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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:

ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
STEVEN LIEBERMAN, ESQ.
DEREK F. DAHLGREN, ESQ.
R. ELIZABETH BRENNER-LEIFER, ESQ.
607 14TH STREET, N.W.
SUITE 800
WASHINGTON, D.C. 2005

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HUNTER, SMITH & DAVIS
JIMMIE C. MILLER, ESQ.
1212 N. EASTMAN RD.
P.O. BOX 3740
KINGSPORT, TN 37664

8

9

10 FOR THE DEFENDANT:

KENYON & KENYON LLP
JEFFREY S. GINSBERG, ESQ.
MATTHEW G. BERKOWITZ, ESQ.
ONE BROADWAY
NEW YORK, NY 10004

11

12

13

WILSON WORLEY MOORE GAMBLE &
STOUT, PC
ROBERT L. ARRINGTON, ESQ.
P.O. BOX 88
KINGSPORT, TN 37662

14

15

16

17

18

19

20

21

22 COURT REPORTER:

KAREN J. BRADLEY
RPR-RMR
U.S. COURTHOUSE
220 WEST DEPOT STREET
GREENEVILLE, TN 37743

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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 BEEN PREVIOUSLY IDENTIFIED IN PAPERS AS DOCKET ENTRY
2 NUMBER 104 EXHIBIT T. IF I DIDN'T SAY IT BEFORE, THE
3 WALIA REFERENCE WAS ALSO IDENTIFIED AS ENTRY NUMBER 104
4 EXHIBIT S.

5 WHEN WAS THE -- LET'S TURN TO THE NEXT SLIDE.
6 WHEN WAS THE KUHN REFERENCE PUBLISHED?

7 A. 2002.

8 Q. TURNING TO THE NEXT SLIDE. CAN YOU DESCRIBE
9 GENERALLY WHAT KUHN DISCLOSES?

10 A. YES. HE INVESTIGATED THE MECHANICAL PROPERTIES OF
11 NICKEL-TITANIUM AND ENDODONTIC FILES.

12 MR. LIEBERMAN: OBJECTION, YOUR HONOR. HE'S
13 READING WORD FOR WORD FROM THIS SLIDE.

14 A. YOUR HONOR, I'M SORRY, I PREPARED THE SLIDE, SO I'LL
15 TRY NOT TO LOOK AT THEM.

16 Q. I'LL JUST ASK THE QUESTION. CAN YOU DESCRIBE
17 GENERALLY WHAT KUHN DISCLOSES?

18 A. YES. KUHN IS INVESTIGATING NICKEL-TITANIUM
19 ENDODONTIC FILES AND LOOKING AT HEAT TREATMENTS OF THESE
20 FILES DOING BENDING CHARACTERISTICS OF THE FILES, BOTH NEW
21 AND USED FILES AND THOSE THAT HAD BEEN HEAT TREATED.

22 Q. THANK YOU. TURNING TO THE NEXT SLIDE. CAN YOU
23 IDENTIFY WHAT'S DISCLOSED ON THIS SLIDE?

24 A. YES. SO, AGAIN, THIS IS THAT SAME FORMAT. ON THE
25 LEFT I'VE LISTED STEP A OF CLAIM 1, AND THEN ON THE

1 RIGHT -- THAT'S SHOWING STEP A IS PROVIDING THE
2 SUPERELASTIC NICKEL-TITANIUM SHANK; AND THEN ON THE RIGHT,
3 KUHN AT PAGE 716 AND THEN AT 717 AS WELL IS DESCRIBING
4 THAT HE'S WORKING WITH SUPERELASTIC NICKEL-TITANIUM
5 ENDODONTIC FILES, AND HE'S LISTED THE MANUFACTURERS DOWN
6 ON THE BOTTOM, AND ONE OF THOSE IS THE MANUFACTURER WE
7 WERE DISCUSSING YESTERDAY.

8 Q. YOU WERE HERE FOR DR. LUEBKE'S TESTIMONY YESTERDAY;
9 CORRECT?

10 A. YES.

11 Q. I ASKED DR. LUEBKE WHETHER OR NOT THE NICKEL-
12 TITANIUM FILE WOULD CONDUCT HEAT; DO YOU RECALL THAT?

13 A. YES.

14 Q. HE SAID HE DIDN'T KNOW; RIGHT?

15 A. YES.

16 Q. DOES NICKEL-TITANIUM ALLOY CONDUCT HEAT?

17 A. YES.

18 Q. THANK YOU. OKAY. TURNING TO THE NEXT SLIDE.
19 WHAT'S SHOWN HERE?

20 A. SO THIS IS KUHN TEACHING STEP B. STEP B, AGAIN, IS
21 THE HEAT TREATING STEP AT 400 DEGREES UP TO BUT NOT
22 INCLUDING THE MELTING POINT. AND KUHN ON PAGE 717 IS
23 LISTING THE TEMPERATURES, THE HEAT TREATING TEMPERATURES
24 THAT HE'S USED, AND THOSE INCLUDE 400, 450, 510, UP TO, I
25 THINK IT WAS, 700 DEGREES, AND SO THOSE ARE ALL IN THE

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