

Dezider Imre - Confidential: Attorneys Eyes Only

<p align="right">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 IN AND FOR THE WESTERN DISTRICT OF TENNESSEE 3 WESTERN DIVISION 4 5 CONFIDENTIAL: ATTORNEYS EYES ONLY 6 7 MEDTRONIC SOFAMOR DANEK, INC.,) 8 SOFAMOR DANEK, L.P., and SOFAMOR) 9 DANEEK HOLDINGS, INC.,) 10) 11 Plaintiffs,) 12) 13 Vs.) No. 99-2656-G/V 14) 15 OSTEOTECH, INC.,) 16) 17 Defendants.) 18 19 VIDEOTAPED DEPOSITION OF DEZIDER IMRE 20 Ficaou, California 21 Friday, October 5, 2001 22 23 Reported by: 24 JENNIFER W. HARMON, CSR. 11770 25 JOB NO. 140880</p>	<p align="right">Page 3</p> <p>1 APPEARANCES: 2 For Plaintiffs: 3 ROBINS, KAPLAN, MILLER & CIRESI 4 BY: CHRISTOPHER P. SULLIVAN 5 111 Huntington Avenue 6 Boston, Massachusetts 02199 7 (617) 267-2300 8 For Plaintiffs: 9 ROBINS, KAPLAN, MILLER & CIRESI 10 BY: DIRK D. THOMAS 11 1801 K Street, N.W. 12 Washington, D.C. 20005 13 (202) 736-2630 14 For Defendants: 15 DORSEY & WHITNEY 16 BY: CHRISTOPHER A. YOUNG 17 Pillsbury Center South 18 220 South Sixth Street 19 Minneapolis, Minnesota 55402 20 (612) 340-2841 21 22 23 24 25</p>
<p align="right">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 IN AND FOR THE WESTERN DISTRICT OF TENNESSEE 3 WESTERN DIVISION 4 5 CONFIDENTIAL: ATTORNEYS EYES ONLY 6 7 MEDTRONIC SOFAMOR DANEK, INC.,) 8 SOFAMOR DANEK, L.P., and SOFAMOR) 9 DANEEK HOLDINGS, INC.,) 10) 11 Plaintiffs,) 12) 13 Vs.) No. 99-2656-G/V 14) 15 OSTEOTECH, INC.,) 16) 17 Defendants.) 18 19 Videotaped deposition of DEZIDER IMRE, 20 taken on behalf of Plaintiffs, at Courtyard 21 Marriot, 551 North Peach Avenue, Fresno, 22 California, beginning at 10:01 a.m. and ending 23 at 1:35 p.m. on Friday, October 5, 2001, before 24 JENNIFER W. HARMON, Certified Shorthand 25 Reporter, No. 11770.</p>	<p align="right">Page 4</p> <p>1 INDEX 2 3 WITNESS: EXAMINATION 4 DEZIDER IMRE 5 6 BY MR. SULLIVAN 8, 94 7 BY MR. YOUNG 49 8 9 10 11 12 EXHIBITS 13 PLAINTIFFS 14 1-A Lumbar Implant Set 7 15 1-B Invoice for Lumbar Implant 16 Set dated 10-15-91 7 17 18 2-A Cervical Implant Set 7 19 20 2-B Invoice for Cervical Implant 21 Set dated 12-11-91 7 22 3-A Staple with driver and screw 7 23 3-B Invoice for Staple with driver, 24 screw and centering rod 7 25 26 4-A Distractors 7 27 28 4-B Invoice for distractors dated 29 12-26-93 7 30 4-C Invoice for 1 sleeve and 31 distractor dated 1-02-94 7 32 33 34 35</p>

