

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

BILL OF COSTS

V.

Case Number: 99-005 (SLR)

DENTSPLY INTERNATIONAL, INC.

Judgment having been entered in the above entitled action on MAY 26, 2005 against Dentsply International, Inc.
Date the Clerk is requested to tax the following as costs:

| | |
|---|----------------------|
| Fees of the Clerk | \$ <u>0</u> |
| Fees for service of summons and subpoena | \$ <u>181.00</u> |
| Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case | \$ <u>80,038.22</u> |
| Fees and disbursements for printing | \$ <u>0</u> |
| Fees for witnesses (itemize on reverse side) | \$ <u>2,823.89</u> |
| Fees for exemplification and copies of papers necessarily obtained for use in the case | \$ <u>30,528.87</u> |
| Docket fees under 28 U.S.C. 1923 | \$ <u>0</u> |
| Costs as shown on Mandate of Court of Appeals | \$ <u>0</u> |
| Compensation of court-appointed experts | \$ <u>0</u> |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 | \$ <u>0</u> |
| Other costs (please itemize) | \$ <u>0</u> |
| TOTAL | \$ <u>113,571.98</u> |

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was ~~mailed today with postage prepaid~~ served on June 10, 2005 per the attached Certificate of Service.

Signature of Attorney: Jon R. Jacobs

Name of Attorney: Jon R. Jacobs

For: United States of America Date: June 9, 2005
Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court By: _____ Deputy Clerk _____ Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

| NAME AND RESIDENCE | ATTENDANCE | | SUBSISTENCE | | MILEAGE | | Total Cost Each Witness |
|---|------------|---------------|-------------|---------------|--------------|---------------|----------------------------|
| | Days | Total Cost | Days | Total Cost | Miles | Total Cost | |
| Robert Ganley 102 Huntington Ct., Williamsport, NY | 2 | \$80 | 2 | \$143 | | \$111.50 | \$334.50 |
| Betsy Harris 3 Sussex Rd., Mondale Estates, GA | 2 | \$80 | 2 | \$143 | | \$45 | \$268.00 |
| Norman Weinstock 43 Crest Rd., Framingham, MA | 4 | \$160 | 4 | \$429 | | \$295.39 | \$884.39 |
| Wayne Whitehill 3150 E. Birch St., Brea, CA | 6 | \$240 | 6 | \$715 | | \$342 | \$1,297.00 |
| Yoram Wind Wind Associates, Inc. 1041 Waverly Rd., Gladwyne, PA 190 | 1 | \$40 | | | | | \$ 40.00 |
| | | | | | TOTAL | | \$2,823.89 |

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

CERTIFICATE OF SERVICE

We hereby certify that copies of the United States Bill of Costs, Itemization, and supporting Documentation were served this 10th day of June 2005, upon counsel for defendant

Dentsply International, Inc. as indicated below:

By hand delivery and electronic mail

Margaret M. Zwisler, Esq.
Eric J. McCarthy, Esq.
Howrey LLP
1299 Pennsylvania Ave., N.W.
Washington, D.C. 20004

By first-class mail and electronic mail

William D. Johnston, Esq.
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

/S/

Jon B. Jacobs
Antitrust Division
U.S. Department of Justice
1401 H Street, N.W., Suite 4000
Washington, D.C. 20530

COLM CONNOLLY
United States Attorney

By: _____/S/

RUDOLPH CONTRERAS
Assistant U.S. Attorney
Chief, Civil Division