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Attorneys for Plaintiff DR. ANTHONY NOBLES

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES—NORTHWEST DISTRICT**

DR. ANTHONY NOBLES, an individual,

Plaintiff,

vs.

KARL RYLL, an individual; HAROLD KARAKA, an individual; HK ENTERPRISES, an unincorporated business; THE REALITY PIS, an unincorporated business; and DOES 1–5, individuals,

Defendants.

CASE NO.: LC100903
Unlimited Jurisdiction
Date Action Filed: October 11, 2013

Assigned for All Purposes to
Hon. Huey Cotton, Judge
Dept. D

**DECLARATION OF PLAINTIFF DR. ANTHONY NOBLES IN SUPPORT OF HIS EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND FOR AN OSC RE: PRELIMINARY INJUNCTION ENJOINING DEFENDANTS FROM CONTINUING TO PUBLISH THEIR DEFAMATORY STATEMENTS**

Date:
Time:
Dept.:

Trial Date: None set

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I, Dr. Anthony Nobles, declare:

1. I am over the age of eighteen and I am competent to make this declaration.

2. I am the named plaintiff in this action. I have personal knowledge of the facts stated herein, and if called upon to do so I could and would competently testify thereto.

3. I do business as a medical device inventor, developer and entrepreneur. I have an excellent reputation in the medical device industry, and in my community, and I have been a renowned contributor to the advancement of the practice medicine for more than 25 years.

4. As a developer and inventor of numerous medical devices, my business success depends in large part on the strength of my reputation.

5. I have no connection to Noble Medical Technologies of Los Angeles California and its asserted parent company Trinad Management, LLC, and/or other "Trinad" companies.

6. Most of the defamatory publications at issue in this lawsuit concern my professional accomplishments, qualifications, and education. To set the record straight, I will set forth the facts of my professional and educational background:

a. I wrote my first patent at the age of seventeen (17) and, over the course of my career, went on to obtain no less than thirty-one (31) issued United States Patent Registrations, two (2) European patent registrations, and one (1) Canadian patent registration wherein I am listed as the "inventor." A list of my patents is attached hereto as Exhibit 1 and incorporated herein by reference.

b. Over the course of my career, I founded more than 28 companies and developed more than 155 medical devices. I sold or licensed many of these companies and/or the enabling technologies, and sold my products to several of the largest medical companies in the world, including Johnson & Johnson, Medtronic, Guidant, Cordis,

Baxter, Edwards, Candela, Trimedyne, Conceptis, Elekta, Boston Scientific and Cardio-Thoracic Systems.

c. My medical devices and technologies have saved or improved the quality of life for hundreds of thousands of people all over the world over for more than 20 years.

d. My patent registrations were issued for groundbreaking medical devices that have greatly contributed to the practice of medicine. For example, the Nobles VisioneeringVisualization Trocar, which I have since sold to Johnson and Johnson for laparoscopic surgery, is the technology that is used in the Endopath trocar that is currently sold worldwide for treatment in general surgery. Similarly, the Baladi Inverter is the technology for which I sold licenses to Guidant, Boston Scientific, and Maquet. The Baladi Inverter allows beating heart surgery in patients undergoing heart bypass. Additionally, my more recent NobleStitch device is used to eliminate strokes and severe migraines in patients with a Patent Foramen Ovale, a condition that affects approximately 27% of the world's population.

e. Currently, I am a professor of Biomedical Engineering at the Westsachsen University in Zwickau, Germany a position for which I was appointed by the German Government's Department of Education.

f. I have been a guest lecturer and invited to numerous conferences and speaker series around the globe. I have lectured on a variety of topics and specialties including Digital Angioscopic Techniques, Current and Future Applications of Lasers, Endovascular Surgery and Interventional Techniques, Endoscopic Surgical Devices, Stereo Tactic Fiber Optic Ventriculoscopy, Endoscopic Placement of a

Shunt for Hydrocephalus, Biomedical Engineering for the Masters Student, and Mechanical Problems in Modern Medical Devices for Cardiovascular Treatment, among many others. A list of the topics upon which I have lectured is attached hereto as Exhibit 2 and incorporated herein by reference.

