

V. New Matter

A. Overview of New Matter

B. Exercise

C. Example of Notification of Reasons
for Refusal

B. Exercise [1] Question

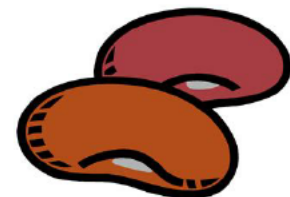
Originally attached description, etc.

[Claim 1]

A sweet bean paste that includes boiled red soy beans, sweeteners and glycerin.

[Overview of the description]

... Adding glycerin to conventional sweet bean paste creates new effects which are excellent in preservation and preventing the paste from freezing under refrigeration.



Amended Description, etc.



[Claim 1]

A sweet bean paste for ice cream that includes boiled red soy beans, sweeteners and glycerin.

[Overview of the description]

... preventing the paste from freezing even under refrigeration, and is especially optimal for ice cream.



B. Exercise [1] Answer

[Conclusion]

The addition of new matter.

[Explanation]

Although it mentions the expression “preventing the paste from freezing under refrigeration,” the originally attached description, etc., does not mention anything about the use of the paste specified for “ice cream.” Also, the sweet bean paste, which does not freeze under refrigeration, could be used for various purposes. Consequently, it is not considered that a person skilled in the art who contacts the originally attached description, etc., would understand the paste as being specially adapted “for ice cream,” as if they were stated therein.

B. Exercise [2] Question

Originally attached description, etc.

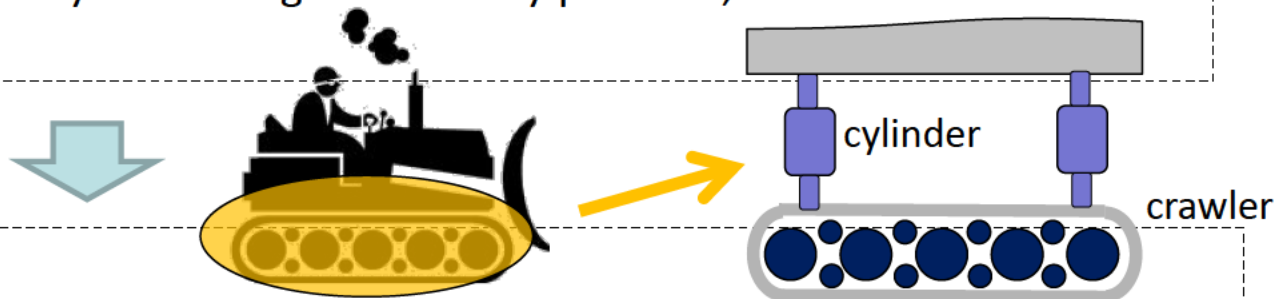
[Claim 1]

A rolling control device for a combine having crawler travel devices on the right and left sides of the body, comprising a pair of oil pressure cylinders operating individually for the right and left travel devices where each end of the oil pressure cylinders is connected to the travel devices, and each of the other ends of the oil pressure cylinders is connected to the body.

[Overview of the description]

If oil leakage from the oil pressure cylinders might cause any problem, water or air may be used instead.

Amended Description, etc.



[Claim 1]

A rolling control device for a combine having crawler travel devices on the right and left sides of the body, comprising a pair of fluid pressure operated cylinders operating individually for the right and left travel devices where each end of the fluid pressure operated cylinders is connected to the travel devices, and each of the other ends of the fluid pressure operated cylinders is connected to the body.

B. Exercise [2] Answer

[Conclusion]

Not the addition of a new matter.

[Explanatory Note]

This amendment is to replace “oil pressure cylinders” with “fluid pressure operated cylinder,” which is a generic concept.

With respect to “oil pressure cylinders,” the originally attached description, etc. states use of water or air other than oil, and it can be understood that it is stated to use “water pressure cylinders” and “air cylinders” which are well-known to a person skilled in the art.

And, “oil pressure cylinders” and “water pressure cylinders” can also be expressed as “liquid pressure cylinders,” and “air cylinders” can be expressed as “gas pressure cylinders.”

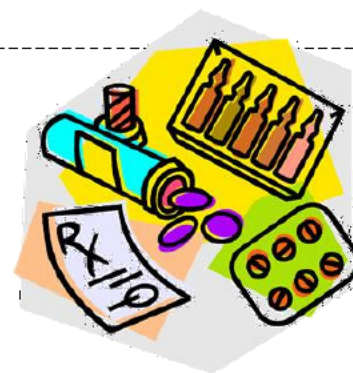
Then, it can be said that a person skilled in the art who had access to the originally attached description, etc. would understand that it is stated that “fluid pressure operated cylinders,” which means “liquid pressure cylinders” or “gas pressure cylinders” is used as a concept generalizing “oil pressure cylinders,” “water pressure cylinders” and “air pressure cylinders” for a rolling control device.

B. Exercise [3] Question

Originally attached description, etc.

[Claim 1]

A therapeutic agent for digestive system diseases containing chemical compound A as an active ingredient.



Amended Description, etc.

[Claim 1]

A therapeutic agent for pancreatitis containing chemical compound A as an active ingredient.

(JPO Examination Handbook Annex A 7 Example 21)

B. Exercise [3] Answer

[Conclusion]

The addition of new matter.

[Explanation]

The originally attached description, etc., does not mention anything about therapeutic agents for pancreatitis and it is not considered that it is obvious to a person skilled in the art that the therapeutic agent for digestive system diseases which protects alimentary canal mucosa represents therapeutic agents for pancreatitis, even taking the whole of the originally attached description, etc., and the common general knowledge as of the filing into consideration.

