

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US ENDODONTICS, LLC,
Petitioner

v.

GOLD STANDARD INSTRUMENTS, LLC
Patent Owner

Case IPR2015-00632
Patent 8,727,773 B2

**PETITIONER'S THIRD SET OF OBJECTIONS
TO PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner US Endodontics, LLC ("US Endo") submits the following objections to Exhibits 2044, 2050, 2051, and 2052 submitted by Patent Owner Gold Standard Instruments, LLC ("GSI"), and any reference to or reliance on the foregoing. Pursuant to 37 C.F.R. § 42.62, US Endo's objections apply the Federal Rules of Evidence.

I. OBJECTIONS TO EXHIBIT 2044

Exhibit 2044 is described by GSI as "Email communications between Dr. Neill H. Luebke and Bobby Bennett, dated June 27, 2010 and July 6, 2010." (Paper No. 56, p. 7.)

US Endo objects to Exhibit 2044 as irrelevant to the grounds upon which this proceeding has been instituted, and as untimely and unfairly prejudicial. Accordingly, Exhibit 2044 is inadmissible under Fed. R. Evid. 401, 402, and/or 403.

US Endo further objects to Exhibit 2044 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which GSI has not established any exception.

II. OBJECTIONS TO EXHIBIT 2050

Exhibit 2050 is described by Patent Owner as "Dentistry — Root-canal instruments — Part 1: General requirements, dated February 17, 2005." (Paper No. 56, p. 8.)

US Endo objects to Exhibit 2050 as irrelevant to the grounds upon which this proceeding has been instituted, and as untimely and unfairly prejudicial. Accordingly, Exhibit 2050 is inadmissible under Fed. R. Evid. 401, 402, and/or 403.

US Endo further objects to Exhibit 2050 under Fed. R. Evid. 901 for lack of authentication.

III. OBJECTIONS TO EXHIBIT 2051

Exhibit 2051 is described by Patent Owner as "Kowalski Heat Treatment Company Purchase Order Certification, dated January 15, 2016." (Paper No. 56, p. 8.)

US Endo objects to Exhibit 2051 as irrelevant to the grounds upon which this proceeding has been instituted, and as untimely and unfairly prejudicial. Accordingly, Exhibit 2051 is inadmissible under Fed. R. Evid. 401, 402, and/or 403.

US Endo further objects to Exhibit 2051 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which GSI has not established any exception.

US Endo further objects to Exhibit 2051 under Fed. R. Evid. 901 for lack of authentication.

IV. OBJECTIONS TO EXHIBIT 2052

Exhibit 2052 is described by Patent Owner as "Declaration of Nolan Knight, dated January 18, 2016." (Paper No. 56, p. 8.)

US Endo objects to Exhibit 2052 as irrelevant to the grounds upon which this proceeding has been instituted, and as untimely and unfairly prejudicial.

Accordingly, Exhibit 2052 is inadmissible under Fed. R. Evid. 401, 402, and/or 403.

US Endo further objects to Exhibit 2052 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which GSI has not established any exception.

US Endo further objects to Exhibit 2052 under Fed. R. Evid. 901 for lack of authentication.

Dated: February 3, 2016

/Jeffrey S. Ginsberg /
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Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on February 3, 2016, the foregoing *Petitioner's Third Set of Objections to Patent Owner's Exhibits* was filed via the PRPS system and served via e-mail on the following counsel of record for the Patent Owner:

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