

1 Requirement for Description and Claims

2 Novelty

3 Inventive Step

4 Eligibility for Patent

Novelty

Act. 29(1)

Inventions are novel, except when:

- (i) inventions that were publicly known;
- (ii) inventions that were were publicly worked; or
- (iii) inventions that were described in a distributed publication or were made publicly available through an electric telecommunications line in Japan or a foreign country prior to the filing.

invention of respective items = prior art

Inventions deserving **patents** should be **novel**.

The purpose of the patent system is to grant an exclusive right in exchange for the publication of an invention.

Determination of novelty

Compare the claimed invention and the prior art (the cited invention)

Existence of any differences  The claimed invention is novel.

Non-existence of differences  The claimed invention lacks novelty.

Novelty (sub-combination inventions)

- IoT related technologies are generally realized as a system where several devices and terminals are connected through a network, and therefore a part of the system may be applied for a patent as a sub-combination invention (*).
- Novelty of sub-combination inventions of IoT related technologies is determined in the same way as that of sub-combination inventions in other technical fields.

(*) In the case of an invention of the overall apparatus made of a combination of two or more devices, or an invention of a manufacturing method formed of a combination of two or more processes (combination), a sub-combination invention refers to an invention of each device combined to form the overall apparatus or an invention of each process.

Specifying the sub-combination invention in the determination on novelty

Examination Guidelines (Part III, Chapter 2, Novelty and Inventive Step)

- ◆ When specifying the claimed invention, the examiner should consider elements relevant to “another sub-combination” stated in the claim and not ignore them in specifying the claimed invention.
- ◆ The examiner should also understand the role which the elements have in specifying the sub-combination invention from the aspect of its structure, function, etc. when he/ she specifies the claimed sub-combination invention.
- ◆ In this regard, the examiner should take into account the statements in the description and drawings as well as the common general knowledge at the time of filing.

(Part III, Chapter 2, Section 4 4. Cases where an element relevant to “another sub-combination” has a role in specifying the claimed sub-combination invention. “4.1 Specifying the claimed invention”)

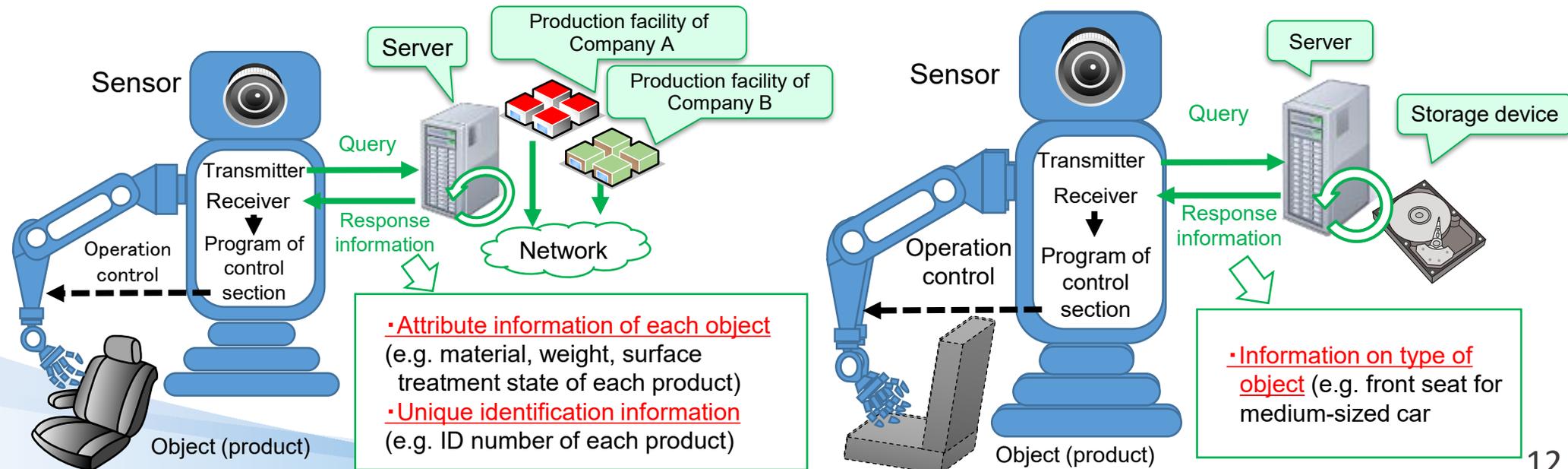
Case Example: Robot apparatus (1)

