

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US ENDODONTICS, LLC,
Petitioner

v.

GOLD STNADARD INSTRUMENTS, LLC
Patent Owner

CASE IPR2015-00632
Patent 8,727,773 B2

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

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Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner US Endodontics, LLC (“US Endo”) submits the following objections to Exhibits 2001-2002, 2004, 2006, and 2019-2022 submitted by Patent Owner Gold Standard Instruments, LLC (“GSI”), and any reference to or reliance on the foregoing. As required by 37 C.F.R § 42.62, US Endo’s objections below apply the Federal Rules of Evidence.

I. OBJECTION TO EXHIBITS 2001 (SUBSTITUTE), 2002 (SUBSTITUTE), 2004, 2014, 2021, AND 2022

Exhibits 2001 (substitute), 2002 (substitute), 2004, 2014, 2021, and 2022 are selected portions of hearing and deposition transcripts from the pending district court litigation. Exhibit 2001 (substitute) is described by GSI as “(Substitute) *Dentsply Int’l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, Preliminary Injunction Hearing Transcript, Volume I, dated Nov. 25, 2014 (E.D. Tenn.), pp. 1, 2, 11, 12, 15, 19, 20, 27-30, 32-59, 65, 66, 76-78, 141, 152, 163-65, 168, 170, 176, 240, 243, 249, 261, 262, 279, and 301 (index).” (Paper 20 at 2). Exhibit 2002 (substitute) is described by GSI as “(Substitute) *Dentsply Int’l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, Preliminary Injunction Hearing Transcript, Volume II, dated Nov. 26, 2014 (E.D. Tenn.), pp. 1, 2, 10, 37-51, 55-57, 99-105, 129, 131, 159, 172-74, 180-81, and 197 (index).” (Paper 20 at 2-3). Exhibit 2004 is described by GSI as “*Dentsply Int’l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196,

Deposition Transcript of Neill H. Luebke, dated Oct. 8, 2014 (E.D. Tenn.), pp. 1 and 108-113.” (Paper 20 at 3). Exhibit 2014 is described by GSI as “*Dentsply Int’l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, US Endodontics, LLC’s Counter-Designations to Plaintiffs’ Designations of Bobby Bennett Deposition Testimony and Redacted Public Version of the Designated Transcript, dated Dec. 12, 2014 (E.D. Tenn.), pp. 1, 29-32, 36, 58-61, 65, 67, 68, 71, 79, 80, 93, 98, 99, 145, 149, 150, 187, 195, 196, 200, 221-224, and 229.” (Paper 20 at 4). Exhibit 2021 is described by GSI as “Duplicate of Substitute Exhibit 2001.” (Paper 20 at 5). And Exhibit 2022 is described by GSI as “Duplicate of Substitute Exhibit 2002.” (Paper 20 at 5).

US Endo objects to Exhibits 2001 (substitute), 2002 (substitute), 2004, 2014, 2021, and 2022 as irrelevant pursuant to Fed. R. Evid. 401, and therefore, inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403. The cited passages in these exhibits do not make any fact relevant to the grounds upon which trial was instituted more or less probable, and any facts that might be established based on these exhibits are of no consequence in determining the issues on which trial was instituted. Fed. R. Evid. 401. Including such citations in the record would merely lead to unfair prejudice, undue delay, confusion, and a waste of time. Fed. R. Evid. 403.

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