

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

3D PROSTHETICS LLC)	
)	
Plaintiff,)	
)	Civil Action No. 2:17-cv-232
v.)	
)	JURY TRIAL DEMANDED
PLANMECA U.S.A. INC.)	
)	
Defendant.)	
_____)	

COMPLAINT

For its Complaint, Plaintiff 3D Prosthetics LLC ("3D Prosthetics"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. 3D Prosthetics is a Texas limited liability company with a place of business located at 5068 W. Plano Parkway, Suite 300, Plano, Texas 75093.
2. Defendant Planmeca U.S.A. Inc. is a Delaware company with, upon information and belief, a place of business located at 100 N. Gary Avenue, Suite A, Roselle, Illinois 60172.
3. Upon information and belief, Defendant registered with the Texas Secretary of State to conduct business in Texas as Planmeca Inc.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (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 district.

7. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

8. On January 23, 2001, U.S. Patent No. 6,177,034 (the "'034 patent"), entitled "Methods for Making Prosthetic Surfaces," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '034 patent is attached hereto as Exhibit A.

9. 3D Prosthetics is the assignee and owner of the right, title and interest in and to the '035 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,177,034

10. 3D Prosthetics repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '034 patent by making, using, importing, offering for sale, and/or selling a method for reproducing a 3D object surface, including, but not limited to, the Planmeca FIT system (with PlanScan, PlanCAD and PlanMill 40 S) ("FIT System").

12. Upon information and belief, Defendant used the accused FIT System via its internal use and testing in the United States, directly infringing one or more claims of the '034 patent.

13. More specifically and upon information and belief, Defendant's FIT System practices a method for reproducing a 3D object surface.



<http://www.planmeca.com/CADCAM/CADCAM-for-dental-clinics/> (last accessed Mar. 27, 2017). It identifies a real object surface (e.g., the surface of a patient's tooth) having at least one measureable dimension (e.g. the surface boundaries of the tooth).

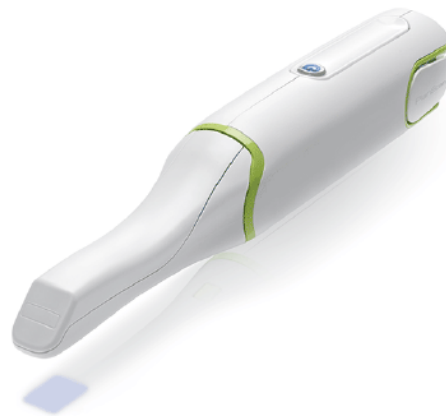
Planmeca PlanScan®

Ultra-fast intraoral scanner

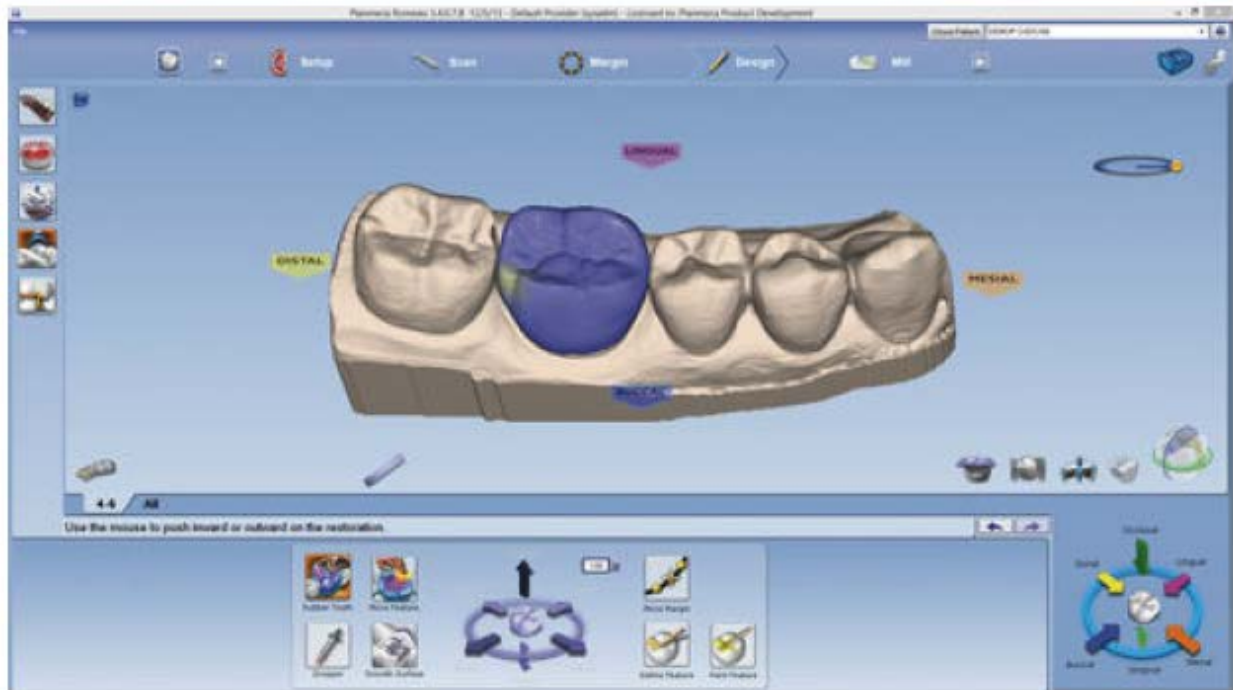
Explore Planmeca PlanScan® – the first dental unit integrated intraoral scanner for digital 3D impressions. This high-performance intraoral scanning solution can also be connected to your laptop.

