

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 PGR2015-00019
Patent 8,876,991 B2

**PETITIONER'S FIRST 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 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2011, 2014, 2015, 2017, 2018, and 2019 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 EXHIBITS 2001, 2002, 2004, 2006, 2008, 2011, 2014, AND 2019

Exhibits 2001, 2002, 2004, 2006, 2008, 2011, 2014, and 2019 are identified by GSI as hearing transcripts, hearing demonstratives, deposition transcripts, and expert reports from the pending district court litigation.

Exhibit 2001 is described by GSI as "Preliminary Injunction Hearing Transcript, Vol. I (public version), *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196 (E.D. Tenn. Nov. 25, 2014)."

Exhibit 2002 is described by GSI as "Preliminary Injunction Hearing Transcript, Vol. II, *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, (E.D. Tenn. Nov. 26, 2014)."

Exhibit 2004 is described by GSI as "Deposition Transcript of Neill H.

Luebke, D.D.S., M.S. (redacted), *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, (E.D. Tenn. Oct. 8, 2014); and errata sheet (E.D. Tenn. Nov. 12, 2014)."

Exhibit 2006 is described by GSI as "Declaration of John Voskuil, *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196 (E.D. Tenn. July 9, 2014)."

Exhibit 2008 is described by GSI as "US Endodontics, LLC's Counter-Designations to Plaintiffs' Designations of Bobby Bennett Deposition Testimony and Redacted Public Version of the Designated Transcript, *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196 (E.D. Tenn. Dec. 12, 2014), 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."

Exhibit 2011 is described by GSI as "PowerPoint slides presented by Petitioner's Expert Dr. Jeffrey Stec, *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196, (E.D. Tenn. Nov. 26, 2014)."

Exhibit 2014 is described by GSI as "Deposition Transcript of A. Jon Goldberg, Ph.D., *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196 (E.D. Tenn. Sept. 30, 2014)."

Exhibit 2019 is described by GSI as "Expert Report of Robert Sinclair, Ph.D., *Dentsply Int'l Inc. and Tulsa Dental Prods. LLC d/b/a/ Tulsa Dental Specialties v. US Endodontics, LLC*, No. 2:14-196 (E.D. Tenn. Sept. 12, 2014)."

US Endo objects to Exhibits 2001, 2002, 2004, 2006, 2008, 2011, 2014, and 2019 as irrelevant, under Fed. R. Evid. 401, to the grounds upon which this proceeding has been instituted, and therefore, inadmissible under Fed. R. Evid. 402-403.

US Endo further objects to Exhibits 2001, 2002, 2004, 2006, 2008, 2011, 2014, and 2019 as constituting hearsay, under Fed. R. Evid. 801, for which no exception has been established, and therefore, inadmissible under Fed. R. Evid. 802.

US further objects to Exhibit 2004 under Fed. R. Evid. 106 because it omits portions of the transcript by way of redaction that in fairness should be considered with the selectively cited portions.

II. OBJECTIONS TO EXHIBIT 2005

Exhibit 2005 is described by Patent Owner as "Guhring, Inc., Guhring Coating Services 2003."

US Endo objects to Exhibit 2005 as irrelevant, under Fed. R. Evid. 401, to the grounds upon which this proceeding has been instituted, and therefore, inadmissible under Fed. R. Evid. 402-403.

US Endo further objects to Exhibit 2005 as constituting hearsay, under Fed. R. Evid. 801, for which no exception has been established, and therefore, inadmissible under Fed. R. Evid. 802.

US Endo further objects to Exhibit 2005 under Fed. R. Evid. 901 for lack of authentication.

III. OBJECTIONS TO EXHIBIT 2007

Exhibit 2007 is described by Patent Owner as "Edge Endo, LLC's product information for the EdgeFile (Oct. 30, 2014), printed from <<http://edgeendo.com/products/edgefile/>>."

US Endo objects to Exhibit 2007 as irrelevant, under Fed. R. Evid. 401, to the grounds upon which this proceeding has been instituted, and therefore, inadmissible under Fed. R. Evid. 402-403.

US Endo further objects to Exhibit 2007 as constituting hearsay, under Fed. R. Evid. 801, for which no exception has been established, and therefore, inadmissible under Fed. R. Evid. 802.

IV. OBJECTIONS TO EXHIBIT 2015

Exhibit 2015 is described by Patent Owner as "U.S. Patent No. 5,843,244 (filed Jun. 13, 1966)."

US Endo objects to Exhibit 2015 as irrelevant, under Fed. R. Evid. 401, to the grounds upon which this proceeding has been instituted, and therefore,

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