[Claim 1]

A robot apparatus which acts on an object comprising:
at least one kind of sensor for detecting the object; a transmission section for transmitting a query to a server in order to acquire information on the object based on an output of the sensor; a reception section for receiving response information answering the query from the server; and a control section storing a program which controls the operation of the robot apparatus on the basis of the received response information;
wherein the response information contains the attribute information and the unique identification information of each of the said object specified by the said server.

[Cited invention]

A robot apparatus which acts on an object comprising:
at least one kind of sensor for detecting the object; a transmission section for transmitting a query to a server in order to acquire information on the object based on an output of the server; a reception section for receiving response information answering the query from the server; and a control section storing a program which controls the operation of the robot apparatus on the basis of the received response information;
wherein the response information is the information on a type of the said object specified by the said server.



Case Example: Robot apparatus (1)

[Conclusion]

○ Involve novelty

[Explanation]

The robot apparatus is a sub-combination, which is a part of a combination of the robot apparatus and the server.

Claim 1 on the robot apparatus recites a feature related to the server (the other sub-combination), namely, “the response information contains the attribute information and the unique identification information of each of the said object specified by the said server.” With respect to the response information, Claim 1 also specifies that the robot apparatus has “a control section storing a program which controls the operation of the robot apparatus on the basis of the received response information.”

Therefore, the robot apparatus of the present invention has a control section storing a program which controls the operation of the robot apparatus on the basis of the attribute information and the unique identification information of each of the object, and performs the operation through the control section in response to the attribute information and the unique identification information of each of the object.

In contrast, the robot apparatus of the cited invention only has a control section with a program which controls the operation of the robot apparatus on the basis of the information on a type of the said object, vis-à-vis the response information, and does not perform operation in response to the attribute information and the unique identification information of the object.

Thus, the robot apparatus of the present invention includes a different program and performs different operation from the robot apparatus of the cited invention.