Excellent usability and workflow:

- Powder-free scanning
- Extremely easy to use
- Real-time, quick scanning
- True dental unit integration
- Autoclavable tip for perfect infection control
- Accurate results from single indication to full arch
- Comfortable solution
- Open STL format
- Windows support
- Works with a laptop – easy to share



<http://www.planmeca.com/CADCAM/CADCAM-for-dental-clinics/planmeca-planscan/> (last accessed Mar. 27, 2017).

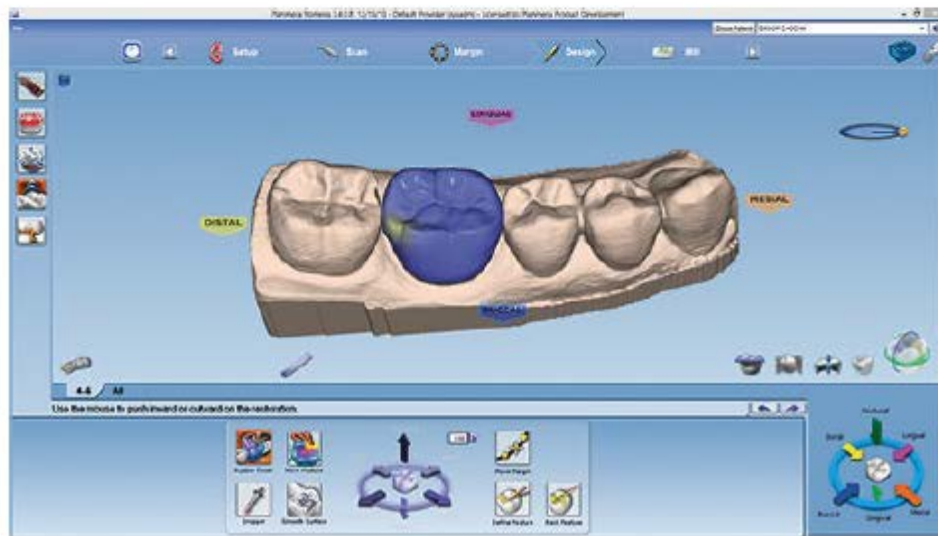


<http://www.planmeca.com/CADCAM/CADCAM-for-dental-clinics/planmeca-plancad-easy/> (last accessed Mar. 27, 2017). The FIT System acquires a 3D data set using a 3D imaging device (e.g., laser), and the 3D data set depicts the object surface (e.g., tooth surface).

