

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

DENTSPLY SIRONA INC.,
Petitioner,

v.

OSSEO IMAGING, LLC,
Patent Owner.

IPR2025-00771 (Patent 6,381,301 B1)
IPR2025-00772 (Patent 6,944,262 B2)
IPR2025-00787 (Patent 8,498,374 B2)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

IPR2025-00771 (Patent 6,381,301 B1)
IPR2025-00772 (Patent 6,944,262 B2)
IPR2025-00787 (Patent 8,498,374 B2)

Osseo Imaging, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 5, “DD Req.”) in the above-captioned cases, and Dentsply Sirona Inc. (“Petitioner”) filed an opposition (Paper 7, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the challenged patents have been in force for many years, creating strong settled expectations, and Petitioner does not provide persuasive reasoning why an *inter partes* review is an appropriate use of Board resources. *Dabico Airport Solutions Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). In addition, the challenged patents have already been upheld as not invalid in a district court proceeding, and the Federal Circuit affirmed that verdict. DD Req. 7. It is not an efficient use of Board resources to consider the Petitions under these circumstances.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

¹ Citations are to papers in IPR2025-00771. The parties filed similar papers in IPR2025-00772 and IPR2025-00787.

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ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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