

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**HARRISON PROSTHETIC CRADLE INC.,**

Plaintiff,

v.

**ROE DENTAL LABORATORY, INC.,**

and

**WATSON GUIDE IP LLC,**

and

**CHROME GUIDED SYSTEMS,**

and

**DRS. JOHN DOE 1-99,**

Defendants.

Civil Action No.: 1:22-cv-00341

**TRIAL BY JURY DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Now comes, Plaintiff, Harrison Prosthetic Cradle Inc. (“Plaintiff” or “Harrison”) by and through undersigned counsel, and respectfully alleges, states, and prays as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendants ROE Dental Laboratory, Inc. (hereinafter “ROE”), Watson Guide IP LLC (hereinafter “Watson”), Chrome Guided Systems (hereinafter “CGS”), and Drs. John Doe 1-99<sup>1</sup> (hereinafter “Dentist”), collectively referred to herein as “Defendants”) from infringing and profiting, in an illegal and unauthorized manner, and

---

<sup>1</sup> The names of Defendant Drs. John Doe 1-99 to be updated after discovery

without authorization and/or consent from Plaintiff from U.S. Patent No. 9,554,879 (“the ‘879 Patent” or the “Patent-in-Suit”), which is attached hereto as **Exhibit A** and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

### **THE PARTIES**

2. Plaintiff is a corporation organized under the laws of Canada with its principal place of business at 4338 County Road 124 Collingwood, Ontario, Canada L9Y 3Z1.

3. Upon information and belief, Defendant ROE is a company organized under the laws of Ohio, having a principal place of business at 7165 E. Pleasant Valley Road, Independence, OH 44131. Upon information and belief, Defendant ROE may be served with process c/o Bruce Kowalski, 7165 E. Pleasant Valley Road, Independence, OH 44131.

4. Defendant ROE registered the trade name “Chrome Full Arch Guided Systems” with the Ohio Secretary of State, effective March 18, 2020 with a first use in February 1, 2020. *See* State of Ohio Certificate for Trade Name Registration, attached hereto as **Exhibit B**.

5. Defendant ROE is listed as the registered owner of the trademark CHROME FULL ARCH GUIDED STABILITY, Registration No. 6,099,013, with the United States Patent and Trademark Office (“USPTO”), with Defendant Watson has being the former owner. *See* USPTO TESS report, attached hereto as **Exhibit C**.

6. Upon information and belief, Defendant Watson is a company organized under the laws of Delaware, having a principal place of business at 3012 Ivar Avenue, Rosemead, California 91770. Upon information and belief, Defendant Watson may be served with process c/o United States Corporation Agents, Inc., 221 North Broad Street – Suite 3A, Middletown, Delaware 19709.

7. Upon information and belief, Defendant Watson is a company that is owned and operated by an individual, Jason (“Jay”) Watson.

8. Upon information and belief, Defendant CGS is a legal entity operating under the laws of at least one State within the United States, yet that State is currently unknown to Plaintiff.<sup>2</sup>

9. Upon information and belief, Defendant CGS operates the website: <https://chromeguidedsmile.com/>.

10. Upon information and belief, Defendants Watson, CGS, and ROE are business associates, related entities, affiliated entities and/or under the common control of Jay Watson.<sup>3</sup>

11. Upon information and belief, the CHROME GuidedSmile (i.e., the Accused Product, *discussed infra*) is made and/or sold at the direction of at least one of Defendant ROE and/or Defendant Watson and/or Defendant CGS.

12. Defendant Watson and/or Defendant CGS has a national network of certified labs, of which Defendant ROE is one, that have access to the Chrome Guided Smile products. See **Exhibit D**.

13. Plaintiff reserves the right to add each individual entity listed in Exhibit D as a Defendant in this Case if discovery reveals an entity listed in Exhibit D has sold, offered for sale, or continues to offer for sale the CHROME GuidedSmile (i.e., the Accused Product, *discussed infra*).

14. Drs. John Doe 1-99 are dentists or oral surgeons that own or are employed by medical practices in the United States that perform oral surgeries enabled by the Accused Product (discussed *infra*) that are sold by Defendant ROE. The corporate and identifying information for Drs. John Doe 1-99 will be supplemented upon receipt of their information through discovery.

