

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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US ENDODONTICS, LLC,  
Petitioner,

v.

GOLD STANDARD INSTRUMENTS, LLC  
Patent Owner.

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Case PGR2015-00019  
Patent 8,876,991 B2

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70, Petitioner respectfully requests oral argument in this post-grant review of U.S. Patent No. 8,876,991 (“the ’991 patent”), currently scheduled for October 19, 2016. *See* Paper 21.

## ISSUES TO BE ARGUED

### I. The following issues raised in the Petition:

- A. Whether claims 12-16 of the ’991 patent are unpatentable under 35 U.S.C. § 112(a) for lack of enablement;
- B. Whether claims 12-16 of the ’991 patent are unpatentable under 35 U.S.C. § 112(a) for lack of written description;
- C. Whether claims 12-16 of the ’991 patent are unpatentable under 35 U.S.C. § 102 as being anticipated by US 2008/0032260 A1 to Luebke (“Luebke 2008”);
- D. Whether claim 15 of the ’991 patent is unpatentable under 35 U.S.C. § 103 as being obvious over Luebke 2008 alone or in view of US 5,628,674 to Heath (“Heath”) or International Standard ISO 3630-1, 1st ed. (1992) (“ISO 3630-1”);
- E. Whether claims 12-14 and 16 of the ’991 patent are unpatentable under 35 U.S.C. § 102 as being anticipated by Grégoire Kuhn & Laurence Jordan, *Fatigue and Mechanical Properties of Nickel-*

*Titanium Endodontic Instruments*, 28 J. ENDODONTICS 716

(2002) (“Kuhn”);

- F. Whether claim 15 of the ’991 patent is unpatentable under 35 U.S.C. § 103 as being obvious over Kuhn alone or in view of Heath or ISO 3630-1.

## **II. Rebuttal on all matters properly before the Board**

Petitioner also respectfully requests the ability to use audio/visual equipment to display demonstrative exhibits, including a projector, screen, and easel.

Respectfully submitted,

Dated: Sept. 20, 2016

/Jeffrey S. Ginsberg/

Jeffrey S. Ginsberg (Reg. No. 36,148)

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**Certificate of Service**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on September 20, 2016, the foregoing **PETITIONER'S REQUEST FOR ORAL ARGUMENT** was served via electronic mail on the following counsel of record for the Patent Owner:

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