

ClearChoice LLC and Implant Direct Inc. Trademark Litigation

Implant Direct has developed the RealChoice™ Websites to help its customers educate the public to the benefits of dental implants and thereby promote the growth of their practices. The name was chosen because Implant Direct offers the industry's broadest, most cost-effective Implant System. The access to Implant Direct's full range of dental implant options, and the low cost of Implant Direct's products, allows RealChoice dental offices to offer a real choice of services for their patients, thus earning the name.

WHAT IS CLEARCHOICE: "[ClearChoice Holdings LLC, through its ClearChoice Management Services LLC. \("CCHM"\)](#), provides administrative, management, financial, marketing, advertising and other business support services" to ClearChoice franchises throughout the USA, with 15 currently operating and 6 more set to open early 2010. CCHM also provides real estate and business development services to assist local dental specialists in developing and opening new ClearChoice Dental Implant Centers. ClearChoice Implant Centers primarily, if not exclusively, use Nobel Biocare implant products. They claim on their website that **"full arch replacements performed by ClearChoice are provided at lower costs to the patients due to the efficiencies of the all-in-one centers, the Immediate Function protocols, and the integrated treatment approach used by ClearChoice."** In fact, fees at a ClearChoice Center, using the "All-on-4" concept with tilted distal implants and immediate loading, are purported to range from \$25,000-\$30,000 per arch for a screw-retained restoration. ClearChoice's exclusive use of Nobel products, its [extensive use of full page newspaper ads with celebrity endorsements like this two-page ad with Mike Ditka and Tony Curtis](#), the financial burden of building new facilities for each center and the management fees to support the staff of 60 administrative people, makes it highly unlikely that ClearChoice Centers can deliver services at "lower costs to the patients" as they claim above. ClearChoice centers, as demonstrated in a lecture by Dr. Steve Perel at the ACP 2009 meeting in San Diego, follow the All-on-4 procedures with angled distal implants, even on cases where there is adequate bone to place 5-6 implants. Considering the cost of Nobel Biocare's products, they could do All-on-12 with Implant Direct's products and still save money, even assuming a 25% discount.

Unlike ClearChoice, Implant Direct does not sell franchises, charge management fees to RealChoice Implant Centers or sell exclusive rights in an area to use its RealChoice website. All that is required to have a RealChoice Website customized for a dental practice is an initial purchase of 25 implants and a complete surgical tray. Implant Direct strongly believes that patients should have access to affordable, high quality, dental implants, whether these services are provided by an oral surgeon or periodontist working with a team of restorative dentists, or by qualified general dentists both placing and restoring dental implants. The overhead cost of operating private practice offices is distributed over the full scope of services provided, which allows for lower implant fees than offices set up and operated specifically for implant services. [RealChoice websites can be customized to list the full range of services](#) offered by the dental office and can be linked to the dentist's existing website for additional information. All these factors, including the low cost of Implant Direct's products, allow RealChoice dentists to charge a lower fee for implants than is generally charged by the ClearChoice implant centers, making the benefits of implant dentistry readily available to more people.

There is a clear distinction between the name RealChoice and ClearChoice. Furthermore, RealChoice websites feature the use of Implant Direct's products and are available to periodontists and general practitioners while ClearChoice websites feature the use of Nobel Biocare products and are restricted to Oral Surgeons working primarily with Prosthodontists. ClearChoice Holdings LLC, in an apparent effort to stifle competition, has objected to Implant Direct's application for its RealChoice trademark. In cities where both RealChoice and ClearChoice offices are located, Implant Direct will add the following heading to further distinguish RealChoice Centers from ClearChoice Centers.

**RealChoice Dental Implant Centers Providing
Cost-effective Alternatives to Replacing Missing Teeth**
[Visit a ClearChoice Implant Center for an estimate and then come to RealChoice
For the Right Choice, using implants Made in America to FDA Standards](#)

ClearChoice centers run full page ads in newspapers, and, as can be seen from this excerpt from [the ad with Tony Curtis' endorsement in Las Vegas Review Journal, November 9, 2009](#), implies that general dentists are not qualified to perform implant services. By inference, restricting its ClearChoice offices to Oral Surgeons, casts disparagement on the qualifications of Periodontists to perform dental implant and bone grafting procedures. ClearChoice's website claims to have no financial investment from any Implant Company but advertises it only uses Nobel Biocare products.

ClearChoice's volume discount with Nobel Biocare subsidizes ClearChoice's marketing expenses. This puts Nobel Biocare and ClearChoice Management in a partnership through their common interest of selling more Nobel Implants, whether it be to the ClearChoice Centers or ultimately to patients. Implant Direct, on the other hand, offers all its customers the same, everyday low prices regardless of volume purchases. It provides its customers, who meet a minimum purchase requirement, with a free website, marketing materials and authorization to use the RealChoice trademark, which is what ClearChoice Holdings, LLC would like to prevent through its opposition to the issuing of the trademark.

High-quality results

According to dental regulations, any licensed dentist can legally place implants and practice implant dentistry. But most people are not satisfied with just "any" dentist performing this type of advanced dental and restorative care, and you shouldn't be satisfied either. And until the last couple of years, dental schools have provided no dental implant training to their general dentist graduates.

ClearChoice's website poses the following question and provides its answer:

"How is your implant procedure different from the other implant procedures?"

Our implant treatment is different in three ways ... First, we at ClearChoice only use implants and the components from Nobel Biocare. This company is the leader in the implant industry, and was established by the inventor of titanium implants – Dr Branemark. They have the most extensive research and development of titanium implants, setting the standard for implant dentistry."

These claims can certainly be challenged, not only because Dr. Branemark was not the "inventor of titanium implants," (his 1969 patent application for a two-piece implant was denied), but also because he was not even the first to report that titanium implants osseointegrated. [His 1977 textbook credits Leventhal for that discovery in 1951](#). As for claims of "extensive research", the NobelActive implants, used in many ClearChoice centers, represents a radical change in implant design from Nobel's other products with only a 1 year study according to Nobel's website. As for Nobel "setting the standard for implant dentistry," that also can be challenged by the current controversy regarding [the lack of sterile seal with Nobel's implant packaging](#) and [the excessive bone loss reported with NobelDirect and NobelPerfect implants](#).

ClearChoice's website proudly refers to "Nobel Biocare Immediate Function™ Procedures":

"ClearChoice Dental Implant Centers are the leading dental implant centers in America that offer Nobel Biocare Immediate Function Procedures All-on-4 Procedure can replace a full arch of teeth in one day, using only four implants and without bone grafts. That saves time and money."

The original Branemark clinical studies confirmed the wisdom of placing 5-6 implants in an edentulous jaw for a full arch, implant supported restoration, allowing for continuous function of the prosthesis if an implant failed. This wisdom is best summarized as "All-on-4, None-on-3."

[A study of 421 implants by 4 Spanish surgeons using Nobel Guide for implant placement in the edentulous maxilla followed by immediate loading, documented that 13% of the Nobel Replace Implants failed while only 1% of the Implant Direct Implants failed.](#)

For further information on a number of false and misleading claims from ClearChoice's website, read ["The Changing Reality of the Team Approach."](#)



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Implant Direct International
www.implantdirect.com