

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STRAUMANN USA, LLC,
Petitioner,

v.

SMART DENTURE CONVERSIONS, LLC,
Patent Owner.

IPR2025-00956
Patent 11,937,992

**PATENT OWNER'S RESPONSES TO
PETITIONER'S SECOND OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

April 3, 2026

Patent Owner Smart Denture Conversions, LLC (“Patent Owner”) submits the following responses to Petitioner Straumann USA, LLC’s Objections to Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) (Paper 29) (“Objections”). Patent Owner’s response is timely under 37 C.F.R. § 42.64(b)(2) because it has been filed within 10 business days of service of Petitioner’s Objections on March 20, 2025. As directed by 37 C.F.R. § 42.62(a), Patent Owner’s responses below apply the Federal Rules of Evidence “[e]xcept as otherwise provided.”

I. Responses to Objections to Exhibit 2021

Petitioner argues that Exhibit 2021 is inadmissible “because Patent Owner has not introduced admissible evidence to establish that Mr. Leinsing is a qualified expert as required by Fed. R. Evid. 702.” Objections at 2. However, Petitioner overstates the Board’s Institution Decision, which did not “tentatively adopt[] Petitioner’s definition of a POSA.” Objections at 2. Instead, the Board stated it found “little meaningful difference between the two proposed definitions,” and therefore “*at this stage*” would “accept and use Petitioner’s proposed definition.” Institution Decision (Paper 14) at 19 (emphasis added). The Board invited the parties to “further develop[]” this issue “at trial ..., if desired.” *Id.* Patent Owner did so in its Response filed March 13, 2026. *See* Patent Owner’s Response (Paper 26) at 19–23; Second Declaration of Karl R. Leinsing (Ex. 2022), ¶¶ 43–53.

Regardless, Mr. Leinsing's two declarations in this matter amply describe his extensive experience and qualifications to offer his opinions. Ex. 2010, ¶¶ 4–12; Ex. 2022, ¶¶ 4–12. He has a bachelor's and master's degree in mechanical engineering, has “worked as an engineer for more than 35 years and as a medical device engineer since 1992.” Ex. 2022, ¶ 5; Ex. 2010, ¶ 5. He has “experience with various types of implants and devices in the medical field,” including work with “bone screw threads, fracture of bone screws, screw guides, drills, bone reamers, and inserters.” Ex. 2022, ¶ 5; Ex. 2010, ¶ 6. He has “invented, developed, and tested surgical anchors and other fixation devices used in the various tissues of the bodies” and has “experience with training surgeons on use of the same.” Ex. 2022, ¶ 5; Ex. 2010, ¶ 6. He is listed as an inventor on 42 U.S. patents and has “received several awards and honors” for his professional efforts. Ex. 2022, ¶¶ 10–11; Ex. 2010, ¶¶ 10–11. Patent Owner has also previously submitted the Curriculum Vitae of Karl Leinsing as Exhibit 2019.

Accordingly, Mr. Leinsing is eminently well-qualified as an expert. His declaration is admissible and the objection should be denied.

II. Responses to Objections to Exhibits 2023 and 2029

Exhibit 2023 is a clinical research report by H.W. Elani, J.R. Starr, J.D. Da Silva, and G.O. Gallucci titled *Trends in Dental Implant Use in the U.S. 1999–2016, and Projections to 2026*, published in the Journal of Dental Research in

2018. Petitioner asserts that Exhibit 2023 is “inadmissible hearsay under Fed. R. Evid. 802 for which no exception has been established, to the extent either is offered by the Patent Owner to prove the truth of any matter asserted therein.” Objections at 2. “Patent Owner cites Exhibit 2023 in support of the following statement: ‘Over this same time, ‘dental implant prevalence among US adults with missing teeth ... substantially increased.’” Objections at 2 (quoting Patent Owner Response (Paper 26) at 74). This is incorrect. Statements in this published research report are subject to two hearsay exceptions. First, this statement is a “statement contained in a treatise, periodical, or pamphlet”; the PTAB may take judicial notice that the Journal of Dental Research is “reliable authority.” Fed. R. Evid. 803(18). Second, this statement is subject to Rule 807’s residual exception because “the statement is supported by sufficient guarantees of trustworthiness—after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement;” and the statement “is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.” Fed. R. Evid. 807(a)(1) & (2).

