	STRICT OF MINNESOTA	
Robert W. Hasel,)) File No. 01cv2008) (DSD/FLN)	
Plaintiff,)	
VS.	,) Minneapolis, Minnesota) August 20, 2003	
Pulpdent Corporation, Massachusetts corp.,		
Defendant.)	
	DISTRICT COURT JUDGE and a JURY	
(EXCERPT C APPEARANCES For the Plaintiff:	F TRIAL - MORNING SESSION) RONALD J. BROWN, ESQ.	
APPEARANCES		
APPEARANCES	RONALD J. BROWN, ESQ. CHRISTOPHER A. YOUNG, ESQ.	

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1	any financial reward out of that?
2	A. Not at all. I am here on my own will. I am not paid
3	by anything. I am just here to straighten all these
4	confusing records.
5	MR. LEE: No further questions, Your Honor.
6	THE COURT: Cross-examination?
7	
8	CROSS-EXAMINATION
9	BY MR. BROWN:
10	Q. Good morning, Mr. Bryan. How are you?
11	A. Good morning, Mr. Brown. Is Brown correct?
12	Q. You got it right.
13	A. We met before.
14	Q. We certainly did. You recall that I took your
15	deposition
16	A. Correct.
17	Q in another case?
18	A. So you're very familiar with my story.
19	Q. Well, could we back up for a minute, Mr. Bryan, and
20	look at Defendant's Exhibit 53? That's the list that you
21	described.
22	A. Yes. It's right here.
23	Q. All right. And we'll offer that into evidence at this
24	time?
25	MR. LEE: No objection, Your Honor.
	KRISTINE MOUSSEAU, CRR-RPR

109 1 THE COURT: So Defendant's Exhibit 53 will be 2 received. 3 (Defendant's Exhibit 53 received in evidence.) MR. BROWN: May I approach the witness, Your 4 Honor? 5 6 THE COURT: You may. 7 BY MR. BROWN: I'm going to borrow that from you, Mr. Bryan. 8 Ο. 9 You're very welcome. Α. 10 Q. So we can put it on this screen if I can figure out how to use it. 11 Can we switch back, Your Honor, to the Elmo? 12 13 THE COURT: You're still on it, aren't you? I 14haven't switched. It may have been turned off. There you 15 qo. 16 MR. BROWN: Great. 17 BY MR. BROWN: Q. All right. So now we can all see this document that 18 19 you were talking about, Mr. Bryan. 20 A. Yes. This is a document that you indicated was prepared by 21 0. Dr. Hasel? 22 23 A. Correct. Q. And it lists some of the applications of the 24 25 experimental materials that you prepared for him?

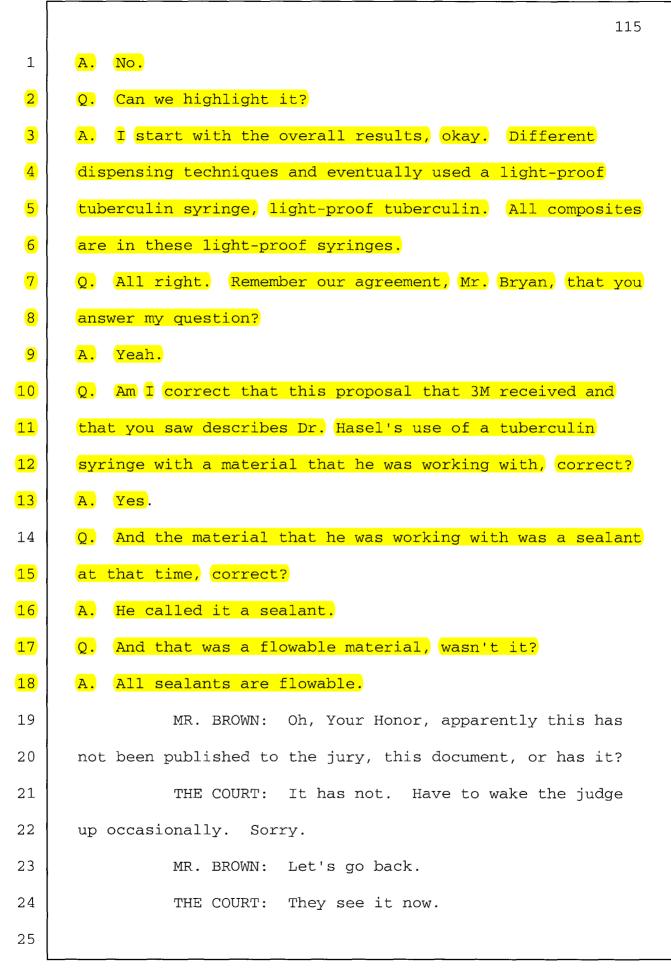
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1	A. Correct.
2	Q. Do you have any idea of how many of those procedures
3	listed on Defendant's Exhibit 60 53 were actually
4	instances where Dr. Hasel was filling a tooth as opposed to
5	performing some other kind of procedure?
6	A. I really don't know what Dr. Hasel was doing with the
7	samples.
8	Q. All right.
9	A. The only evidence I have what he gave me and when I was
10	really disappointed to see that so many people
11	MR. BROWN: All right. Move to strike as
12	nonresponsive.
13	THE COURT: Sustained. That will be struck, the
14	last response.
15	BY MR. BROWN:
16	Q. Now, so, for example, Mr. Bryan, if we look at the list
17	of procedures here
18	A. Yes.
19	Q you can't tell me whether the procedure performed on
20	Matt Miller was filling the tooth or a sealant
21	A. No.
22	Q or as a liner
23	A. I don't.
24	Q or some other application?
25	A. Right.

