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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.	.	
	.	
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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 (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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