

# 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

# Endodontic File



# Grounds Upon Which Trial Was Instituted

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:

1. Claims 12–16 under 35 U.S.C. § 112(a) as being unpatentable for lack of enablement;
2. Claims 12–16 under 35 U.S.C. § 112(a) as being unpatentable for lack of written description;
3. Claims 12–16 under 35 U.S.C. § 102 as being anticipated by Luebke 2008;
4. Claim 15 under 35 U.S.C. § 103 as being unpatentable over Luebke 2008 alone or in view of Heath or ISO 3630-1;
5. 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 endodontic instrument for use in performing root canal therapy on a tooth, the method comprising:

(a) providing an elongate shank having a cutting edge extending from a distal end of the shank along an axial length of the shank, the shank comprising a superelastic nickel titanium alloy, and

(b) after step (a), heat-treating the entire shank at a temperature above 25° C. up to but not equal to the melting point of the superelastic nickel titanium alloy,

wherein the heat treated shank has an angle greater than 4 degrees of permanent deformation after torque at 4 degrees of flexion when tested in accordance with ISO Standard 3630-1.

# US Pat. No. 8,876,991 – Claims 13 and 14

**13.** The method of claim **12** wherein:  
step (b) is performed in an atmosphere that is unreactive at ambient or any other acceptable heat treatment process conditions.

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

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