

**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 OBJECTIONS AND
RESPONSES TO PLAINTIFF SMART DENTURE CONVERSIONS, LLC’S
FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Straumann USA, LLC (“Straumann”) objects and responds as follows to Plaintiff Smart Denture Conversions, LLC’s (“Plaintiff” or “SDC”) First Set of Interrogatories.

GENERAL OBJECTIONS

1. Straumann objects to Plaintiff’s Interrogatories, as well as to the Instructions and Definitions applicable thereto, that impose upon Straumann discovery obligations that exceed or are inconsistent with the requirements of the Federal Rules of Civil Procedure, the Local Rules, any other statute, rule, or regulation, any agreement by and among the parties, or any Orders of the Court applicable to the present action.

2. Straumann objects to any Interrogatory that seeks information that is more properly the subject of expert testimony, before the deadline set by the Court for the production of such information.

3. Straumann objects to any Interrogatory that seeks documents or information that is outside the time period or territory relevant to this litigation. Plaintiff’s claims are restricted to

allegedly infringing acts in the time period after March 26, 2024 (the date the '992 patent issued) and in the U.S.

4. By identifying a document in response to an Interrogatory, Straumann does not admit that the document is free of information that is privileged or immune from discovery. Nor does Straumann waive its right to withhold or redact any portion of the document that is irrelevant, privileged, or in any way immune from discovery.

5. By identifying a document in response to an Interrogatory, Straumann does not admit that the document is relevant or admissible at a hearing or trial, *e.g.*, as authentic or as falling within an exemption or exception to the hearsay rule. All such objections are expressly reserved.

6. Straumann's Objections and Responses to Plaintiff's Interrogatories shall not be construed as an admission that information related to the Interrogatories exists or is in Straumann's possession, custody, or control.

7. Straumann objects to any Interrogatory that assumes facts not in evidence. Straumann's willingness to respond to any such Interrogatory shall not be construed as a concession or agreement with any implications or conclusions, factual or otherwise, that may be drawn from such an Interrogatory.

8. Straumann's use of a term or phrase in its Objections and Responses to Plaintiff's Interrogatories shall not be construed as an admission or adoption of any definition or construction of any patent claim term or phrase.

9. Straumann objects to any Interrogatory that seeks information that cannot be obtained after a good-faith, reasonable inquiry.

10. Straumann objects to any Interrogatory that seeks a Response to more than one question or subpart, and will count each question and/or subpart as an individual Interrogatory for

purposes of quantifying the total number of propounded interrogatories. *See* Fed. R. Civ. P. 33(a)(1).

11. Straumann objects to Plaintiff's definition of the term "Accused Product(s)" as irrelevant, overbroad, unduly burdensome, and vague, in particular with respect to the phrase "all other Straumann or Neodent® products made, used, imported, sold, or offered for sale for converting removable dentures into fixed prostheses that include one or more of a threaded implant abutment, a definitive screw, a coping, and a temporary screw" and with respect to products not identified by SDC as allegedly meeting one or more of the claim limitations of the patents in suit. Straumann will interpret the term "Accused Product(s)" as referring to the "Straumann or Neodent® products made, used, imported, sold, or offered for sale under the NeoConvert™ brand" (see SDC's February 21, 2025 Identification of Accused Products) and which SDC alleges to meet one or more of the claim limitations of the patents in suit.

12. Straumann objects to Plaintiff's definition of the terms "Straumann," "you," or "your" as being irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case, considering the importance of issues at stake in this action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(1). For example, Plaintiff's definition of the terms "Straumann," "you," or "your" encompasses individuals and entities that have no relevant information or documents, and includes persons or entities that are not under the control of, or authorized to act on behalf of, Straumann. Straumann will interpret the terms "Straumann," "you," or "your" as referring only to defendant Straumann USA, LLC.

13. Straumann objects to identifying or producing in this action any privileged information or document that was created or prepared on or after April 23, 2024. Straumann will withhold, without logging, all privileged information and documents in this action created or prepared by any of its employees, attorneys, agents, or representatives on or after April 23, 2024. *See* D.I. 44 at Section 15.6.

