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Opinions of the United
States Court of Appeals
for the Third Circuit

10-4-2005

Howard Hess Dental v. Dentsply Intl Inc

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-1979

HOWARD HESS DENTAL LABORATORIES INCORPORATED;
PHILIP GUTTIEREZ, *d/b/a Dentures Plus, on behalf
of themselves and all other similarly situated,
Appellants

v.

DENTSPLY INTERNATIONAL, INC.

*Amended per Clerk's Order dated 4/30/04

No. 04-1980

JERSEY DENTAL LABORATORIES, f/k/a Howard Hess Dental
Laboratories Incorporated; PHILIP GUTTIEREZ, *d/b/a
Dentures Plus, on behalf of themselves and all others
similarly situated,
Appellants

v.

DENTSPLY INTERNATIONAL, INC.; A. LEVENTHAL & SONS, INC.;
ACCUBITE DENTAL LAB, INC.; ADDIUM DENTAL PRODUCTS;
ARNOLD DENTAL SUPPLY COMPANY;
ATLANTA DENTAL SUPPLY COMPANY;
BENCO DENTAL COMPANY; BURKHART DENTAL SUPPLY COMPANY;
DARBY DENTAL LABORATORY SUPPLY CO., INC.; DENTAL SUPPLIES
AND EQUIPMENT, INC.; EDENTALDIRECT.COM, INC., as successor to
Crutcher Dental, Inc.; HENDON DENTAL SUPPLY, INC.;
HENRY SCHEIN, INC., and its affiliates including, without
limitation, Zahn Dental Co., Inc.; IOWA DENTAL SUPPLY CO.;
JAHN DENTAL SUPPLY COMPANY; JB DENTAL SUPPLY CO., INC.;

JOHNSON & LUND CO., INC.; KENTUCKY DENTAL SUPPLY COMPANY, INC.
a/k/a KDSC Liquidation Corp.; MARCUS DENTAL SUPPLY CO;
MIDWAY DENTAL SUPPLY INC.; MOHAWK DENTAL CO., INC.; NASHVILLE
DENTAL, INC.; NOWAK DENTAL SUPPLIES, INC.; PATTERSON DENTAL
COMPANY, its subsidiaries, predecessors, successors, assigns,
affiliates and related companies; PEARSON DENTAL SUPPLIES, INC.;
RYKER DENTAL OF KENTUCKY, INC.; THOMPSON DENTAL COMPANY

*Amended per Clerk's Order dated 4/30/04

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action Nos. 99-cv-00255 / 01-cv-00267)
District Judge: Honorable Sue L. Robinson

Argued April 7, 2005

Before: BARRY, AMBRO and GREENBERG, Circuit Judges

Thomas A. Dubbs, Esquire (Argued)
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Counsel for Appellees

ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed September 21, 2005, be amended as follows:

On page 4, in the caption, replace

Richard A. Ripley, Esquire
Margaret M. Zwisler, Esquire (Argued)
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Richard A. Ripley, Esquire
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By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: October 4, 2005

CMD/cc: Thomas A. Dubb, Esq.
Richard T. Joffe, Esq.
Margaret M. Zwisler, Esq.
Eric J. McCarthy, Esq.
Charles R. Price, Esq.
Richard A. Ripley, Esq.