PATENT SERVICE CORPORATION

International Patent & Trademark Agents

K. Yamada
M. Gocho (Overseas Sec.)
H. Iwai (Overseas Sec.)
T. Hosokawa

A. Takahashi
K. Takei
A. Mizushiri

Baba Building 3rd Floor
12-10, Takadanobaba 4-Chome
Shinjuku-ku, Tokyo, 160
JAPAN

Telephone : (03)362-5461
Facsimile : (03)362-5950

Counsel
S. Em:
I. Murase
K. Sato

JUL 19 2000

June 21, 2000

COPY

BROWDY AND NEIMARK, P.L.L.C.
Suite 300
624 Ninth Street, N.W.
Washington, D.C. 20001-5303
U. S. A.
Attn: Mr. Norman J. Latker

Our Ref: Infg.US.200(SF)

URGENT

Mr. Latker. Are you finishing this work ?

Re: Infringement and Invalidation Study and Opinion
In re: U.S. Pat. No. 5897168 vs. Our Clients ' Invention

Dear Mr. Latker:

CONFIRMATION

We are writing to you, as Mr. Roger L. Browdy is not available, requesting that you please IMMEDIATELY attend to preparing an expertise careful judgement and opinion about the infringeability of our clients' invention upon the U.S. Pat. No. 5897168 and the prospect for invalidating such U.S. patent. This U.S. patent is now under dispute, as discussed later. We would appreciate receiving your best opinion letter, **firstly VIA FAX**, before July 22, 2000, and secondly receiving the original one via SPECIAL AIR COURIER before July 27, 2000. Thank you for your immediate cooperation for insuring such arrival.

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- Relevant prior-art references:
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Cont'd.../

7/19/00

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We have completed our review of this case and Mr. Browdy will be reporting our conclusions by the July 22 deadline.
Sincerely
LATKER

Confirmation Report – Memory Send

Time : Jul-19-2000 12:56pm
Tel line : 2027373528
Name : BROWDY NEIMARK

Job number	:	911
Date	:	Jul-19 12:55pm
To	:	01181333625950#
Document pages	:	001
Start time	:	Jul-19 12:55pm
End time	:	Jul-19 12:56pm
Pages sent	:	001
Status	:	OK

Job number : 911 *** SEND SUCCESSFUL ***

'00年 7月19日 (水) 9:20 PM P. 1

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K. Yamada
M. Gocho (Overseas Sec.)
H. Iwai (Overseas Sec.)
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A. Takahashi
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Cont'd.../

CONFIRMATION

CONFIRMATION

We would like you to carefully study the above-noted points as well as the attached documents. You may present any explicit, honest opinions if you have any other effective suggestions or possible breakthrough to the contrary, after reviewing each of our opinions. As usual, this opinion should be duly prepared in the privileged confidential statement form. We expect your excellent analysis and keen opinion on this matter for the sake of our clients' important rights. At the same time, we welcome your honest opinion for determining the infringeability points of the invention "A" and a prospect for success in invalidating the USP168 in question.

On this case also, we are strongly asked by our clients to maintain your total charges within US$ 4,000.00. Thus, you kind coopration to limit your total charges not above U$ 4,000.00. **while keeping your high quality works** will be highly appreciated, in view of our many new cases and long good business relation as well as for the sake of our clients.

If you have any inquiry on this matter, please immediately ~~BY FAX let us know.~~

We look forward to your valuable opinion **firstly VIA FAX BEFORE JULY 22, 2000,** and secondly via SEPCIAL AIR COURIER before July 27, 2000.

With best regards,

CONFIRMATION

Yours very truly,

M. Gocho, Director,
Overseas Section

MG/rs:OS.PASCO
Encls.