14. Straumann objects to each Interrogatory that seeks information that is cumulative or duplicative of other discovery requests, that is publicly available, that is already in the possession, custody, or control of Plaintiff or its counsel, that is of no greater burden for Plaintiff to obtain than for Straumann, that is obtainable from some other source that is more convenient, less burdensome, less expensive, or that is otherwise more appropriately requested from another party or nonparty.

15. Straumann objects to any Interrogatory that seeks information that is not proportional to the needs of the case, considering the importance of the issues at stake in this action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii).

16. Straumann objects to any Interrogatory that seeks information protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection from discovery. Nothing contained in these objections and/or responses is intended to be, nor should be considered to be, a waiver of any attorney-client privilege, work product protection, or any other applicable privilege or protection, and any

inadvertent disclosure of privileged, immune, or otherwise protected information will not constitute waiver. *See, e.g.*, Fed. R. Civ. P. 26(b)(5)(B); Fed. R. Evid. 502(b).

17. Straumann objects to any Interrogatory that seeks information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC's corresponding objection in its Responses and Objections to Straumann's Requests for Production Nos. 1-45 at 2, and Straumann's related letter to SDC dated March 18, 2025.

18. Straumann reserves the right to supplement or amend its Responses as discovery proceeds, including, *e.g.*, in connection with expert discovery. During the course of subsequent discovery, Straumann may become aware of additional information that may be responsive and could give rise to additional Objections. Straumann thus reserves the right to update, amend, supplement, or otherwise modify these Objections and Responses. By providing these Objections, Straumann does not, and does not intend to, waive its right to rely on evidence or information that is subsequently discovered, and these Objections and Responses are made without prejudice to Straumann's right to present additional evidence or contentions based upon information hereafter obtained or developed.

19. The Objections and Responses set forth herein are for the purposes of the pending action only. Each Response is subject to all objections as to competence, relevance, materiality, admissibility, and any other objection that would require the exclusion of any statement contained herein if such statement were made by a witness when testifying in court. All such Objections are reserved and may be interposed at a hearing or trial.

20. Straumann's Specific Responses are made subject to, and without waiving, the foregoing General Objections, which are incorporated by reference into the Specific Objections and Responses below. Straumann makes these objections without prejudice to and without waiver

of its right to object on additional grounds if Plaintiff interprets an Interrogatory differently from Straumann.

**SPECIFIC OBJECTIONS AND
RESPONSES TO INTERROGATORIES**

INTERROGATORY NO. 1:

Identify by name, model number, and any other identifying indicia each Accused Product and, for each product, identify the three (3) individuals primarily responsible for its design and development, the three (3) individuals primarily responsible for its manufacture and testing, and the three (3) individuals primarily responsible for its marketing and sales.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 1:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it seeks a Response to more than one question or subpart, and will count each question and/or subpart as an individual Interrogatory for purposes of quantifying the total number of proposed interrogatories. *See* Fed. R. Civ. P. 33(a)(1).

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC's corresponding objection in its Responses and Objections to Straumann's Requests for Production Nos. 1-45 at 2.

Straumann further objects to this Interrogatory as seeking information not in Straumann's possession, custody or control.

Straumann further objects to this interrogatory in that it seeks information outside the territory relevant to this litigation.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

The document bearing production no. STUSA000631 (*see* "Summary"-sheet) lists the Accused Products and their material numbers.

To the best of Straumann's knowledge, the three individuals primarily responsible for the accused "NeoConvert" product's design and development are employees of JJGC Indústria e Comércio de Materiais Dentários S.A. (d/b/a Neodent).

To the best of Straumann's knowledge, the three individuals primarily responsible for accused "NeoConvert" product's manufacture and testing are employees of JJGC Indústria e Comércio de Materiais Dentários S.A. (d/b/a Neodent).

