IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMART DENTURE CONVERSIONS, LLC, Plaintiff, v. STRAUMANN USA, LLC, Defendant.	C.A. No. 1:24-cv-00507-JCB

DEFENDANT STRAUMANN USA, LLC'S
REPLY BRIEF IN SUPPORT OF ITS MOTION FOR A CONDITIONAL STAY
PENDING THE RESOLUTION OF PARALLEL PTAB PROCEEDINGS

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Straumann USA Exhibit 1032

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I. ARGUMENT

A. Straumann's Motion For a Conditional Stay Is Not Premature

SDC's lead argument is that Straumann's motion is "premature" ("five months too early") because the PTAB will not decide whether to institute until December 2025. SDC Opp. at 10–14. SDC's argument misses the mark because Straumann's motion seeks a conditional stay that would take effect only if and when the PTAB institutes. Thus, if the PTO Director or the PTAB decides to deny the petitions, the condition underlying the motion will not be satisfied, the stay will not take effect, and this litigation will proceed. As a result, the cases cited by SDC (*id.* at 11–14) are not on point, because the moving party did not seek a conditional stay that would take effect upon institution. Instead, in those cases, the motion either requested a stay that would take effect before the PTAB instituted[1] or the motion was filed after institution.[2]

SDC's arguments that Straumann's motion should be deferred or filed again after the PTAB institutes (Opp. at 7, 8, 11–12) should be rejected. Either option would be less efficient and more expensive than a conditional stay because the parties may have to brief the motion again, and if a stay is granted, it would take effect weeks later, during the *Markman* phase or even later. Br. at 20.

As Straumann explained, it filed its motion now because one factor the Director will consider in deciding whether to deny the petitions is whether the Court has stayed this litigation or may do so if the PTAB institutes. Straumann Br. at 20. SDC criticizes this rationale (Opp. at 9,

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[1] *See Beckman Coulter, Inc. v. Cytek Biosciences, Inc.*, No. 24-00945-CFC-EGT, D.I. 124 at 2 (D. Del. July 30, 2025); *Force Mos. Tech., Co. v. ASUSTek Computer, Inc.*, No. 22-CV-00460-JRG, 2024 WL 1586266, at *1 (E.D. Tex. Apr. 11, 2024); *Tessera Adv. Techs., Inc. v. Samsung Elecs. Co., Ltd.*, No. 17-cv-00671-JRG, 2018 WL 3472700, at *1, *4 (E.D. Tex. July 19, 2018).

[2] *See IOENGINE, LLC v. PayPal Holdings, Inc.*, No. 18-452-WCB, 2019 WL 3943058, at *6 (D. Del. Aug. 21, 2019); *British Telecomm'ns PLC v. IAC/InterActiveCorp*, No. 18-366-WCB, 2019 WL 4740156, at *5 (D. Del. Sept. 27, 2019); *Dental Monitoring v. Get-Grin Inc.*, No. 22-647-WCB, 2024 WL 1603403, at *6 (D. Del. Apr. 9, 2024).

12–14), but the timing of the motion enables the Court to issue an order that will inform the Director regarding a stay, so that the Director can take this into account.

B. A Stay Will Simplify the Issues In This Litigation Because There Is a Good Chance That the PTAB Will Find All the Claims Unpatentable

SDC argues that it cannot be determined whether the PTAB proceedings will simplify the issues because it is not known whether the PTAB will institute. Opp. at 16–18. Again, SDC's argument misses the mark because Straumann's motion seeks a conditional stay that would take effect only if and when the PTAB institutes. As such, the cases cited by SDC (*id.* at 16–17) are not on point because the moving party did not seek a conditional stay to take effect upon institution. Instead, in those cases, the motion either requested a stay that would take effect before the PTAB instituted[3] or the motion was filed after institution.[4]

As Straumann explained, if the PTAB institutes,[5] a stay of this litigation will very likely simplify the issues and may dispose of this litigation entirely. Br. at 12–13. SDC does not address the cases cited by Straumann that demonstrate that this factor weighs in favor of a stay. *Id.*

