

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

STRAUMANN USA, LLC,
Petitioner,

v.

SMART DENTURE CONVERSIONS, LLC,
Patent Owner.

Case No. PGR2025-00054
U.S. Patent No. 12,156,781

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Straumann USA, LLC (“Petitioner”) submits the following objections to evidence submitted by Patent Owner Smart Denture Conversions, LLC (“Patent Owner”), and any reference to or reliance on the foregoing. Petitioner’s objections are timely under 37 C.F.R. § 42.64(b)(1) because the objections have been filed within 10 business days of the Board’s institution decision, which issued on December 10, 2025. Paper 14. As required by 37 C.F.R § 42.62, Petitioner’s objections below apply the Federal Rules of Evidence.

1. Objections to Exhibits 2001, 2002, and 2004–2009

Petitioner objects to Exhibits 2001, 2002, 2004, 2005, 2006, 2007, 2008, and 2009 as inadmissible under Fed. R. Evid. 402 because none of these exhibits is relevant to any issue in this proceeding, or, alternatively, 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.

These exhibits are not cited in Patent Owner’s Preliminary Response. Paper 10. Instead, Patent Owner cited these exhibits to support its arguments for discretionary denial. *See, e.g.*, Patent Owner’s Discretionary Denial Brief (Paper 7) at 4, 6-8, 10, 13, 14, 18, 20-21. The Acting Director denied Patent Owner’s discretionary denial request (Paper 11) and the Board instituted this PGR (Paper

14). Therefore, Patent Owner's discretionary denial arguments are now moot, and these exhibits are no longer relevant to any issue in this proceeding.

2. Objections to Exhibit 2010

Petitioner objects to Exhibit 2010 (Declaration of Karl R. Leinsing) because Patent Owner has not introduced admissible evidence to establish that Mr. Leinsing is a qualified expert as required by Fed. R. Evid. 702.

In particular, Patent Owner has failed to introduce evidence that establishes that Mr. Leinsing has the knowledge, skill, experience or training of a person of ordinary skill in the art ("POSA"). In the institution decision, the Board tentatively adopted Petitioner's definition of a POSA, which requires "at least five years of experience working with (researching, developing and/or designing) dental implants and prostheses, including familiarity and experience with fasteners (threaded and otherwise) used to connect prostheses, implants and related components." Paper 14 at 18-19 (citing Petition (Paper 1) at 31, Ex. 1002, ¶¶126-129). Patent Owner has not introduced evidence that demonstrates that Mr. Leinsing has the required experience to be a POSA qualified to provide the expert testimony set forth in Exhibit 2010. In particular, there is no evidence that Mr. Leinsing has any experience working with dental implants and prostheses, much less the required years of experience. Instead, the "Background and Qualifications" section of Mr. Leinsing's declaration states that he is a medical

device engineer with experience working with medical devices, including “implants and devices in the medical field” and surgical fasteners, but his declaration does not state that he has experience with dental implants and prostheses. Ex. 2010, ¶¶4–12. Moreover, Patent Owner did not submit Mr. Leinsing’s curriculum vitae.

3. Objections to Exhibit 2011

Petitioner objects to Exhibit 2011 (Smart Denture Conversions, Technique Manual) as inadmissible hearsay under Fed. R. Evid. 802 for which no exception has been established, to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein.

For example, Patent Owner cites Exhibit 2011 in support of Patent Owner’s statements in its Preliminary Response (Paper 10) that:

- “[c]onventional conversion procedures . . . typically require two hours to complete and often require multiple attempts to achieve occlusion and comfort for the patient” (*id.* at 51 (citing Ex. 2011 at 3));
- “[t]he inventions underlying Patent Owner’s Smart Denture Conversions technology and Petitioner’s NeoConvert systems allow conversions to be done in 30 minutes” (*id.* at 51 (citing Ex. 2011 at 3));

- “Patent Owner’s technology also results in a stronger prosthesis by allowing smaller holes to be drilled than in conventional conversions” (*id.* at 51 (citing Ex. 2011 at 3));
- “[t]he resulting prosthesis lasts longer and is less likely to fracture, delivering long-term value to patients” (*id.* at 51 (citing Ex. 2011 at 3)); and
- “Patent Owner’s inventions allow practitioners to better position the denture in the mouth as compared to a conventional conversion procedure, resulting in a more functional, more comfortable, and better-looking end result” (*id.* at 50-51 (citing Ex. 2011 at 3)).