Straumann further identifies the following individuals knowledgeable about the marketing and sales of the accused "NeoConvert" product in the U.S.:

- John Luangrath
Associate Director, Product Management
Straumann USA, LLC
- Mike Graham
Head of North American Sales Neodent
Straumann USA, LLC
- George Koskinas
Senior Director, Head of Customer Service Management
Straumann USA, LLC
- Andrew StJules
Customer Success Manager
Straumann USA, LLC

These persons may be contacted only through Straumann's counsel at Haug Partners.

INTERROGATORY NO. 2:

For each Patent in Suit, describe in detail all facts and circumstances under which Straumann first became aware of that patent, including the date(s) when this occurred, the source of the information, the identity of the person(s) who received the information on behalf of Straumann, when and how Straumann first obtained a copy of that patent, and any actions taken by Straumann or any of its directors, officers, or employees as a result, and identify each person with knowledge of the foregoing and any documents related to the foregoing.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 2:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome, in particular with respect to “any actions taken by Straumann or any of its directors, officers, or employees as a result, and identify each person with knowledge of the foregoing and any document related to the foregoing.”

Straumann further objects to the Interrogatory because it seeks the disclosure of information protected by the attorney-client privilege and/or the work product doctrine.

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC’s corresponding objection in its Responses and Objections to Straumann’s Requests for Production Nos. 1-45 at 2.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

Straumann first became aware of the ’992 patent shortly after the date the Complaint in this Action was filed, April 23, 2024, when it received a copy of the Complaint, including the ’992 patent. Straumann first became aware of the ’781 patent around December 2024, when it received a copy of that patent from its outside counsel.

INTERROGATORY NO. 3:

Identify all opinions, evaluations, analyses, or reverse engineering reports, whether written or oral, legal or technical, that Straumann has requested, received, or is aware of regarding any SDC product or any Patent in Suit, including, but not limited to, date, author(s), addressee(s), recipient(s), state whether it relates to infringement or non-infringement, validity or invalidity, enforceability or unenforceability, or any other affirmative defense or a valuation of any Patent in Suit, and state whether Straumann will rely on any such opinion of counsel to rebut SDC's willful infringement contention.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 3:

In addition to its General Objections stated above, Straumann objects to the Interrogatory because it seeks the disclosure of information protected by the attorney-client privilege and/or the work product doctrine.

Straumann further objects to this Interrogatory on the grounds that it is premature and seeks to reverse the burden of proof; discovery is in its early stages, and beyond conclusory assertions (*see* First Supplemental Complaint, ¶¶ 12, 54), SDC has not substantiated its willful infringement contentions yet.

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter.

Straumann further objects to this Interrogatory on the grounds that it is overbroad, unduly burdensome, not proportional to the needs of this case, attempts to encompass substantive issues of the entire case, and seeks a narrative response.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

Straumann will disclose whether or not it will rely on an opinion of counsel to rebut SDC's willful infringement contention, after SDC has substantiated its willful infringement contention, in a timely manner to allow SDC, if Straumann does rely on an opinion of counsel, adequate time to conduct any related discovery.

INTERROGATORY NO. 4:

Describe in detail the factual and legal bases for Straumann's contention in paragraph 45 of its Original Answer (and the corresponding paragraph of its forthcoming Answer) that "[a]s a result of statements made to the [USPTO] during prosecution of the applications that led to the '992 patent, SDC is estopped from asserting that the claims of the '992 patent covered the accused product under the doctrine of equivalents."

OBJECTION AND RESPONSE TO INTERROGATORY NO. 4:

In addition to its General Objections stated above, Straumann further objects to this Interrogatory on the grounds that it is premature, before the deadline set by the Court for the production of such information; Straumann reserves the right to supplement or amend this response.