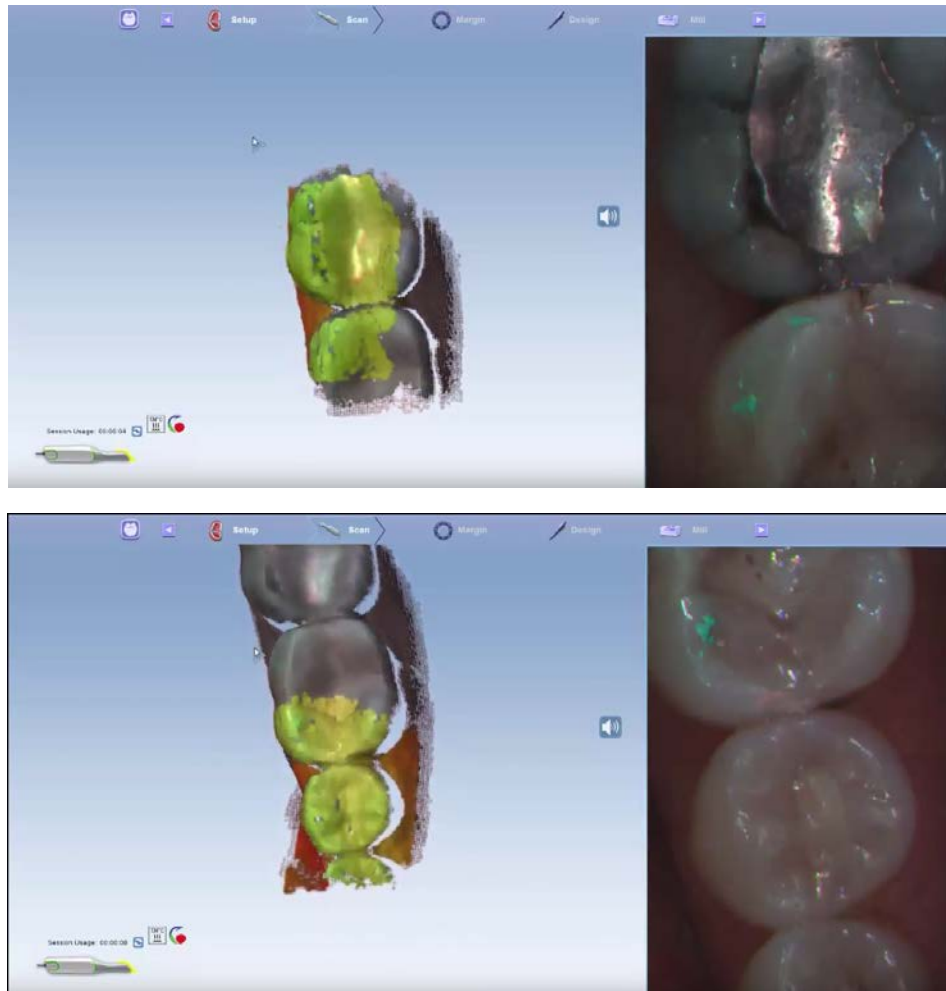
Step 2. Scan



Step 3. Margin line



<http://www.planmeca.com/CADCAM/CADCAM-for-dental-clinics/planmeca-plancad-easy/> (last accessed Mar. 27, 2017). It acquires a 2D data set using a second surface imaging device (e.g., camera). The second data set depicts the object surface (e.g., color image of the surface) and has a surface resolution.



https://www.youtube.com/watch?v=FF2_v1BqqP8 (last accessed Mar. 27, 2017). The FIT System synthesizes a 3D composite image by combining the 3D and 2D data sets. The first and second data sets are used to form a composite virtual image corresponding to the composite data set (e.g., a model is generated from laser tomography information, which does not include information in the visual spectrum and the 2D image information to create a composite 3D image which includes a model of the object surface and the captured visual information). *See id.* It is operable to make a physical reproduction of the object surface with the composite data set (e.g., the Planmeca PlanMill 40 S mills crowns, inlays veneers, etc.).

Planmeca PlanMill® 40 S

Planmeca PlanMill® 40 S is our brand new unit for fast and accurate milling directly at a dental clinic. With its enhanced performance and numerous smart features, the unit offers the most advanced milling experience on the market.

- State-of-the-art design
- Linear motion and on-board computer
- Fast milling speed – 80,000 RPM and 8–10 minutes per restoration
- Expanded range of applications – abutments, crowns, inlays, onlays, veneers, and bridges
- Automated tool charger for 10 tools
- Smart tool paths – optimised to suit material characteristics
- Guided maintenance – from daily cleanings and water changes to annual preventive maintenance notifications



<http://www.planmeca.com/CADCAM/CADCAM-for-dental-clinics/planmeca-planmill-40/> (last accessed Mar. 27, 2017); *see also* "Planmeca makes CAD/CAM easier than ever" (available at http://www.dental-tribune.com/htdocs/uploads/printarchive/editions/1aa0a58de49efc51931b6766ccc1bd08_36-37.pdf (last accessed Mar. 27, 2017)).

14. 3D Prosthetics is entitled to recover from Defendant the damages sustained by Aurelian as a result of Defendant's infringement of the '034 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

3D Prosthetics hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, 3D Prosthetics requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that 3D Prosthetics has infringed the '034 patent;
- B. An award of damages to be paid by Defendant adequate to compensate 3D Prosthetics for Defendant's past infringement of the '034 patent and any continuing or future

infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of 3D Prosthetics's reasonable attorneys' fees; and

D. An award to 3D Prosthetics of such further relief at law or in equity as the Court deems just and proper.

Dated: March 27, 2017

/s/ Richard C. Weinblatt

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