CONFIRMATION

PATENT SERVICE CORPORATION

International Patent & Trademark Agents

K. Yamada
M. Gocho (Overseas Sec.)
H. Iwai (Overseas Sec.)
T. Hosokawa

A. Takahashi
K. Takei
A. Mizushiri

Baba Building 3rd Floor
12-10, Takadanobaba 4-Chome
Shinjuku-ku, Tokyo, 160
JAPAN

Telephone : (03)362-5461
Facsimile : (03)362-5950

Counsel
S. Emi
I. Murase
K. Sato

RECEIVED
JUN 26 2000
BROWDY AND NEIMARK

BROWDY AND NEIMARK, P.L.L.C.
Suite 300
624 Ninth Street, N.W.
Washington, D.C. 20001-5303
U. S. A.
Attn: Mr. Norman J. Latker

June 21, 2000

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M. Gocho (Overseas Sec.)
H. Iwai (Overseas Sec.)
T. Hosokawa

A. Takahashi
K. Takei
A. Mizushiri

Baba Building 3rd Floor
12-10, Takadanobaba 4-Chome
Shinjuku-ku, Tokyo, 160
JAPAN

Telephone : (03)362-5461
Facsimile : (03)362-5950

Counsel
S. Eni
I. Murase
K. Sato

RECEIVED
JUN 23 2000
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Suite 300
624 Ninth Street, N.W.
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U. S. A.

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Yours very truly,

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Overseas Section

MG/rs:OS.PASCO
Encls.

ACKNOWLEDGED
WITH THANKS
BROWDY & NEIMARK P.L.L.C.
WASHINGTON, D.C. 20001-5303

Confirmation Report – Memory Send

Time : Jun-23-2000 02:53pm
Tel line : 2026282089
Name : BROWDY AND NEIMARK

Job number	:	706
Date	:	Jun-23 02:52pm
To	:	01181333625950
Document pages	:	001
Start time	:	Jun-23 02:52pm
End time	:	Jun-23 02:53pm
Pages sent	:	001
Status	:	OK

Job number : 706 *** SEND SUCCESSFUL ***

'00年 6月23日 (金) 10:12 PM P. 1

PATENT SERVICE CORPORATION

International Patent & Trademark Agents

Baba Building 3rd Floor
12-10, Takadanobaba 4-Chome
Shinjuku-ku, Tokyo, 160
JAPAN

Telephone : (03)362-5451
Facsimile : (03)362-5950

K. Yamada
M. Gocho (Overseas Sec.)
H. Iwai (Overseas Sec.)
T. Hasegawa
A. Takahashi
K. Takei
A. Mizushiri

Counsel
S. Eto
I. Murase
K. Sato

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U. S. A.

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seat frame
made in 1 piece (of Mg)
Z(or L) shaped cross section

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Cont'd.../

The following two points are our major concerns:

(1) Infringeability of our clients' invention "A" on the USP168

Please determine whether the invention "A" may be infringed on the claims 1, 2, 5, 6, 9, 11 and 12 of the USP168, or not. This is a first concern of our clients'.

(2) Invalidation possibility of the USP168

Is it possible to invalidate all the claims of the USP168 by relying on the foregoing three references USP215, USP248 and JP662 ? Our clients wish to know a firm basis for invalidation of the USP168.

Our opinions regarding the USP168

We will set forth our opinions for all the claims of USP168 in sequences as below.

1) Claim 1

We would fear that the invention "A" seems to be structurally identical to the Claim 1, except that the central web (1a) of lateral frame section (1) is inclined outwardly as shown in Figs. 1 (b) and 1 (c). Please advise whether the invention "A" will infringe on this Claim 1 or not.

On the other hand, we are of the opinion that the Claim 1 can be invalidated by showing the combination of the USP215 and USP248. What is your own opinion about that ?

2) Claim 2

We would fear that the lower crossbar section (3) of invention "A" seems to be identical to the lower tie-rod (8) claimed in the Claim 2. However, the illustrated configuration of such lower die-rod (8) is in the form of a widely expanded flat plate, in contrast to the lower crossbar section (3) having a relatively narrow band shape.

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On the other hand, the Claim 2 can be invalidated by the USP248, we suppose.

