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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - - - - x

US ENDODONTICS, LLC, :
Petitioner, : Case No. IPR2015-00632
v. : U.S. Patent No.
GOLD STANDARD : 8,727,773 B2
INSTRUMENTS, LLC, :
Patent Owner. :

- - - - - X

CONFIDENTIAL

Videotaped Deposition of NEILL H. LUEBKE, D.D.S., M.S.
Washington, DC
Wednesday, December 9, 2015
9:05 a.m.

Job No.: 98825
Pages 1 - 266
Reported by: Debra A. Whitehead

Confidential Videotaped Deposition of Neill H. Luebke, D.D.S., M.S.
Conducted on December 9, 2015

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1 Videotaped Deposition of NEILL H. LUEBKE, D.D.S.,
2 M.S., held at the offices of:

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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607 14th Street, NW

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Suite 800

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Washington, DC 20005

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(202) 783-6040

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Pursuant to agreement, before Debra A. Whitehead,
14 an Approved Reporter of the United States District
15 Court and Notary Public of the District of Columbia.

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A P P E A R A N C E S

ON BEHALF OF PETITIONER:

JEFFREY S. GINSBERG, ESQUIRE
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036-6710
(212) 336-2000

ON BEHALF OF PATENT OWNER:

DEREK F. DAHLGREN, ESQUIRE
JASON M. NOLAN, Ph.D., ESQUIRE
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-6040

ALSO PRESENT:

CAROLYN CORREA, Video Specialist

Confidential Videotaped Deposition of Neill H. Luebke, D.D.S., M.S.
Conducted on December 9, 2015

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1	A	No.	15:14:14
2	Q	Now, have you ever heat-treated files below	15:14:14
3		375 degrees to determine whether or not they would	15:14:26
4		satisfy the permanent deformation limitation that's	15:14:31
5		set forth in the claims of your patent?	15:14:36
6	A	I have not.	15:14:39
7	MR. DAHLGREN:	And, Doctor --	15:14:39
8	THE WITNESS:	Excuse me.	15:14:41
9	MR. DAHLGREN:	I'm just going to object, to	15:14:42
10		the extent that you did any testing at counsel's	15:14:43
11		instruction, I'm going to instruct you not to	15:14:45
12		answer --	15:14:47
13	THE WITNESS:	Okay.	15:14:47
14	MR. DAHLGREN:	-- to that extent.	15:14:48
15	THE WITNESS:	Okay.	15:14:49
16	MR. DAHLGREN:	Otherwise you can answer.	15:14:50
17	Q	You testified that you have not.	15:14:51
18	A	Yeah. I haven't done anything less than	15:14:52
19		375.	15:14:55
20	Q	Do you know whether you could heat-treat	15:14:55
21		files at less than 375 degrees and get the claimed	15:15:07
22		amount of permanent deformation?	15:15:12

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Confidential Videotaped Deposition of Neill H. Luebke, D.D.S., M.S.
Conducted on December 9, 2015

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1	MR. DAHLGREN: Objection. Scope.	15:15:15
2	Q That's set forth in the '773 patent?	15:15:17
3	A If I do what?	15:15:19
4	Q Do you know whether you could heat-treat	15:15:22
5	superelastic nickel-titanium files at less than 375	15:15:27
6	degrees and obtain the amount of permanent deformation	15:15:32
7	claimed in your '773 patent?	15:15:36
8	A I suspect you could.	15:15:41
9	Q Do you know?	15:15:42
10	A I haven't -- I haven't tried to narrow in	15:15:45
11	at the temperatures yet.	15:15:48
12	Q Do you believe you could heat-treat at 300	15:15:50
13	degrees and get the claimed amount of permanent	15:15:53
14	deformation?	15:15:55
15	MR. DAHLGREN: Objection. Scope.	15:15:56
16	A I guess you have to try.	15:15:57
17	Q You don't know?	15:15:59
18	A I don't know.	15:16:00
19	Q Could you heat-treat at 50 degrees and get	15:16:00
20	the claimed amount of permanent deformation?	15:16:05
21	MR. DAHLGREN: Objection. Scope.	15:16:07
22	Relevance.	15:16:08

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