g. In addition, I have lectured at numerous universities, professional medical associations and engineering associations, including the following: University of California, Los Angeles; Harvard University; University of California, Irvine; University of California, Los Angeles Harbor Medical; Chapman University; University of Southern California School of Pharmacy; The American College of Surgeons; The American Association of Neurological Surgeons; The West Sachsen Hochschule School of Biomedical Engineering; and Zwickau Germany, among others. A list of the institutions for which I have presented lectures is attached hereto as Exhibit 3 and incorporated herein by reference.

h. I have also contributed several articles and textbook chapters to respected medical and engineering publications, including: *Diagnostic Imaging Magazine*; *Medical Electronics Magazine*; *Journal of Minimally Invasive Neurosurgery*; Structural, Valvular and Congenital Heart Disease Interventions 2e; Chapter 3: Image Production and Visualization Systems of Endoscopic Surgery of Textbook by Rodney A. White, Mosby-Year Book, Inc. (1991); Chapter 1: The Physics of Neuroendoscopic Systems and the Instrumentation of Intercranial Endoscopic Neurosurgery, The American Association of Neurological Surgeons (1998); and a chapter titled, "Endoscopic Instrumentation and Equipment for Surgery" included in *Surgical Technology International*, Century

Press (1991). A list of the publications I authored is attached hereto as Exhibit 4 and incorporated herein by reference.

7. Unfortunately, some of the defamatory publications at issue in this lawsuit also attack my personal life and attack me personally. Accordingly, I am forced to provide the true facts on this front as well:

a. I am a devoted family man. I am a loving husband of twenty-seven years to the mother of my six children, all of whom I fully supported financially through high school, college, and graduate level education. Having grown up with no familial support myself and having suffered significant abuse as a child, I am diligent in caring not only for my children's financial needs, I actively involve myself in various aspects of my children's personal and professional lives and seek and support their individual successes through my endeavors and examples.

b. I have financially and otherwise supported educational endeavors both in the U.S. and abroad for all three of my daughters during college or law school, and I have provided them professional development opportunities through work at my medical and technology businesses since my daughters were in high school.

c. Over the last fifteen years, I participated heavily in my sons' lives and development as a Cub Scout leader and Boy Scout volunteer. I trained with them for grueling hikes and served as a role model to other Boy Scouts in my sons' troops. I hosted derby car building days at my own home.

d. I had a tumultuous childhood growing up in an unstable family living in severe poverty between Detroit and Los Angeles. Despite this, I maintained a hunger to learn. After only a year and a half of high school, I passed the California High School Proficiency Exam

so that I could begin college. I funded my college tuition through an electronics repair business I ran out of my garage, and I worked at a radio station, as well as a stage lighting business. Ultimately, my work in technology outpaced my academic qualifications

e. I quickly became a pioneer in the development and invention of medical devices resulting in the opportunity for me to lecture at such prestigious institutions as the American College of Surgeons, American College of Cardiology, The Society of Vascular Surgery, The American Association of Neurosurgery, Harvard Medical School, USC School of Healthcare and UCLA Medical School. I recently became a Professor of Biomedical Science at the West Saxon University of Applied Sciences of Zwickau, Germany.

f. I started Nobles Engineering in 1986. Companies like Baxter, Edwards and Trimedyne purchased my products. I went on to start several additional companies through which I developed new neurosurgical, laparoscopic, cardiac, vascular, endoscopic surgery, and obstetrics and gynecology technologies, which I have taken public, sold, and/or licensed to companies such as Cordis, Johnson & Johnson, Medtronic and Guidant. Today, I am the CEO of nine companies.

g. In May of 2013, I was nominated for a Horatio Alger Award, awarded each year by the Horatio Alger Association of Distinguished Americans. The Association honors the achievements of outstanding individuals in American society who have succeeded in spite of adversity and who are committed to supporting young people in pursuit of increased opportunities through higher education. The Association presents the annual Horatio Alger Award to exemplars of its ideals. In support of my nomination,

several distinguished individuals submitted letters of recommendation on my behalf, including: Robert A. Schuller, Pastor, Saddleback Church; Robert Esson, Captain, Special Victims Bureau of the Los Angeles Sheriff's Department; John R. Liddicoat, M.D. Sr. Vice President & President, Structural Heart of Medtronic, Inc.; and Mark Victor Hansen, Co-Creator of the *Chicken Soup for the Soul* series. Many neighbors and members of the community and in various business contexts have demonstrated their support for my nomination through numerous letters of recommendation as well.

