

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

3D DIAGNOSTIX, INC.,
Petitioner,

v.

WATSON GUIDE IP, LLC,
Patent Owner.

PGR2024-00040
Patent 11,806,209 B2

Before SHERIDAN K. SNEDDEN, NEIL T. POWELL,
and JAMES A. TARTAL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

ERRATA

We modify the Final Written Decision (Paper 27, “FWD”), entered on January 27, 2026, to correct certain errata. Sections III.G and III.H of the FWD at pages 49–51 is hereby corrected and replaced with the following:

G. Asserted Obviousness Based on Llop ’126, Sichuan, and Scherer

Petitioner contends that the subject matter of claims 5, 6, and 12 would have been obvious over Llop ’126, Sichuan, and Scherer, assuming “drill guide” is not limited to be “made from metal or metallic alloy without traditional plastic or acrylic” and “fixation base” is not limited “to be made from metal, metallic alloy or other strong material without traditional plastic or acrylic.” Pet. 14, 21, 93–96. Petitioner’s contentions are supported by Dr. Erickson. Ex. 1003 ¶¶ 269–274. As explained above (*see supra* Section III.C.1), we need not resolve whether the drill guide and fixation base are limited to being made of certain materials. Petitioner has made the necessary showing under this ground, assuming the claimed elements are not limited to certain materials, as well as under the next ground (*see supra* Section III.H), which includes Groscurth for purposes of teaching the use of metal for the claimed features.

Claims 5, 6, and 12 are directed to the use of an “abutment guide base” as a “third dental guide” that is attachable to the fixation base to install abutments. Corresponding to the recited ““abutment guide base,”” Petitioner shows that Scherer teaches “a multi-unit rotation guide that goes on top of the bone foundation guide which will assist the surgeon to orient the multi-unit abutments properly.” Pet. 94–95 (quoting Ex. 1012, 4:30–5:15). Petitioner also explains that a person of ordinary skill in the art “would have understood the advantages of using a fully compatible

abutment guide, as disclosed in Scherer, with the system of [Llop '126] in order to ensure that abutments were properly aligned, so that a proper prosthesis fit could be attained.” *Id.* at 94 (citing Ex. 1003 ¶ 271).

Patent Owner does not raise any additional arguments with regard to the asserted combination of Llop '126, Sichuan, and Scherer beyond the arguments directed to the combination of Llop '126 and Sichuan. Resp. 46–47 (stating Scherer is only cited in the Petition “for teachings related to an abutment guide and not a mouthpiece,” and that Scherer “fails to remedy” the alleged defects of Llop '126 and Sichuan with regard to the recited “mouthpiece”). In particular, Patent Owner does not dispute Petitioner’s reliance on Scherer as teaching the use of an “abutment guide base” as a “third dental guide” that is attachable to the fixation base to install abutments. We conclude that Petitioner has shown by a preponderance of the evidence that the subject matter of claims 5, 6, and 12 would have been obvious over Llop '126, Sichuan, and Scherer for the same reasons discussed above with regard to the combination of Llop '126 and Sichuan, along with Petitioner’s undisputed showing that a person of ordinary skill in the art would have had reason to use an attachable abutment guide base, as taught by Scherer.

H. Asserted Obviousness Based on Llop '126, Sichuan, Scherer, and Groscurth

Petitioner contends that the subject matter of claims 5, 6, and 12 would have been obvious over Llop '126, Sichuan, Scherer, and Groscurth, “assuming the claims are construed to limit the material of the drill guide and fixation base.” Pet. 96. Petitioner’s contentions are supported by Dr. Erickson. Ex. 1003 ¶¶ 276–277. Petitioner shows that Groscurth discloses “a metal drill guide and fixation base,” along with a

sufficient rationale for applying the teachings of Groscurth to the Llop126/Sichuan system, as discussed above. *See supra* Section III.F.

Patent Owner does not raise any additional arguments with regard to the asserted combination of Llop '126, Sichuan, Scherer, and Groscurth beyond the arguments directed to the combination of Llop '126 and Sichuan. Resp. 48–49 (stating Scherer is only cited in the Petition “for teachings related to an abutment guide and not a mouthpiece,” that Groscurth is only cited in the Petition “for teaching a drill guide and a fixation base made of metal,” and that Scherer and Groscurth each “fails to remedy” the alleged defects of Llop '126 and Sichuan with regard to the recited “mouthpiece”).

Patent Owner does not dispute Petitioner’s reliance on Scherer as teaching the use of an “abutment guide base” as a “third dental guide” that is attachable to the fixation base to install abutments, and on Groscurth as teaching the use of metal for a drill guide and fixation base. We conclude that Petitioner has shown by a preponderance of the evidence that the subject matter of claims 5, 6, and 12 would have been obvious over Llop '126, Sichuan, Scherer, and Groscurth for the same reasons discussed above with regard to the combination of Llop '126 and Sichuan, along with Petitioner’s undisputed showing that a person of ordinary skill in the art would have had reason to use an attachable abutment guide base, as taught by Scherer, and to use metal for rigidity and stability, as taught by Groscurth.

In all other respects, the Final Written Decision is unchanged and our conclusions remain the same.

PGR2024-00040
Patent 11,806,209 B2

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