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1	Q. So for all you know, there may be none or only a
2	handful of instances on this chart where Dr. Hasel was
3	actually using the materials you supplied to him
4	A. No.
5	Q to fill teeth?
6	A. He used all my materials.
7	Q. Let me try the question again, Mr. Bryan. Am I correct
8	that for all you know, there may be only a handful or no
9	instances where Dr. Hasel was using your material to fill
10	teeth as reflected by this chart?
11	A. These are all samples that have been used to fill
12	teeth.
13	Q. Well, is it your testimony now that all of the
14	procedures reflected in Defendant's Exhibit 53 are examples
15	of Dr. Hasel using your material to fill teeth as opposed
16	to performing some other kind of procedure?
17	A. The dentist uses these materials who knows how. Nobody
18	knows that. They are very individual, and I really don't
19	know, but he used these materials that I supplied him on
20	these patients on these dates, and that's all I know.
21	Q. Okay. Fair enough. Am I correct, Mr. Bryan, that you
22	retired from 3M in December of 1991?
<mark>23</mark>	A. Correct.
24	Q. And before you retired from 3M, you had become aware of
25	some of Dr. Hasel's developmental efforts with dental

	112	?
1	materials, correct?	
2	A. Well, I don't know if they were developmental or just	
3	discussions that Dr. Hasel tried to	
4	Q. Let's back up for a minute, Mr. Bryan.	
5	A. I'm not	
6	Q. Can we agree that if I ask a question of you that you	
7	will do your best to answer the question and only the	
8	question?	
9	A. You will get a straight answer.	
10	Q. All right. And I in turn will try to ask simple, clear	;
11	questions. Okay?	
<mark>12</mark>	A. Please do that.	
13	Q. So let's see if we can operate by that agreement?	
14	A. Please do that.	
15	Q. Now, in 1991, you recall that Dr. Hasel submitted a	
<mark>16</mark>	proposal to 3M, correct?	
<mark>17</mark>	A. Yes.	
<mark>18</mark>	Q. And let's look at that. It's Plaintiff's Exhibit 278.	
19	THE COURT: Back on your machine?	
20	MR. BROWN: Back, Your Honor.	
21	THE COURT: Okay. Has this been received?	
22	MR. BROWN: No, Your Honor. 278?	
23	BY MR. BROWN:	
24	Q. Are you able to read that document, Mr. Bryan?	
25	A. Yes, I'm familiar with that document.	

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1	Q. All right. And am I correct that this is a proposal
2	that Dr. Hasel sent to 3M in around March of 1991?
3	A. It's no proposal, but it's discussion of his abilities
4	to perform to 3M as a consultant mostly when you look at
5	Q. Mr. Bryan, remember our agreement?
6	A. We did agree, and I'm answering your question.
7	Q. My question is, Was this a document that Mr that
8	Dr. Hasel sent to 3M in March of 1991?
9	A. It is.
10	MR. BROWN: All right. We offer Plaintiff's
11	Exhibit 278 into evidence.
12	THE COURT: Any objection?
13	MR. DAVENPORT: We're just reviewing the
14	document, Your Honor.
15	THE COURT: All right.
16	MR. LEE: Well, Your Honor, since this is a
17	letter from Robert Hasel to 3M and Mr. Bryan was not
18	employed by 3M in 1991.
19	THE WITNESS: Yes, I was.
20	MR. LEE: '91?
21	THE WITNESS: '91 I was still till December.
22	MR. LEE: Oh, okay. I apologize, and I withdraw
23	the objection. No objection.
24	THE COURT: And so Exhibit 278 will be received.
25	(Plaintiff's Exhibit 278 received in evidence.)