h. I have also made significant contributions to the youth of my community through providing generous sponsorship to the following local community programs: the annual Red Ribbon Week; the "Shop With A Cop" program, which provides impoverished youth with food and Christmas gifts during the holidays; "Tip A Cop" to support the Children's Special Olympics; "Every Fifteen Minutes" programs hosted by the Fountain Valley Police Department to educate and encourage teens to not drink and drive; the annual Career Day hosted by Fulton Middle School, where all six of my children attended; Sage Hill High School, inspiring students to excel; and the Boys and Girls Club's National Scholar program to provide direct funding toward college education for participating youth. Up until the recent fire that destroyed my family home, I decorated my home, as well as many of my neighbors' homes, with large-scale Halloween displays for the children of my neighborhood and the several thousands of people, mostly families, who traveled to my neighborhood annually to witness the displays, which offered a safe and free of charge environment for kids to enjoy the holiday.

i. I have made other significant contributions to community programs. During the annual "Shop With a Cop" event for underprivileged deserving local students, I provided food, financial support, and Christmas gifts and housing for these students and their families, my contributions in the last several years totaling in the tens of thousands of dollars. I also regularly provided financial support in the tens of thousands of dollars over several years, to the annual "Tip A Cop" event in support of youth participating in the Special Olympics.

j. Having witnessed several injuries and drug related deaths in my childhood, I provided thousands of dollars of financial support to anti-drug programs including D.A.R.E. and Red Ribbon Week, as well as thousands of dollars over several years in support of the teen anti-drug program, "Every 15 Minutes."

k. I further supported my community when I provided tens of thousands of dollars in financial support to both the Fountain Valley Fire Department and the Fountain Valley Police Department.

l. I have provided hundreds of thousands of dollars in capital and equipment to several hospitals and medical institutions in the United States and abroad, including in part: University of California, Irvine; University of California, Los Angeles; University of Zwickau; the Paracelsus Clinic; and the Royal Brompton Hospital in London.

m. I have donated thousands of hours of medical training and services for more than 20 years. I have also donated hundreds of hours lecturing and teaching around the world, and contributed hundreds of thousands of dollars in related expenses.

n. I have funded many scholarships to deserving and underprivileged youth, including sending an especially deserving classmate of my daughter on an eighth grade educational trip to Washington, D.C, not just providing for his plane ticket, but other necessities before going to high school, including new clothing and school supplies. During this trip, I provided safety equipment for the whole group of over fifty students upon an unexpected weather issues.

o. I have used my significant assets such as my exotic car collection and aircraft to raise money and awareness for several charitable and public service groups including the Bolsa Chica Conservancy, The LA County Sheriffs, and War Veterans.

p. Since relocating due to the fire that destroyed my home, I most recently donated $350,000 to purchase and build a community center for my new community by restoring the old firehouse in Sunset Beach.

8. On January 8, 2013, my home was destroyed by a fire. No fire, police, insurance or other investigator ever suggested the cause of the fire was to collect insurance proceeds. In fact, the fire investigators determined the fault was specifically related to a faulty fireplace in my bedroom where the fire started. At the time of the fire, my wife and five of six children were all at home. I almost died as a result of initial smoke inhalation from the fire.

9. As a business owner who built his businesses from the ground up, maintaining a key role in all aspects of my business, from research and development, to marketing and sales of products and whole companies, I have made great efforts and expenses to provide a safe and comfortable work environment for all of my employees and colleagues. There have been years where I did not receive a salary so that I could pay my employees fair salaries and avoid laying off those who work in my facility.