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[3] *See Copy Protection LLC v. Netflix, Inc.*, No. 14-365-LPS, 2015 WL 3799363, at *1 (D. Del. June 17, 2015); *The Litebook Co., Ltd. v. Bombardier Aerospace Corp.*, No. 4:22-cv-0615, D.I. 43 at 1 (N.D. Tex. Jan. 3, 2023); *Summit 6 LLC v. HTC Corp.*, Nos. 7:14-cv-00014-O, 2015 WL 12763627, at *1 (N.D. Tex. May 8, 2015); *Universal Secure Registry, LLC v. Apple Inc.*, No. 17-585-CFC-SRF, 2018 WL 4486379, at *1 (D. Del. Sept. 19, 2018); *Novozymes N. Am., Inc. v. Danisco US Inc.*, No. 1:19-cv-01902-JDW, 2020 WL 12895020, at *1 (D. Del. Mar. 31, 2020).

[4] *See TwinStrand Biosciences, Inc. v. Guardant Health, Inc.*, No. 2021-1126-GBW-SRF, 2023 WL 2563179, at *2 (D. Del. Mar. 17, 2023).

[5] Contrary to SDC's arguments (Opp. at 7, 16, 18), the Director is not likely to deny Straumann's petitions. SDC's discretionary denial requests are weak because: (1) the '992 and '781 patents issued in 2024, so SDC does not have "settled expectations" against Straumann's challenges; and (2) Straumann's *Sotera* stipulations will avoid duplicative challenges if the PTAB institutes. *See Zhuhai Cosmx Battery Co., Ltd. v. Ningde Amperex Tech. Ltd.*, IPR2025-00385, Paper 11 at 2–3 (PTO Director, July 2, 2025) (Ex. 8) (declining request to deny because patents issued in 2021, 2023 and 2024, so patent owner "has not developed strong settled expectations"). Notably, SDC's denial requests do not address the "settled expectations" factor at all. *See* Nix Dec., Ex. A, Ex. B.

Moreover, SDC's assertion that "[t]here is no way to predict now what the PTAB will do and therefore the extent to which the PTAB might simplify the issues" (Opp. at 17) is incorrect. If the PTAB institutes, it will have concluded that there is "a reasonable likelihood" (in the IPR) and that "it is more likely than not" (in the PGR) that at least one claim in each patent is unpatentable. 35 U.S.C. §§ 314(a), 324(a). After institution, the PTAB will consider all of Straumann's unpatentability arguments directed to all of the claims, and decide whether every claim of both patents is unpatentable. *See SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 361 (2018); PTAB Memorandum (July 29, 2025) (Ex. 7). Straumann's unpatentability arguments are comprehensive and strong.[6, 7] Therefore, there is a good chance that the PTAB will decide that all claims in both patents are unpatentable. In that case, SDC's infringement and damages claims will be dismissed with prejudice and this litigation will end without ever needing to litigate and decide the infringement and damages issues, or any other invalidity defenses—resulting in "the ultimate simplification of issues." *See VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1314 (Fed. Cir. 2014).

Even if the PTAB finds only some or none of the claims unpatentable, the remaining issues to be litigated will be narrowed. Br. at 13. SDC's assertion that "it will be more efficient to include Straumann's validity arguments … in the trial" (Opp. at 18) is incorrect and ignores the scope of the PTAB's final decisions and Straumann's *Sotera* stipulations that, if the PTAB institutes, Straumann will not pursue any invalidity grounds that it raised or reasonably could have raised

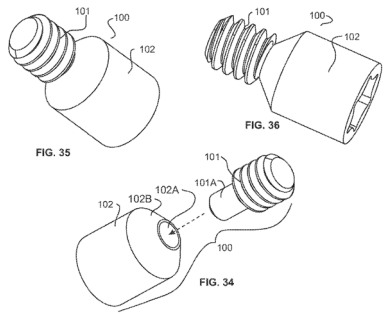
[6] SDC's assertions that Straumann's petitions are "weak," "overly technical" and "lack[ing] technical merit" (Opp. at 18, 26) are not only conclusory and incorrect, but also beside the point because the PTAB will consider and decide the merits of Straumann's petitions.