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1	BY MR. BROWN:
2	Q. All right. So at some time after 3M received this
<mark>3</mark>	document, you saw it, correct?
4	A. Yes, I did.
5	Q. And am I correct that in this document, Dr. Hasel
6	describes a technique that he was working on of
7	distributing a flowable material with a tuberculin syringe?
8	Do you recall that?
9	A. No, there was no mention of flowable material nor a
10	tuberculin syringe in this.
11	Q. There wasn't?
<mark>12</mark>	A. No.
<mark>13</mark>	Q. Let's look at it. Let's look at the second page of
14	Plaintiff's Exhibit 278, and the last sentence in the first
<mark>15</mark>	full paragraph.
16	A. The last sentence?
17	Q. Let me see if we can enlarge that for you, Mr. Bryan.
18	A. What does it say. Okay. Light proof. Okay. The
19	overall results was marvelous.
20	Q. Let me read for you the passage that we will be talking
21	about.
22	A. However
23	Q. He says, I continued to experiment with different
<mark>24</mark>	dispensing techniques and eventually used a light-proof
<mark>25</mark>	tuberculin syringe. Do you see that reference?



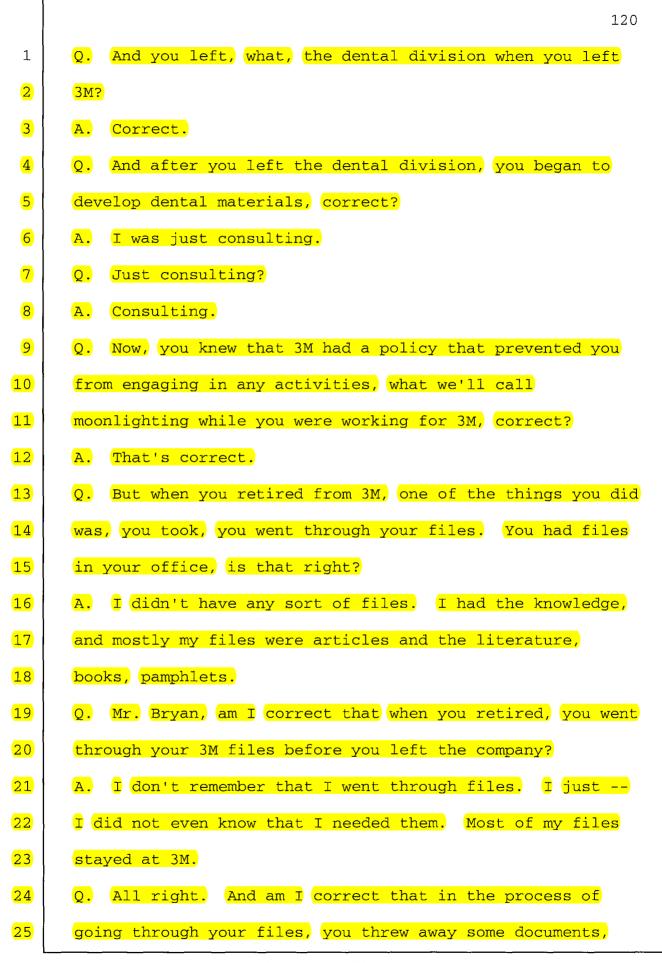
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1	BY MR. BROWN:
2	Q. Just confirm for me, Mr. Bryan, that contrary to your
<mark>3</mark>	prior recollection, Dr. Hasel did send you a document or
4	did send 3M a document that you reviewed prior to your
<mark>5</mark> i	retirement and that described Dr. Hasel's use of a sealant
6	in a tuberculin syringe, correct?
7	MR. LEE: Objection. It is a compound question.
8	Several questions.
9	THE COURT: I'm going to overrule it. I think
10	what he had been doing was going over what had been gone
11	over before for the jury's benefit because they hadn't seen
12	this document.
13	Go ahead.
14	BY MR. BROWN:
15	Q. Am I correct?
<mark>16</mark>	A. You're correct.
17	Q. Now, as a result of seeing this proposal from
18	Dr. Hasel, you became aware of his work on a filled sealant
19	dispensed through a tuberculin syringe, correct?
20	A. Well, you're putting some words that I would state that
21	different.
22	Q. Well, am I correct or not?
23	A. You are not
24	Q. Yes or no?
25	A. You are not.

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1	Q. And I'm not correct because he wasn't working on a
2	filled sealant?
3	A. He was blending commercial products.
4	Q. And am I correct
5	A. And
6	Q. I'm sorry. Am I correct that he was blending
7	commercial products in order to make a filled sealant that
8	could be dispensed with a tuberculin syringe?
9	A. Yes.
10	Q. And he brought that to your attention before you
11	retired from 3M?
12	A. Yes.
<mark>13</mark>	Q. And then receipt of that proposal from Dr. Hasel was
14	followed by a letter from Dr. Hasel to you. Let's look at
<mark>15</mark>	Plaintiff's Exhibit 279. Do you have that document in
<mark>16</mark>	front of you, Mr. Bryan?
<mark>17</mark>	A. Yes, it says, Dear Thomas.
18	Q. First, let's wait a second. First, do you recognize
19	the document?
20	A. Yes, I do.
21	Q. And am I correct that this is a letter that Dr. Hasel
22	wrote to you in May of 1991?
23	A. Correct.
24	Q. And you recall receiving that document?
<mark>25</mark>	A. Correct.