Petitioner further objects to Exhibit 2011 as not relevant to any issue in this proceeding and, therefore, as inadmissible under Fed. R. Evid. 402, or, alternatively, 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. Patent Owner admits in the parallel district court litigation that its “Separable Fastener” commercial product described in Exhibit 2011 does not practice any of the claims of the ’781 patent, yet Patent Owner offers Exhibit 2011 in this PGR as objective evidence of non-obviousness of the claims. *See* Preliminary Response (Paper 10) at 50-55.

Petitioner further objects to Exhibit 2011 because Patent Owner has not introduced any admissible evidence to authenticate Exhibit 2011, as required under Fed. R. Evid. 901(a), and also has not introduced any admissible evidence to establish that Exhibit 2011 is self-authenticating under Fed. R. Evid. 902.

4. Objections to “Voices from the Bench” Podcast

Petitioner objects to “Voices from the Bench, Episode 280, Getting Smart About Conversions with Dr. Brandon Kofford (Aug. 7, 2023), available at <https://shorturl.at/vFDBy>”, which appears to be a podcast episode from the internet, and which Patent Owner cites as evidence in its Preliminary Response but did not submit as an exhibit.¹

Petitioner objects to this evidence as inadmissible hearsay under Fed. R. Evid. 802 for which no exception has been established, to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein.

For example, Patent Owner cites excerpts from this podcast episode in support of Patent Owner’s statements in its Preliminary Response (Paper 10) that:

- “[T]he commercial success of Patent Owner’s products—
NeoConvert’s only competitors—supports the non-obviousness of

¹ Patent Owner included a citation to this podcast in its “Table of Abbreviations” in its Preliminary Response (Paper 10 at ix (“Voices”)) but did not include it as an exhibit (*id.* at vi–vii).

alternate embodiments of the inventions. As one dental practitioner said in August 2023, ‘this thing has exploded.’” (*id.* at 50-51 & n.5 (citing Voices at 42:30–43:07));

- “Despite encountering these issues *for decades*, however, no practitioner or inventor conceived of the technology claimed in the ’992 patent until 2016 (when Dr. Kofford first conceived the concept) and 2018 (when Dr. Kofford and Mr. Rudisill conceived of and reduced the concept to practice).” (*id.* at 52 & n.6 (citing Voices at 36:40–37:05));
- “The success of Patent Owner’s Separable Fastener is precisely why Petitioner introduced NeoConvert; the two systems compete head-to-head and enjoy the same benefits and advantages.” (*id.* at 53 & n.7 (citing Voices at 45:00–34));
- “Furthermore, though Dr. Kofford and Mr. Rudisill expected the Patent Owner’s technology to improve conversion procedures, the technology and resulting products ultimately resulted in more significant gains in efficiency, comfort, and prosthesis strength than even the inventors initially anticipated—leading to greater commercial success than they anticipated as well.” (*id.* at 54 & n.8 (citing Voices at 42:00–43:00));

- “For these reasons, dental practitioners and patients have praised Patent Owner’s products and technology. On the *Voices from the Bench: A Dental Laboratory* Podcast, for example, a practitioner lauded the technology, saying that ‘at this point, I can’t imagine doing a conversion any other way.’” (*id.* at 54 & n.9 (citing *Voices* at 6:20–31));
- “‘It’s a really neat system, that I can say, first hand, not only makes my job easier, but makes a better prosthetic, and also makes me look like a rock star.’” (*id.* at 54 & n.10 (citing *Voices* at 7:05–7:20));

Petitioner further objects to this evidence as not relevant to any issue in this proceeding and, therefore, as inadmissible under Fed. R. Evid. 402, or, alternatively, 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. Patent Owner admits in the parallel district court litigation that its “Separable Fastener” commercial product described in this *Voices* podcast episode does not practice any of the claims of the ’781 patent, yet Patent Owner offers this evidence about its product in this PGR as objective evidence of non-obviousness of the claims. *See* Preliminary Response (Paper 10) at 50-55.

Petitioner further objects to this evidence from the Voices podcast episode because Patent Owner has not introduced any admissible evidence to authenticate this evidence, as required under Fed. R. Evid. 901(a), and also has not introduced any admissible evidence to establish that this evidence is self-authenticating under Fed. R. Evid. 902.

Dated: December 18, 2025

Respectfully submitted,

/s/ Sheila Mortazavi

Sheila Mortazavi

Reg. No. 43,343

Counsel for Petitioner Straumann USA, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on December 18, 2025, the foregoing document and all supporting materials were served on counsel for Patent Owner as provided in 37 C.F.R. § 42.6(e) via electronic mail, to the following email addresses:

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