

Patent Owner's Demonstratives

US Endodontics, LLC, v. Gold Standard Instruments, LLC

Case IPR2015-00632 | Patent 8,727,773 B2

GOLD STANDARD
US ENDODONTICS

Patent Owner's Demonstratives

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Burden of Proof

- Petitioner must prove unpatentability by a preponderance of the evidence
 - 35 U.S.C. § 316(e)
- Petitioner argues—incorrectly—that Patent Owner has the burden to demonstrate patentability
 - Petitioner’s Reply (Paper 57, 1)
- Petitioner has not carried its burden

Conventional Wisdom

At the time of invention, superelasticity was considered a highly desirable property for endodontic instruments

Conventional Wisdom Regarding Superelastic Endodontic Files

Goldberg Declaration

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

US ENDODONTIC
Petitioner

v.

GOLD STANDARD INST
Patent Owner

Case: IPR2015-0
U.S. Patent No. 8,7

DECLARATION OF A. JOSEPH

25. The nickel titanium alloys (which I will refer to as “Ni-Ti”) described and claimed by the ’773 patent were first discovered in the 1960’s, and their use in endodontics was first disclosed as early as 1988 by Walia et al. Properties including flexibility, superelasticity, shape memory properties, and resistance to fatigue have made Ni-Ti a desirable material for endodontic files ever since it was first used for that purpose.

IPR2015-00632 – Ex. 1002
US Endodontics, LLC, Petitioner
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