---

<sup>2</sup> Plaintiff will request Counsel for Defendant Watson or Defendant ROE accept service on behalf of Defendant CGS.

<sup>3</sup> See <https://www.yahoo.com/now/issuance-u-patent-covering-guides-154900208.html>

### **JURISDICTION AND VENUE**

15. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§1 *et seq.*

16. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

17. This Court has personal jurisdiction over Defendants by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because of the injury to Plaintiff, and the cause of action Plaintiff has risen in this District, as alleged herein.

18. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this forum state and in this judicial District; and (iii) with regard to Defendant ROE, being incorporated in this District.

19. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant Watson resides in this District under the Supreme Court's opinion in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through its incorporation in this District.

### **FACTUAL ALLEGATIONS**

20. On January 31, 2017 the USPTO duly and legally issued the '879 Patent, entitled "METHOD OF INSTALLING A FINAL DENTAL PROSTHESIS" after a full and fair examination. The '879 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

21. Plaintiff is presently the owner of the '879 Patent, having received all right, title and interest in and to the '879 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the '879 Patent, including the exclusive right to recover for past infringement.

22. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287.

23. Claim 11 of the '879 Patent states:

11. A method of installing a final dental prosthesis in a patient's mouth that includes:  
temporarily engaging a final dental prosthesis with a positioning and orienting device; where the positioning and orienting device conforms to the patient's jaw;  
placing the positioning and orienting device with the engaged final dental prosthesis on a patient's jaw;  
generally aligning one or more holes in the final dental prosthesis with one or more implants installed in the patient's jaw;  
inserting a cylinder through each of the one or more holes and into engagement with the associated installed implant;  
bonding each cylinder to the final dental prosthesis;  
removing the positioning and orienting device with the engaged final dental prosthesis with bonded cylinders from the patient's jaw;  
disengaging the final dental prosthesis from the positioning and orienting device;  
placing the final dental prosthesis back on the patient's jaw so that the bonded cylinders each engage the associated one of the installed implants;  
inserting a fastener through each of the bonded cylinders and into the associated implant;  
rotating each fastener to secure the final dental prosthesis to the associated installed implant. See Exhibit A at Col.11: 36-61.

24. Claim 19 of the '879 Patent states:

19. A method of installing a final dental prosthesis on a patient's jaw comprising the steps of:  
installing a plurality of implants in the patient's jaw;  
providing a plurality of cylinders and positioning each cylinder around one of the plurality of implants such that the cylinders extend outwardly from the patient's jaw;

- temporarily engaging the final dental prosthesis with a positioning and orienting device;
- placing the positioning and orienting device with the engaged final dental prosthesis on the patient's jaw such that each cylinder extending outwardly from the patient's jaw extends through one of a plurality of holes defined in the engaged final dental prosthesis;
- bonding each cylinder to the engaged final dental prosthesis;
- removing the positioning and orienting device with the engaged final dental prosthesis and bonded cylinders from the patient's jaw;
- disengaging the final dental prosthesis with bonded cylinders from the positioning and orienting device;
- placing the final dental prosthesis with bonded cylinders back on the patient's jaw such that each bonded cylinder is once again positioned around one of the installed implants;
- inserting a fastener through a bore in each of the bonded cylinders and into the associated implant;
- rotating each fastener to secure the final dental prosthesis to the installed implants. See Exhibit A at Col. 12:39-67.

25. Claim 25 of the '879 Patent states:

25. A method of installing a prosthetic device on a patient's body comprising the steps of:

- permanently installing a first part of a connector mechanism in bony tissue in the patient's body;
- providing a cradle for temporarily holding the prosthetic device in a desired orientation and in close proximity to the first part of the connector mechanism;
- engaging the prosthetic device in the cradle;
- positioning the cradle with engaged prosthetic device in close proximity to the bony tissue;
- temporarily securing the prosthetic device to the first part of the connector mechanism using a second part of the connector mechanism;
- disengaging the second part of the connector mechanism from the first part thereof;
- removing the cradle with engaged prosthetic device from adjacent the bony tissue;
- disengaging the prosthetic device from the cradle; and
- repositioning the prosthetic device adjacent the bony tissue; and
- permanently securing the prosthetic device to the first part of the connector mechanism using the second part of the connector mechanism.

See Exhibit A at Col: 21:20-Col.22:13.

