

# Exhibit 1007

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

CASE NO: 1:14-CV-61263-DPG/WCT

MAKO SURGICAL CORP.,  
a Delaware corporation,  
ALL-OF-INNOVATION GMBH,  
a German corporation,

Plaintiffs,

vs.

BLUE BELT TECHNOLOGIES, INC.,  
a Pennsylvania corporation,

Defendant.

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**DEFENDANT BLUE BELT TECHNOLOGIES, INC.'S PRELIMINARY DISCLOSURE  
OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS  
FOR U.S. PATENT NO. 6,757,582**

Defendant Blue Belt Technologies, Inc. (“Blue Belt”), submits the following preliminary disclosure of asserted claims and infringement contentions to Plaintiffs Mako Surgical Corp. (“Mako”) and All-of-Innovation GmbH (“AOI”) (collectively, “Plaintiffs”).

Blue Belt’s investigation into the extent of infringement by Mako is ongoing. Blue Belt makes these contentions based on its current knowledge and such information regarding Mako’s accused products as is publicly available. Since Mako has not yet produced documents, and because not all information regarding Mako’s products is publicly known, Blue Belt explicitly

reserves the right to amend these disclosures as additional evidence comes to light during the course of this litigation.

### **ASSERTED CLAIMS**

Mako is liable under 35 U.S.C. §§ 271(a), (b), and (c) for infringement of claims 1, 3, 5-14, 16-30, 34-42, and 47-58 (“the Asserted Claims”) of U.S. Patent No. 6,757,582 issued to Brisson et al. (“the ’582 patent”). Charts comparing the elements of the asserted claims to the accused products are attached as Exhibit A.

### **ACCUSED INSTRUMENTALITY**

Mako’s Robotic Arm Interactive Orthopedic (RIO) System and/or Mako’s Tactile Guidance System (TGS) (collectively referred to as “Mako’s RIO”), as well as the use of these instrumentalities for, *inter alia*, MAKOpasty knee and hip procedures infringe the ’582 patent.

### **CLAIM CHARTS**

Attached as Exhibit A is a claim chart identifying how the Accused Instrumentality (or its use) embodies each element of each asserted claim of the asserted patent.

As previously noted, this information is based on the publicly-available information presently available to Blue Belt. Furthermore, the infringement evidence cited in these charts is exemplary and not exhaustive. Based on information currently known to Blue Belt, Mako’s RIO infringes the asserted claims of the ’582 patent in the manner disclosed in Exhibit A. Blue Belt’s investigation is ongoing, and Blue Belt reserve the right to amend or supplement the claim charts in Exhibit A based on continued investigation and discovery from Mako and others.

### **INDIRECT INFRINGEMENT**

Mako has contributed to the infringement of and/or actively induced infringement of the ’582 patent in violation of 35 U.S.C. §§ 271(b) and (c), and continues to do so with knowledge of

or willful blindness to the '582 patent, with specific intent to contribute to the infringement of and/or induce infringement, and with knowledge or willful blindness that the induced acts would constitute patent infringement. At least Mako's following activities constitute this infringement: manufacturing, offering to sell, selling, and using Mako's RIO in the United States, which is especially made to be used in a fashion that infringes the asserted claims, is not a staple article or commodity of commerce, and is not suitable for a substantial noninfringing use; offering promotional, instructional, or demonstrative materials related to Mako's RIO in order to market, solicit, encourage, and enable infringing activity in the United States; and by providing a Mako employee as an assistant during surgeries performed with the Accused Instrumentality in the United States.

#### **MAKO'S LITERAL AND NONLITERAL INFRINGEMENT**

Based on Blue Belt's current investigation and understanding of the Accused Instrumentality, each element of each asserted claim of the '582 patent is literally present in the Accused Instrumentality, unless explicitly indicated otherwise. To the extent that the Accused Instrumentality is found to not literally embody any element of the asserted claims, Blue Belt alleges, on information and belief, that any and all such elements are present under the doctrine of equivalents in the Accused Instrumentality.

#### **PRIORITY DATES**

Each asserted claim of the '582 patent is entitled to a priority date of at least as early as May 3, 2002, and no later than April 30, 2003.

#### **BLUE BELT'S PRACTICE OF THE '582 PATENT**

Blue Belt's NavioPFS® system and the use thereof embodies and/or practices every element of the Asserted Claims of the '582 patent.

## WILLFUL INFRINGEMENT

Blue Belt alleges that Mako's infringement of the '582 patent is and has been willful. Mako has known of the '582 patent since well before Blue Belt's counterclaim against Mako for infringement. Despite this knowledge, Mako has chosen to practice the Asserted Claims of the '582 patent without a license or authorization. Mako has chosen to practice the Asserted Claims despite an objectively high likelihood that its actions constituted infringement of the '582 patent, and with actual knowledge of this likelihood.

Dated: August 22, 2014

By: /s/ Timothy P. Best

Timothy P. Best

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