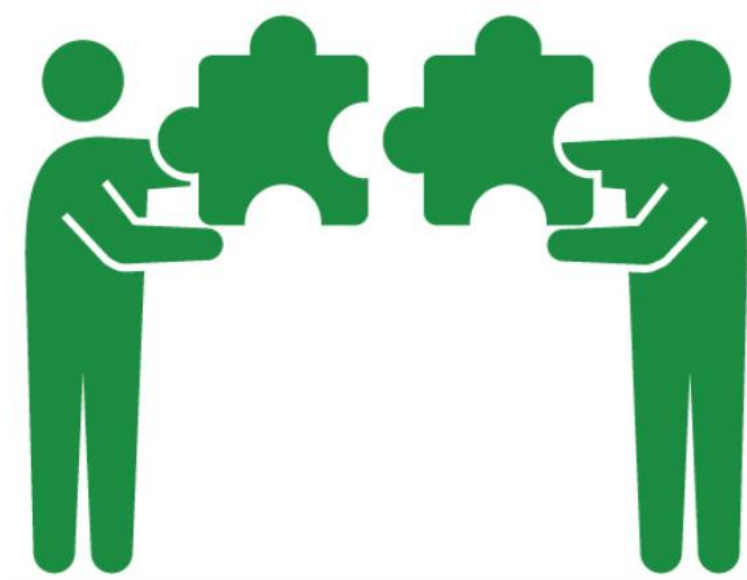


- I. Overview of Inventive Step
- II. Procedure of Evaluating Inventive Step**
- III. Examination Guidelines in JPO

II. Procedure of Evaluating Inventive Step

Considering whether or not the claimed invention would have been obvious to the skilled person

In considering whether there is an inventive step as distinct from novelty, it is permissible to combine the teachings of two or more prior art references only where such combination would be obvious to the person skilled in the art.(PCT guidelines 13.12)



II. Procedure of Evaluating Inventive Step

Procedure of determining inventive step(PCT guidelines 13.08)

(1) Determination of the claimed invention



(2) Determination of the closest prior art



(3) Identification of the difference(s) between the claimed invention and the closest prior art

Same procedure
as for evaluating
novelty

↓ identical

The claimed invention
lacks novelty

↓ different

(4) Considering whether or not the claimed invention would have been obvious to the skilled person

↓ obvious

The claimed invention
lacks an inventive step

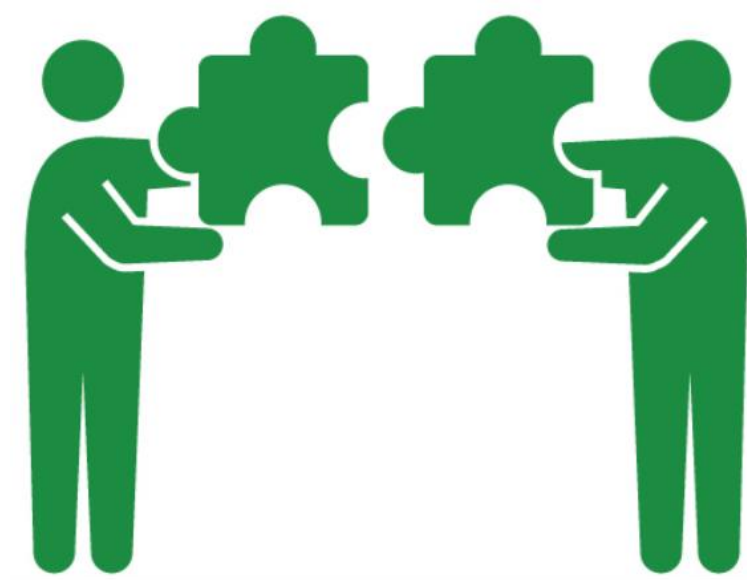
↓ not obvious

The claimed invention
involves an inventive step

II. Procedure of Evaluating Inventive Step

Considering whether or not the claimed invention would have been obvious to the skilled person

In considering whether there is an inventive step as distinct from novelty, it is permissible to combine the teachings of two or more prior art references only where such combination would be obvious to the person skilled in the art.(PCT guidelines 13.12)



Examples of motivation to combine prior art references

- Whether the documents come from similar or neighboring technical fields and, if not, whether the documents are reasonably pertinent to the particular problem with which the invention was concerned. (PCT guidelines 13.12 (ii))
- It would, generally speaking, also be obvious to combine the teachings of two documents, one of which contains a clear and unmistakable reference to the other. (PCT guidelines 13.13)
- It would normally be obvious to combine with other prior art documents with a well-known textbook, or a standard dictionary. (PCT guidelines 13.13)

II. Procedure of Evaluating Inventive Step

Examples of cases where the claimed invention should be regarded as obvious

- The claimed invention resides in the choice of particular parameters from a limited range of possibilities, and it is clear that these parameters or workable ranges were encompassed by the prior art and could be arrived at by routine trial and error or by the application of normal design procedures.(PCT guidelines 13.14(e) (ii)) (e.g., design modification)
- The claimed invention can be arrived at merely by a simple extrapolation in a straightforward way from the known art.(PCT guidelines 13.14(e) (iii)) (e.g., range of number)
- The claimed invention is merely a juxtaposition of features, that is, there is no functional relationship between the features.(PCT guidelines 13.05) (e.g., simple aggregation)