[7] Straumann's IPR petition explains why all the claims of the '992 patent do not comply with the written description and enablement requirements (and therefore have a later priority date), and are anticipated by or obvious in view of prior art. Ex. 1 at 32–86. Straumann's PGR petition explains why all the claims of the '781 patent do not comply with the written description, enablement and/or definiteness requirements, and are obvious in view of prior art. Ex. 2 at 31–109.

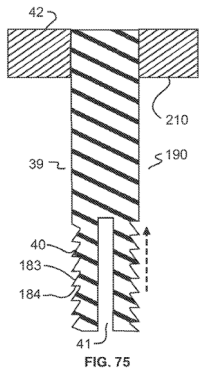
during the IPR and PGR, *i.e.* based on prior art patents and printed publications under 35 U.S.C. §§ 102 and 103 for both patents, and also based on § 112 for the '781 patent. D.I. 57; D.I. 62.

SDC also asserts that the NeoConvert "Pin Capture" device accused of infringement is a "knock-off product" that "functions in an identical manner as SDC's patented system," and that "SDC is having to compete against its own inventions." *Id.* at 10, 21, 22. SDC's assertions are conclusory and incorrect, and they also underscore a central dispute in this case, which the PTAB will decide if it institutes: whether SDC's patent claims are invalid because they go beyond what SDC's inventors actually invented and described in their patent specification.

Specifically, SDC's patents describe two release mechanisms for "temporary fasteners" that can be screwed into an abutment but pulled out without being unscrewed: (1) SDC's "separable fastener," in which the cap separates from the threaded post, so that the cap can be removed while the post remains screwed in the abutment (shown left below); and (2) SDC's Figure 75 embodiment, in which the entire fastener can be pulled out because of its asymmetric buttress threads and deflecting legs (center below). D.I. 1, Ex. A ('992 patent), Figs. 34–36, 75. In contrast, the "Pin Capture" has a different structure and uses a completely different release mechanism that is not described in SDC's patents: the entire "Pin Capture" device can be pulled out without being unscrewed because its threads detach from the post (right below). Ex. 1 at 38–39.

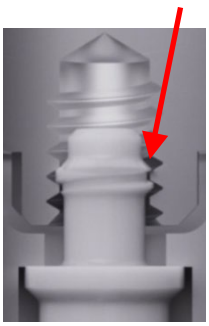


SDC's "separable fastener" (cap detaches from post)



SDC's Fig. 75 fastener (buttress threads & deflecting legs)

threads intact



"Pin Capture" (inserted in abutment)

threads detached

"Pin Capture" (pulled out of abutment)

SDC's inventors did not invent, and did not describe in their specification, any temporary fastener that can be pulled out without being unscrewed because its threads detach. Therefore, the "Pin Capture" is not a "knock-off product," it does not "function[] in an identical manner as SDC's patented system," and SDC is not "having to compete against its own inventions." Opp. at 10, 21, 22. Instead, SDC went back to the patent office and filed new applications to obtain the '992 and '781 patents in an attempt to cover the "Pin Capture" device. Straumann's PTAB petitions explain that these new claims do not comply with the written description and enablement requirements of 35 U.S.C. § 112 because they go beyond what SDC's inventors invented and described in their specification. Ex. 1 at 32–43; Ex. 2 at 40–63. It will be more efficient and less costly for the PTAB to decide this dispositive invalidity dispute. *See* 157 Cong. Rec. at S5319 (daily ed. Sept. 6, 2011) (IPR/PGR proceedings are meant to be "an inexpensive substitute for district court litigation" that "allows key issues to be addressed by experts in the field") (statement of Sen. Jon Kyl).