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1	Q. And am I correct that, again, Dr. Hasel in this letter
2	was communicating with you about his ideas concerning
3	dental materials and their application?
4	A. Well, yeah, but we were working already at that time
5	in
6	Q. Mr. Bryan, yes or no.
7	A. No. This is a part of ongoing work together.
8	MR. BROWN: At this time, we would offer
9	Plaintiff's Exhibit 279 into evidence.
10	MR. LEE: No objection, Your Honor.
11	THE COURT: And 279 will be received.
12	(Plaintiff's Exhibit 279 received in evidence.)
13	BY MR. BROWN:
14	Q. In the first sentence of the letter from Dr. Hasel, he
15	says, I've included the packet I wrote up on sealants. Do
16	you see that statement?
17	A. I have included the packets of upon sealants. I
18	don't understand that. I wrote on sealants, right.
19	Correct.
20	Q. So, again, this is an indication that in 1991 before
21	you retired from 3M, Dr. Hasel was communicating with you
<mark>22</mark>	about the materials that he was working on in his own lab
<mark>23</mark>	in his own hands, correct?
24	A. That might have been, and I don't know for sure which
25	samples he referred to. It might have been some commercial

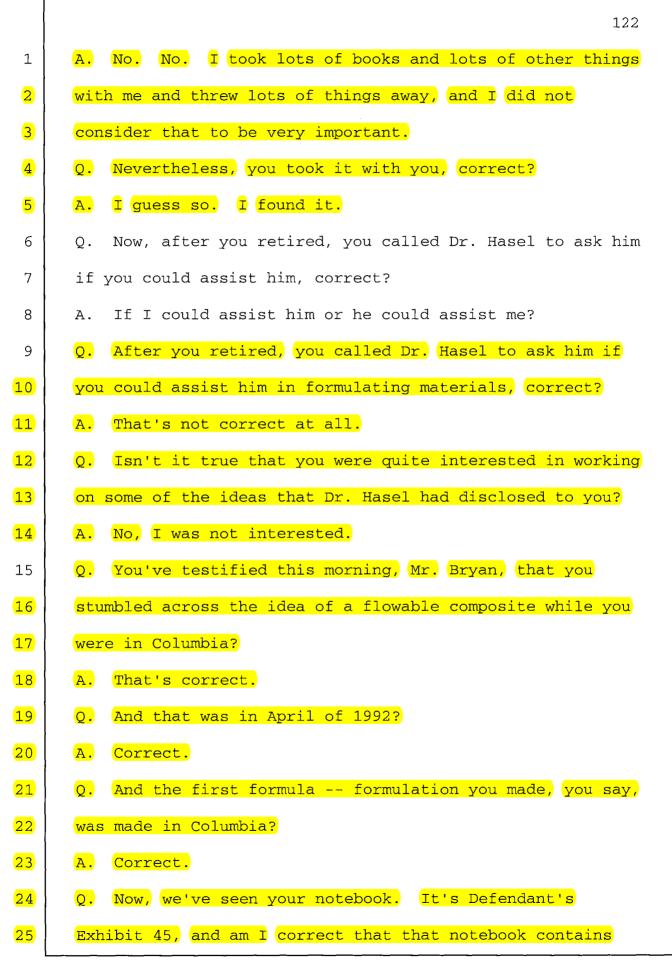
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1	product from Palfigue or somebody else.
2	Q. Am I correct, though, he was communicating to you, he
<mark>3</mark>	was transmitting to you materials that he had developed,
4	that he had written up on sealants, correct?
5	A. Yes.
6	Q. You at that point weren't trying to tell him about any
7	of your ideas. He was trying to tell you about his ideas?
8	A. Well, if they're ideas. I don't know if they are.
9	Q. And would it be fair to say that as a result of first
<mark>10</mark>	the 3M proposal and then this letter of May 1991, they
<mark>11</mark>	piqued your interest in Dr. Hasel's activities?
<mark>12</mark>	A. No, not at all. I was not interested in that because
<mark>13</mark>	these were very commercially
<mark>14</mark>	Q. Mr. Bryan, remember our agreement?
<mark>15</mark>	A. Yes.
16	Q. All right.
17	A. I said no.
18	Q. All right. Now you knew that while you were working
<mark>19</mark>	for 3M you couldn't do any work on the side in the dental
<mark>20</mark>	area, correct?
21	A. Correct.
<mark>22</mark>	Q. For that matter, did you have an agreement with 3M when
<mark>23</mark>	after you left 3M you were under an obligation not to
<mark>24</mark>	compete with 3M for some period of time?
<mark>25</mark>	A. Correct.



