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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

DENTSPLY INTERNATIONAL,	.	DOCKET NO. CV-2-14-196
INC. AND TULSA DENTAL	.	
PRODUCTS LLC D/B/A TULSA	.	
DENTAL SPECIALTIES,	.	
	.	
PLAINTIFFS,	.	
	.	
VS.	.	GREENEVILLE, TN
	.	NOVEMBER 26, 2014
US ENDODONTICS, LLC,	.	9:16 A.M.
	.	VOLUME II
DEFENDANT.	.	
	.	
.	

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE J. RONNIE GREER
UNITED STATES DISTRICT JUDGE



1 APPEARANCES:

2 FOR THE PLAINTIFFS:

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22 COURT REPORTER:

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

1 MATERIAL WILL BE SHIELDED FROM PUBLIC VIEW.

2 THERE WILL BE TWO DOCUMENTS BASICALLY. I DON'T
3 UNDERSTAND HOW YOU DO THESE THINGS IN CMECF, BUT YOU NEED
4 TO FILE THE REDACTED DEPOSITION FOR THE PUBLIC FILE AND
5 THE FULL DEPOSITION WILL BE UNDER SEAL.

6 ALL RIGHT. ANYTHING ELSE?

7 MR. GINSBERG: NO, YOUR HONOR, THAT'S IT.

8 THE COURT: ALL RIGHT. CALL YOUR FIRST
9 WITNESS.

10 MR. GINSBERG: YOUR HONOR, WE CALL DR. GOLDBERG
11 TO THE STAND.

12 WE HAVE SOME BINDERS.

13 THE COURT: I ASSUME THESE ARE RECYCLABLE, WE
14 MAY MAKE UP OUR DEFICIT WITH THESE.

15 A. JON GOLDBERG, DEFENDANT'S WITNESS, SWORN

16 MR. GINSBERG: YOUR HONOR, FOR THE COURT'S
17 CONVENIENCE WE DID PROVIDE YOU WITH A CROSS REFERENCE
18 INDEX ON THE FRONT OF THE BINDER, WHICH IDENTIFIES WHERE
19 THE EXHIBITS CAN BE FOUND IN THE RECORD.

20 THE COURT: ALL RIGHT. THANK YOU.

21 DIRECT EXAMINATION

22 BY MR. GINSBERG:

23 Q. GOOD MORNING, DR. GOLDBERG.

24 A. GOOD MORNING.

25 Q. SIR, COULD YOU PLEASE STATE YOUR NAME FOR THE

1 WAY UPON THE OUTCOME OF THIS CASE?

2 A. NO.

3 Q. DO YOU HAVE A FINANCIAL INTEREST IN THE OUTCOME OF
4 THIS LITIGATION?

5 A. NO.

6 MR. GINSBERG: THANK YOU, DR. GOLDBERG. I HAVE
7 NO FURTHER QUESTIONS AT THIS TIME.

8 THE COURT: WHY DON'T WE TAKE A SHORT RECESS
9 BEFORE CROSS EXAMINATION.

10 (RECESS AT 10:22 A.M., UNTIL 10:35 A.M.)

11 THE COURT: OKAY. MR. LIEBERMAN, ARE YOU CROSS
12 EXAMINING?

13 MR. LIEBERMAN: I AM, YOUR HONOR.

14 THE COURT: ALL RIGHT. YOU MAY PROCEED.

15 MR. LIEBERMAN: THANK YOU.

16 YOUR HONOR, I HAVE A BINDER OF CROSS
17 DOCUMENTS.

18 THE COURT: ALL RIGHT.

19 CROSS EXAMINATION

20 BY MR. LIEBERMAN:

21 Q. GOOD MORNING, DR. GOLDBERG.

22 A. GOOD MORNING.

23 Q. I'D LIKE TO START WITH JUST AN OVERVIEW OF A COUPLE
24 OF POINTS THAT I THOUGHT YOU HAD MADE. I WANT TO MAKE
25 SURE THAT I UNDERSTAND IT.

1 A. UH-HUH.

2 Q. COULD YOU TELL THE COURT WHAT AN ISO STANDARD IS IN
3 THE CONTEXT OF ENDODONTICS INSTRUMENTS?

4 A. SURE. IT'S AN INTERNATIONAL STANDARDS ORGANIZATION,
5 THERE'S A COUPLE OF SUCH ORGANIZATIONS, AND THEIR JOB IS
6 TO BRING UNIFORMITY ACROSS THE LABORATORIES AND MANU-
7 FACTURERS FOR DOING EVALUATIONS OR JUST GETTING UNIFORMITY
8 IN THE INDUSTRY TO, I GUESS, MAKE IT EASIER FOR EVERYBODY,
9 THE CONSUMERS AND THE MANUFACTURERS.

10 Q. AND ISO STANDARDS ARE LOOKED TO BY DENTISTS AND
11 ENDODONTISTS AS SORT OF THE STANDARD WAY OF DOING THINGS
12 IN THE INDUSTRY; CORRECT?

13 A. WELL, I WOULD ALSO INCLUDE IN THAT CATEGORY IN THE
14 INDUSTRY THE AMERICAN DENTAL ASSOCIATION STANDARDS, THE
15 AMERICAN SOCIETY FOR TESTING AND MATERIALS, THEIR
16 STANDARDS; BUT THEY ALL HAVE THE SAME GOAL OF TRYING TO
17 MAKE UNIFORM METHODS SO THAT PROPERTIES CAN BE COMPARED.

18 Q. OKAY. AND THE ISO 3630 STANDARD IS ONE OF THE
19 STANDARD WAYS OF CONDUCTING BENDING TESTS; CORRECT?

20 A. CORRECT.

21 Q. AND THIS IS ONE OF THE BIG THINGS THAT PEOPLE LOOK
22 AT TO DETERMINE HOW YOU DO A BENDING TEST; CORRECT?

23 A. WELL, FOR ENDODONTIC FILES, YES.

24 Q. AND I BELIEVE YOU TESTIFIED ON YOUR DIRECT THAT NONE
25 OF THE REFERENCES UPON WHICH YOU RELY DISCLOSE A BENDING

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