26. Defendants commercialize a dental system that enables the performance of a method that includes all steps recited in at least one claim of the '879 Patent.

27. More particularly, Defendants commercialize a dental system that enables the performance of a method that includes all steps recited in Claims 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the '879 Patent.

28. Specifically, Defendants makes, uses, sells, offers for sale, or imports a dental system that enables the performance of a method that includes all steps recited in Claims 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the '879 Patent.

#### **DEFENDANT PRODUCT(S)**

29. Defendants ROE, Watson, and GGS individually or in combination offer solutions, such as the "Chrome GuidedSmile" system (the "Accused Product")<sup>4</sup>, that enables the installation of a final dental prosthesis in a patient's mouth. For example, the Accused Product enables the method for installing a final dental prosthesis to be performed by Defendants Drs. John Doe 1-99.

30. A non-limiting and exemplary claim chart comparing the Accused Product to Claims 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the '879 Patent is attached hereto as **Exhibit E** ("Ex. E.") and is incorporated herein as if fully rewritten.

31. As recited in Claim 11, the Accused Product enables the performance of a method of installing a final dental prosthesis in a patient's mouth. Further, a Dentist or oral surgeon (i.e., one of Defendants Drs. John Doe 1-99) performs a method of installing a final dental prosthesis in a patient's mouth using the Accused Product.

32. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to temporarily engage a final dental prosthesis with a positioning and orienting device (i.e., the carrier

---

<sup>4</sup> The Accused Product is just one of the products provided by Defendant, and Plaintiff's investigation is on-going to additional products to be included as an Accused Product that may be added at a later date.

guide of the Accused Product); where the positioning and orienting device conforms to the patient's jaw. See Ex. E.

33. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to place the positioning and orienting device (i.e., the carrier guide) with the engaged final dental prosthesis on a patient's jaw. See Ex. E.

34. As recited in Claim 11, the Accused Product enables the placement of the positioning and orienting device with the engaged final dental prosthesis on a patient's jaw; and generally aligning one or more holes in the final dental prosthesis with one or more implants installed in the patient's jaw. Namely, the Accused Product enables the Dentist or oral surgeon to align holes in the prosthesis (C2F converted to final) with an installed implant See Ex. E.

35. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to insert a cylinder through each of the one or more holes and into engagement with the associated installed implant. See Ex. E.

36. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to bond each cylinder to the final dental prosthesis (C2F prosthesis). See Ex. E.

37. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to remove the remove the positioning and orienting device (carrier guide) with the engaged final dental prosthesis with bonded cylinders from the patient's jaw. See Ex. E.

38. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to disengage the prosthesis from the positioning and orienting device (carrier guide). See Ex. E.

39. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to place the prosthesis back on the patient's jaw so that the bonded cylinders each engage the installed implants. See Ex. E.



40. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to insert a fastener through the bonded cylinders and into an implant. See Ex. E.

41. As recited in Claim 11, the Accused Product enables the Dentist or oral surgeon to rotate each fastener to secure the prosthesis to the implant. See Ex. E.

42. As recited in Claim 13, the Accused Product enables the Dentist or oral surgeon to complete the prosthesis installation in a single visit to the dental professional. See Ex. E.

43. As recited in Claim 14, the Accused Product enables the Dentist or oral surgeon to place the surgical template (i.e., the osteotomy guide) on the patient's jaw, and identify locations on the jaw for installation of the implants, and then installing the implants at those locations. See Ex. E.

44. As recited in Claim 15, the Accused Product has the surgical template (osteotomy guide) that has been fabricated prior to the patient's visit. The surgical template defines a plurality of apertures that identify the location of implant installation site in the patient's jaw. See Ex. E.

45. As recited in Claim 16, the Accused Product has the template (osteotomy guide) with apertures that are smaller diameter than a corresponding hole in the prosthesis. See Ex. E.

46. As recited in Claim 17, the Accused Product has the osteotomy guide that enables the Dentist or oral surgeon to drill pilot holes in the patient's jaw. See Ex. E.

47. As recited in Claim 18, the Accused Product enables the Dentist or oral surgeon to temporarily secure the template to the patient's jaw via the fixation base and osteotomy guide. See Ex. E.

48. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to install a final dental prosthesis on a patient's jaw and install implants in a patient's jaw via the osteotomy guide. See Ex. E.

49. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to place or provide a plurality of cylinders and positioning each cylinder around one of the plurality of implants such that the cylinders extend outwardly from the patient's jaw. See Ex. E.

50. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to temporarily engage the final dental prosthesis (the provisional prosthesis becomes the final prosthesis via C2F conversion) with a positioning device (the carrier guide). See Ex. E.

51. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to place the positioning and orienting device (carried guide) with the engaged final dental prosthesis on the patient's jaw such that each cylinder extending outwardly from the patient's jaw extends through one of a plurality of holes defined in the engaged final dental prosthesis. See Ex. E.

52. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to bond each cylinder to the dental prosthesis. See Ex. E.

53. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to remove the positioning and orienting device with the engaged final dental prosthesis and bonded cylinders from the patient's jaw. See Ex. E.

54. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to disengage the final dental prosthesis with bonded cylinders from the positioning and orienting device. See Ex. E.

55. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to place the final dental prosthesis with bonded cylinders back on the patient's jaw such that the cylinders are around the implants. See Ex. E.

56. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to insert a fastener through a bore in each of the bonded cylinders and into the implant. See Ex. E.

57. As recited in Claim 19, the Accused Product enables the Dentist or oral surgeon to rotate each fastener to secure the final dental prosthesis to the installed implants. See Ex. E.

58. As recited in Claim 21, the Accused Product enables the Dentist or oral surgeon to pin the positioning device (via the osteotomy guide) to the patient's jaw prior to engaging the prosthesis with the positioning and orientating device. See Ex. E.

59. As recited in Claim 22, the Accused Product enables the Dentist or oral surgeon to use the positioning device to orient the prosthesis in three dimensions on the jaw. See Ex. E.

60. As recited in Claim 23, the Accused Product enables the Dentist or oral surgeon to apply acrylic cement into the channel of the prosthesis. See Ex. E.

61. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to install a prosthesis on a patient's body. See Ex. E.

62. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to install a connector (e.g., an implant) in bony tissue. See Ex. E.

63. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to utilize or provide a cradle (e.g., the carrier guide) in a desired orientation in close proximity to the first part of the connector. See Ex. E.

64. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to engage the prosthetic with the cradle (e.g., the carrier guide). See Ex. E.

65. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to position the cradle (e.g., carrier guide) and prosthesis in close proximity to bony tissue. See Ex. E.

66. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to temporarily secure the prosthetic to the first part of the connector (e.g., implant) using a second connector (cylinder in the prosthesis). See Ex. E.

67. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to disengage the second part of the connector (cylinder) from the first part (implant). See Ex. E.

68. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to remove the cradle (carrier guide) and the prosthetic from adjacent the bony tissue. See Ex. E.

69. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to disengage the prosthetic from the cradle (carrier guide) and reposition the prosthetic near the bony tissue. See Ex. E.

70. As recited in Claim 25, the Accused Product enables the Dentist or oral surgeon to permanently secure the prosthesis to the first connector (implant) using the second part of the connector (the cylinder using the screw). See Ex. E.

71. The elements described in the preceding paragraphs are covered by at least Claims 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the '879 Patent.

72. Each Defendants' respective manufacture, use, sale, offer for sale, or importation of the Accused Product is enabled by the method claimed in the '879 Patent.

**COUNT I – DIRECT INFRINGEMENT BY DEFENDANT ROE**

73. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

74. Upon information and belief, Defendant ROE has made and continues to make the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

75. Defendant ROE has used, at least in internal testing, the Accused Product during the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

76. Defendant ROE has sold the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

77. Defendant ROE has offered for sale the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

78. Upon information and belief, Defendant ROE has imported for sale the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

79. Upon information and belief, Defendant ROE has had knowledge of infringement of the '879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

80. Defendant ROE has directly infringed and continues to directly infringe, literally or by the doctrine of equivalents, at least one claim of the '879 Patent, and will continue to do so unless enjoined by this Court.

81. Defendant ROE has committed these acts of infringement without license or authorization.

82. As a direct and proximate result of Defendant ROE's direct infringement of the '879 Patent, Plaintiff has been and continues to be damaged.

83. As a result of Defendant ROE's infringement of the '879 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant ROE's past infringement, together with interests and costs.

84. Plaintiff will continue to suffer damages in the future unless Defendant ROE's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for

any continuing and/or future infringement up until the date that Defendant ROE is finally and permanently enjoined from further infringement.

