

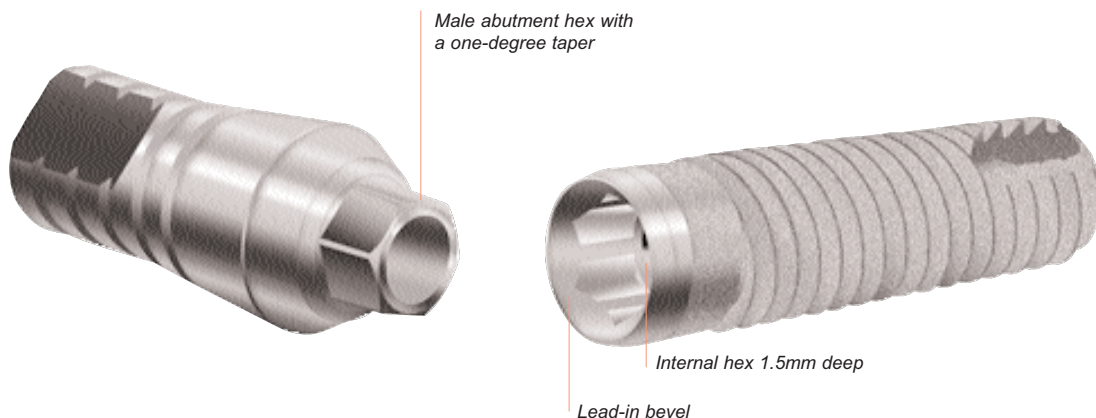
ZIMMER DENTAL'S "HISTORY OF INNOVATION"

Zimmer Dental's website, www.zimmerdental.com, contains claims of a "history of innovation and evolution" and "a market leader in the development of world-class implantology products." Both of these claims are made on pages showing inventions made by Dr. Gerald Niznick. Zimmer Dental's implied claims of inventorship was an issue in an Arbitration dispute between the parties. The Arbitrator's binding ruling restricts Zimmer Dental's claims of being an innovator to references to its own inventions, not those it may have bought from Dr. Niznick. The Arbitrator's Award states:

"Zimmer may not make the claim in its advertising or other corporate materials that Zimmer is the originator, inventor, or developer of dental implant innovations that were in fact originated, invented, or developed by Niznick."

Dr. Niznick sold Zimmer Dental's predecessor, Sulzer Dental, a number of his patents as part of the sale of Paragon Implant Company's implant business in 2001. The Arbitrator's ruling makes it clear that Zimmer Dental does not have the right to claim it was the "originator, inventor or developer" of these products. In spite of repeated requests by Dr. Niznick that Zimmer Dental abide by the Arbitrator's ruling in this regard, Zimmer Dental continues to provide a link on its website to a page entitled "Company> About Us" that claims Zimmer Dental "has earned a reputation as an innovator of trend-setting products, technology, and techniques in implant dentistry." As shown on a reproduction of that page, with the addition of the actual patent numbers, of which 8 of the 9 patented inventions were issued to Gerald Niznick by the US Patent and Trademark Office. Zimmer Dental also distributes a brochure (Internal Hex with Friction Fit Abutment) promoting the features and benefits of its Internal hex connection (US Patent # 4,960,381) and its friction-fit abutments (US Patent #5,334,024), both inventions of Dr. Gerald Niznick. In this brochure, dedicated exclusively to these two Niznick patented inventions (pictured below is the Screw-Vent and friction fit abutment from this Zimmer pamphlet), Zimmer Dental refers to itself as "a market leader in the development of world-class implantology products."

To paraphrase Zimmer Dental's marketing claims, it is Implant Direct that deserves the "reputation as an innovator of trend-setting products, technology and techniques in implant dentistry" because Dr. Niznick, the inventor of Zimmer Dental's most popular implants and abutments shown in these two marketing pieces, is the President and sole shareholder of Implant Direct. To the extent that a history of innovation related to Zimmer Dental's most popular implants and abutments "ensures customers can be confident that our products will perform and deliver under the most demanding clinical circumstances" as claimed by Zimmer on its website, then that statement would more correctly apply to Implant Direct's new products as they share a common history of inventorship by Dr. Niznick.



* Screw-Vent is a registered trademark of Zimmer Dental



Company About Us

A history of innovation and evolution.

Quality tests are performed on every implant with step-by-step control throughout the entire manufacturing process.

At Zimmer Dental, ongoing improvement of our products and services for the purposes of enhancing patient care and increasing the effectiveness of your individual practice is a promise we stand by. By consistently improving and expanding our product line, Zimmer Dental has earned a reputation as an innovator of trend-setting products, technology, and techniques in implant dentistry. This leadership position ensures customers can be confident that our products will perform and deliver under the most demanding clinical circumstances.

A distinct competitive advantage.

To help foster our ongoing research and development, we maintain key relationships with universities, publications, and renowned clinicians in all key market segments including general dentistry, periodontics, oral and maxillofacial surgery, prosthodontics, and dental laboratories. With access to cutting-edge resources and technology as well as the empirical research and technologies available through our orthopaedic parent, our progress in the dental implant and medical device industries directly benefits your practice and patients.

Zimmer Dental manufactures a majority of its own implants and prosthetic components, with sterility and biocompatibility verifications being performed for each product family. Every implant undergoes a rigorous and detailed visual inspection, assuring greater quality control. In addition, in 2003 Zimmer Dental implemented the Six Sigma system—a data-driven methodology that attempts to eliminate variation through the supply chain, ensuring quality at the highest level.

	<p>1982 First internal anti-rotational implant connection for cemented abutments</p> <p>G. Niznick US Patent #4,431,416</p>		<p>1990 First multi-function fixture mount</p> <p>G. Niznick US Patent #5,062,800</p>		<p>1997 First two-stage implants packaged for one-stage surgery</p> <p>G. Niznick US Patent #5,622,500</p>
	<p>1987 First small-diameter, HA-coated, threaded implants</p> <p>G. Niznick US Patent #5,061,181</p>		<p>1991 First anti-rotational, screw-retained, angled abutments</p> <p>G. Niznick US Patent #5,281,140</p>		<p>2000 First tapered multiple lead thread implants</p> <p>G. Niznick US Patent #5,570,017</p>
	<p>1989 First HA-coated cylinder implants with anti-rotational internal connections</p> <p>G. Niznick US Patent #5,076,788</p>		<p>1994 First internal interface friction-fit abutments</p> <p>G. Niznick US Patent #5,433,606</p>		<p>2003 First delivery tools internally engaging implant with spring loaded ruby ball bearings</p>