

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

STRAUMANN USA, LLC,
Petitioner,

v.

SMART DENTURE CONVERSIONS, LLC,
Patent Owner.

PGR2025-00054
Patent 12,156,781 B1

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

DECISION
Referring the Petition to the Board

Smart Denture Conversions, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Straumann USA, LLC (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceeding is December 26, 2026. DD Req. 14. The district court’s scheduled trial date is October 19, 2026, but the time-to-trial statistics suggest trial would not begin until July 2027. *Id.*; DD Opp. 32. As such, these considerations neither favor nor counsel against discretionary denial.

Other considerations counsel against discretionary denial. For example, the challenged patent issued on December 3, 2024, and Petitioner filed its Petition on June 4, 2025. Accordingly, Petitioner challenged the patent early in its life. Early challenges favor robust, predictable patent rights and weigh against discretionary denial. Further, petitions for post-grant review are favored because they must be filed no later than nine months from the grant of the patent (35 U.S.C. § 321(c)), are close in time to examination, and occur before expectations in the patent rights are strongly settled. *LifeVac, LLC v. DCSTAR Inc.*, IPR2025-00454, Paper 11 at 2 (Director July 11, 2025).

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by

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issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

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

FURTHER ORDERED that the Petition is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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FOR PETITIONER:

Sheila Mortazavi
HAUG PARTNERS LLP
smortazavi@haugpartners.com

FOR PATENT OWNER:

Andrew D. Kasnevich
KDW FIRM PLLC
akasnevich@kdwfirm.com

Dan Whittle
dan.whittle@patentleverage.com