**COUNT II – CONTRIBUTORY INFRINGEMENT BY DEFENDANT ROE**

85. Plaintiff realleges and incorporates by reference all of the allegations set for in the preceding paragraphs.

86. As shown in the Claim Chart of Ex. E, the Dentist or oral surgeon (i.e., Defendant Drs. John Doe 1-99) directly infringes at least one independent claim of the ‘879 when performing oral surgery using the Accused Product.

87. The Accused Product is used to assist the Dentist or oral surgeon to perform oral surgery.

88. The only use of the Accused Product is to assist the Dentist or oral surgeon to perform oral surgery.

89. The Accused Product is not a staple article of commerce suitable for substantial non-infringing use.

90. Upon information and belief, Defendant ROE has sold the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271(c).

91. Upon information and belief, Defendant ROE has offered for sale the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271(c).

92. Upon information and belief, Defendant ROE has imported for sale the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271(c).

93. Defendant ROE has been actively, knowingly, and intentionally materially contributing to their own customers (i.e., Defendants Drs. John Doe 1-99) infringement of the ‘879 Patent, literally or by the doctrine of equivalents, by selling the Accused Product to customers (such as Defendant Drs. John Doe 1-99) for use in their respective dental / surgical practices in a manner that infringes one or more claims of the ‘879 Patent.

**COUNT III – INDUCED INFRINGEMENT BY DEFENDANT ROE**

94. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

95. Defendant ROE has had knowledge of infringement of the ‘879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

96. Defendant ROE has induced others to infringe the ‘879 Patent, literally or by the doctrine of equivalents, by encouraging infringement, knowing that the acts Defendant induced constituted direct patent infringement by Defendants Drs. John Doe 1-99, and its encouraging acts actually resulted in direct patent infringement.

97. Defendant ROE actively, knowingly, and intentionally induced infringement of the ‘879 Patent, literally or by the doctrine of equivalents, by offering, making and or selling kits for the Accused Products to Defendants Drs. John Doe 1-99, other dental labs, dentists, oral surgeons or other similarly situated customers, for use in end-user products in a manner that infringes one or more claims of the ‘879 Patent.

98. Defendant ROE will continue to induce infringement of the ‘879 Patent unless enjoined by the Court.

99. A portion of Defendant ROE's customer base includes Defendants Dr. John Doe 1-99.

100. Defendant ROE is a dental lab which has access to and allows them to provide the Accused Product to its customer base.

**COUNT IV – DIRECT INFRINGEMENT BY DEFENDANT WATSON**

101. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

102. Upon information and belief, Defendant Watson has made and continues to make the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

103. Upon information and belief, Defendant Watson has used, at least in internal testing, the Accused Product during the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

104. Upon information and belief, Defendant Watson has sold the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

105. Upon information and belief, Defendant Watson has offered for sale the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

106. Upon information and belief, Defendant Watson has imported for sale the Accused Product that enables the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.



107. Defendant Watson has had knowledge of infringement of the ‘879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

108. Defendant Watson has directly infringed and continues to directly infringe, literally or by the doctrine of equivalents, at least one claim of the ‘879 Patent, and will continue to do so unless enjoined by this Court.

109. Defendant Watson has committed these acts of infringement without license or authorization.

110. As a direct and proximate result of Defendant Watson’s direct infringement of the ‘879 Patent, Plaintiff has been and continues to be damaged.

111. As a result of Defendant Watson’s infringement of the ‘879 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant Watson’s past infringement, together with interests and costs.

112. Plaintiff will continue to suffer damages in the future unless Defendant Watson’s infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendant Watson is finally and permanently enjoined from further infringement.

#### **COUNT V – CONTRIBUTORY INFRINGEMENT BY DEFENDANT WATSON**

113. Plaintiff realleges and incorporates by reference all of the allegations set for in the preceding paragraphs.

114. As shown in the Claim Chart of Ex. E, the Dentist or oral surgeon (i.e., one of Defendants Drs. John Doe 1-99) directly infringes at least one independent claim of the ‘879 when performing oral surgery using the Accused Product.