In sum, this factor—which is "[t]he most important factor bearing on whether to grant a stay"—weighs strongly in favor of a stay. *See British Telecomm'ns PLC v. IAC/InterActiveCorp*, No. 18-366-WCB, 2020 WL 5517283, at *9 (D. Del. Sept. 11, 2020).

C. A Stay Beginning At the End of Fact Discovery Will Avoid the Burden and Expense of the Substantial Remaining Work For the Parties and the Court

SDC incorrectly argues that a stay beginning at the end of fact discovery in December 2025 would be inefficient because trial is scheduled for October 19, 2026. Opp. at 14–16. Although the parties will have completed fact discovery and exchanged final infringement and invalidity contentions by December 2025, a stay would avoid the need for a far more substantial amount of work for the parties and the Court leading up to and including the trial, and beyond, including: claim construction and indefiniteness briefs;[8] the *Markman* hearing; expert reports and depositions

[8] SDC incorrectly assumes that a stay would take effect after SDC submits its opening claim

for at least two technical experts (infringement and invalidity) and two damages experts (lost profits and reasonable royalty damages); summary judgment and *Daubert* motions; pre-trial submissions including motions *in limine* and jury instructions; the pre-trial conference; the jury trial on infringement, invalidity, lost profits damages and reasonable royalty damages for two patents; and post-trial motions. *See* D.I. 31 at 1–4. In sum, a stay would eliminate the bulk of both parties' future expenses while they litigate the core dispute of whether SDC's claims are invalid in the more efficient and less costly PTAB. Thus, SDC's assertion that Straumann seeks to "waste" SDC's resources (Opp. at 16) is incorrect: a stay would permit the parties to litigate invalidity in the PTAB while avoiding the upcoming expenses of litigating all the other issues in this Court.

SDC does not address the cases cited by Straumann that demonstrate that this factor weighs in favor of a stay. Br. at 14–15. The cases cited by SDC (Opp. at 15–16) are distinguishable. In *TwinStrand*, the Court had issued its claim construction decision and the defendant requesting the stay had previously "represented that the stage of the litigation disfavored a stay [of its counterclaims] because the parties had 'expended real resources in the case.'" 2023 WL 2563179, at *3. In *Sonrai* and *Intellectual Ventures*, the parties had briefed claim construction and, in *Sonrai*, completed the *Markman* hearing. *Sonrai Memory Ltd. v. LG Elecs. Inc.*, No. 21-cv-00168-ADA, 2022 WL 2307475, at *3 (W.D. Tex. June 27, 2022); *Intellectual Ventures II LLC v. Fedex Corp.*, No. 16-CV-00980-JRG, 2017 WL 4812434, at *1, *3 (E.D. Tex. Oct. 24, 2017).

D. SDC Will Not Be Unduly Prejudiced By a Stay

1. Straumann Did Not Delay Filing Its PTAB Petitions

Contrary to SDC's arguments (Opp. at 18–20), Straumann did not delay filing its petitions.

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construction brief on December 19, 2025. Opp. at 15. Straumann's motion requests that a stay take effect at least two weeks earlier: on the later of the close of fact discovery (December 5) or the date of the PTAB's earliest institution decision (by December 2). Br. at 6.

SDC argues that Straumann could have filed the IPR petition against the '992 patent by June 11, 2024 ("the day after SDC served the complaint" on June 10) and the PGR petition against the '781 patent by January 29, 2025 ("the day after SDC moved to file the supplemental complaint" on January 28). Opp. at 19, 20; D.I. 7; D.I. 30. In other words, SDC argues that Straumann could have filed its IPR petition less than two months after being sued on April 23, 2024, and its PGR petition less than two months after the '781 patent issued on December 3, 2024.

