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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 25, 2014
US ENDODONTICS, LLC,	.	9:05 A.M.
	.	VOLUME I
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

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9

10 FOR THE DEFENDANT:

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

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

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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 (CALL TO ORDER OF THE COURT AT 9:05 A.M.)

2 THE COURT: GOOD MORNING.

3 ALL RIGHT. MS. HOPSON, WOULD YOU CALL THIS  
4 CASE, PLEASE.

5 THE CLERK: DENTSPLY INTERNATIONAL, INC. VERSUS  
6 US ENDODONTICS, LLC, CASE NUMBER 2-14-CV-196.

7 THE COURT: ALL RIGHT. FIRST OF ALL, COULD I  
8 HAVE COUNSEL ANNOUNCE THEIR APPEARANCES FOR THE RECORD,  
9 PLEASE, BEGINNING WITH THE PLAINTIFFS; AND, MS. MILLER,  
10 YOU MAY PREFER TO INTRODUCE COUNSEL TO ME.

11 MS. MILLER: LET ME INTRODUCE FIRST, YOUR  
12 HONOR, MR. STEVE LIEBERMAN.

13 MR. LIEBERMAN: GOOD MORNING, YOUR HONOR.

14 THE COURT: GOOD MORNING.

15 MS. MILLER: HIS COLLEAGUE DEREK DAHLGREN.

16 MR. DAHLGREN: GOOD MORNING.

17 MS. MILLER: CHRISTY FROM MY OFFICE, PARALEGAL.

18 THE COURT: YES.

19 MS. MILLER: ELIZABETH BRENNER-LEIFER. AND  
20 ELIZABETH, DEREK AND STEVE PRACTICE WITH THE SAME PATENT  
21 FIRM IN D.C.

22 THE COURT: ALL RIGHT.

23 MS. MILLER: AND THEN WE HAVE THREE REPRESENTA-  
24 TIVES FROM DENTSPLY THAT ARE PRESENT. WE HAVE MR. DAN  
25 AMONS, WHO IS THE DIRECTOR OF RESEARCH AND DEVELOPMENT,

1 AND THEN TWO IN-HOUSE LAWYERS FOR DENTSPLY, DAVID ZORIN  
2 AND LINDY BARTON HORTON.

3 THE COURT: MS. MILLER, ARE YOU GOING TO TAKE  
4 THE LEAD FOR THE PLAINTIFFS?

5 MS. MILLER: NO, I AM NOT. MR. LIEBERMAN HAS  
6 THAT HONOR.

7 THE COURT: ALL RIGHT, AND, MR. LIEBERMAN, I  
8 ASSUME YOU'RE READY TO GO THIS MORNING?

9 MR. LIEBERMAN: WE ARE, YOUR HONOR. WE HAVE  
10 THREE WITNESSES, AND THEY'RE ALL PRESENT IN THE  
11 COURTROOM.

12 THE COURT: ALL RIGHT. THANK YOU.

13 MR. ARRINGTON, YOU WANT TO DO THE SAME THING  
14 FOR THE DEFENDANT, PLEASE?

15 MR. ARRINGTON: I WILL, YOUR HONOR.

16 MR. JEFF GINSBERG, MR. MATT BERKOWITZ, BOTH OF  
17 KENYON & KENYON IN NEW YORK CITY.

18 MR. GINSBERG: GOOD MORNING, YOUR HONOR.

19 MR. BERKOWITZ: GOOD MORNING, YOUR HONOR.

20 MR. ARRINGTON: THEIR COURTROOM PARALEGAL,  
21 MR. BERNIE POUND, IS ALSO HERE.

22 MR. POUND: GOOD MORNING, YOUR HONOR.

23 MR. ARRINGTON: AND THE CHIEF OPERATING OFFICER  
24 OF US ENDODONTICS, BOBBY BENNETT, WHO OVERSEES  
25 MANUFACTURING IN JOHNSON CITY, IS ALSO IN THE COURTROOM.

1 THE COURT: ALL RIGHT, AND IS THE DEFENDANT  
2 READY?

3 MR. GINSBERG: WE ARE, YOUR HONOR.

4 THE COURT: ALL RIGHT. COUNSEL, JUST A FEW  
5 QUICK THINGS BEFORE WE GET STARTED.

6 THERE HAD BEEN A PLEADING FILED SUGGESTING A 45  
7 MINUTE TIME PERIOD FOR OPENING STATEMENTS. I TRUST THAT  
8 YOU UNDERSTOOD FROM MY ORDER THAT I DID NOT SEE THE NEED  
9 FOR OPENING STATEMENTS. I HAVE READ YOUR BRIEFS, I'VE  
10 LOOKED AT THE ATTACHED EXHIBITS. IF THERE'S SOMETHING YOU  
11 WANT TO TELL ME THAT'S NOT ALREADY STATED IN THESE BRIEFS,  
12 I'LL BE GLAD TO HEAR IT; BUT I'VE READ YOUR BRIEFS, SO I  
13 DON'T WANT SIMPLY A REPEAT OF WHAT YOU SAID IN YOUR BRIEF.

14 BEYOND THAT, PLAINTIFFS HAVE THREE WITNESSES,  
15 ALL EXPERT WITNESSES? WHO ARE THE THREE PLAINTIFFS'  
16 WITNESSES?

17 MR. LIEBERMAN: THE FIRST WITNESS, YOUR HONOR,  
18 IS DR. NEILL LUEBKE. DR. LUEBKE IS AN ENDODONTIST. HE'S  
19 THE INVENTOR ON THE TWO PATENTS IN SUIT.

20 THE COURT: ALL RIGHT.

21 MR. LIEBERMAN: HE'S ALSO SUBMITTED AN EXPERT  
22 REPORT, SO SOME OF HIS TESTIMONY WILL BE IN THE ROLE OF AN  
23 EXPERT.

24 THERE'S DR. ROBERT SINCLAIR, WHO IS AN EXPERT  
25 WITNESS; AND DR. GERING, WHO IS AN ECONOMIST, WHOSE

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