UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

JACK T. KRAUSER, D.M.D., an individual, Plaintiff, v.	
BIOHORIZONS, INC., a Delaware corporation, BIOLOK INTERNATIONAL, INC., a Delaware corporation, and BIOHORIZONS IMPLANT SYSTEMS, INC., a Delaware corporation, Defendants.	CASE NO.: 9:10 CV 80454-MARRA

DECLARATION OF SETH R. GOLDMAN

I, Seth R. Goldman, hereby state and declare under penalty of perjury as follows:

1. I am an attorney admitted to practice in New York (and admitted to practice *pro hac vice* in this jurisdiction for this case) and a member of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., counsel to Defendants in this proceeding. I submit this declaration in support of Defendants' Motion for Summary Judgment (the "Motion") and have personal knowledge of the facts stated herein.

2. Attached as Exhibit A is a true and accurate copy of an Affidavit of Ingo Kozak dated April 4, 1995.

3. Attached as Exhibit B is a true and accurate copy of an Affidavit of Leon Shaw dated April 4, 1995.

4. Attached as Exhibit C is a true and accurate copy of the 1991 Consulting Agreement signed by Jack Krauser and Leon Shaw and dated March 14, 1991.

5. Attached as Exhibit D is a true and accurate copy of the Addendum to the 1991 Consulting Agreement signed by Jack Krauser and Leon Shaw and dated May 26, 1992.

6. Attached as Composite Exhibit E is a true and accurate copy of excerpts from a deposition of Dr. Krauser dated April 5, 1996.

7. Attached as Composite Exhibit F is a true and accurate copy of excerpts from a deposition of Dr. Krauser dated June 9-10, 2011.

8. Attached as Exhibit G is a true and accurate copy of United States Patent 5,316,476. A search of the United States Patent and Trademark Office database shows it is the only patent for which Dr. Krauser is named as an inventor.

9. Attached as Exhibit H is a true and accurate copy of *Krauser v. Shaw*, No. CL-93-5862-AJ, Second Amended Complaint (15th Jud. Cir., Palm Beach Cty., June 28, 1994).

10. Attached as Exhibit I is a true and accurate copy of *Krauser v. Minimatic Implant Tech., Inc. et al*, No. CL-94-8521-CIV-HURLEY, First Amended Complaint for Patent and Copyright Infringement (S.D. Fla. Dec. 7, 1994).

11. Attached as Exhibit J is a true and accurate copy of *In re Minimatic Implant Tech., Inc.*, No. 96-30109, Minimatic's Notice of Commencement of Case Under Chapter 11 of the Bankruptcy Code (Bankr. S.D. Fla. Jan. 10, 1996).

12. Attached as Exhibit K is a true and accurate copy of *Guidance for Industry and FDA Staff: Format for Traditional and Abbreviated 510(k)s* (Aug. 12, 2005).

13. Attached as Exhibit L is a true and accurate copy of *Krauser v. Minimatic Implant Tech., Inc. et al*, No. 2009CA033368, Complaint (15th Jud. Cir., Palm Beach Cty., Oct. 1, 2009).

14. Attached as Exhibit M is a true and accurate copy of the May 1996 Settlement Agreement between Jack Krauser, the Implant Center of Palm Beaches, Shawn McDermott, Minimatic Implant Technology, Inc., American BioDental Corp., dated May 28, 1996.

15. Attached as Exhibit N is a true and accurate copy of the October 1996 Settlement Agreement between Jack Krauser, the Implant Center of Palm Beaches, Shawn McDermott, Minimatic Implant Technology, Inc., American BioDental Corp., dated October 16, 1996.

16. Attached as Composite Exhibit O is a true and accurate copy of four letters from Jonathan Flom, counsel for Dr. Krauser dated October 15, 2009 (two letters), December 14, 2009, and December 29, 2009.

17. Attached as Exhibit P is a true and accurate copy of Plaintiff's Answers to Defendants' First Set of Interrogatories.

18. Attached as Composite Exhibit Q is a true and accurate copy of excerpts from the deposition of Dr. Krauser's expert, Dr. John B. Brunski on April 23, 2012.

19. Attached as Exhibit R is a true and accurate copy of *In re Minimatic Implant Tech., Inc.*, No. 96-30109, Order Granting Motion to Withdraw (Bankr. S.D. Fla. Sept. 12, 1996).

20. Attached as Composite Exhibit S is a true and accurate copy of excerpts from the Oxford English Dictionary and Webster's Dictionary.

21. Attached as Composite Exhibit T is a true and accurate copy of communications between Dr. Krauser and Roy Steven Boggan, as well as a letter from Brian P. Hopkins to Dr. Krauser dated March 31, 2009.

22. Attached as Exhibit U is a true and accurate copy of a printout of Patent Bibliographic Data from the United States Patent and Trademark Office.

23. Attached as Composite Exhibit V is a true and accurate copy of the Final Decree, *In re Minimatic Implant Tech, Inc.*, No. 96-30109 (Bankr. S.D. Fla. Jan. 23, 1998) and the Final Decree, *In re American Bio-Dental Corp.*, No. 96-31318 (Bankr. S.D. Fla. Jan. 23, 1998).

24. Attached as Exhibit W is a true and accurate copy of the Order Granting Debtor's Motion to Approve, *In re Minimatic Implant Tech., Inc.*, No. 96-30109 (Bankr. S.D. Fla. Nov. 26, 1996).

25. Attached as Exhibit X is a true and accurate copy of the Order Confirming Joint Second Amended Plan of Reorganization, *In re Minimatic Implant Tech., Inc.*, No. 96-30109 (Bankr. S.D. Fla. Feb. 12, 1997).

26. Attached as Exhibit Y is a true and accurate copy of Defendants' Second Set of Requests for Admission to Plaintiff, and Plaintiff's Response to Defendants' Second Set of Requests for Admission.

Dated: May 8, 2012

New York, New York

Seth R. Goldman

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