10. Because I am a small business owner and I initially fund all of my companies from the incubator stages of research and development, there is a heightened need to maintain my reputation and credibility. I run ethically sound businesses, and have implemented thorough protocols and procedures to ensure compliance with all legal and ethical regulations and standards governing my business and field. Any unfounded statements indicating otherwise do significant harm to not only my ability to continue to passionately develop life-saving technologies; they hinder my business from functioning at full capacity and therefore negatively impact my employees and colleagues who rely on their employment within my companies to support them and their families.

11. Defamatory statements attacking my character and credibility – from my experience in the fields I pursue to the way I conduct my businesses – are more than just unfounded and wholly inappropriate; they are severely damaging to my ability to conduct even simple yet crucial transactions that are essential to the survival and success of my businesses and continued engagement with the fields of medical technology and engineering, two fields I have devoted over 25 years of my life to improving thus far. These are two fields I wholeheartedly intend to continue to work with for as long as I am able.

12. It is essential to note that while I have built many technologies and procedures over the course of my career, significant time and resources are poured into the success of each major product or company that I develop.

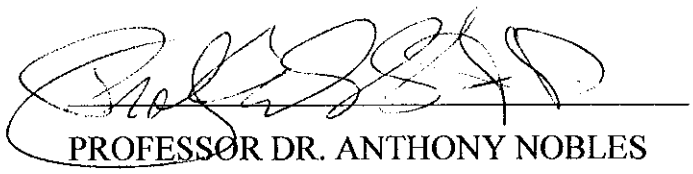
13. My company and I are currently in the midst of a due diligence process concerning a very large potential investment in my company. In fact, agents for the potential investors are the ones who discovered the existence of the defamatory statements which are the subject of this case. Understandably, the potential investors expressed concerns regarding Defendants' false statements, and they need any uncertainty regarding the Defendants' reckless statements to be resolved before the transaction can go forward. The potential investment in my company is essential for the realization of our product development and company growth plans. Every day that these

false statements are allowed to remain published, the potential jeopardy for the planned transaction grows. The harm my company and I continue to suffer as a result of the uncertainty created by the Defendants' false statements cannot be underestimated.

14. Unless Defendants' defamatory statements are taken down, my company and I may lose this investment opportunity and the potential investors may not only take their capital to an alternate investment, but they may well lead others to withhold potential investments as well, resulting in irreparable harm to me and my company.

15. Defendants have continued to attack me and my company even after having been served with the complaint in this action. This semester, the University of California, Irvine ("UCI") has asked me to continue as a guest lecturer and mentor for courses within the Department of Biomedical Engineering. Teaching university courses is essential to my reputation in the community and in my industry. The credibility afforded me as a university professor or lecturer aids immeasurably in building the credibility I need to build my company and complete the pending investment under diligence. On November 5, 2013, the Dean's Office for UCI contacted and told that on or about November 4, 2013, a person identifying himself Harold Haraka called the Dean's office and relayed a range of false statements about me, presumably tracking those published on Defendants' web site. As a direct result of Defendant Haraka's call, UCI immediately terminated my status as a guest lecturer and mentor without explanation. There is no way to quantify the harm this latest attack by Defendant Haraka had on me, my company, and my reputation in industry and in the community.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 5, 2013, at Fountain Valley, California.



PROFESSOR DR. ANTHONY NOBLES

# EXHIBIT 1

**ISSUED U.S. PATENTS**


- 4,820,167 Electronic school teaching system
- 4,998,972 Real time angioscopy imaging system
- 5,026,383 Apparatus for in-situ cutting of valves within veins and method therefor
- 5,207,684 Sheath for shunt placement for hydrocephalus
- 5,263,956 Ball joint for neurosurgery
- 5,284,478 Detachable tip optical valvulotome
- 5,385,572 Trocar for endoscopic surgery
- D355,257 Visualization surgical cart
- 5,437,644 Method and apparatus for replacing a cannula
- 5,562,696 Visualization trocar
- 5,766,195 Optical shunt cutter system
- 5,797,944 Visualization trocar
- 5,820,631 Device and method for suturing tissue adjacent to a blood vessel
- 5,860,990 Method and apparatus for suturing
- 5,944,730 Device and method for assisting end-to-side anastomosis
- 6,117,144 Suturing device and method for sealing an opening in a blood vessel or other biological structure
- 6,143,015 Device and method for partially occluding blood vessels using flow-through balloon
- 6,171,319 Anastomosis device with hole punch
- 6,245,079 Suturing device and method for sealing an opening in a blood vessel or other biological structure
- 6,248,121 Blood vessel occlusion device
- 6,409,739 Device and method for assisting end-to side anastomosis
- 6,551,331 Suturing device and method for sealing an opening in a blood vessel or other biological structure
- 6,562,052 Suturing device and method
- 6,733,509 Suture cutter