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1	and you decided to take other documents with you?
2	A. No, I don't think I took any documents my books I
<mark>3</mark>	took. Mostly some books I took with me, but not any
4	documents.
5	Q. Isn't it true, Mr. Bryan, that one of the documents you
6	took with you was Dr. Hasel's proposal to 3M from March of
<mark>7</mark>	<mark>1991?</mark>
8	MR. LEE: Asked and answered, Your Honor.
9	THE COURT: Overruled.
10	THE WITNESS: That what letter? I don't know
11	which letter are you referring to, that one that we were
12	just looking at?
13	BY MR. BROWN:
14	Q. Plaintiff's Exhibit 278, the proposal from Dr. Hasel to
<mark>15</mark>	3M. Am I correct that when you retired from 3M, you went
<mark>16</mark>	through your files. You threw away some documents. You
<mark>17</mark>	took others, and one of the documents you took was
<mark>18</mark>	Dr. Hasel's proposal to 3M?
<mark>19</mark>	A. I had it. I had it. I don't know if I I don't know
<mark>20</mark>	how, but I had it.
21	Q. You thought that that document was important enough to
22	take with you?
<mark>23</mark>	A. Not particularly.
<mark>24</mark>	Q. Nevertheless, you took it while you threw away other
<mark>25</mark>	files?

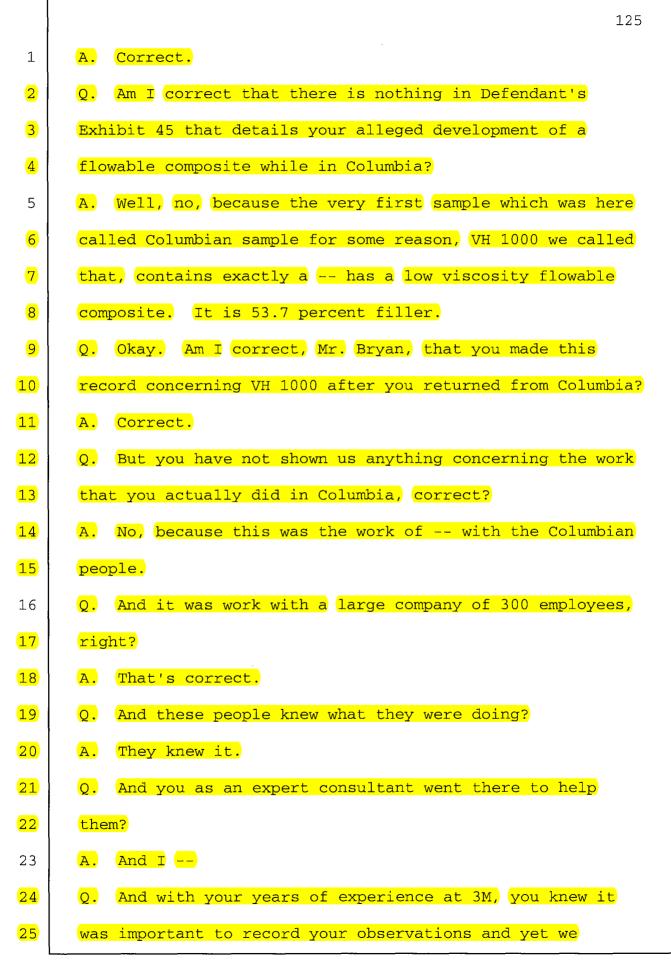
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1	all of the formulations that you worked on?
2	A. Yes.
<mark>3</mark>	Q. Am I correct that that notebook does not contain any
4	reference to a formulation by the name of RH 500?
5	A. That's correct. I don't know what RH 500.
6	Q. Am I correct that your notebook does not contain any
7	reference to any of the experimental materials Dr. Hasel
8	used during 1991 or early 1992?
9	A. No records.
10	Q. If the evidence shows that Dr. Hasel worked with
11	experimental flowable composite RH 500 before early 1992,
<mark>12</mark>	am I correct that you would have had nothing to do with
<mark>13</mark>	that material?
14	A. Correct.
15	Q. Were you aware that Dr. Hasel developed experimental
<mark>16</mark>	filling materials well before you began to formulate dental
<mark>17</mark>	materials for him?
<mark>18</mark>	A. I was not aware because Dr. Hasel did not have any
<mark>19</mark>	facilities to develop these materials.
20	MR. BROWN: Move to strike as nonresponsive.
21	THE COURT: Well, the first part of the
22	question the answer will be not struck. The last part,
23	the latter part will be struck.
24	BY MR. BROWN:
25	Q. I think you indicated, Mr. Bryan, that you worked at 3M

