

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

3  
4   MEDTRONIC SOFAMOR DANEK,        )  
INC.,                                )  
5                                        )  
                                  Plaintiff(s), )

6           vs.                                ) NO. 01-2373-MI  
  )

7   GARY K. MICHELSON, M.D.; and )  
KARLIN TECHNOLOGY,                )  
8                                        )  
                                  Defendant(s). )

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14           VIDEOTAPED DEPOSITION OF LAWRENCE M. BOYD  
15                           VOLUME III  
16                   (Taken by Defendant)  
17                   Durham, North Carolina  
18                   Thursday, November 13, 2003

19  
20  
21  
22  
23  
24                   Reported in Stenotype by  
                  Dorothy J. M. McGrath, Shorthand Reporter  
25                   Transcript Produced by Computer-aided Transcription

1 VIDEO TECHNICIAN: Starting of Tape 1,  
2 Volume III, on the record at 9:41 a.m.

3 This is the videotaped deposition of  
4 Lawrence Boyd, Volume III. The case number is  
5 01-2373-MI. The court reporter is  
6 Dorothy McGrath. My name is Scott Swing. We  
7 are both with Russell Court Reporting out of  
8 Winston-Salem, North Carolina.

9 We are located today at the -- at 3001  
10 Cameron Boulevard in Durham, North Carolina.  
11 Today's date and time are indicated on the  
12 video screen.

13 At this time the court reporter will swear  
14 the witness for the record, please.

15 (WITNESS SWORN)

16 VIDEO TECHNICIAN: At this time, counsel  
17 will verbally introduce themselves and who they  
18 represent, please.

19 (WHEREUPON, INTRODUCTIONS ARE MADE)

20 VIDEO TECHNICIAN: We may proceed.

21 LAWRENCE M. BOYD,  
22 having been first duly sworn, testified as follows:

23 EXAMINATION

24 BY MR. GIBSON:

25 Q. Good morning, Mr. Boyd.

1 A. Good morning.

2 Q. You've had your deposition taken before in  
3 this matter and in other matters. Do you need me to  
4 explain any of the deposition procedures for you?

5 A. I don't believe so.

6 Q. Is there any reason your deposition cannot  
7 proceed today?

8 A. Not that I'm aware of.

9 Q. What did you do to prepare for your  
10 deposition today?

11 A. I met with Mr. Pabis yesterday.

12 Q. For approximately how long?

13 A. Three hours.

14 Q. Did you review any documents?

15 A. Yes.

16 Q. And did any of them refresh your memory?

17 A. No.

18 Q. Have you -- since your last deposition,  
19 besides meeting with Mr. Pabis for three hours  
20 yesterday, have you done any work as a consultant  
21 for Medtronic on this litigation?

22 A. No.

23 Q. Do you know the total amount you've billed  
24 Medtronic as a consultant on this litigation?

25 MR. PABIS: Objection, asked and answered.

1 that we -- we talked about.

2 Q. What about PLIF instruments? Did you see  
3 any PLIF instruments at that meeting?

4 A. Yes.

5 Q. Was it a complete set of instruments for  
6 inserting an interbody fusion device through a PLIF  
7 procedure?

8 A. I believe that the set was complete. It  
9 was not the final version that we ultimately, you  
10 know, commercialized, but it was -- it was able to  
11 go from start to -- to completion, insertion. I  
12 believe so.

13 Q. And did you also see a lateral instrument  
14 set in January of 1994?

15 A. I don't know if he had the instruments  
16 then or not. I know we looked at a number of  
17 sketches for the various iterations, yeah.

18 Q. Do you recall when you first saw an  
19 instrument set for lateral that was provided by  
20 Dr. Michelson?

21 A. I don't.

22 Q. Do you recall making requests to  
23 Dr. Michelson for instruments in the January 1994  
24 time frame?

25 A. For instruments to be manufactured?

1 Q. Yes.

2 A. I recall asking him to have Dezider make  
3 some instrument sets for us, yes.

4 Q. I'm going to show you what was marked as  
5 Exhibit 1107, the -- which actually consists of two  
6 letters. And I'll just ask you for both of those,  
7 if you could identify whether that's your signature  
8 on the two letters. They're both to Dr. Michelson.

9 The first letter is dated January 13th,  
10 1994.

11 A. Okay. This looks like mine on the  
12 January 13th letter. And January 14th, yes, that  
13 looks like my signature.

14 Q. And this would have been three days after  
15 the meeting that you had with Dr. Michelson, the  
16 second letter, the January 14th letter?

17 A. When was that meeting? Was it the 11th?

18 Q. It was the 11th.

19 A. Yeah. Well --

20 Q. If you look at the second letter that's --  
21 that's attached here in the exhibit --

22 A. Okay. Hold on.

23 Q. You're looking at the first letter, but  
24 the --

25 A. I know. I just want to get oriented. It

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