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

3D PROSTHETICS LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:17-cv-233
v.	)
	) **JURY TRIAL DEMANDED**
SIRONA DENTAL, 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 Sirona Dental, Inc. is a Delaware company with, upon information and belief, a place of business located at 4835 Sirona Drive, Suite 100, Charlotte, North Carolina 28273.

3. Upon information and belief, Defendant registered with the Texas Secretary of State to conduct business in Texas.

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 '034 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, Sirona Connect (using CEREC AC with Omnicam, CEREC AC with Bluecam or APOLLO DI, and inLab MC X5) ("Sirona Connect").

12. Upon information and belief, Defendant used the accused Sirona Connect 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 Sirona Connect practices a method for reproducing a 3D object surface. *See* http://www.sirona-connect.com/about-sirona-connect/method/ (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).

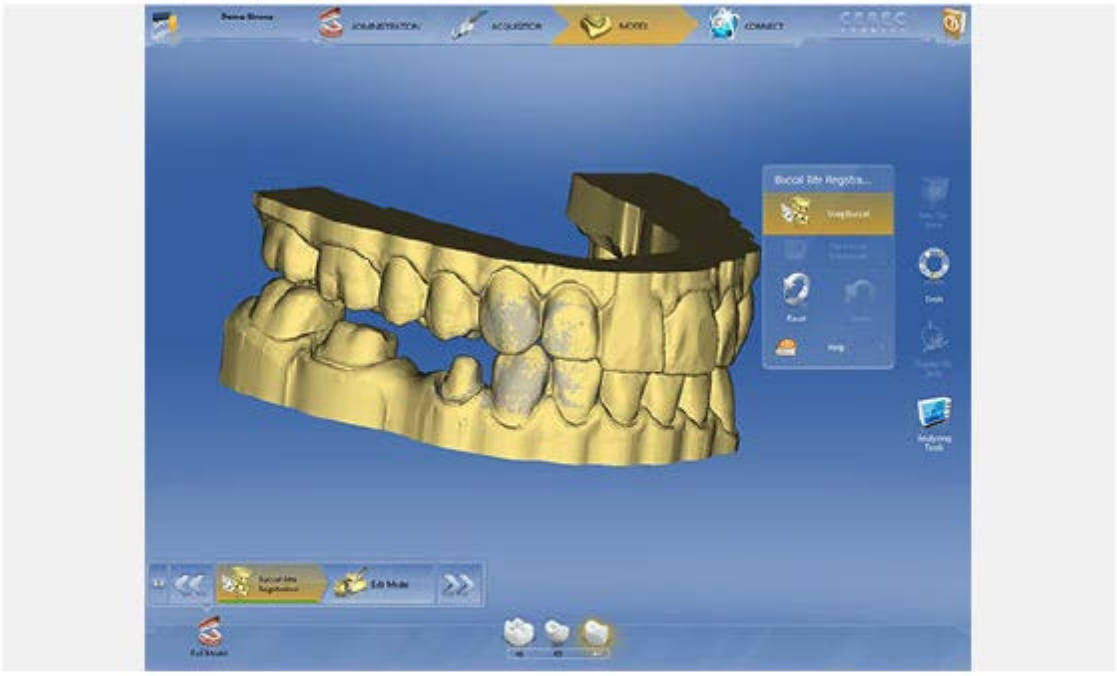
Digital acquisition using the CEREC AC

With the aid of the CEREC Omnicam or CEREC Bluecam the preparation, antagonist and the bite registration are acquired directly in the patient's mouth.

Automatic image preview

During the acquisition process the model is displayed in the 3D preview. The dentist can see immediately where data still needs to be acquired.

http://www.sirona-connect.com/about-sirona-connect/process/ (last accessed Mar. 27, 2017). Sirona Connect 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).



The digital model

Via a buccal scan the CEREC Connect software computes the relationship between the upper and lower jaws. The dentist can immediately assess the quality of the digital impression and make any necessary adjustments.

Id. 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.

Seamless scanning process

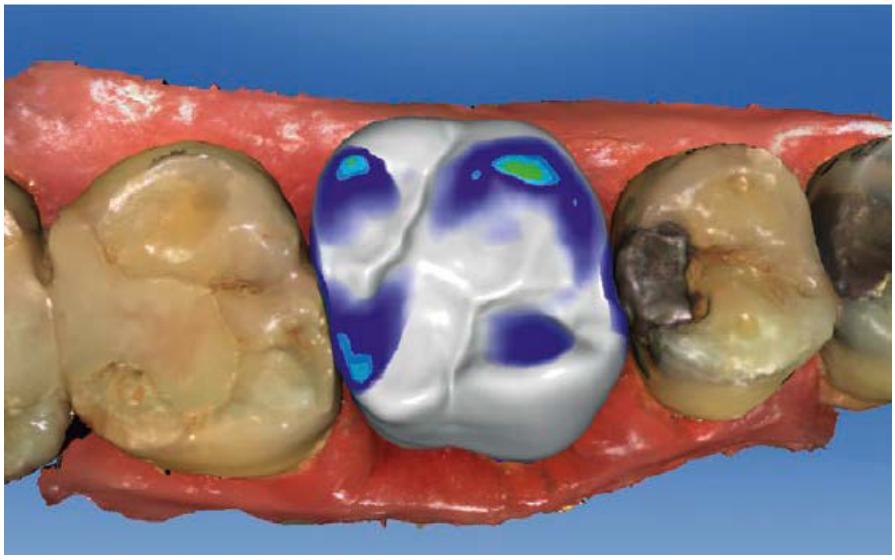
The user simply moves the camera head closely over the teeth in a single flowing movement. The data is generated successively into a 3D model. The seamless scanning process delivers an impressive depth of field. What's more, you can interrupt and resume the scan at any time.

Precise 3D scans in natural color

It is impressive to see the 3D model displayed in full color on the monitor. The various surfaces are shown in their natural shades. This direct and realistic feedback helps you navigate your way around the oral cavity and enables you to distinguish between amalgam, gold or composite. Clinically it provides a clear differentiation between gingiva and the preparation margin.

CEREC Omnicam and CEREC BlueCam: The First Choice In Every Case. ("CERAC") at p. 3 of 8 (available at http://www.sirona.com/ecomaXL/files/A91100-M43-B610_7600.pdf&download=1 (last accessed Mar. 27, 2017)). The Sirona Connect 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).

An impressive sight – the on-screen visualization of the model in 3D and full color.



CEREC. Made to Inspire at p. 6 (available at http://www.sirona.com/ecomaXL/files/A91100-M43-B609-01-7600.pdf&download=1 (last accessed Mar. 27, 2017)); *see also* https://www.youtube.com/watch?v=orqRRaFc8o0 (last accessed Mar. 27, 2017). It is operable to make a physical reproduction of the object surface with the composite data set (e.g., the inLab milling unit mills crowns, inlays veneers, etc.). *See* http://www.sirona.com/en/products/digital-dentistry/production-with-inlab/?tab=4066 (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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