EXHIBIT 16

M. PATRICIA THAYER (Bar No. 090818)
HELLER EHRMAN LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

WARREN J. RHEAUME (admitted *pro hac vice*)
HELLER EHRMAN LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7098
Telephone: (206) 447-0900
Facsimile: (206) 447-0849

JAMES R. KNOX (Bar No. 177435)
HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, CA 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

Attorneys for Defendant
Pacific Award Metals, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES GYPSUM COMPANY, Plaintiff, v. PACIFIC AWARD METALS, INC., Defendant	Case No. C 04-04941 JSW **DECLARATION OF WESLEY DUNHAM IN SUPPORT OF DEFENDANT PACIFIC AWARD METALS' CLAIM CONSTRUCTION BRIEF**

I, Wesley Dunham, declare:

1. I am currently employed as Operations Manager for the Kent, Washington, facility of Pacific Award Metals, Inc. ("Award"). I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would testify thereto.

2. I was employed by BeadeX Manufacturing Company, Inc. ("BeadeX") from 1969 until it was acquired by United States Gypsum Company ("USG") in December 1999. I was Supervisor of Maintenance and Production for the BeadeX paper faced corner bead product from 1985 until about 1995. From about 1995 until December 1999, I was Technical Manager for new product development at BeadeX.

3. As of 1990, BeadeX was a manufacturer of various building materials, including bare metal corner beads, paper faced corner beads, and drywall joint compound.

4. In about 1990, the BeadeX employees most closely involved in the manufacture of corner beads formed a team to attempt to make improvements to the company's corner bead products, including innovations to address a problem our customers had observed with paper faced corner beads. The problem was that the sanding equipment employed after drywall mud was applied to the wings of the corner beads would often scrape or scuff the surface of the paper, causing the fibers to unwind and stand up ("fuzz") from the paper. The people most involved in solving this problem included James Ritchie, Don King, Aldo Aquila, Craig Radford, and me.

5. From approximately 1990 to 1992, I had primary responsibility for testing and implementing an idea of Mr. Ritchie that we could avoid scuffing of the paper layer by adding a coating on top of the paper that would prevent the sanding equipment from coming into contact with the fibers in the paper layer. My role in testing and implementing that idea ultimately spanned several years and included: (a) assessing different ways to apply a range of different coatings (as created by others) to

the paper, including brushes and spraying devices; (b) testing a wide variety of mixtures of acrylics and primers on the paper to assess the ability of different mixtures to create a substantial surface film that would prevent scuffing; (c) determining how best to dry the coatings that we applied to the paper so as to achieve a commercially viable product; and (d) determining how to measure the thickness of the surface film that remained after drying of the paper.

6. Throughout this experimental process, I used a micrometer to measure the difference in thickness or caliper between the paper without any coating and the paper with the various coating mixtures we researched. Neither I nor, to my knowledge, anyone else involved in the efforts to create a coating for the paper bead products ever used a measurement device or method other than the micrometer. Moreover, neither I nor, to my knowledge, anyone else involved in the nose coating project ever used a measuring device or method that was capable of gauging the penetration of the protective material into the paper. Because the focus of our efforts was to add a coating onto the surface of the paper (not to impregnate the paper with a new additive) so as to guard against contact with the sanding equipment, the exact extent to which the coatings penetrated the paper layer was not relevant to our endeavors.

7. As one of the persons responsible for the nose coating project at BeadeX, I observed first-hand that, when we used a mixture of Synthemul® diluted 50% with water, we could obtain a layer on the surface of the paper of about 0.001 inch after drying, but in such instances the coating appeared to saturate the paper almost to the inner surface. I knew that the coating was penetrating almost throughout the paper layer because the coating would be visible on the inner surface of the paper. The thickness of the paper we used in the early 1990s was about 0.008 to 0.010 inch. Thus, our experience with this particular diluted coating in the early 1990s was that the total depth of material impregnating the paper, when added to the film on top of the paper after drying, was approximately 0.006 - 0.010 inch.

8. I also observed in the early 1990s the effect of using a primer sealer in connection with the Synthemul® mixture referenced in the preceding paragraph, and without any dilution of the acrylic resin with water. Use of the primer sealer resulted in an increase in the thickness of the protective coating on the surface of the paper — to about 0.005 inch. Use of the primer sealer also reduced the amount of coating that we observed penetrating into the paper layer.

9. The BeadeX team involved in exploring and trying to implement Mr. Ritchie's idea of a protective coating constituted a collection of several people with solid backgrounds in the design and manufacture of building materials. Although we were, at times, required to work with paper as a component of our building materials, our backgrounds first and foremost were in in the area of building materials.

10. To the best of my knowledge, all the members of the BeadeX team, including Mr. Ritchie, understood our invention to require a layer of protective material that exceeded the paper's thickness by about 0.001 to 0.005 inch. I do not recall any member of the team, or anyone else at BeadeX, suggesting that there was any need to measure any portion of the penetration of the material into the paper. Instead, for a prolonged period of time, we worked as a team to come up with the very best composition (and method of application) that would produce a substantial layer on top of the paper to prevent sanding equipment from contacting or scraping the paper fibers.

11. During the time that we were developing the nose coated product, I regularly measured the increased thickness of the paper resulting from the coating material. I recorded all such measurements in a notebook which I maintained at BeadeX. If such records were available today, I believe they they would confirm my testimony concerning measurements in paragraph 6-10 above.

12. I personally conduct and/or oversee numerous measurements of the thickness of the protective coating on the surface of Award's paper faced corner bead products. These measurements have confirmed that the coating applied by our vendor

produces a layer of coating that does not exceed 0.0001 inch above the surface of the paper.

13. I am familiar with the companies that compete in the building materials market in Western Canada. There are at least five manufacturers who sell the relevant building materials in Western Canda, including: Corus Group/Bailey Metal Products Limited, Clinch-On Products, Inc., Steelform Building Products, Canadian Gypsum Company (a sister corporation of USG), and Award Metals. These companies, each of which offers an abrasion-resistant paper faced corner bead, ensure very competitive market for corner beads and other building products. Thus, Award has to compete with all four competitors (not just USG's Canadian affiliate) on price, service, range of product line, and quality of products.

14. I understand that USG has argued in this proceeding that the Court should disregard my testimony because the company for which I worked for many years (BeadeX) continued to place the number corresponding to Mr. Ritchie's patent on products that did not have a protective layer or film within the 0.001 to 0.005 inch requirement of the patent claims. As I explained in my deposition, the thickness of the protective coating on BeadeX's nose-coated products had decreased (as a result of our continued research and development efforts) over time such that I concluded, by the mid-1990's, that BeadeX's products did not fall within the Ritchie Patent. I stated my views to several persons in the BeadeX management just as soon as I developed a clear opinion and basis for that opinion. At that time, however, I was not a high level management employee nor a patent specialist. In fact, I knew very little about patents or patent law. So, I believed I had fulfilled my obligations as an employee to BeadeX when I expressed my concerns about the patent marking to several senior managers. I did not ever hear whether the company management had discussed my views or made a determination regarding marking. I simply assumed that the company management would know how to handle the situation properly.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Kent, Washington on September 7, 2005.

By _____
Wesley Dunham