115. The Accused Product is used to assist the Dentist or oral surgeon to perform oral surgery.

116. The only use of the Accused Product is to assist the Dentist or oral surgeon to perform oral surgery.

117. The Accused Product is not a staple article of commerce suitable for substantial non-infringing use.

118. Upon information and belief, Defendant Watson has sold the Accused Product that enables the Dentist or oral surgeon to practice the patented method of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271(c).

119. Upon information and belief, Defendant Watson has offered for sale the Accused Product that enables the Dentist or oral surgeon to practice the patented method of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271(c).

120. Upon information and belief, Defendant Watson has imported for sale the Accused Product that enables the Dentist or oral surgeon to practice the patented method of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271(c).

121. Defendant Watson has been actively, knowingly, and intentionally materially contributing to their own customers (i.e., Defendant ROE or one of the other dental labs listed on Exhibit D) or customers of customers (i.e., the Dentist or oral surgeon – Defendants Drs. John Doe 1-99) infringement of the '879 Patent, literally or by the doctrine of equivalents, by selling the Accused Product to the Dentist or oral surgeon for use in their medical practice in a manner that infringes one or more claims of the '879 Patent.

**COUNT VI – INDUCED INFRINGEMENT BY DEFENDANT WATSON**

122. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

123. Defendant Watson has had knowledge of infringement of the ‘879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

124. Defendant Watson has induced others to infringe the ‘879 Patent, literally or by the doctrine of equivalents, by encouraging infringement, knowing that the acts Defendant Watson induced constituted direct patent infringement by the Dentist or oral surgeon, and its encouraging acts actually resulted in direct patent infringement.

125. Defendant Watson actively, knowingly, and intentionally induced infringement of the ‘879 Patent, literally or by the doctrine of equivalents, by offering, making and or selling kits for the Accused Products to Defendants Drs. John Doe 1-99, dental labs (See Exhibit D), Dentists, oral surgeons and their other similarly situated customers, for use in end-user products in a manner that infringes one or more claims of the ‘879 Patent.

126. Defendant Watson will continue to induce infringement of the ‘879 Patent unless enjoined by the Court.

127. Upon information and belief, Defendant Watson has access to a national network of more than 30 labs (See Exhibit D) which have access to and allowing them to provide the Accused Product to their individual customer bases.

**COUNT VII – DIRECT INFRINGEMENT BY DEFENDANT CGS**

128. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

129. Upon information and belief, Defendant CGS has made and continues to make the Accused Product that enables the performance of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271.

130. Upon information and belief, Defendant CGS has used, at least in internal testing, the Accused Product during the performance of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271.

131. Defendant CGS has sold the Accused Product that enables the performance of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271.

132. Defendant CGS has offered for sale the Accused Product that enables the performance of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271.

133. Upon information and belief, Defendant CGS has imported for sale the Accused Product that enables the performance of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271.

134. Defendant CGS has had knowledge of infringement of the ‘879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

135. Defendant CGS has directly infringed and continue to directly infringe, literally or by the doctrine of equivalents, at least one claim of the ‘879 Patent, and will continue to do so unless enjoined by this Court.

136. Defendant CGS has committed these acts of infringement without license or authorization.

137. As a direct and proximate result of Defendant GGS’s direct infringement of the ‘879 Patent, Plaintiff has been and continues to be damaged.

138. As a result of Defendant CGS's infringement of the '879 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant CGS's past infringement, together with interests and costs.

139. Plaintiff will continue to suffer damages in the future unless Defendant CGS's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendant CGS is finally and permanently enjoined from further infringement.

#### **COUNT VIII – CONTRIBUTORY INFRINGEMENT BY DEFENDANT CGS**

140. Plaintiff realleges and incorporates by reference all of the allegations set for in the preceding paragraphs.

141. As shown in the Claim Chart of Ex. E, a Dentist or oral surgeon directly infringes at least one independent claim of the '879 when performing oral surgery using the Accused Product.

142. The Accused Product is used to assist the Dentist or oral surgeon to perform oral surgery.

143. The only use of the Accused Product is to assist the Dentist or oral surgeon to perform oral surgery.

144. The Accused Product is not a staple article of commerce suitable for substantial non-infringing use.

145. Upon information and belief, Defendant CGS has sold the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271(c).

146. Upon information and belief, Defendant CGS has offered for sale the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271(c).