Exhibit 2029 is a case report by Carolina Olaya Álvarez, Lina Camila Arenaza, Félix Luna Dinolé, Erton Massamitsu Miyasawa, Rubens Moreno de Freitas, and Flávia Noemy Gasparini Kiatake Fontão titled *Conversion of a muco-supported complete prosthesis into fixed implant-supported prosthesis using the*

NeoConvert™ solution in a maxillary rehabilitation with guided surgery and immediate loading, published in the Brazilian Journal of Implantology in 2024.

Petitioner asserts that Exhibit 2029 is being used to “establish facts about ... the NeoConvert product,” specifically for the statement that NeoConvert is “a novel, more precise, and time-saving denture conversion technique.” Patent Owner Response (Paper 26), at 74. This is incorrect. Statements by the researchers who published Exhibit 2029 praising Petitioner’s products are not hearsay because they are offered to show that such statements were made, not to prove “the truth of the matter asserted.” Fed. R. Evid. 801(c)(2).

III. Responses to Objections to Exhibits 2024

Exhibit 2024 is a printed copy of the *About Us* page on Patent Owner’s website, <https://smartonx.com/pages/about-us>, as it existed on March 13, 2026. Petitioner asserts that Exhibit 2024 is “inadmissible hearsay, because Patent Owner is attempting to use Exhibit 2024 to establish facts about its products.” Objections at 3. This is incorrect. The Declaration of Dr. Brandon Kofford submitted as Exhibit 2030 (“Second Kofford Declaration”) demonstrates that Exhibit 2024 is admissible under several hearsay exceptions, including the business-records and residual exceptions. *See* Fed. R. Evid. 803(6), 807.

Petitioner also asserts that “Patent Owner has not introduced any admissible evidence to authenticate” Exhibit 2024, “as required under Fed. R. Evid. 901(a),

and also has not introduced any admissible evidence to establish that Exhibit 2024 is self-authenticating under Fed. R. Evid. 902.” Objections at 4. The Second Kofford Declaration is sufficient to authenticate Exhibit 2024.

Accordingly, the exhibit is admissible and the objections should be denied.

IV. Objections to “Product Talk” Video

Petitioner asserts that the referenced statements in the Product Talk podcast are “inadmissible hearsay under Fed. R. Evid. 802 for which no exception has been established,” because “Patent Owner is attempting to use these statements to establish facts about NeoConvert.” Objections at 4–5. This is incorrect. Statements by the practitioners¹ featured in the Product Talk podcast are not hearsay because they are offered to show that such statements were made, not to prove “the truth of

¹ Petitioner seems to fault Patent Owner for “not identify[ing]” the “practitioner” who made these statements on the Product Talk podcast. Objections at 4. Though this is not a valid objection to using these statements for non-hearsay purposes, Patent Owner notes that the publicly available podcast readily identifies the practitioners who made these statements as Mike DiTolla, DDS (host) and Drew Phillips, DMD (guest). *See* Product Talk, Season 18 Episode 3, Neodent® NeoConvert™ - Drew Phillips, DMD (July 1, 2024), available at <https://bit.ly/4b7PQa6>.

the matter asserted.” Fed. R. Evid. 801(c)(2). Moreover, to the extent Mr. Phillips is one of Petitioner’s key opinion leaders, his statements praising NeoConvert are not hearsay because they are “made by a person whom the party authorized to make a statement on the subject” or “made by the party’s agent ... on a matter within the scope of that relationship and while it existed.” Fed. R. Evid. 801(d)(2)(C) & (D).

Accordingly, the objections should be denied.

Respectfully submitted,

Dated: April 3, 2026

By: /s/ Kelsey I. Nix
Kelsey I. Nix (Registration No. 33,119)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, I caused a true and correct copy of the foregoing Patent Owner's Responses to Petitioner's Second Objections to Evidence pursuant to 37 C.F.R. § 42.64(b)(1) to be served via email on Petitioner at the following addresses:

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