

International Patent & Trademark Agents

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Facsimile : (03)362-5950

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

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12-10, Takadanobaba 4-Chome  
Shinjuku-ku, Tokyo, 160  
JAPAN

Counsel  
S. Em:  
I. Murase  
K. Sato

BROWDY AND NEIMARK, P.L.L.C.  
Suite 300  
624 Ninth Street, N.W.  
Washington, D.C. 20001-5303  
U. S. A.

JUL 19 2000

June 21, 2000

COPY  
Mr. Latker.  
Are you  
finishing  
this work?

Our Ref: Infg.US.200(SF)

URGENT

Attn: Mr. Norman J. Latker

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.

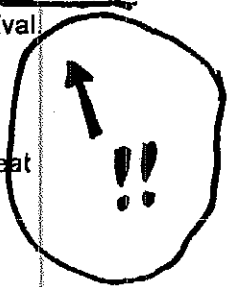
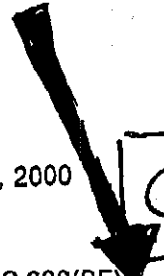
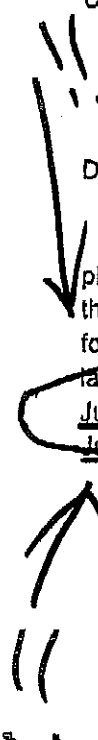
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Contd.../ 7/19/00

Dear Mr. Gocho : CONFIRMATION  
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

PATENT SERVICE CORPORATION

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K. Yamada  
M. Gochi (Overseas Sec.)  
H. Iwai (Overseas Sec.)  
T. Hoakawa

A. Takahashi  
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Telephone : (03)562-5481  
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Courtesy  
S. Emi  
I. Murase  
K. Sato

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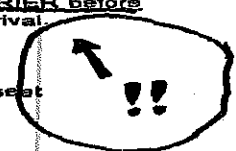
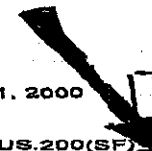
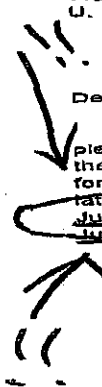
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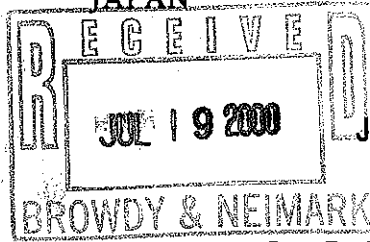
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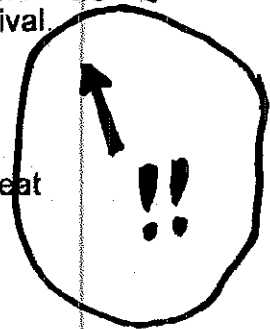
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## CONFIRMATION



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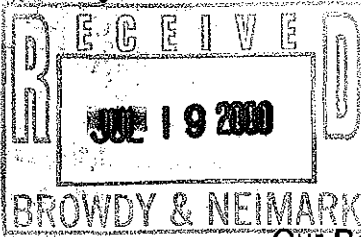
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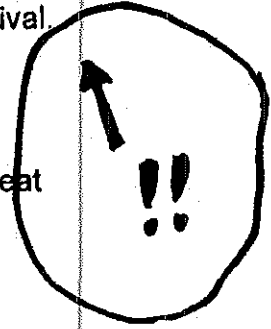
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Cont'd.../

**CONFIRMATION**

June 21, 2000

Mr. Norman J. Latker,

Page 5

/...

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, your kind cooperation to limit your total charges not above US\$ 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,

Yours very truly,

M. Gocho, Director,  
Overseas Section

MG/rs:OS.PASCO

Encls.

CONFIRMATION

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Telephone : (03)362-5461  
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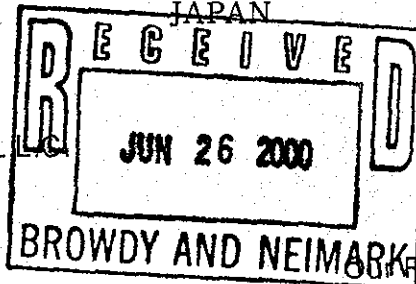
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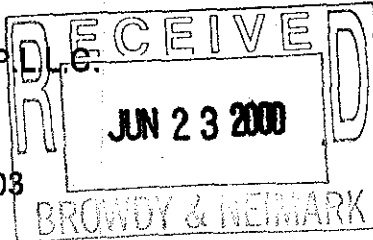
K. Yamada  
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Counsel  
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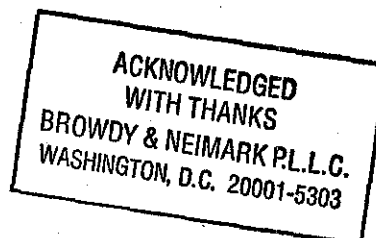
↑  
!!