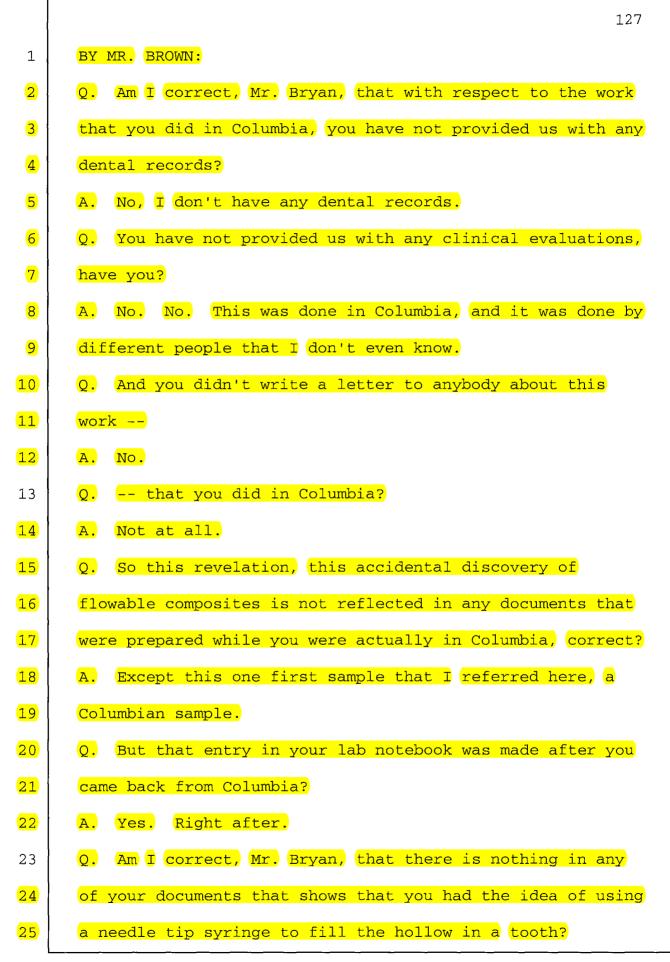
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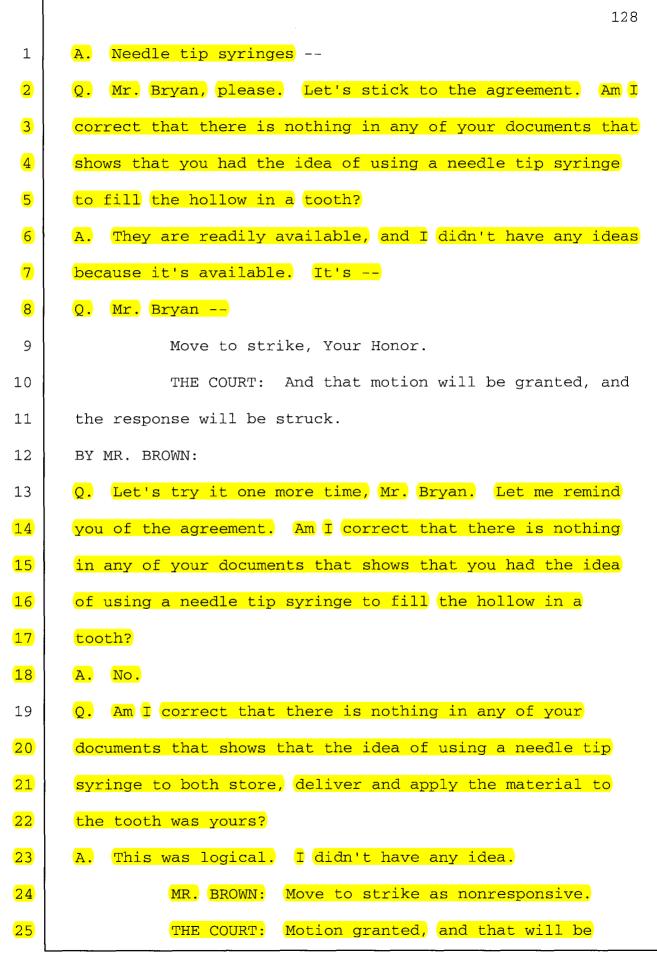
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1	for in excess of 30 years?	
2	A. Yes.	
<mark>3</mark>	Q. You were taught, at least I think you indicated, to	
<mark>4</mark>	maintain careful records?	
5	A. Right.	
6	Q. You knew that it was important for purposes of both	
7	protecting yourself and 3M to maintain good records?	
8	A. (Moves head in affirmative manner.)	
9	Q. <mark>Is that yes?</mark>	
<mark>10</mark>	A. Yes.	
11	Q. And you learned to record in your lab notebook all of	
<mark>12</mark>	your activities, correct?	
<mark>13</mark>	A. Correct.	
<mark>14</mark>	Q. You learned how to do invention disclosures?	
15	A. I did.	
<mark>16</mark>	Q. And you continued that practice after you left 3M?	
<mark>17</mark>	That was an ingrained practice from years of experience,	
<mark>18</mark>	right?	
<mark>19</mark>	A. Embedded in research.	
20	Q. And Defendant's Exhibit 45 is the notebook of all of	
21	your work on flowable composites, correct?	
22	A. Since my starting with the Columbian sample.	
<mark>23</mark>	Q. And that notebook contains all of the details of the	
<mark>24</mark>	work that you performed with respect to flowable	
<mark>25</mark>	composites, correct?	