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1 (Pages 1 to 4)
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<p align="right">Page 5</p> <p>1 5-A Instruments for holding two implants for blocking 7</p> <p>2</p> <p>3 5-B Invoice for implant blocking instruments dated 10-22-94 7</p> <p>4 6-A Cervical milling set 7</p> <p>5 6-B Invoice for cervical milling set dated 5-13-95 7</p> <p>6</p> <p>7 6-C Invoice for cervical milling set dated 6-1-95 7</p> <p>8 6-D Invoice for cervical milling set dated 6-15-95 7</p> <p>9</p> <p>10 6-E Invoice for cervical milling set dated 7-8-95 7</p> <p>11 7-A PLIF distractor instrumentation 7</p> <p>12 7-B Invoice for PLIF distractor dated 6-1-95 7</p> <p>13</p> <p>14 8-A Disc space instrumentation 7</p> <p>15</p> <p>16 8-B Invoice for disc space instrumentation dated 10-10-97 7</p> <p>17 9-A Lumbar instruments with saw blade 7</p> <p>18 9-B Invoice for lumbar non-threaded instruments dated 10-28-97 7</p> <p>19 10-A Corner cleaner 7</p> <p>20 10-B Invoice for ALIF lumbar milling apparatus dated 11-17-97 7</p> <p>21 11-A Cervical milling machine twin wheel instrument 7</p> <p>22</p> <p>23 11-B Invoice for cervical milling machine/twin wheel dated 11-28-97 7</p> <p>24</p> <p>25</p>	<p align="right">Page 7</p> <p>1 Friday, October 5, 2001, Fresno, California</p> <p>2 10:01 a.m. - 1:35 p.m.</p> <p>3 -000-</p> <p>4 (Whereupon, Exhibits 1 through 11 were marked for identification.)</p> <p>5</p> <p>6 -000-</p> <p>7 VIDEOGRAPHER: Here begins Videotape No. 1 in the</p> <p>8 deposition of Dezider Imre in the matter of Medtronic</p> <p>9 Sofamor Danck, Inc., et al., plaintiffs, versus Osteotech,</p> <p>10 Inc., defendants, in the United States District Court for</p> <p>11 the Western District of Tennessee, Western Division, Civil</p> <p>12 File No. 99-2656-GV.</p> <p>13 Today's date is October 5th and the time is 10:01</p> <p>14 a.m. This deposition is being taken at the Marriott</p> <p>15 Courtyard Airport in Fresno, California, and it was made</p> <p>16 at the request of Dirk D. Thomas at the Law Offices of</p> <p>17 Robins, Kaplan & Miller, et al., Washington DC. The</p> <p>18 videographer is Gene Meyer here on behalf of Esquire</p> <p>19 Deposition Services located at 6222 Wilshire Boulevard,</p> <p>20 Second Floor, Los Angeles, California.</p> <p>21 Would all counsel please identify themselves and</p> <p>22 state whom you represent?</p> <p>23 MR. SULLIVAN: Christopher P. Sullivan, attorney</p> <p>24 for the plaintiff, Medtronic Sofamor Danck.</p> <p>25 MR. THOMAS: Dirk Thomas also here for the</p>
<p align="right">Page 6</p> <p>1 11-C Invoice for Lumbar disc space shaper dated 8-12-98 7</p> <p>2</p> <p>3 12 Vertebra model 37</p> <p>4</p> <p>5 13 Handwritten diagram of lumbar implant drawn by Dezider Imre 74</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p align="right">Page 8</p> <p>1 plaintiffs.</p> <p>2 MR. YOUNG: Christopher Young appearing on behalf</p> <p>3 of Osteotech, Inc., the defendant.</p> <p>4 VIDEOGRAPHER: Would the court reporter please</p> <p>5 swear the witness?</p> <p>6 -000-</p> <p>7 DEZIDER IMRE,</p> <p>8 Being first duly sworn by the</p> <p>9 Certified Shorthand Reporter,</p> <p>10 testified as follows:</p> <p>11 -000-</p> <p>12 MR. SULLIVAN: Before we begin the questioning,</p> <p>13 we want to designate this deposition at the highest level</p> <p>14 of confidentiality pursuant to the confidentiality order</p> <p>15 entered by the court in this case.</p> <p>16 MR. YOUNG: Understood.</p> <p>17 THE WITNESS: I have a problem hearing.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SULLIVAN:</p> <p>20 Q. I am going to speak very slowly, and if you don't 10:03</p> <p>21 understand my question, tell -</p> <p>22 A. I'm going to ask you. 10:03</p> <p>23 Q. You ask me and I'll rephrase it. If you have any 10:03</p> <p>24 problem with a question, either my question or Mr. Young's</p> <p>25 question, you just ask that it be repeated until you can</p>

2 (Pages 5 to 8)