Tellingly, SDC does not cite any authority that imposes such a strict and unworkable deadline. This is not surprising given that the statutory deadline for the IPR was June 10, 2025 (one year after service of the complaint) and the statutory deadline for the PGR is September 3, 2025 (nine months after the '781 patent issued on December 3, 2024). 35 U.S.C. §§ 315(b), 321(c). SDC also ignores the fact that the '992 patent only became eligible for an IPR on December 26, 2024 (nine months after the '992 patent issued on March 26, 2024). 35 U.S.C. § 311(c)(1).[9]

As Straumann explained (Br. at 16), it filed its IPR petition only a few days after receiving SDC's initial infringement contentions on April 25, 2025, and its PGR petition a few weeks later. Contrary to SDC's conclusory argument (Opp. at 19), it was perfectly reasonable for Straumann to review SDC's interpretation of the claim language in its contentions before Straumann finalized its petitions, in particular with respect to Straumann's arguments that the claim scope asserted by SDC goes beyond what the inventors invented and described, and therefore fails to comply with the written description and enablement requirements. Ex. 1 at 32–43, Ex. 2 at 40–63.

In sum, SDC does not identify any prejudice due to the petitions' timing, and there is none.

[9] SDC also ignores the fact that Straumann's motion to dismiss was pending until December 12, 2024. D.I. 12. *See British Telecomm'ns*, 2019 WL 4740156, at *5 ("[I]t was reasonable … to wait for the Court's ruling on the motion to dismiss before filing [defendants'] IPR petition.").

2. Straumann Did Not Delay Bringing Its Motion

Contrary to SDC's arguments (Opp. at 20), Straumann did not delay bringing its motion.

SDC argues (*id.* & n.4) that Straumann should have brought its motion immediately after filing its IPR petition on April 30, 2025—in other words, before Straumann filed its PGR petition on June 4, and before the PTAB accepted the IPR petition on May 30 and the PGR petition on June 25. But Straumann plainly needed to wait until both petitions had been filed and accepted by the PTAB before there was a basis to bring the motion, which Straumann did about three weeks after the PTAB notice in the PGR. Moreover, SDC's argument that Straumann should have brought its motion sooner is flatly inconsistent with SDC's argument discussed above that the motion is premature ("five months too early") because the PTAB has not yet instituted (Opp. at 10–14).

In sum, the timing of Straumann's motion did not prejudice SDC.

3. The Status of the PTAB Proceedings Does Not Weigh Against a Stay

SDC argues that the status of the PTAB proceedings weighs against a stay because the PTAB will not decide whether to institute until December 2025. *Id.* at 20–21. Once again, SDC's argument misses the mark. The requested conditional stay would take effect only if and when the PTAB institutes, in which case, as explained above in Section I.B, the PTAB proceedings very likely will have a great impact on this case, including potentially disposing of the case entirely.

4. SDC Has Not Demonstrated That the Parties' Competition Outweighs the Other Factors That Weigh In Favor of a Stay

SDC's arguments and evidence that the parties' competition weighs in favor of a stay (Opp. at 21–25) should be discounted because SDC's evidence is deficient, and this sub-factor does not outweigh all the other factors that weigh in favor of a stay.

SDC's evidence consists of a declaration by Marian Kofford in which she characterizes the market, asserts that SDC and Straumann are the only competitors, and asserts that Straumann's

sales have caused, and will continue to cause, SDC to lose "significant" sales of its "separable fastener" product. Kofford Dec., ¶¶ 4, 6, 8, 10, 12, 13. These assertions by Ms. Kofford should be given little weight because they are conclusory, they are opinions about specialized economic issues that she has not been qualified as an expert to provide (under Federal Rule of Evidence 702), they will be the subject of expert testimony, and they are disputed by Straumann.[10]

Given these deficiencies in the declaration, SDC has not presented sufficient evidence to support its argument that a stay would cause undue prejudice, and therefore this sub-factor only weighs slightly in favor of a stay, if at all. In particular, this case is closer to the *Sirona* and *Cypress* cases than SDC argues (Opp. at 23).[11] In those cases, the court granted a stay after finding that that the plaintiff had submitted insufficient evidence to support its assertion that the defendant's competition would cause competitive injury. *See Sirona Dental Sys. GmbH v. Dental Wings, Inc.*, No. 14-460-LPS-CJB, 2016 U.S. Dist. LEXIS 155706, at *38–39 (D. Del. Mar. 22, 2016) ("[T]he lack of evidence as to the nature and extent of competitive injury means that the subfactor is less strong for Sirona than it might have been with a more full record"); *Cypress Semiconductor Corp. v. GSI Tech., Inc.*, No. 13-cv-02013-JST, 2014 WL 5021100, at *4–5 (N.D. Cal. Oct. 7, 2014) (concluding that this subfactor "weighs against a stay, although not strongly" after finding "no evidence of competitive injury" including "no evidence … that customers have in fact purchased

