

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

C. Kumar N. Patel

U.S. Patent No. 6,324,463

Filing Date: May 12, 1999

Docket No:

Issued: November 27, 2001

Application No. 09/310,527

For: CRUISE CONTROL INDICATOR

**DECLARATION OF YOJI NAKANE IN SUPPORT OF
REQUEST FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 6,324,463 UNDER 35 U.S.C. §§311-319, 37 C.F.R. § 42**

Mail Patent Board
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

1. My name is Yoji Nakane. I am employed by Mitsubishi Motors, Corp., and have been so employed for approximately 24 years as of the date of this declaration.
2. My current title is "Expert" and I am responsible for the contents of Owner's Manuals for Mitsubishi automobiles, including the 1995 Mitsubishi Diamante.
3. The 1995 Mitsubishi Diamante was available to be purchased in Japan by any member of the public, from 1995-2005. This car was available with an adaptive cruise control system called "Preview Distance Control." The Preview Distance Control was described in the Owner's Manual, which was given to purchasers of the car and available for purchase by any member of the public.
4. I am familiar with the 1995 Diamante Owner's Manual, including its purpose, contents, distribution, and use, based on my normal job responsibilities at Mitsubishi.

5. Attached to this Declaration as **Exhibit 1003**, is a true and accurate copy of the 1995 Diamante Owner's Manual issued in May 1995.
6. The purpose of the 1995 Diamante Owner's Manual was to have a car purchaser understand how to deal with the car that he or she had purchased, including the on-vehicle equipment so that the purchaser can drive safely and comfortably.
7. Everyone who purchased a 1995 Diamante received the Owner's Manual as the manual came with the car. The normal procedure was that the car salesperson would review the Owner's Manual along with the purchaser during the car delivery process so that the purchaser became familiar with the operation of the car and its features.
8. During the period of May 1995 through December 1995, approximately 20,000 Diamante vehicles were sold, and therefore approximately 20,000 Diamante Owner's Manuals were disseminated to members of the public during this time period.
9. Also, someone who did not purchase the car could have bought the Owner's Manual by simply ordering it during the period that the car was available for sale. Even after the car was finished selling, anyone could buy this manual by placing an order with any car dealer within 10 years of the sale termination.
10. The 1995 Mitsubishi Diamante Owner's Manuals were disseminated and available to any interested member of the public at least from May 1995 to 2005. Any member of the public was able to obtain access to this publication either by purchasing the car or by directly purchasing the manual.
11. There were no prohibitions placed on the Owner's Manual that restricted a customer's use, copying, or distribution of these manuals. There was no requirement that this manual be kept confidential.
12. The 1995 Diamante was advertised at least on television commercials.

I swear under the penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Signed this 13 th day of December 2013



Yoji Nakane