

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

VERSAH LLC and HUWAIS IP
HOLDINGS LLC,

Plaintiffs,

v.

DR. CESAR GUERRERO FACIAL
AND ORAL SURGERY PLLC,

Defendant.

Case No. _____

Hon. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Versah, LLC (“Versah”) and Huwais IP Holding LLC (“HIPH”) bring this Complaint against Defendant Dr. Cesar Guerrero Facial and Oral Surgery PLLC (“Guerrero PLLC”). Versah and HIPH allege as follows:

PARTIES

1. Plaintiff HIPH is a Michigan limited liability company located at 4645 Eagle Drive in Jackson MI, 49201.
2. Plaintiff Versah is a Michigan limited liability company located at 2000 Spring Arbor Road, Suite D in Jackson, MI, 49203.
3. Defendant Dr. Cesar Guerrero Facial and Oral Surgery PLLC (“Guerrero PLLC”) is a Houston limited liability company located at 929 Gessner Road, Suite 2050, Houston, TX 77024.

JURISDICTION AND VENUE

4. This Court has original subject matter jurisdiction over this action under 28 U.S.C. § 1331 and 1338(a).

5. This Court has personal jurisdiction over Guerrero PLLC because it operates in Houston, Texas.

VERSAH'S PATENTS-IN-SUIT

6. Versah was founded in April of 2014 by Dr. Salah Huwais, a practicing Periodontist in Jackson Michigan. Dr. Huwais created Versah to provide dental implant clinicians with an improved and unique way to prepare for osteotomies preliminary to a dental implant. The osteotomy is the cutting and reshaping of the bone, here, the jawbone, to prepare it to accept a dental implant.

7. While placing implants over his many years of practice, Dr. Huwais consistently experienced the limitations of excavating bone using conventional drills when preparing osteotomies. He thought that the traditional pre-implant osteotomy was unnecessarily traumatic to the jawbone. He saw patients who suffered from the traditional osteotomy procedure and so he began looking for a new and less traumatic way to prepare the jawbone for dental implants. His goal was to maintain healthy bone rather than excavate it as traditional osteotomies did. In this way, he believed that this now healthy bone would be better able to

maintain the foundational strength of the bone so that it would be better able to support the dental implant.

8. “Osseodensification,” a term coined by Versah, is the procedure that led to the creation of Versah. The procedure is accomplished using the proprietary instruments Dr. Huwais invented and named the Densah® Bur Kit.

9. Contrary to drilling away bone, the Densah® Burs are rotated in reverse at 800 – 1500 rpms and when coupled with irrigation, hydro-dynamically densify bone through compaction autografting or Osseodensification. Stated another way, while others in the periodontics field were all removing bone – effectively injuring it – Dr. Huwais rethought the entire procedure and arrived at a revolutionary way to preserve healthy dental bone while preparing a tooth for surgical intervention.

10. The result of the Densah® Burs is a consistently cylindrical and densified osteotomy. Consistent osteotomies and densification are important to implant primary stability and to early loading. Indeed, Dr. Huwais’s proprietary osseodensification was nothing less than a revolution in the dental implant field.

11. HIPH is the owner of various intellectual property rights, including patents as well as the registered trademark on which counts of this action are based. HIPH has granted an exclusive license in this intellectual property to BRRTech, LLC (“BRRTech”).

12. BRRTech in turn has granted a limited exclusive license for the dental field of use to Versah.

13. In these licenses, HIPH retains rights in the licensed intellectual property rights.

14. The license to Versah granted the right to Versah to bring suit against third parties for infringement of the licensed intellectual property.

15. United States Patent number 9,022,783 (“the ‘783 patent”) issued on May 5, 2015, and is titled Fluted Osteotome and Surgical Method for Use. A copy of the ‘783 patent is attached to this Complaint as Exhibit A.

16. United States Patent number 9,526,593 (“the ‘593 patent”) issued on December 27, 2016, and is titled Fluted Osteotome and Surgical Method for Use. A copy of the ‘593 patent is attached to this Complaint as Exhibit B.

17. United States Patent number 9,028,253 (“the ‘253 patent”) issued on May 12, 2015, and is titled Fluted Osteotome and Surgical Method for Use. A copy of the ‘253 patent is attached to this Complaint as Exhibit C.

18. United States Patent number 9,737,312 (“the ‘312 patent”) issued on August 22, 2017, and is titled Fluted Osteotome and Surgical Method for Use. A copy of the ‘312 patent is attached to this Complaint as Exhibit D.