B. Exercise [4] Question

Originally attached description, etc.

[Claim 1]

A stabilized resorcin-containing agent comprising a resorcin-containing agent having a clay mineral as a base and 0.001 to 2% by mass of lactic acid.

[Overview of the description]

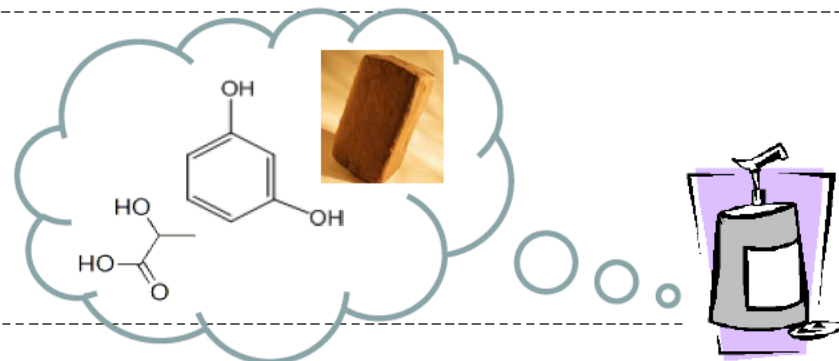
The amount of lactic acid added to the resorcin-containing agent is preferably 0.05 to 2% by mass. (no statements of values of 0.1% by mass and 1% by mass.)



Amended Description, etc.

[Claim 1]

A stabilized resorcin-containing agent comprising a resorcin-containing agent having a clay mineral as a base and 0.1 to 1% by mass of lactic acid.



B. Exercise [4] Answer

[Conclusion]

The addition of new matter.

[Explanation]

There are no statements of the values 0.1% by mass and 1% by mass in the originally attached description, etc.. Also, the numerical range cannot be assumed to be stated as "0.1 to 1% by mass" from the originally attached description etc.. Furthermore, there are no special circumstances to consider that this amendment does not introduce any new technical matter.

B. Exercise [5] Question

Originally attached description, etc.

[Claim 1]

Hollow glass microsphere which have substantially equal diameters of 200-10,000 μ m ...

[Excerpts from the Detailed Explanation of the Invention]

The glass microsphere have varied diameters according to the desired final applications between 200-10,000 μ m, preferably 500-6,000 μ m.

Amended Description, etc.



[Claim 1]

Hollow glass microsphere which have substantially equal diameters of 200-6,000 μ m ...

B. Exercise [5] Answer

[Conclusion]

Not the addition of a new matter.

[Explanation]

The amended claim provides the numerical range of diameters of “200-6,000μm,” the highest value of which is changed from “10,000μm” in the original claim. The amended numerical range of “200-6,000μm” of the diameter is within the range of “200-10,000μm” in the originally attached description, and the originally attached description describes the value “6,000μm,” which specifies the amended numerical range, as a value to indicate a preferable range. Consequently, the amended numerical range is within the scope of the matters stated in the originally attached description, etc.

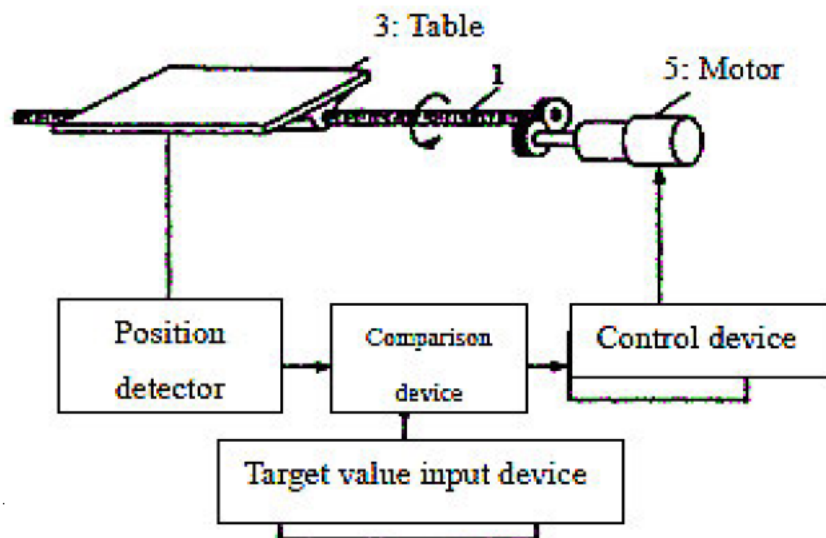
B. Exercise [6] Question

Originally attached description, etc.

[Excerpts from the Detailed Explanation of the Invention]

... a table (3) is connected to a motor (5) through a feed mechanism, and the position of the table (3) is controlled through the control of the rotation of the motor (5).

[Drawings]



Amended Description, etc.

[Excerpts from the Detailed Explanation of the Invention]

... a table (3) is connected to a motor (5) through a screw feed mechanism which moves the table (3) linearly by the rotation of the screw (1), and the position of the table (3) is controlled through the control of the rotation of the motor (5).

B. Exercise [6] Answer

[Conclusion]

Not the addition of a new matter.

[Explanation]

According to the statement, "feed mechanism," in the description before the amendment and the originally attached drawings, the device indicated by the drawing is obviously recognized as a screw feed mechanism which moves the table linearly by the rotation of a screw.