## US Endodontics, LLC's Hearing Presentation

**US Endodontics, LLC** 

Petitioner,

V.

**Gold Standard Instruments, LLC,** 

Patent Owner.

Case PGR2015-00019

Patent 8,876,991 B2

October 19, 2016

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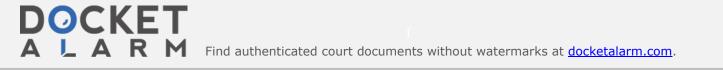
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## **Endodontic File**





## Grounds Upon Which Trial Was Instit

ORDERED that pursuant to 35 U.S.C. § 324(a), a post-grant review is hereby instituted as to claims 12–16 of the '991 patent on the following grounds of unpatentability:

- Claims 12–16 under 35 U.S.C. § 112(a) as being unpatentable for lack of enablement;
- Claims 12–16 under 35 U.S.C. § 112(a) as being unpatentable for lack of written description;
- Claims 12–16 under 35 U.S.C. § 102 as being anticipated by Luebke 2008;
- Claim 15 under 35 U.S.C. § 103 as being unpatentable over Luebke 2008 alone or in view of Heath or ISO 3630-1;
- Claims 12–14 and 16 under 35 U.S.C. § 102 as being anticipated by Kuhn; and
- 6. Claim 15 under 35 U.S.C. § 103 as being unpatentable over Kuhn alone or in view of Heath or ISO 3630-1.

## US Pat. No. 8,876,991 – Claim 12

12. A method for manufacturing or modifying an endodo tic instrument for use in performing root canal therapy on tooth, the method comprising:

- (a) providing an elongate shank having a cutting ed extending from a distal end of the shank along an axis length of the shank, the shank comprising a superelast nickel titanium alloy, and
- (b) after step (a), heat-treating the entire shank at a ter perature above 25° C. up to but not equal to the meltin point of the superelastic nickel titanium alloy,
- wherein the heat treated shank has an angle greater than degrees of permanent deformation after torque at degrees of flexion when tested in accordance with IS Standard 3630-1.

### US Pat. No. 8,876,991 – Claims 13 ar

13. The method of claim 12 wherein:step (b) is performed in an atmosphere that is unread ambient or any other acceptable heat treatment pro

14. The method of claim 12 wherein: the temperature is from 300° C. up to but not equal to melting point of the superelastic nickel titanium all

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