

Patent Owner's Demonstratives

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

Case PGR2015-00019 | Patent 8,876,991 B2

Burden of Proof

Burden of Proof

- Petitioner must prove unpatentability by a preponderance of the evidence
 - 35 U.S.C. § 326(e)
- Petitioner argues—incorrectly—that Patent Owner has the burden to demonstrate patentability
 - Petitioner’s Reply at 1
- Petitioner has not carried its burden

Background

Background – State of the Art in 2005 – Superelasticity was viewed as a Benefit

US007967605B2

(12) **United States Patent**
Goodis

(10) **Patent No.:** US 7,967,605 B2
(45) **Date of Patent:** Jun. 28, 2011

(54) **ENDODONTIC FILES AND OBTURATOR DEVICES AND METHODS OF MANUFACTURING SAME**

(75) **Inventor:** Charles J. Goodis, Albuquerque, NM (US)

(73) **Assignee:** Guidance Endodontics, LLC, Albuquerque, NM (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1627 days.

(21) **Appl. No.:** 11/081,974

(22) **Filed:** Mar. 16, 2005

(65) **Prior Publication Data**
US 2005/0282108 A1 Dec. 22, 2005

Related U.S. Application Data

(60) Provisional application No. 60/553,792, filed on Mar. 16, 2004, provisional application No. 60/648,099, filed on Jun. 28, 2005, provisional application No. 60/648,167, filed on Jun. 28, 2005.

(51) **Int. Cl.** (2006.01)
A61C 5/02

(52) **U.S. Cl.** 433/102

(58) **Field of Classification Search** 433/102, 433/165, 224
See application file for complete search history.

(56) **References Cited**

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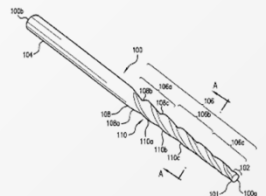
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(57) **ABSTRACT**

An endodontic file, or a series of endodontic files, and an endodontic obturator or series of obturators, and methods of manufacturing same. Regarding the endodontic files, they may include a file body extending from a tip region to a shank region, at least one helical flute extending from the tip region towards the shank region. Each helical flute may have an up-sharp cutting edge without a land. For one such set of endodontic files, there is included at least a first and a second file, each one of the files having a tip and a shank, the first file having a tip size that is substantially the same as a tip size of the second file, whereas the first file has a different taper configuration relative to the taper configuration of the second file. The taper configurations of each one of the first and second files include at least two different rates of taper, the taper configurations of each one of the first and second files arranged such that at least one rate of taper closer to the shank of the file is smaller than at least one rate of taper closer to a tip of the file.

27 Claims, 16 Drawing Sheets



GOLD STANDARD EX
US ENDODONTICS - GOLD
CASE PGR2015-00

temperature not less than -5° C. Advantageously, the nitinol material from which each endodontic file 100 is formed has an A(f) temperature which is preferably greater than 0° C., preferably greater than 5° C. greater than 10° C. and most preferably greater than 10° C. The A(f) temperature of the nitinol refers to the temperature at which the austenite transition phase of the nitinol starts. The austenite transition phase of the nitinol, which includes a range of approximately 50° C., is the range of temperatures within which the nitinol has the desired degree of elasticity and shape memory, thereby ensuring optimal performance during its use. Thus, in a preferred embodiment, the nitinol is configured to be in the austenite phase, and to thereby exhibit maximum shape memory and elasticity, when operated within a human body at temperatures of less than 50° C. and preferably between 37° C. to 50° C.

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