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STRYKER CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

SYNVASIVE TECHNOLOGY, INC.,

Plaintiff,

v.

STRYKER CORPORATION,

Defendant.

Case No. 2:05-CV-01515-WBS-DAD
(Consolidated)

SYNVASIVE TECHNOLOGY, INC.,

Plaintiff,

v.

STRYKER CORPORATION,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. 2:06-CV-00049-WBS-DAD
(Consolidated)

DECLARATION OF WILLIAM B. GONT IN SUPPORT OF STRYKER CORPORATION'S OPPOSITION TO SYNVASIVE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF INFRINGEMENT OF THE '353 AND '253 PATENTS

Date: February 5, 2007
Time 1:30 p.m.
Honorable Judge William B. Shubb

I, William B. Gont, declare:

I am a partner at the law firm McAndrews, Held & Malloy in Chicago, Illinois, counsel of record for Defendant Stryker Corporation ("Stryker"). I make this declaration of my own personal knowledge, except where otherwise indicated, in support of Stryker Corporation's Opposition To Synvasive's Motion For Partial Summary Judgment Of Infringement Of The '353 And '253 Patents.

1. Attached hereto as Exhibit A is a true and correct copy of engineering prints for Stryker Offset Blades, specifically Stryker Part Nos. 4225-070-090, 4225-085-127, 2108-182-001, and 4113-119-090S1 (Bates Nos. SC000005, SC000002, SC001339, and SC001345).

2. Attached hereto as Exhibit B is a true and correct copy of engineering prints for the accused versions of no-longer manufactured Stryker Specialty Blades, specifically Stryker Part Nos. 2108-102S12 and 2108-151S4 (Bates Nos. SC002809 and SC002821).

3. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 6,022,353.

4. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 6,503,253.

5. Attached hereto as Exhibit E is a true and correct copy of the October 18, 2006 e-mail from William B. Gont, counsel for Stryker, to Robert D. Tadlock, counsel for Synvasive, regarding the no-longer manufactured accused versions of Stryker Specialty Blades.

6. Attached hereto as Exhibit F is a true and correct copy of portions of the American Heritage Dictionary (1991).

7. Attached hereto as Exhibit G is a true and correct copy of portions of the Webster's Third International Dictionary (1966).

8. Attached hereto as Exhibit H is a true and correct copy of the Declaration of David Tallon In Support Of Stryker's Reply In support Of Its Motion For Summary Judgment Of Non-infringement.

9. Attached hereto as Exhibit I is a true and correct copy of Stryker Corporation's Responses and Amended Responses to Interrogatories Nos. 35 and 37.

10. Attached hereto as Exhibit J is a true and correct copy of a sales history summary for accused Stryker blades (Bates No. SC001395).

I declare under penalty of perjury that the foregoing is true and correct and that this

Declaration was executed on January 22, 2007 in Chicago, Illinois.

/s/ William B. Gont
William B. Gont