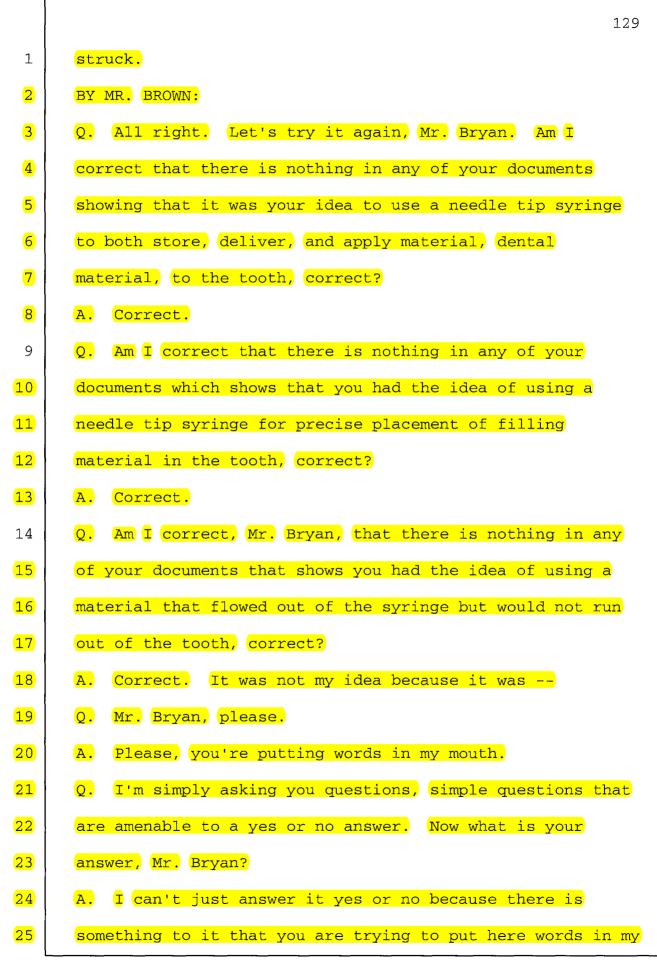


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1	have
2	A. (Moves head in affirmative manner.)
<mark>3</mark>	Q no evidence, no writing that shows any of the work
4	that you allegedly did while you were in Columbia, correct?
<mark>5</mark>	A. I
6	MR. LEE: Your Honor, this is argumentative.
7	This is not a question.
8	THE COURT: I didn't hear you.
9	MR. LEE: This is argument. This is not a
10	question.
11	THE COURT: It's partly argumentative, but it is
12	a question also, but I'm going to overrule the objection if
13	he can answer.
14	Mr. Bryan, do you want to pull that microphone
15	that is right in front of you.
16	BY MR. BROWN:
17	Q. Mr. Bryan, the microphone?
18	A. The
19	THE COURT: There is a little black thing right
20	in front of you. There you go. Pull it just a little bit
21	closer.
22	THE WITNESS: Closer.
23	THE COURT: Don't get too close because then it
24	gets kind of overriding. Go ahead.
25	THE WITNESS: Yes.

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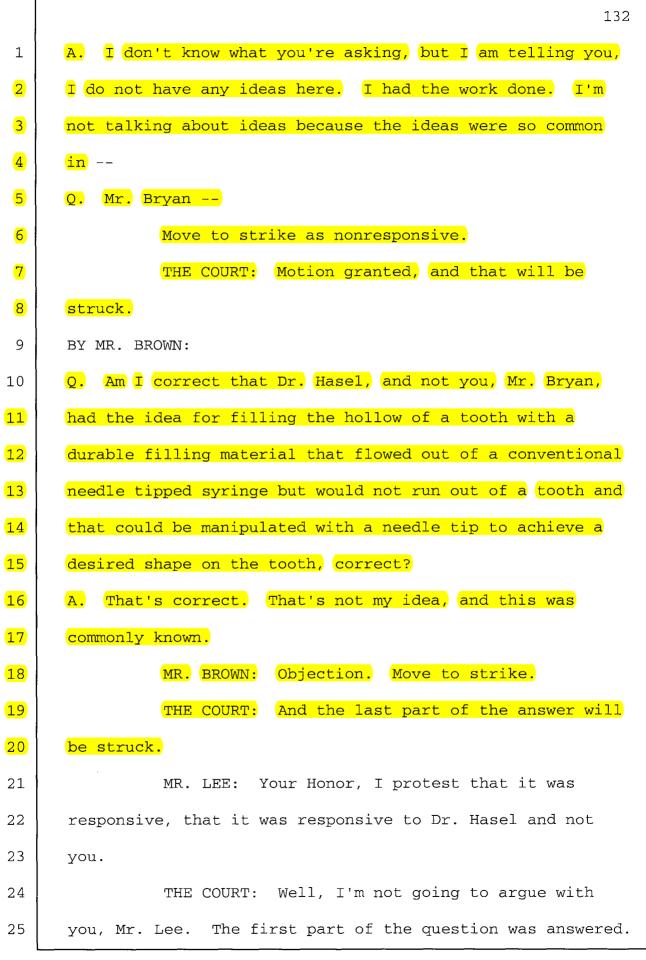