Straumann further objects to this Interrogatory on the grounds that it is overbroad, not sufficiently specific, and attempts to encompass the substantive issues of the entire case.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

During prosecution of the applications that led to the '992 patent, the applicants made narrowing amendments to the claims. For example, the applicants amended each of then-pending claims 18-29 in an amendment dated December 5, 2023. In remarks accompanying this amendment, the applicants additionally surrendered claim scope through arguments made to the examiner. As a result, the doctrine of prosecution history estoppel presumes that the applicants surrendered all equivalents between the original and the amended claim language.

During prosecution of the applications that led to the '781 patent, the applicants made narrowing amendments to the claims. For example, the applicants amended each of then-pending independent claims 18, 25, 28, and 31 in amendments dated July 1, 2024 and August 5, 2024. In remarks accompanying these amendments, the applicants additionally surrendered claim scope through arguments made to the examiner. As a result, the doctrine of prosecution history estoppel

presumes that the applicants surrendered all equivalents between the original and the amended claim language.

INTERROGATORY NO. 5:

Describe in detail the factual and legal bases for Straumann's contentions in paragraphs 50 and 51 of its Original Answer (and the corresponding paragraphs of its forthcoming Answer) that "SDC's claim for damages is limited by 35 U.S.C. §§ 286 and 287" and "SDC's claim for recovery of costs is limited by 35 U.S.C. § 288."

OBJECTION AND RESPONSE TO INTERROGATORY NO. 5:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it improperly seeks to reverse the burden of proof on the issue of damages. Straumann's response is exemplary only, and Straumann reserves the right to rely on additional facts pertinent to this Interrogatory, or on Plaintiff's failure of proof.

Straumann further objects to this Interrogatory on the grounds that it is, with discovery still ongoing, premature and that it seeks information that is more properly the subject of expert testimony, before the deadline set by the Court for the production of such information; Straumann reserves the right to supplement or amend this response.

Straumann further objects to this Interrogatory on the grounds that it seeks a Response to more than one question or subpart, and will count each question and/or subpart as an individual Interrogatory for purposes of quantifying the total number of proposed interrogatories. *See* Fed. R. Civ. P. 33(a)(1).

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

For any alleged infringement committed more than six years prior to the filing of the complaint or counterclaim for infringement in the action, SDC cannot recover damages in accordance with 35 U.S.C. § 286.

SDC does not plead compliance with the marking requirement, and therefore, damages are limited under 35 U.S.C. § 287 to the period after the filing of the Complaint.

SDC cannot recover costs under 35 U.S.C. § 288 because at least one or more claims of each patent in suit are, *ab initio*, invalid, and SDC did not enter a disclaimer for the invalid claims of the patents in suit.

INTERROGATORY NO. 6:

For each Accused Product, including those identified in response to Interrogatory No. 1, identify the total number of units sold in the U.S., the total number of units made in the U.S., the total number of units imported to the U.S., the total number of units exported from the U.S., total sales in U.S. dollars, the location of each sale for each calendar quarter of sales, and the applicable gross and net profit margins as computed by Straumann.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 6:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it is overbroad, not sufficiently specific, and attempts to encompass the substantive issues of the entire case.

Straumann further objects on the grounds that this request is not bounded in time. This Interrogatory seeks information outside the relevant time period. Plaintiff's claims are restricted to allegedly infringing acts in the time period after March 26, 2024 (the date the '992 patent issued).

Straumann further objects to this Interrogatory on the grounds that it is vague, in particular with respect to the phrase "the location of each sale."

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC's corresponding objection in its Responses and Objections to Straumann's Requests for Production Nos. 1-45 at 2.

Straumann objects to this Interrogatory as seeking irrelevant information not related to any claim or defense because it seeks information about units exported from the U.S.

Subject to and without waving the foregoing General and Specific Objections, Straumann responds as follows:

The Accused Products are not made in the U.S. or exported from the U.S. to any other countries. Pursuant to Fed. R. Civ. P. 33(d), Straumann identifies the following document from

which further non-privileged and non-objectionable information responsive to this Interrogatory may be derived or ascertained: STUSA000631.