**ISSUED U.S. PATENTS**
**Page 2 of 2**

- 6,911,034 Suturing method and apparatus
- 6,936,057 Device and method for partially occluding blood vessels using flow-through balloon
- 7,004,952 Suturing device and method for sealing an opening in a blood vessel for other biological structure
- 7,090,686 Suturing device and method
- 7,601,161 Suturing device
- 7,803,167 Handle for suturing apparatus
- 7,905,892 Suture cutter
- 8,197,497 Method and apparatus for applying a knot to a suture
- 8,197,510 Suturing device and method
- 8,246,636 Suturing devices and methods for closing a patent foramen ovale
- 8,348,962 Suturing device and method
- 8,372,089 Suturing devices and methods for closing a patent foramen ovale; Method and apparatus for applying a knot to a suture
- 8,496,676 Handle for suturing apparatus

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# EXHIBIT 2

**LECTURE TOPICS**


- Automotive Engineering and Design
- Digital Angioscopic Techniques
- Current and Future Applications of Lasers in Angioscopy
- Current and Future Applications of Lasers In Gynecology And General Surgery
- Limiting Irrigation during Angioscopy
- Image Resolution and Angioscopy Equipment
- Angioscopy, Endovascular Surgery and Interventional Techniques
- Endoscopic Surgical Devices
- Digital Angioscopy
- Instrumentation in Laparoscopy
- Endoscopic Visualization Technology
- Endoscopic Surgical Devices
- Percutaneous Neuro Endoscopy
- Angioscopy, Endovascular Surgery and Interventional Techniques
- Stereo tactic Fiber optic Ventriculoscopy
- The Impact of Less Invasive Surgery in Health Care
- Health Care Management in the 90's and Beyond
- Instrumentation for Laparoscopy-"Whats Really Needed"
- Visualization Upon Endoscopic Entry
- Endoscopic Placement of a Shunt for Hydrocephalus
- Optical Valvulotomy, Reduced Insertion Pressure Lowers the Risk of Injury
- Endoscopic Placement of a Shunt for Hydrocephalus
- A Study of Trocar Insertion Forces
- Endoscopic Visualization Technology
- Neuro Endoscopy
- Application of Neuro Ventriculoscopy

**LECTURE TOPICS**
**Page 2 of 3**

- Biomedical Engineering for the Masters Student
- Biomedical Engineering for the Masters Student (Material Science)
- Suture Based Vascular Closure
- Biomedical Engineering for the Masters Student (Catheters)
- Endoscopic Third Ventriculostomy
- A novel suture mediated Device for Percutaneous Closure of Femoral Artery Access
- Biomedical Engineering for the Masters Student (Trocars)
- Biomedical Engineering for the Masters Student (Device Controls)
- Biomedical Engineering for the Masters Student (Suture Devices)
- Biomedical Engineering for the Masters Student (US Regulatory)
- Technology on Medicine
- Biomedical Engineering for the Masters Student (CE Mark)
- Biomedical Engineering for the Masters Student (Cardiac Technology)
- Mobilitat und Rennsport in der Formul 1 (Formula 1 Technology)
- Percutaneous closure using the Nobles suture mediated technology
- Trans-femoral closure of Patent Foramen Ovale
- Mobility in Red, the evolution of Automotive Imaging technology
- Trans-apical closure during structural heart procedure Endoscopic Placement of a Shunt for Hydrocephalus
- Trans-femoral closure of Patent Foramen Ovale
- How will Health Care Reform Affect your Business
- Mobility in Red II, the evolution of Auto-Aero motive technology
- Trans-apical closure during structural heart procedures
- Overview of Biomedical Industries
- Industrial Design Processes

