO does not object to Reply (2-4) itself, where Align argued concessions of PO’s own expert and noted briefing in a co-pending IPR rebutting similar frivolous argument. PO instead only objects to EX1035 (Dr. Valley Declaration) of IPR2023-01369 as not submitted here and lacking corresponding cross-examination. Dr. Valley was cross-examined in IPR2023-01369. The Board should be alerted to relevant briefing in a co-pending case. Additionally, Align will gladly submit (upon Board authorization) in the present record a copy of EX1035 (Valley Declaration) and EX2053 (cross-examination transcript) of IPR2023-01369, which would mitigate PO’s raised concerns.

Respectfully submitted,

Dated: October 30, 2024

/ Matthew A. Argenti /
Matthew A. Argenti, Lead Counsel
Reg. No. 61,836

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 October 30, 2024, at the following electronic service addresses:

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