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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

- - - - -x
:
DENTSPLY INTERNATIONAL, :
INC., and TULSA DENTAL :
PRODUCTS LLC d/b/a TULSA :
DENTAL SPECIALTIES, :
Plaintiffs, : Case No.
:
v. : 2:14-cv-00196
:
US ENDODONTICS, LLC, :
:
Defendant. :
:
- - - - -x

HIGHLY CONFIDENTIAL
OUTSIDE COUNSELS' EYES ONLY

Videotaped Deposition of NEILL H. LUEBKE,
called for oral examination by counsel for Plaintiff,
pursuant to notice, at the law firm of Rothwell,
Figg, Ernst & Manbeck, P.C., 607 14th Street,
Northwest, Suite 800, Washington, D.C. 20005, on
June 2, 2016, before Christina S. Hotsko, RPR,
a Notary Public in and for the District of Columbia
Virginia, beginning at 9:16 a.m., when were present
on behalf of the respective parties:

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A P P E A R A N C E S

On Behalf of Plaintiff:

DEREK F. DAHLGREN, ESQUIRE
JASON NOLAN, ESQUIRE
Rothwell, Figg, Ernst & Manbeck, P.C.
607 14th Street Northwest, Suite 800
Washington, D.C. 20005
(202) 783-6040

On Behalf of Defendant:

JEFFREY S. GINSBERG, ESQUIRE
Patterson Belknap Webb & Tyler, LLP
1133 Ave of the Americas
New York, New York 10036
(212) 336-2000

Also Present:

CARLOS GARCIA, Video Technician

1 Example 4 would immediately understand that the
2 entire shank has to be heat treated in the furnace
3 using a closed system due to the use of argon.

4 MR. DAHLGREN: Objection to form.
5 Mischaracterizes testimony.

6 THE WITNESS: That's correct.

7 BY MR. GINSBERG:

8 Q. Did you ever tell the Patent Office that
9 this was not correct?

10 MR. DAHLGREN: Objection to form.

11 THE WITNESS: Did we ever contradict
12 ourselves? Is that what you're saying?

13 BY MR. GINSBERG:

14 Q. Well, did you ever tell the Patent
15 Office -- let me withdraw that question.

16 Dr. Luebke, who is Robert Streebing?

17 A. Robert is a line manager -- well, I don't
18 -- I don't know the title. He works for Bodycote
19 in Sturtevant, Wisconsin.

20 Q. Does he still work for Bodycote?

21 A. I believe he does.

22 Q. When was the last time you spoke with

1 Mr. Streebing?

2 A. I don't know the exact date, but
3 recently.

4 Q. And why were you speaking with
5 Mr. Streebing recently?

6 A. Do some heat treating.

7 Q. What treating -- what heat treating did
8 you have Mr. Streebing do?

9 MR. DAHLGREN: Dr. Luebke, I'm just going
10 to caution you not to divulge anything that may be
11 privileged or work product that you're doing at
12 the instruction of your -- your attorney.

13 THE WITNESS: He did heat treating on
14 some endodontic files that I provided.

15 BY MR. GINSBERG:

16 Q. When?

17 A. I don't know a specific date.

18 Q. About how long ago?

19 A. A few months ago.

20 Q. What files did you provide him with?

21 A. Some superelastic NiTi number 40s.

22 Q. When you say "number 40s," what does that

1 mean?

2 A. They were standard files, 4002.

3 Q. Where did you obtain those files?

4 A. From my supply.

5 Q. Who's your supply?

6 A. I don't remember which -- which files
7 they came from. I have a -- I have a lot of files
8 at home.

9 Q. When you say -- I'm sorry, did you say
10 number 40?

11 A. Uh-huh.

12 Q. And what does number 40 relate to?

13 A. It's a size.

14 Q. What is that size?

15 A. Forty.

16 Q. Forty what? What's the actual
17 dimensions?

18 A. It's a --

19 MR. DAHLGREN: Objection to form.

20 THE WITNESS: It's -- it's a standard
21 file, so to -- taper and it has the -- the tip
22 apex is -- the tip is a 40.

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