**LECTURE TOPICS**


- Mechanical Problems in Modern Medical Devices for Cardiovascular Treatment
- PFO Closure Using the NobleStitch technology- clinical update
- Edge to Edge Suturing Using the HeartStitch Technology
- Trans-Apical closure using the HeartStitch,

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# EXHIBIT 3

**INSTITUTIONS & CONFERENCE FOR WHICH DR. NOBLES HAS LECTURED**


- American College of Surgeons 1988 Clinical Congress
- Current and Future Applications of Lasers In Gynecology and General Surgery 1989
- Harvard Medical School, Angioscopy 1989: Current Practice and Future Trends
- American College of Surgeons 1989 Clinical Congress
- Angiscopy, Endovascular Surgery & Interventional Techniques 1990
- Harbor-UCLA Medical Center Endoscope Surgery Symposium 1990
- 76th Annual Clinical Congress of the American College of Surgeons 1990
- Harbor-UCLA Medical Center Endovascular and Laser Surgery Symposium
- Harbor-UCLA Medical Center Endoscope Surgery Symposium 1991
- 60th Annual Meeting: American Association of Neurological Surgeons 1992
- University of Southern California: The Executive Management Institute in Healthcare 1993
- University of Los Angeles: State of the Art Urology 1993
- Technologies and Opportunities in Perspective: The Annual Forum for Medical Industry Executives 1993
- American College of Surgeons Annual Clinical Congress 1993
- The Congress of the Baltic Neurosurgical Association 2000
- Satellite Symposium Vascular Closure Devices: Vienna Interdisciplinary Symposium on Aortic Aneurysm Repair Visar 2000
- University of Applied Sciences: Mobility in Red 2009
- Imaging in Cardiovascular Interventions: Congenital & Structural Interventions 2010
- Milken Institute Global Capital Markets Advisory Council: Partnering for Cures 2012
- Cardiopulmonary Research Science and Technology Institute: Texas Cardiovascular Innovative Ventures
- University of California, Los Angeles (Harbor Medical)
- Harvard University
- The University of California Irvine
- Chapman University

**INSTITUTIONS & CONFERENCE FOR WHICH DR. NOBLES HAS LECTURED**


- The University of Southern California School of Pharmacy
- The American College of Surgeons
- The American association of Neurological Surgeons
- The West Sachsen Hochschule School of Biomedical Engineering
- Zwickau Germany
- Golden West College of Design
- The West Sachsen Hochschule School of Automotive Engineering, Zwickau Germany
- The Congenital and Structural Intervention Heart Congress Frankfurt Germany
- Wenske Laser Center conference
- Biomedical Business Conference
- Radiological Society of North America
- International Association of Neurology and Neurological Surgeons, Paris France
- Rose Hulman institute of Technology
- Euro-Cardiovascular Summit, The Hague, Netherlands
- Vienna Interdisciplinary Symposium on Aortic Aneurysm Repair, Austria
- University of Zwickau Conference on Emerging Technology
- University of California Los Angeles – Anderson School of Business

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# EXHIBIT 4

**PUBLICATIONS**


- *Chapter 3: Image Production and Visualization Systems of Endoscopic Surgery* textbook by Rodney A. White, Mosby-Year Book, Inc. (1991)
- *Chapter 1: The Physics of Neuroendoscopic Systems and the Instrumentation of Intercranial Endoscopic Neurosurgery*, by The American Association of Neurological Surgeons (1998)
- *Endoscopic Instrumentation and Equipment for Surgery* (Chapter) included in Surgical Technology International, Century Press (1991)
- *Thecaloscopy: The Endoscopy of the Lumbar Subarachnoid Space, Part I: Historical Review and Own Cadaver Studies*, published in Minim Invas Neurosrug (2001)
- *Device And Method For Assisting End-To Side Anastomosis And Blood Vessel Occlusion Device*, published in Cardio Medical Solutions;
- *Patent Foramen Ovale Closure: Suture Based PFO Closure* New Interventional Cardiology

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