Yours very truly,

A handwritten signature in cursive script, appearing to read "M. Gocho".

M. Gocho, Director,  
Overseas Section

MG/rs:OS.PASCO  
Encls.



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**

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Baba Building 3rd Floor  
12-10, Takadanobaba 4-Chome  
Shinjuku-ku, Tokyo, 160  
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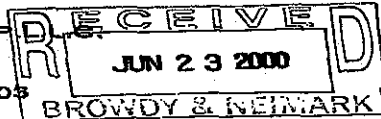
Telephone : (03)362-6451  
Facsimile : (03)362-6960

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T. Hooikawa

A. Takahashi  
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Counsel  
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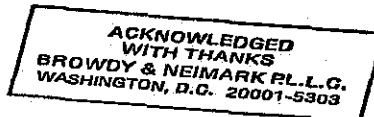
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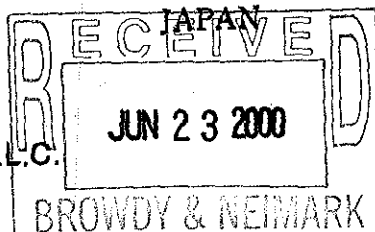
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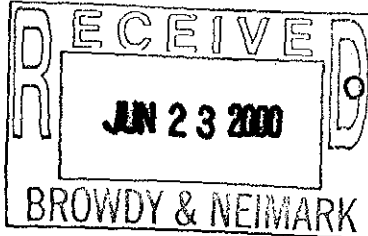
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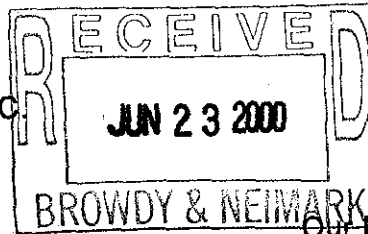
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Shinjuku-ku, Tokyo, 160  
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BROWDY AND NEIMARK, P.L.L.C.  
Suite 300  
624 Ninth Street, N.W.  
Washington, D.C. 20001-5303  
U. S. A.

Attn: Mr. Norman J. Latker



June 21, 2000

COPY

Our Ref: Infg.US.200(SF)

**URGENT**

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

Dear Mr. Latker:

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.

Enclosed herewith are the following materials for your study and analysis:

- Description on our clients' invention (die-cast seat back frame and seat cushion frame) with drawings, as marked "A".
- A copy of patent specification of the U.S. Patent No. 5897168 in question, as marked "X".
- Relevant prior-art references:
  - a) a copy of U.S. Patent No. 4673215, as marked "B"
  - b) a copy of U.S. Patent No. 5328248, as marked "C"
  - c) a copy of Japanese U.M. Pub No. 57-81662, as marked "D" along with the English translation thereof.

Hereinafter, our clients' invention shall be referred to as "invention "A" ", and the U.S. Pat. No. 5897168 as " USP168". Regarding the references, the U.S. Pat. Nos. 4673215 and 5328248 be referred as "USP215" and "USP248", respectively, and the Japanese publication as "JP662".

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

# PATENT SERVICE CORPORATION

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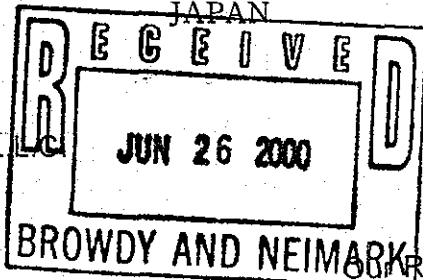
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June 21, 2000

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'. *(in claim 9)*

- (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 described therein, which can correspond to those (11, 12) described in this Claim 6, and thus there may exist 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.

BROWDY AND NEIMARK, P.L.L.C.

June 21, 2000

Mr. Norman J. Latker.

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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, your kind cooperation to limit your total charges not above US\$ 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.

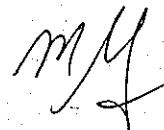
If you have any inquiry on this matter, please immediately BY FAX let us know.

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.