19. United States Patent number 10,568,639 (“the ‘639 patent”) issued on February 25, 2020, and is titled Fluted Osteotome and Surgical Method for Use. A copy of the ‘639 patent is attached to this Complaint as Exhibit E.

20. United States Patent number 11,583,294 (“the ‘294 patent”) issued on February 21, 2023, and is titled Autografting Tool with Enhanced Flute Profile and Methods of Use. A copy of the ‘294 patent is attached to this Complaint as Exhibit F.

21. United States Patent number 9,326,778 (“the ‘778 patent”) issued on May 3, 2016, and is titled Autografting Osteotome. A copy of the ‘778 patent is attached to this Complaint as Exhibit G.

22. United States Patent number 10,039,621 (“the ‘621 patent”) issued on August 7, 2018, and is titled Autografting Osteotome. A copy of the ‘621 patent is attached to this Complaint as Exhibit H.

23. United States Patent number 10,980,548 (“the ‘548 patent”) issued on April 20, 2021, and is titled Autografting Tool with Enhanced Flute Profile and Methods of Use. A copy of the ‘548 patent is attached to this Complaint as Exhibit I.

24. United States Patent number 11,712,250 (“the ‘250 patent”) issued on August 1, 2023, and is titled Autografting Tool with Enhanced Flute Profile and

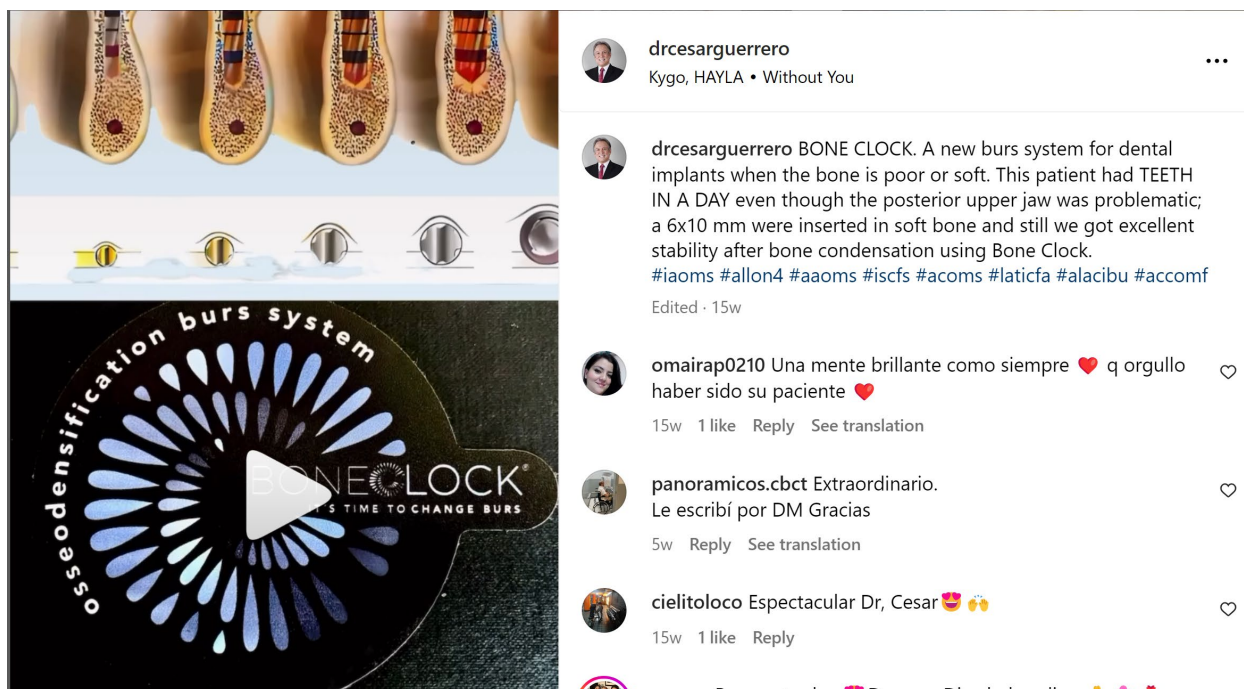
Methods of Use. A copy of the ‘250 patent is attached to this Complaint as Exhibit J.

25. Collectively, the ‘783, ‘593, ‘253, ‘312, ‘639, ‘778, ‘621, ‘548, ‘294, and ‘250 patents will be referenced as “the patents in suit.”

GUERRERO PLLC’S INFRINGEMENT

26. Guerrero PLLC at least uses and promotes in the United States a drill bit or bur called “Bone Clock” (“Infringing Burs”).