3) Claims 3 and 4

Since the framework of invention "A" does not include any cover (8a) for transfer rod and any upholstery hooks (16), we are of the opinion that the invention "A" does not infringe on those claims 3 and 4. Also, we expect that the combination of the USP215 and USP248 will invalidate the claims 3 and 4.

4) Claim 5

The invention "A" has a thickened part (1c-1 or 1c-2) formed at the edge of flange portion (1b). The thickened part is of course of a large thickness relative to the flange and web portions (1b) (1a), which we believe would be different from the lip (4a) stated in the Claim 5 and thus a basis for avoiding infringement on the Claim 5. Also, we expect that the USP248 can be used as a material for invalidation of the same Claim 5.

5) Claim 6

We would admit that the invention "A" includes plural apertures (4h, 3h), as descried therein, which can correspond to those (11, 12) described in this Claim 6, and thus there may exit an infringement on that claim. But, we presume that the Claim 6 might be invalidated by showing the combination of USP248 and JP662.

6) Claims 7 and 8

Apparently, the invention "A" has no identical structure to the specific parts (17) in the side pieces as claimed in the Claims 7 and 8. Hence, we believe that any infringement could not be established in that regard. But, we expect that those two claims can be invalidated by the USP248.

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7) Claim 9

The invention "A" includes a pair of headrest stay guide portions (5) integrally formed in the upper crossbar section (2). Each of the headrest stay guide portions (5) is formed with an upper guide recession (2a) and a lower guide recession (2b). This construction might be identical to what is described in the Claim 9, which we can admit would comprise an infringement on that claim. But, invalidation of Claim 9 can be made by showing the JP662, we suppose, because the headrest stay support structure described in the JP662 in conjunction with Figs. 1 and 2 is considered identical to that defined in the Claim 9 in terms of structure. However, the whole frame of JP662 is formed integrally from a synthetic resin material, which is a different aspect from the magnesium die-cast frame of USP168, though.

8) Claim 10

The invention "A" has a pair of upper and lower casting sprues (6) (7). As seen from the drawings, the upper casting sprue (6) is disposed in the central point of upper crossbar section (2) whereas the lower casting sprue (7) disposed in the central point of lower cross bar section (3). This vertical central arrangement is different from the locations of casting sprues as defined in the Claim 10. Such casting sprue is described as being designated by (18) which however can not be found in the drawings of USP168. Our opinion is therefore that any infringement will not be comprised in this respect. We also presume that the Claim 10 can be invalidated by both USP215 and USP248. What is your opinion ?

9) Claims 11 and 12

We fear that the invention "A" seem identical to what are defined in those method claims 11 and 12. Thus, infringeability of the invention "A" may possibly be comprised in this particular aspect upon those two claims. But, invalidation of both claims 11 and 12 can be made on the basis of the USP248. What is your opinion on those points.

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We would like you to carefully study the above-noted points as well as the attached documents. You may present any explicit, honest opinions if you have any other effective suggestions or possible breakthrough to the contrary, after reviewing each of our opinions. As usual, this opinion should be duly prepared in the privileged confidential statement form. We expect your excellent analysis and keen opinion on this matter for the sake of our clients' important rights. At the same time, we welcome your honest opinion for determining the infringeability points of the invention "A" and a prospect for success in invalidating the USP168 in question.

On this case also, we are strongly asked by our clients to maintain your total charges within US$ 4,000.00. Thus, you kind coopration to limit your total charges not above U$ 4,000.00. **while keeping your high quality works** will be highly appreciated, in view of our many new cases and long good business relation as well as for the sake of our clients.

If you have any inquiry on this matter, please immediately BY FAX let us know.

We look forward to your valuable opinion **firstly VIA FAX BEFORE JULY 22, 2000,** and secondly via SEPCIAL AIR COURIER before July 27, 2000.

With best regards,

Please Confirm
BY RETURN FAX

Yours very truly,

M. Gocho, Director,
Overseas Section

MG/rs:OS.PASCO
Encls.