

Before me, Steven E. Kane, an employee of the Department of Health and Human Services, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803; Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953; and P.L. 96-88, Sec. 509, 93 Statutes at Large 965 (20 U.S.C. 3508), effective May 4, 1980; to administer or take oaths, affirmations, and affidavits, personally appeared Dr. Edward J. Sullivan, MD. in the county and State aforesaid, who, being duly sworn, deposes and says:

Sullivan. This patient is not part of the patient population included in my IDE submission. I have treated a total of 252 patients, from January 1996 to the present date (6/30/97), and plan to continue to treat new patients with LASIK surgery, using the excimer laser designed and built by Exsull, Inc.

I have allowed Mr. Kane to photograph the device, and have provided him with the following documents, relating to the purchase and installation of the components and the promotional material for the excimer laser, located in my 2 Bala Plaza office:

- 1) A copy of Consulting Agreement, "... made and entered 1/20/95, by and between Exsull, Inc., a Delaware Corporation, of 319 Lombardy Road, Drexel Hill, Pennsylvania 19026 ... and Nevyas Eye Associates, ... 2 Bala Plaza Bala Cynwyd PA ...", signed by Edward Sullivan, President, Exsull, Inc.
- 2) A copy of Invoice, dated 11/8/96, from Exsull, Inc., P.O. Box 164, Drexel Hill, PA 19026, to Nevyas Eye Associates, Two Bala Plaza, 333 City Line Avenue, Bala Cynwyd, PA 19004, for Controllable Iris/Slit with laser Pulser, designed and delivered to me by Edward Sullivan.
- 3) A copy of Invoice No. 2220, dated 9/22/95, from Newman Microtechnologies, 26 South Main Street #113, Concord, NH 03301, for housing and electrical/gas delivery support for Laser beam generator.
- 4) A copy of Invoice, dated 3/4/96, from Lambda Physik, P.O. Box 60464, Charlotte, NC 28260, to Tower Technologies, 1120 Tower Lane East, Narberth, PA 19072, for communication interface.

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at _____ (City and State)

this _____ day of _____, 19 _____

(Employee's Signature)

Employee of the Department of Health and Human Services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.