

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:

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Application, No. 09/310,527

For: CRUISE CONTROL INDICATOR

DECLARATION OF HIDEKI YAMASHITA 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 Hideki Yamashita. I am employed by Toyota Motor Corporation, and have been so employed for approximately 29 years as of the date of this declaration.
2. My current title is Manager and I am responsible for the contents of Owner's Manuals for Toyota automobiles, including the 1997 Toyota Celsior.
3. The 1997 Toyota Celsior was available to be purchased in Japan by any member of the public, from July 1997. This car was available with an adaptive cruise control system called "Radar Cruise Control." The Radar Cruise Control is 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 1997 Celsior Owner's Manual, including its purpose, contents, distribution, and use, based on my normal job responsibilities at Toyota.
5. Attached to this Declaration as **Exhibit 1009**, is a true and accurate copy of the Celsior Owner's Manual dated July 28, 1997.

6. The purpose of the 1997 Celsior 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 could drive safely and comfortably.
7. Everyone who purchased a 1997 Celsior received an Owner's Manual, as a manual came with the purchase of a 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. Also, someone who did not purchase the car could buy the Owner's Manual by simply ordering it during and for some time after the car was available for sale.
9. Accordingly, the 1997 Toyota Celsior Owner's Manual was disseminated and available to any interested member of the public beginning at least on July 28, 1997.
10. During the period July 28, 1997 until December 31, 1997, approximately twenty thousand Celsior vehicles were sold, and therefore approximately twenty thousand Celsior Owner's Manuals were disseminated to members of the public during this period.
11. While lending copies of the manual was prohibited as is reflected in the stamp on the Contents page, this prohibition was meant to protect Toyota's copyrights (i.e., to require people to pay for the manual). Any member of the public was able to obtain access to this publication either by purchasing the car or by purchasing the manual.
12. There were no prohibitions placed on the Owner's Manual that restricted a customer's use or distribution of this manual. There was no requirement that this manual be kept confidential.
13. The 1997 Celsior 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 16th day of December 2013



Hideki Yamashita