27. Versah and HIPH have analyzed the Infringing Burs and determined that they infringe one or more claims of the patents-in-suit.

28. None of HIPH, BRRTech, or Versah has given Guerrero PLLC permission to use the Infringing Burs.

COUNT I – PATENT INFRINGEMENT – ‘783 PATENT

29. Plaintiffs incorporate by reference the earlier paragraphs of Complaint.

30. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the ‘783 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the ‘783 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

31. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

32. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

33. On information and belief, Guerrero PLLC will continue to infringe the '783 patent unless the Court enjoins that infringement.

34. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT II – PATENT INFRINGEMENT – '593 PATENT

35. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

36. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '593 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '593 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

37. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

38. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

39. On information and belief, Guerrero PLLC will continue to infringe the '593 patent unless the Court enjoins that infringement.

40. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT III – PATENT INFRINGEMENT – '253 PATENT

41. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

42. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '253 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '253 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

43. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

44. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

45. On information and belief, Guerrero PLLC will continue to infringe the '253 patent unless the Court enjoins that infringement.

46. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT IV – PATENT INFRINGEMENT – '312 PATENT

47. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

48. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '312 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '312 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

49. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

50. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

51. On information and belief, Guerrero PLLC will continue to infringe the '312 patent unless the Court enjoins that infringement.

52. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT V – PATENT INFRINGEMENT – ‘639 PATENT

53. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

54. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the ‘639 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the ‘639 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

55. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC ‘s infringement.

56. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

57. On information and belief, Guerrero PLLC will continue to infringe the ‘639 patent unless the Court enjoins that infringement.

58. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT VI – PATENT INFRINGEMENT – ‘294 PATENT

59. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

60. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the ‘294 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the ‘294 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

61. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC’s infringement.

62. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

63. On information and belief, Guerrero PLLC will continue to infringe the ‘294 patent unless the Court enjoins that infringement.

64. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT VII – PATENT INFRINGEMENT – ‘778 PATENT

65. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

66. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the ‘778 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least

one claim of the '778 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

67. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

68. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

69. On information and belief, Guerrero PLLC will continue to infringe the '778 patent unless the Court enjoins that infringement.

70. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT VIII – PATENT INFRINGEMENT – '621 PATENT

71. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

72. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '621 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '621 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

73. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

74. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

75. On information and belief, Guerrero PLLC will continue to infringe the '621 patent unless the Court enjoins that infringement.

76. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT IX – PATENT INFRINGEMENT – '548 PATENT

77. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

78. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '548 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '548 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

79. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

80. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

81. On information and belief, Guerrero PLLC will continue to infringe the '548 patent unless the Court enjoins that infringement.

82. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

COUNT X – PATENT INFRINGEMENT – '250 PATENT

83. Plaintiffs incorporates by reference the earlier paragraphs of this Complaint.

84. Guerrero PLLC has been and is now infringing, literally and/or under the doctrine of equivalents, the '250 patent by making, using, offering for sale, importing, and/or selling the Infringing Burs, which fall within the scope of at least one claim of the '250 patent, without license or authorization. These acts are infringement under at least 35 U.S.C. § 271(a).

85. Plaintiffs have suffered and will continue to suffer injury and damages for which they are entitled to relief under 35 U.S.C. § 284 adequate to compensate for Guerrero PLLC's infringement.

86. As a direct and proximate consequence of this infringement, Plaintiffs have been harmed and will continue to be harmed unless the Court enjoins these infringing acts.

87. On information and belief, Guerrero PLLC will continue to infringe the '250 patent unless the Court enjoins that infringement.

88. Plaintiffs are entitled to injunctive relief under 35 U.S.C. § 283.

PRAYER FOR RELIEF

Versah asks this Court to enter judgment against Guerrero PLLC and its officers, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. An adjudication that Guerrero PLLC has infringed one or more claims of the patents in suit;
- B. The ascertainment of and award to Versah of damages from the infringement of one or more claims of the patents in suit, together with prejudgment and post-judgment interest and any other costs and expenses permitted by law, under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and the award of reasonable attorneys' fees, costs, and expenses in this action to Plaintiffs under 35 U.S.C. § 285;
- D. Permanently enjoining Guerrero PLLC from any further acts of infringement of Plaintiffs' patent rights under 35 U.S.C. § 283; and,
- E. Awarding to Versah such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiffs demand a jury trial under Fed. R. Civ. P. 38(b) and 5(d).

Dated: November 12, 2024

EVIA LAW PLC

/s/ Steven Susser

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