147. Upon information and belief, Defendant CGS has imported for sale the Accused Product that enables the Defendants Drs. John Doe 1-99 to practice the patented method of at least one independent claim of the ‘879 Patent in violation of 35 U.S.C. § 271(c).

148. Defendant CGS has been actively, knowingly, and intentionally materially contributing to their own customers (i.e., dental labs – See Exhibit D) or customers of customers (i.e., the Dentist or oral surgeon – Defendants Drs. John Doe 1-99) infringement of the ‘879 Patent, literally or by the doctrine of equivalents, by selling the Accused Product for use in end-user products in a manner that infringes one or more claims of the ‘879 Patent.

**COUNT IX – INDUCED INFRINGEMENT BY DEFENDANT CGS**

149. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

150. Defendant CGS has had knowledge of infringement of the ‘879 Patent at least as of May 2019, if not earlier, by way of direct correspondence exchanged between representatives for the Plaintiff and Mr. Jay Watson.

151. Defendant CGS has induced others to infringe the ‘879 Patent, literally or by the doctrine of equivalents, by encouraging infringement, knowing that the acts Defendant CGS induced constituted direct patent infringement by the Dentist or oral surgeon, and its encouraging acts actually resulted in direct patent infringement.

152. Defendant CGS actively, knowingly, and intentionally induced infringement of the ‘879 Patent, literally or by the doctrine of equivalents, by offering, making and or selling kits for

the Accused Products to dental labs, Dentists, oral surgeons and their other similarly situated customers, for use in end-user products in a manner that infringes one or more claims of the '879 Patent.

153. Defendant CGS will continue to induce infringement of the '879 Patent unless enjoined by the Court.

154. Defendant CGS has access to a national network of more than 30 labs (See Exhibit D) which have access to and allowing them to provide the Accused Product to their individual customer bases.

**COUNT X – DIRECT INFRINGEMENT BY DEFENDANTS DRs. JOHN DOE 1-99**

155. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

156. Defendants Drs. John Doe 1-99 have used and continues to use the Accused Product during the performance of at least one independent claim of the '879 Patent in violation of 35 U.S.C. § 271.

157. Defendants Drs. John Doe 1-99 will have knowledge of infringement of the '879 Patent at least as service of this First Amended Complaint.

158. Defendants Drs. John Doe 1-99 have directly infringed and continue to directly infringe, literally or by the doctrine of equivalents, at least one claim of the '879 Patent, and will continue to do so unless enjoined by this Court. See Ex. E.

159. Defendants Drs. John Doe 1-99 have committed these acts of infringement without license or authorization.

160. As a direct and proximate result of Defendants Drs. John Doe 1-99's direct infringement of the '879 Patent, Plaintiff has been and continues to be damaged.

161. As a result of Defendants Drs. John Doe 1-99's infringement of the '879 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants Drs. John Doe 1-99's past infringement, together with interests and costs.

162. Plaintiff will continue to suffer damages in the future unless Defendants Drs. John Doe 1-99's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement up until the date that Defendants Drs. John Doe 1-99 are finally and permanently enjoined from further infringement.

163. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint.

#### **DEMAND FOR JURY TRIAL**

164. Plaintiff demands a trial by jury of any and all causes of action.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- a. That each Defendant be adjudged to have directly infringed the '879 Patent either literally or under the doctrine of equivalents;
- b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;
- c. That each Defendant, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '879 Patent;



d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Plaintiff for the Defendants' past infringement and any continuing or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

f. That Defendants be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

g. That Plaintiff be granted such other and further relief as this Court may deem just and proper.

Dated: March 2, 2022

Respectfully submitted,

SAND, SEBOLT & WERNOW CO., LPA

/s/Howard L. Wernow

Howard L. Wernow (SBN 0089019)

Andrew S. Curfman (SBN 0090997)

Joseph A. Sebolt (SBN 0059140)

Aegis Tower – Suite 1100

4940 Munson Street NW

Canton, Ohio 44718

Telephone: (330) 244-1174

Facsimile: (330) 244-1173

Email: [Howard.Wernow@sswip.com](mailto:Howard.Wernow@sswip.com)

Email: [Andrew.Curfman@sswip.com](mailto:Andrew.Curfman@sswip.com)

Email: [Joe.Sebolt@sswip.com](mailto:Joe.Sebolt@sswip.com)

ATTORNEYS FOR PLAINTIFF