

ESTTA Tracking number: **ESTTA1354712**  
Filing date: **04/25/2024**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding No.	92084707
Filing Party	Defendant Overjet Inc.
Other Party	Plaintiff VideaHealth, Inc.
Pending Motion	There is no motion currently pending and no other motion is being filed concurrent with this consent motion.
Attachments	Complaint.pdf(5157953 bytes )

### Consent Motion for Suspension in View of Civil Proceeding

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Overjet Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Overjet Inc. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

### Certificate of Service

The undersigned hereby certifies that a copy of this submission has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,  
/s/ Katherine W. Soule  
Katherine W. Soule  
ksoule@sunsteinlaw.com, sssternberg@sunsteinlaw.com  
04/25/2024

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Overjet, Inc.,

Plaintiff,

v.

VideaHealth, Inc.,

Defendant.

**[Jury Trial Demanded]**

**[Preliminary Injunction Requested]**

Case No. \_\_\_\_\_

**COMPLAINT**

Overjet, Inc., by and through its counsel, Sunstein LLP, brings this Complaint against VideaHealth, Inc. and alleges as follows:

**INTRODUCTION**

1. This action arises out of VideaHealth's misconduct. Specifically, Overjet brings claims for trademark infringement, copyright infringement, patent infringement, false advertising, and unfair competition against VideaHealth. VideaHealth's actions have caused irreparable damage to Overjet's goodwill, reputation, relationships with customers and other business partners, and resulted in the dilution of Overjet's intellectual property. If the Court does not stop VideaHealth soon, Overjet will continue to be irreparably damaged. For these reasons, this Complaint is accompanied by a motion for a preliminary injunction seeking to prevent VideaHealth from continuing its infringement, false advertising, and unfair competition during the course of this litigation. In addition to that preliminary relief, Overjet seeks, among other things, permanent

injunctive relief enjoining VideaHealth from any further infringement, false advertising, and unfair competition, and/or damages related to rest of VideaHealth's misconduct.

### **PARTIES**

2. Overjet, Inc. ("Overjet") is a corporation incorporated under the laws of Delaware with its principal place of business at 50 Milk Street, Boston, Massachusetts 02108.

3. Upon information and belief, VideaHealth, Inc. ("VideaHealth") is a corporation incorporated under the laws of Delaware with its principal place of business at 19 Kingston Street, Floor 3, Boston, Massachusetts 02111.

### **JURISDICTION AND VENUE**

4. This Court has original subject matter jurisdiction over the federal law claims under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1138(a)-(b) (trademark, copyright, patent, and unfair competition), and 15 U.S.C. § 1121 (Lanham Act).

5. This Court has supplemental subject matter jurisdiction over the state law and common law claims under 28 U.S.C. § 1367(a).

6. This Court has both specific and general personal jurisdiction over Defendant VideaHealth. Pursuant to due process and the Massachusetts long-arm statute, Mass. Gen. Laws Ch. 223A, § 3, Defendant VideaHealth is subject to this Court's specific personal jurisdiction because this cause of action arises from: (1) VideaHealth's business transactions in Massachusetts; and (2) VideaHealth causing tortious injury to Overjet by acts within Massachusetts, specifically by infringing Overjet's trademark, copyright, and patent rights through acts in Massachusetts. Defendant VideaHealth is subject to this Court's general personal jurisdiction because it has continuous and systematic general business contacts in Massachusetts and the exercise of jurisdiction would be reasonable.

7. Venue is proper in this district under 28.U.S.C. §§ 1391(b)-(c) and 28 U.S.C. § 1400 because, *inter alia*, Defendant VideaHealth resides in this jurisdiction and is subject to personal jurisdiction in Massachusetts, and a substantial part of the events giving rise to the claims in this action arose or occurred in this district.

## **FACTS AND BACKGROUND**

### **A. Overjet’s Innovative Dental AI Technology**

8. Plaintiff Overjet, Inc. was formed in Delaware on August 24, 2018, with its corporate headquarters in Boston, Massachusetts.

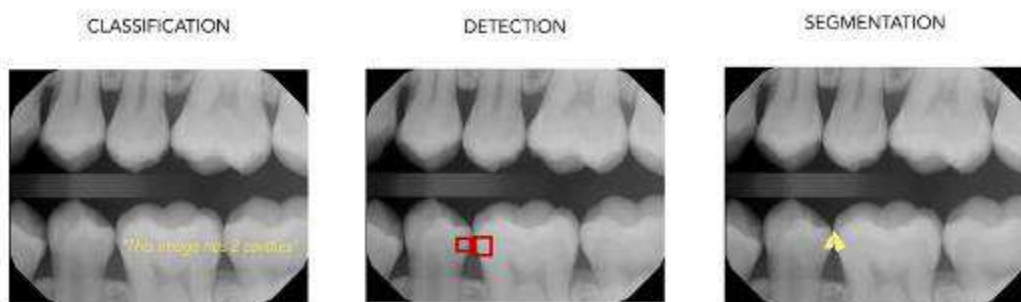
9. Overjet is a global leader in dental artificial intelligence (“AI”), helping both payers and providers improve patient care. By combining deep expertise in dentistry and advanced engineering, Overjet develops accurate and quantified ways to detect pathologies and integrates actionable insights into systems and workflows. Overjet uses AI to scan dental radiographic X-rays and detect dental diseases. Private practices, dental service organization (DSOs), and insurance companies rely on the accurate information provided by Overjet’s FDA-cleared platform to drive care and service to patients.

10. Overjet is the only dental AI company with United States Food and Drug Administration (FDA) clearance for performing dental detection and segmentation to outline exactly where pathologies exist.

11. Overjet’s competitors in the Dental AI space are only FDA-cleared to perform a “bounded box” approach in connection with dental assessment technology. A bounded box approach is a “detection” approach that can localize and distinguish between objects within an x-ray image, and can place a “box” around the area detected, such as an area on a specific tooth where caries were

found. However, the bounded box approach does not detect the exact border and extent of the caries<sup>1</sup> on the tooth, unlike Overjet’s “segmentation” approach.

12. By way of example, in a blog post dated April 5, 2021, VideaHealth describes the three broad categories of computer vision, a subfield of Machine Learning that focuses on the understanding and processing of visual data, such as images: (1) “Classification: refers to a type of labeling where a given x-ray/image is assigned certain concepts. For example, we might ask the algorithm a specific question such as ‘Is the image quality readable?’ or ‘Are there any caries present in the image?’” (2) “Detection: is a computer vision technique that deals with localizing and distinguishing between objects with an x-ray or image”; and (3) “Segmentation: Segmentation models provide the exact outline of the object within an image” (e.g., the exact borders and extent of caries on a tooth).<sup>2</sup>



13. The fact that Overjet is the only dental AI company with software cleared by the FDA for segmentation gives it a competitive advantage. Overjet advertises this advantage to consumers on its website, press releases, social media, and presentations. Its unique abilities and approach contribute to Overjet’s success in the marketplace.

<sup>1</sup> “Caries” refers to “a progressive destruction of bone or tooth,” such as a cavity. *See* <https://www.merriam-webster.com/dictionary/caries#:~:text=caries-,noun,especially%20%3A%20tooth%20decay>.

<sup>2</sup> <https://www.vida.ai/blog-posts/ai-101-for-the-dental-industry>. Image available at Appendix A, p. 1.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.