...AND NEIMARK
ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSES
SUITE 300
419 SEVENTH STREET, N. W.
WASHINGTON, D. C. 20004
TELEPHONE (202)-628-5197

SHERIDAN NEIMARK
ROGER L. BROWDY
ANNE M. KORNBAU
NORMAN J. LATKER
OF COUNSEL
IVER P. COOPER
A. FRED STAROBIN

TELECOPIER FACSIMILE
(GROUPS I, II, & III)
(202) 737-3528
(202) 393-1012
TELEX: 248633
SENIOR COUNSEL
ALVIN BROWDY
PATENT AGENT
ALLEN C. YUN, PH.D.

November 22, 1994

Via Facsimile

Mr. R. Hasegawa
Hasegawa Patent Office
52-15, Kashiwa-cho, Asahi-ku
Yokohama-shi, Kanagawa
Japan

Re: Nakajima U.S. Patent 4,691,750
Assignee: Fuji Kogyo Kabushiki Kaisha
BARKING MACHINE
Your reference: 60-296587

Dear Mr. Hasegawa:

Please be advised that a third party has filed a request for re-examination of the above-identified patent.

We do not know the true identity of the requestor who is being represented by the law firm of Nixon & Vanderhye.

Also, we do not know at this stage whether the Patent Office will institute the re-examination or not, and at the present time there is nothing to be done except await a decision from the Patent Office as to whether or not it will order re-examination.

If an order to re-examine is issued by the Patent Office, the client/patent owner can then file an opposing statement (and amendment if desired) at that time, after which the third party requestor can file a reply. At that stage the matter will then be considered by the examiner, and from then on the procedure is entirely *ex parte* between the patent owner and the examiner, i.e. the third party requestor is no longer involved. Indeed, the patent owner need not file a statement after the order to re-examine, but can await the examiner's first Action.

The papers filed so far are voluminous, and we want to be sure that the client/patent owner (Fuji Kogyo Kabushiki Kaisha) is still interested in preserving this patent before incurring any substantial expenses.

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Very briefly, the request for re-examination states that claim 1 of the client's above-identified patent is unpatentable because such claim is anticipated by Japanese patent 3-29122 which was published on May 30, 1986. The request for re-examination also alleges that claim 1 of said patent is unpatentable as anticipated by a brochure "publicly disseminated by CKS Corporation... in Japan in early 1985" and there are affidavits presented in support of this alleged prior art reference brochure in the name of Mutsuo Yamanaka (said to be President of Hatanaka Ringyo Kabushiki Kaisha) and Katsuhiro Yoshida (said to be General Manager or Managing Director of Kushiro Sales Office, Toyo Sangyo Kikai Kabushiki Kaisha).

The claims are said to be unpatentable for other reasons as well.

At this stage we ask for your instructions, particularly as to whether we should make a complete copy of the file and send it to you.

We await hearing from you.

Sincerely,

Sheridan Neimark

SN:jec