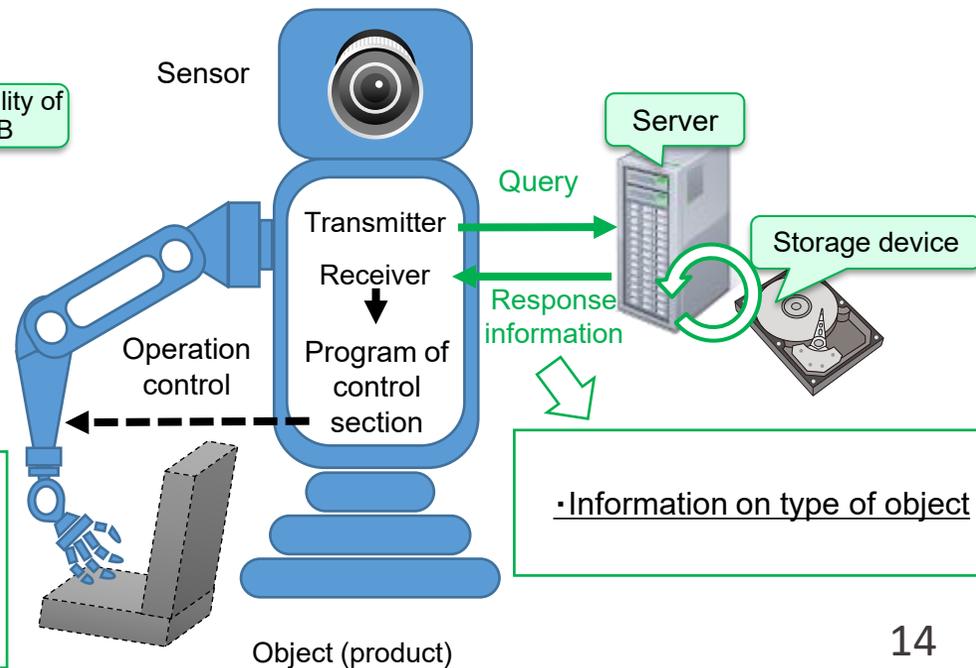
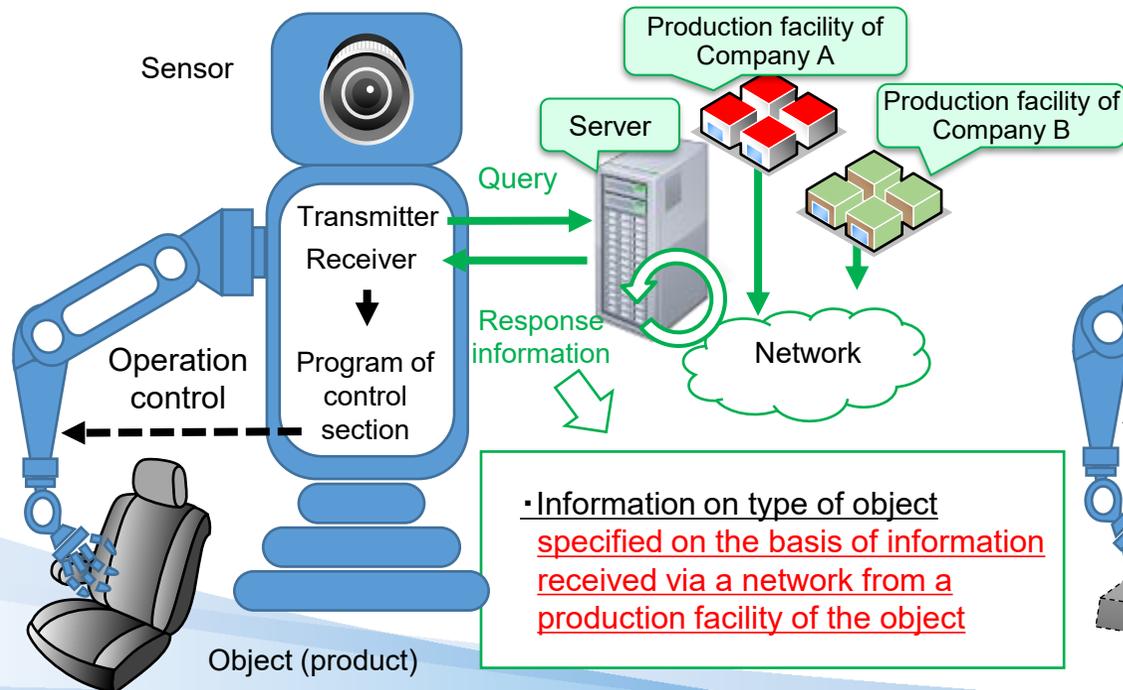
Case Example: Robot apparatus (2)

[Claim 1]

A robot apparatus which acts on an object comprising:
at least one kind of sensor for detecting the object; a transmission section for transmitting a query to a server in order to acquire information on the object based on an output of the sensor; a reception section for receiving response information answering the query from the server; and a control section storing a program which controls the operation of the robot apparatus on the basis of the received response information;
wherein the response information is the information on a type of the said object specified by the said server on the basis of information received via a network from a production facility of the said object.

[Cited invention]

A robot apparatus which acts on an object comprising:
at least one kind of sensor for detecting the object; a transmission section for transmitting a query to a server in order to acquire information on the object based on an output of the sensor; a reception section for receiving response information answering the query from the server; and a control section storing a program which controls the operation of the robot apparatus on the basis of the received response information;
wherein the response information is the information on a type of the said object specified by the said server.



Case Example: Robot apparatus (2)

[Conclusion]

✗ Lack Novelty

[Explanation]

The robot apparatus is a sub-combination, which is a part of a combination of the robot apparatus and the server.

Claim 1 on the robot apparatus recites a feature related to the server (the other sub-combination), namely, “the response information is the information on a type of the said object specified by the said server on the basis of information received via a network from a production facility of the said objet.”

The portion of “on the basis of information received via a network from a production facility of the said object” only describes the source from which the server, separate from the robot apparatus, obtains information for specifying response information. This does not make any difference in the program itself of the robot apparatus, and does not serve to specify a structure, a function etc. of the robot apparatus.

Consequently, there is no difference between the present invention and the cited invention. As a result, the invention at issue lacks novelty.