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	Page 27
<p style="text-align: right;">Page 25</p> <p>1 Q. That invoice is dated June 23rd, 1993. Is that 10:29</p> <p>2 the date that you gave the invoice to Dr. Michaelson? Do</p> <p>3 you see this date here?</p> <p>4 A. Yeah. 10:29</p> <p>5 Q. This writing here, can you identify that? 10:29</p> <p>6 A. That is my -- 10:29</p> <p>7 Q. That's your signature? 10:29</p> <p>8 A. Yes. 10:29</p> <p>9 Q. Did you give Dr. Michaelson the bill for this 10:29</p> <p>10 when you presented him with the work?</p> <p>11 A. Yes, like always. 10:30</p> <p>12 MR. YOUNG: I would just like to go back. I</p> <p>13 forgot to interpose an objection. I'd like to object to</p> <p>14 the introduction of Exhibit 3-B as not having been</p> <p>15 previously produced to Osteotech in this litigation, and</p> <p>16 I'd move to strike it.</p> <p>17 MR. SULLIVAN: You can have a continuing</p> <p>18 objection.</p> <p>19 MR. YOUNG: Okay.</p> <p>20 BY MR. SULLIVAN:</p> <p>21 Q. Let me show you that, Mr. Imre, which has been 10:30</p> <p>22 marked as Exhibit 4-A. Let me see if I can get the rubber</p> <p>23 band off. It's two separate pieces and I'll ask you if</p> <p>24 you can identify those? First, can we hold them up for</p> <p>25 the camera.</p>	<p>1 A. Yes -- no, I did first this one, the heavy one, 10:32</p> <p>2 and after I said to Dr. Michaelson that was too heavy.</p> <p>3 Q. Dr. Michaelson told you that was too heavy? 10:32</p> <p>4 A. Yes. 10:32</p> <p>5 Q. Did he ask you to make a lighter one? 10:32</p> <p>6 A. Yes, after I made this one. 10:32</p> <p>7 Q. What is this piece here? 10:32</p> <p>8 A. This is a hammer. 10:32</p> <p>9 Q. Can you show us how that works? 10:32</p> <p>10 A. You put to the vertebra after you put this 10:33</p> <p>11 distractor, you're going to hammer in until it's going in.</p> <p>12 Q. I see. 10:33</p> <p>13 A. Now it's inside, you need to remove -- we got a 10:33</p> <p>14 remover for it, I did.</p> <p>15 Q. And it clips on the end? We don't have one here. 10:33</p> <p>16 A. We got it from the other set, but anyway, it's 10:33</p> <p>17 the same thing. They are the same, the shoulder is the</p> <p>18 same, you can just put it in.</p> <p>19 Q. You put it on and then you pull this out? 10:33</p> <p>20 A. Yes, sir. 10:33</p> <p>21 Q. When you made these for Dr. Michaelson, did you 10:33</p> <p>22 give him an invoice?</p> <p>23 A. Always, yes. 10:33</p> <p>24 Q. Let me show you that which has been marked as 4-B 10:33</p> <p>25 and ask you if you can recognize that document? Is that</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Oh, yes. 10:31</p> <p>2 Q. This has been marked as 4-A. I want to ask you 10:31</p> <p>3 whether you can identify -- can you tell me what these</p> <p>4 are?</p> <p>5 A. These are coming from the side. 10:31</p> <p>6 Q. That's a side -- 10:31</p> <p>7 A. That is why the angle. 10:31</p> <p>8 Q. The angle on it is to come in from the side? 10:31</p> <p>9 A. Right. 10:31</p> <p>10 Q. And can you tell me about these two -- 10:31</p> <p>11 A. These are the distractors. 10:31</p> <p>12 Q. Those are distractors. Can you tell me what the 10:31</p> <p>13 difference between those two distractors are, because they</p> <p>14 look pretty much the same?</p> <p>15 A. It's almost. They are the same, because the 10:31</p> <p>16 measurement is the same.</p> <p>17 Q. Okay. 10:31</p> <p>18 A. Only this is four times heavier than this one 10:31</p> <p>19 because this is hollow.</p> <p>20 Q. So this one here, what does this weigh in kilos? 10:32</p> <p>21 Do you know how much that weighs?</p> <p>22 A. I don't know, but maybe can be pound, pound and a 10:32</p> <p>23 quarter and this one, half, something like that. I never</p> <p>24 measured it.</p> <p>25 Q. Did you make them at the same time? 10:32</p>	<p style="text-align: right;">Page 28</p> <p>1 your signature on the document?</p> <p>2 A. Yes, that signature is mine. This is the three 10:34</p> <p>3 and this is the distractor.</p> <p>4 Q. The heavier distractor? 10:34</p> <p>5 A. No, the light one. 10:34</p> <p>6 Q. Let me show you another document which has been 10:34</p> <p>7 marked as Exhibit 4-C and ask you if you recognize that</p> <p>8 document?</p> <p>9 A. This is 24 millimeter, yes. 10:35</p> <p>10 Q. What is the 24 millimeter refer to? 10:35</p> <p>11 A. Outside diameter. 10:35</p> <p>12 Q. Outside diameter of these. There's another 10:35</p> <p>13 number that's right next to that, it says 42. It says "24</p> <p>14 X 42."</p> <p>15 A. That is the length of the implant. 10:35</p> <p>16 Q. On this, can you show what the length is? 10:35</p> <p>17 A. Like this one is 42 millimeter. This is 44 and 10:35</p> <p>18 this is 42, the length.</p> <p>19 Q. Did you make these for -- 10:36</p> <p>20 A. Yes, sir. 10:36</p> <p>21 Q. -- Dr. Michaelson on or about the time you gave 10:36</p> <p>22 him the invoice?</p> <p>23 A. Yes. 10:36</p> <p>24 Q. So that would have been in December of 1993? 10:36</p> <p>25 A. Yes. 10:36</p>

7 (Pages 25 to 28)

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4929 Premiere Ave.
CA 90712

2 ea. blind inplent + insert	3 hr	\$ 225.-
2 ea. inplent Ø24x42 mm with caps	10,5hr	\$ 787,50
1 ea inplent driver [24mm]	3,5hr	\$ 262,50
1 ea outer sleeve [d=24 mm] with cap	2,5hr	\$ 187,50
1 ea inner sleeve [Ø21 mm]	1,5hr	\$ 112,50
1 ea drill Ø 21 mm with driver	2,5hr	\$ 187,50
1 ea distractor [Ø 24mm]	1,5hr	\$ 112,50
2 ea distractors	2,5hr	\$ 187,50
1 ea teethed distractor	1,5hr	\$ 112,50

29,0hr \$ 2.175.-

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EXHIBIT
4-B
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