

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STRAUMANN USA, LLC,
Petitioner,

v.

SMART DENTURE CONVERSIONS, LLC,
Patent Owner.

PGR2025-00054
Patent 12,156,781

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

January 5, 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 19) (“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 December 18, 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 Exhibits 2001–2002, and 2004–2009

Petitioner asserts that Exhibits 2001–2002 and 2004–2009 are “inadmissible under Fed. R. Evid. 402 because none of these exhibits is relevant to any issue in this proceeding.” Objections at 1. This is incorrect. These exhibits all relate to the Parallel Litigation¹ in which Patent Owner asserts that Petitioner is infringing the ’781 patent. Those proceedings are relevant to this PGR because they involve the same or related issues. Petitioner’s Objections even affirmatively rely on supposed admissions “in the parallel district court litigation” as support for its arguments. Objections at 4, 7.

¹ *Smart Denture Conversions, LLC v. Straumann USA, LLC*, No. 1:24-cv-00507-JCB (D. Del.).

Petitioner also argues that these exhibits are inadmissible “under Fed. R. Evid. 403 because any remaining probative value of these exhibits would be substantially outweighed by a danger of confusing the issues and wasting time.” Objections at 1. However, in AIA proceedings “[t]he ***Board acts as both the gatekeeper and the weigher of evidence*** and is well positioned to determine and assign the appropriate weight to evidence, including by giving it little-to-no-weight.” *Foursquare Labs, Inc. v. Boardactive Corp.*, IPR2023-00919, 2024 WL 4906282, at *36 (PTAB Nov. 27, 2024) (emphasis added). “Rather than excluding evidence that is allegedly confusing, misleading, unsupported, and/or irrelevant,” the Board “instead give[s] it little or no probative weight, as appropriate.” *Id.* In fact, in AIA proceedings, Rule 403 does “not apply” or has only “limited applicability” because it protects ***juries*** from misleading or confusing evidence, not ***judges***. See 37 C.F.R. § 42.62(b) (“Those portions of the Federal Rules of Evidence relating to ... juries[] and other matters not relevant to proceedings under this subpart ***shall not apply***.” (emphasis added)); *Microchip Tech. Inc. v. APTIV Techs. AG*, IPR2024-00230, 2025 WL 2166118, at *24 (PTAB July 14, 2025) (“[U]nder the circumstances here, a bench trial, ***Rule 403 has limited applicability***.” (emphasis added)).

Accordingly, the exhibits are admissible and the objections should be denied.

II. Responses to Objections to Exhibit 2010

Petitioner argues that Exhibit 2010 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 that it found “little meaningful difference between the two proposed definitions,” and therefore “*at this stage*” would “accept and use Petitioner’s proposed definition.” Paper 14 at 19 (emphasis added). The Board invited the parties to “further develop[]” this issue “at trial ..., if desired.” *Id.* Patent Owner intends to do so at the appropriate time.

Regardless, Mr. Leinsing’s declaration amply describes his extensive experience and qualifications to offer his opinions. Ex. 2010, ¶¶ 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. 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. 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.” *Id.* He is listed as an inventor on 41 U.S. patents and has “received several awards and honors” for his professional efforts. Ex. 2010, ¶¶ 10–11.

Pursuant to 37 C.F.R. § 42.63(a), Patent Owner also submits 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 objections should be denied.

III. Responses to Objections to Exhibit 2011

Exhibit 2011 is a copy of Patent Owner’s *Technique Manual* for its Separable Fastener products, which is publicly available through Patent Owner’s website. Petitioner asserts that Exhibit 2011 is “inadmissible hearsay under Fed. R. Evid 802 for which no exception has been established.” Objections at 3. This is incorrect. The Declaration of Dr. Brandon Kofford submitted as Exhibit 2020 (“Kofford Declaration”) demonstrates that Exhibit 2011 is admissible under several hearsay exceptions, including the business-records and residual exceptions. *See* Fed. R. Evid. 803(6), 807. Furthermore, Petitioner is taking contradictory positions because the Smart Denture Conversions Technique Guide that ***Petitioner*** submitted and relies on as Exhibit 1016 is substantively similar to Exhibit 2011.

Petitioner also argues that Exhibit 2011 is inadmissible because it is “not relevant to any issue in this proceeding.” Objections at 4. This is incorrect.

Petitioner has asserted that various claims in the ’781 patent are invalid because of

obviousness. “The obviousness determination turns on underlying factual inquiries involving,” among other things, “secondary considerations such as commercial success and satisfaction of a long-felt need.” *Procter & Gamble Co. v. Teva Pharms. USA, Inc.*, 566 F.3d 989, 994 (Fed. Cir. 2009). Patent Owner’s products (covered by Kofford, not at issue here) and Petitioner’s NeoConvert products (covered by the ’781 patent) enjoy the same benefits and advantages.

Petition further argues that Exhibit 2011 is not admissible “under Fed. R. Evid. 403 because any remaining probative value of this exhibit would be substantially outweighed by a danger of unfair prejudice, confusing the issues and wasting time.” Objections at 4. However, as explained above, Rule 403 has at best only limited applicability to these proceedings and the Board has previously recognized that it should generally not exclude evidence on this basis.

Finally, Petitioner asserts that “Patent Owner has not introduced any admissible evidence to authenticate Exhibit 2011.” Objections at 5. The Kofford Declaration is sufficient to authenticate Exhibit 2011.

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

IV. Responses to Objections to “Voices from the Bench” Podcast

Petitioner asserts that the publicly available podcast referenced in Patent Owner’s Preliminary Response is “inadmissible hearsay under Fed. R. Evid. 802 for which no exception has been established.” Objections at 5. This is incorrect.

Statements by the interviewer praising Patent Owner'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).

Petitioner further argues that the publicly available podcast episode is inadmissible because it is "not relevant to any issue in this proceeding." Objections at 7. This is incorrect. As explained above, this evidence is relevant to Petitioner's obviousness arguments. Petitioner has asserted that various claims in the '781 patent are invalid because of obviousness.

Petitioner also argues that the publicly available podcast episode is inadmissible because "any remaining probative value of this exhibit would be substantially outweighed by a danger of unfair prejudice, confusing the issues and wasting time." Objections at 7. However, as explained above, Rule 403 has, at best, only limited applicability to these proceedings and the Board has previously recognized that it should generally not exclude evidence on this basis.

Accordingly, the objections should be denied.

Respectfully submitted,

Dated: January 5, 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 January 5, 2026, I caused a true and correct copy of the foregoing Patent Owner's Responses to Petitioner's Objections to Evidence pursuant to 37 C.F.R. § 42.64(b)(1) to be served via email on Petitioner at the following addresses:

Sheila Mortazavi (Registration No. 43,343)
HAUG PARTNERS LLP
745 Fifth Avenue, 10th Floor
New York, New York 10151
(212) 588-0800
smortavazi@haugpartners.com

George Reitboeck (pro hac vice)
Mark A. Chapman (pro hac vice)
HAUG PARTNERS LLP
745 Fifth Avenue, 10th Floor
New York, New York 10151
(212) 588-0800
greitboeck@haugpartners.com
mchapman@haugpartners.com

Christopher Gosselin (pro hac vice)
HAUG PARTNERS LLP
1717 K Street NW, Suite 9000
Washington, DC 20006
(202) 292-1530
cgosselin@haugpartners.com

Respectfully submitted,

Dated: January 5, 2026

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