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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.	.	

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

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APPEARANCES:

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

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

FOR THE DEFENDANT:

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

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

COURT REPORTER:

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

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

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 RATHER THAN QUANTITATIVE --

2 A. YES.

3 Q. -- AND THE N EQUALS 1 -- AND, BY THE WAY, THERE ARE
4 NO ERROR BARS HERE; ARE THERE?

5 A. NO.

6 Q. NORMALLY THERE ARE ERROR BARS IN A QUANTITATIVE
7 ANALYSIS?

8 A. YES.

9 Q. AND CERTAINLY KUHN DOESN'T SAY ANYTHING ABOUT THE
10 ISO STANDARD; CORRECT?

11 A. CORRECT.

12 MR. LIEBERMAN: YOUR HONOR, COULD I HAVE A
13 MOMENT TO CONSULT WITH MY COLLEAGUES TO SEE IF I CAN
14 STREAMLINE THIS.

15 THE COURT: YOU MAY.

16 MR. LIEBERMAN:

17 Q. LOOKING AT THE MCSPADDEN REFERENCE THAT YOU TALKED A
18 LITTLE BIT ABOUT THIS MORNING, YOU WILL AGREE THAT THERE
19 ARE MANY PLACES IN THE MCSPADDEN REFERENCE THAT TOUT THE
20 DESIRABILITY OF A STIFFER SUPERELASTIC NICKEL-TITANIUM
21 ENDODONTIC FILE; CORRECT?

22 A. CORRECT.

23 Q. AND YOU AGREE THAT THAT IS THE OPPOSITE OF DR.
24 LUEBKE'S INVENTION; CORRECT?

25 A. CORRECT.

1 Q. AND YOU'VE SEEN IN MANY OF THE PRIOR ART REFERENCES
2 UPON WHICH THE DEFENDANTS HAVE RELIED THAT THERE'S THE
3 SPECIFIC PRAISE FOR AND TOUTING OF THE DESIRABILITY OF
4 SUPERELASTICITY; CORRECT?

5 A. CORRECT.

6 Q. AND THAT IS THE OPPOSITE OF DR. LUEBKE'S INVENTION,
7 WHICH IS TO DECREASE SUPERELASTICITY IN ENDODONTIC FILES
8 TO FIX A PARTICULAR PROBLEM; CORRECT?

9 A. CORRECT.

10 MR. LIEBERMAN: I HAVE NO FURTHER QUESTIONS,
11 YOUR HONOR.

12 THE COURT: REDIRECT?

13 MR. GINSBERG: I HAVE NOTHING FURTHER FROM THIS
14 WITNESS.

15 THE COURT: ALL RIGHT. DR. GOLDBERG, THANK YOU
16 VERY MUCH. YOU MAY BE EXCUSED.

17 A. THANK YOU.

18 THE COURT: ALL RIGHT, MR. GINSBERG, LET'S GET
19 STARTED WITH YOUR NEXT WITNESS.

20 MR. GINSBERG: I'M GOING TO TURN IT OVER TO MR.
21 BERKOWITZ.

22 THE COURT: ALL RIGHT, MR. BERKOWITZ.

23 MR. BERKOWITZ: YOUR HONOR, THE DEFENDANT CALLS
24 DR. JEFFREY STEC.

25 JEFFREY STEC, DEFENDANT'S WITNESS, SWORN

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