INTERROGATORY NO. 7:

For each Accused Product, including those identified in response to Interrogatory No. 1, identify all geographic locations where that product has been manufactured and tested and when it was manufactured or tested.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 7:

Straumann objects to this Interrogatory on the grounds that it is overbroad and vague, in particular with respect to “all geographic locations” and “tested.”

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC’s corresponding objection in its Responses and Objections to Straumann’s Requests for Production Nos. 1-45 at 2.

Straumann further objects to this Interrogatory as seeking information not in Straumann’s possession, custody, or control.

Straumann further objects on the grounds that this request is not bounded in time. This Interrogatory seeks information outside the relevant time period. Plaintiff’s claims are restricted to allegedly infringing acts in the time period after March 26, 2024 (the date the ’992 patent issued).

Straumann further objects to this interrogatory in that it seeks information outside the territory relevant to this litigation.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

To the best of Straumann’s knowledge, the Accused Products have been manufactured and tested in Curitiba, Brazil.

INTERROGATORY NO. 8:

Identify each of Straumann's past and present customers, distributors, manufacturers, or any other entity purchasing, selling, or making any Accused Product, including those identified in response to Interrogatory No. 1, and for each entity, identify the total number of units shipped or delivered and total sales in U.S. dollars to or by each such entity for each calendar quarter of sales.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 8:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome, particularly with respect to "past...customers, distributors, manufacturers, or any other entity purchasing, selling, or making any Accused Product."

Straumann further objects on the grounds that it seeks information outside the relevant time period. Plaintiff's claims are restricted to allegedly infringing acts in the time period after March 26, 2024 (the date the '992 patent issued).

Straumann further objects to this Interrogatory on the grounds, and to the extent, that it seeks information about the purchase and/or sale of products outside of the territory relevant to this litigation. Plaintiff's claims are restricted to allegedly infringing acts that occurred in the U.S.

Straumann objects to this Interrogatory as irrelevant in seeking information or documents created after April 23, 2024, the date SDC filed its original complaint in this matter. *See* SDC's corresponding objection in its Responses and Objections to Straumann's Requests for Production Nos. 1-45 at 2.

Straumann further objects to this Interrogatory on the grounds that it is duplicative of Interrogatory No. 6.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

To the best of Straumann's knowledge, the manufacturer of the Accused Products is JJGC Indústria e Comércio de Materiais Dentários S.A. (d/b/a Neodent).

Straumann purchases the Accused Products and sells them in the U.S.

Pursuant to Fed. R. Civ. P. 33(d), Straumann identifies the following document from which further non-privileged and non-objectionable information responsive to this Interrogatory may be derived or ascertained: STUSA000631.

INTERROGATORY NO. 9:

Describe in detail the factual and legal bases for Straumann's contention in paragraph 53 of its Original Answer (and the corresponding paragraph of its forthcoming Answer) that "[t]his action qualifies as an exceptional case" and that Straumann is entitled to attorney fees and litigation expenses.

OBJECTION AND RESPONSE TO INTERROGATORY NO. 9:

In addition to its General Objections stated above, Straumann objects to this Interrogatory on the grounds that it is, with discovery still ongoing, premature. Straumann reserves the right to supplement or amend this response.

Straumann further objects to this Interrogatory on the grounds that it is overbroad, not sufficiently specific, attempts to encompass the substantive issues of the entire case, and seeks a narrative response.

Subject to and without waiving the foregoing General and Specific Objections, Straumann responds as follows:

The Patents in Suit are invalid and not infringed by Straumann, and this action qualifies as an exceptional case. As for Straumann's invalidity arguments, *see* ¶¶ 60-67 of Straumann's Answer to the First Supplemental Complaint dated February 14, 2025 (Dkt. No. 36), all of which are incorporated by reference. As for Straumann's non-infringement arguments, *see* ¶¶ 56-59 of Straumann's Answer to the First Supplemental Complaint dated February 14, 2025 (Dkt. No. 36), all of which are incorporated by reference.

Dated: March 21, 2025

As to objections:

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, this document was served on the persons listed below in the manner indicated:

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