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1	mouth that I cannot accept that.
2	Q. Mr. Bryan, let me try the question one more time. Am I
<mark>3</mark>	correct that there is nothing in any of your documents that
4	shows you had the idea of using a material that flowed out
5	of the syringe but would not run out of the tooth, correct?
6	A. That's correct, and I'm not claiming any ideas of mine.
7	Q. Am I correct, Mr. Bryan, that there is nothing in any
8	of your documents that shows that you had the idea of
9	manipulating a flowable material with a needle tip to
<mark>10</mark>	achieve a desired shape on the tooth, correct?
11	A. When this material is in a flow
<mark>12</mark>	Q. Mr. Bryan, yes or no, please.
<mark>13</mark>	A. I don't know. What are you trying to ask me? Was it
14	my idea? No, it's not my idea.
<mark>15</mark>	Q. Let me ask the question again, Mr. Bryan. Am I correct
<mark>16</mark>	that there is nothing in any of your documents that shows
<mark>17</mark>	you had the idea of manipulating a flowable material with a
<mark>18</mark>	needle tip to achieve a desired shape on the tooth? Yes or
<mark>19</mark>	no.
20	A. I had no ideas at all.
21	Q. And am I correct that there is nothing in any of your
22	documents that shows that you had the idea of combining all
<mark>23</mark>	of these features of use and technique into a method for
<mark>24</mark>	repairing teeth, correct?
<mark>25</mark>	A. That's correct. It was

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1	Q. Mr. Bryan, thank you.
2	A. That's correct because it was
3	Q. Mr. Bryan, please. Remember the agreement?
4	A. This is I am not used to being questioned yes or no.
5	Just there is always between yes and no.
6	THE COURT: Just answer the question. Now don't
7	go volunteering.
8	THE WITNESS: I'm doing the best I can.
9	THE COURT: Go ahead.
10	THE WITNESS: He's putting words in my mouth.
11	BY MR. BROWN:
12	Q. If I'm asking a question that calls for an answer
13	that
14	Well, let me put it this way: You're free to
15	answer no to any of these questions if you think that's a
16	truthful answer.
17	A. No.
18	Q. Do you understand that?
19	A. That's right. I didn't have ideas at all.
20	Q. All right. Now, am I correct that there is nothing in
21	any of your documents which shows that you, and not
<mark>22</mark>	Dr. Hasel, had the idea of using a needle tip syringe to
<mark>23</mark>	apply a flowable filling material to teeth that would stay
<mark>24</mark>	in place and could be manipulated with the needle tip into
<mark>25</mark>	a desired shape, correct?



1 The second part of the answer was a voluntary response that had nothing to do with the question. 2 3 Let's take a break here. Maybe we will have some 4 time, and, Mr. Lee, if you could talk to Mr. Bryan if 5 you're having lunch with him or someone else could and ask him if he couldn't understand a little bit better what is 6 7 going on because it is causing a problem. 8 And, Mr. Lee, I'm not sure what you can do, but 9 ask different questions so that we're just getting this -it's disruption. Obviously, Mr. Bryan, he has been on the 10 11 stand a while, and it's time to take a break. I know my court reporter is, too, because she's 12 overworking with all of this. So let's just knock off now 13 14 and give the jury three extra minutes of lunch hour today. We will take a break until two o'clock and so that 15 everybody can get themselves back together and we can move 16 17 along if we can. MR. LEE: Thank you, Your Honor. 18 19 THE COURT: Mr. Bryan, if I can just tell you, do 2.0 please listen to the question. Answer it. It will be a lot quicker and a lot less painful for you and a lot easier 21 22 for the jury to understand. 23 We want to make sure that they understand what the truth is. That's what we're all here to do. Mr. Lee 24 25 can ask you questions after you finish this

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1	cross-examination to, you know he can ask you anything,
2	and if you have something now, you can tell him over the
3	noon hour, you didn't cover this and make sure I get asked
4	about it. Okay?
5	THE WITNESS: Okay.
6	THE COURT: Members of the Jury, don't talk to
7	anybody. Don't let anybody talk to you. Have a nice
8	lunch. Don't do any research over the noon hour. See you
9	back here at two o'clock.
10	(Lunch recess taken.)
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	KRISTINE MOUSSEAU. CRR-RPR