

Filed on behalf of: Gold Standard Instruments, LLC

Paper \_\_\_\_\_

By: Joseph A. Hynds, Lead Counsel  
R. Elizabeth Brenner-Leifer, Back-up Counsel  
Steven Lieberman, Back-up Counsel  
Jason M. Nolan, Back-up Counsel  
Derek F. Dahlgren, Back-up Counsel  
C. Nichole Gifford, Back-up Counsel  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
607 14th Street, N.W., Suite 800  
Washington, DC 20005  
Phone: 202-783-6040  
Facsimile: 202-783-6031  
Emails: jhynds@rothwellfigg.com  
ebrenner@rothwellfigg.com  
slieberman@rothwellfigg.com  
jnolan@rothwellfigg.com  
ddahlgren@rothwellfigg.com  
ngifford@rothwellfigg.com

Date filed: March 16, 2016

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

---

**PATENT OWNER'S OPPOSITION TO  
PETITIONER'S MOTION TO EXCLUDE**

Case IPR2015-00632  
Patent 8,727,773 B2

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... ii

I. Introduction..... 1

II. Exhibit 2006..... 1

III. Exhibit 2026, ¶ 51..... 3

IV. Exhibit 2027, ¶¶ 37-40, 42, 43, and 45..... 4

V. Exhibit 2028, ¶¶ 33, 40, 48, and 49..... 6

VI. Exhibit 2040..... 7

VII. Exhibit 2043..... 8

VIII. Exhibit 2044..... 9

IX. Exhibit 2050..... 10

X. Exhibits 2051 and 2052 ..... 12

XI. Portions of Exhibits 1038 and 1040 ..... 15

XII. Conclusion ..... 15

## TABLE OF AUTHORITIES

### Cases

<i>EMC Corp. v. Personalweb Tech., LLC</i> , IPR2013-00083 (PTAB May 15, 2014).....	1, 5
<i>Graham v. John Deere Co. of Kansas City</i> , 86 S.Ct. 684 (1966).....	10
<i>In re GPAC, Inc.</i> , 57 F.3d 1573 (Fed. Cir. 1995) .....	10
<i>Johnson v. Samsung Elecs. Am., Inc.</i> , 277 F.R.D. 161(E.D. La. 2011) .....	4
<i>Kirk v. Raymark Indus., Inc.</i> , 61 F.3d 147 (3d Cir. 1995) .....	3
<i>Mason v. Safeco Ins. Co. Am.</i> , 2010 U.S. Dist. LEXIS 86696 (E.D. Mo. Aug. 23, 2010).....	4
<i>OddzOn Products, Inc. v. Just Toys, Inc.</i> , 122 F. 3d 1396 (Fed. Cir. 1997) .....	10
<i>SK Innovation Co., v. Celgard, LLC</i> , IPR2014-00679 (PTAB 2015).....	15

### Statutes

35 U.S.C. § 103.....	9
----------------------	---

### Other Authorities

FRE 702 Advisory Committee Notes to 2000 Amendments (“The term ‘data’ is intended to encompass the reliable opinions of other experts.”).....	4
-----------------------------------------------------------------------------------------------------------------------------------------------	---

### Rules

37 C.F.R. § 42.20(c).....	1
37 C.F.R. § 42.62(a).....	1
Fed. R. Civ. Pro. 30(b)(6) .....	2
Fed. R. Evid. 401 .....	9, 13
Fed. R. Evid. 402 .....	9, 13

Fed. R. Evid. 403 ..... 9, 13  
Fed. R. Evid. 801(d)(2) ..... 5, 8, 9  
Fed. R. Evid. 802 ..... 8, 9  
Fed. R. Evid. 807 ..... 2, 3  
Fed. R. Evid. 901 ..... 11

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.