[10] As Straumann explained, for this motion, Straumann does not contest SDC's allegation in its complaint that "Straumann competes head-to-head with SDC." Br. at 18 (*citing* D.I. 34, ¶ 28). However, Straumann does dispute SDC's characterization of the market, SDC's assertion that it and Straumann are the only competitors, and SDC's assertion that "virtually every Straumann sale is a potential lost sale for SDC." Opp. at 9, 21–25; Kofford Dec., ¶¶ 4, 6, 8, 10, 12, 13.

[11] *Bio-Rad* is also closer to this case than SDC argues because, as explained above, Straumann disputes that it and SDC are the only competitors. Opp. at 22–23 (citing *Bio-Rad Labs. Inc. v. 10X Genomics, Inc.*, No. 18-1679-RGA, 2020 U.S. Dist. LEXIS 96411, at *5 (D. Del. June 2, 2020)).

allegedly infringing GSI parts when they would have otherwise purchased Cypress parts").[12, 13]

SDC's argument that its failure to seek a preliminary injunction "could well be related to other factors" (Opp. at 24) is weak because SDC never explains which "other factor[]" supposedly caused it to not follow through on its request for a preliminary injunction in its complaint. D.I. 1 at 11. Thus, although not "outcome-determinative" (Opp. at 24), it remains reasonable to infer that SDC can be compensated by damages (and prejudgment interest) for any harm that SDC proves it suffers during this litigation, and therefore that a stay would not unduly prejudice SDC.

E. A Stay Would Greatly Reduce the Burden on the Court and the Parties

As explained in Straumann's opening brief (Br. at 19) and Section I.C above, a stay would greatly reduce the burden on the Court and the parties by avoiding the substantial upcoming work in this litigation while the parties litigate invalidity in the PTAB. SDC's arguments that this factor cannot be assessed because it is not known whether the PTAB will institute (Opp. at 25) and that the petitions are "weak" (*id.* at 26) should be rejected for the reasons set forth in Section I.B above.

II. CONCLUSION

For the reasons set forth above and in Straumann's opening brief, Straumann respectfully submits that the stay factors collectively weigh in favor of granting a conditional stay that will automatically begin at the end of fact discovery if the PTAB institutes one or both of the petitions.

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[12] *See also Sec. People, Inc. v. Ojmar US, LLC*, No. 14-cv-04968-HSG, 2015 U.S. Dist. LEXIS 70011, at *12–14 (N.D. Cal. May 29, 2015) (granting stay after finding this sub-factor "is either neutral or weighs slightly against a stay" because plaintiff's declaration "d[id] not provide this Court sufficient evidence to evaluate the degree of prejudice").

[13] The other cases SDC cites (Opp. at 22) support Straumann or are distinguishable. In *PPC*, the court granted a stay to begin at the end of discovery even though the defendant was the plaintiff's "chief competitor" in a "limited market." *See PPC Broadband, Inc. v. Corning Gilbert, Inc.*, No. 12-CV-0911, 2014 WL 12599388, at *8 (N.D.N.Y. Mar. 13, 2014). In *British Telecomm'ns*, the court granted a stay, and the parties were not competitors, so the cited statement (Opp. at 22) is dicta. *See* 2020 WL 5517283, at *7. In *Beckman*, all the factors weighed against a stay. *See* No. 24-945-CFC, D.I. 124 at 2–3.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, this document was served on the persons listed below in the manner indicated:

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