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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION

SOFAMOR DANEK HOLDINGS, INC.,
Plaintiff,

Vs. Case No. 98-2369 GA(JSG)

UNITED STATES SURGICAL CORP.
AND SURGICAL DYNAMICS, INC.,
Defendants.

THE VIDEOTAPED DEPOSITION OF
LAWRENCE MARTIN BOYD
FEBRUARY 18, 1999

DANIEL, DILLINGER, DOMINSKI,
RICHBERGER, WEATHERFORD
COURT REPORTERS
22nd Floor - One Commerce Square
Memphis, Tennessee 38103
(901) 529-1999

COPY

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MSD 1317081

1 THE VIDEOGRAPHER: This is the
2 videotaped deposition of Lawrence M. Boyd
3 taken by the defendant in the matter of
4 Sofamor Danek Holdings, Incorporated versus
5 United States Surgical Corporation and
6 Surgical Dynamics, Incorporated in the United
7 States District Court, Western District of
8 Tennessee in the civil action number 98-2369
9 GA(JSG), held at the Crescent Building, 6075
10 Poplar Avenue, Memphis, Tennessee on
11 February 18th, 1999 at approximately 10:33
12 a.m.

13 The court reporter's name is Sara
14 Rogan from the firm Daniel, Dillinger and
15 Dominski located in Memphis, Tennessee. The
16 videotape specialist is John Steele of the
17 Data Company of Memphis, Tennessee. Will the
18 counsel now introduce themselves?

19 MR. THOMAS: Yeah, this is Dirk
20 Thomas on behalf of the plaintiff and the
21 witness.

22 MR. ALBRIGHT: John Albright
23 also on behalf of the plaintiff and the
24 witness.

25 MR. LICHTMAN: Jeffrey Lichtman

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1 representing defendant U.S. Surgical and
2 Surgical Dynamics.

3 THE VIDEOGRAPHER: Are there any
4 announcements or stipulations that need to be
5 put on the video record at this time?

6 MR. LICHTMAN: I think counsel
7 usually adheres to making objections as to
8 form and all other objections are preserved.
9 And I believe that counsel has usually been
10 requesting the witness to read and sign, but
11 not necessarily sign in front of the notary
12 before whom the deposition is taken.

13 MR. THOMAS: That's correct.

14 THE VIDEOGRAPHER: Okay. Will
15 the court reporter now please swear in the
16 witness?

17 LAWRENCE MARTIN BOYD,
18 having been first duly sworn, was examined
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LICHTMAN:

22 Q. Good morning, Mr. Boyd.

23 A. Good morning.

24 Q. Could you please state your full name
25 and address for the record?

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1 A. Lawrence Martin Boyd, 688 South
2 McLean, M C L E A N, Boulevard, Memphis,
3 Tennessee 38104.

4 Q. And where do you work, sir?

5 A. Sofamor Danek.

6 Q. And what's your position at Sofamor
7 Danek?

8 A. I'm a group director of engineering.

9 Q. How long have you been a group
10 director of engineering?

11 A. For about the past six months.

12 Q. And do you understand, sir, that you
13 are here to provide testimony in connection
14 with a lawsuit that's been brought by Sofamor
15 Danek against United States Surgical and
16 Surgical Dynamics?

17 A. I do.

18 Q. And you also understand, sir, that
19 this involves a patent involving methodology
20 for the placement of spinal fusion products?

21 A. I do.

22 Q. Just in terms of terminology, the
23 patent at issue might be referred to as the
24 253 patent which are the last three numbers
25 of the patent that's the subject of the

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1 let's do the break now.

2 THE VIDEOGRAPHER: Going off the
3 record at approximately 1:03.

4 (Lunch break taken.)

5 THE VIDEOGRAPHER: Returning to
6 the record at approximately 2:05.

7 (Whereupon, Exhibit 6 was
8 marked.)

9 Q. (BY MR. LICHTMAN) Sir, we've marked
10 off the record what's now identified as Boyd
11 Exhibit 6. Do you have that in front of you?

12 A. I sure do.

13 Q. Do you recognize that document?

14 A. Yes.

15 Q. Describe it for me, please.

16 A. It's a memorandum from January 11th,
17 1994, and these are minutes or some notes
18 from the meeting with Doctor Michelson on
19 that date, January 11th.

20 Q. And were these -- this was a document
21 that you authored, right?

22 A. Yes.

23 Q. And you circulated to other people at
24 Sofamor Danek?

25 A. That's correct.

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