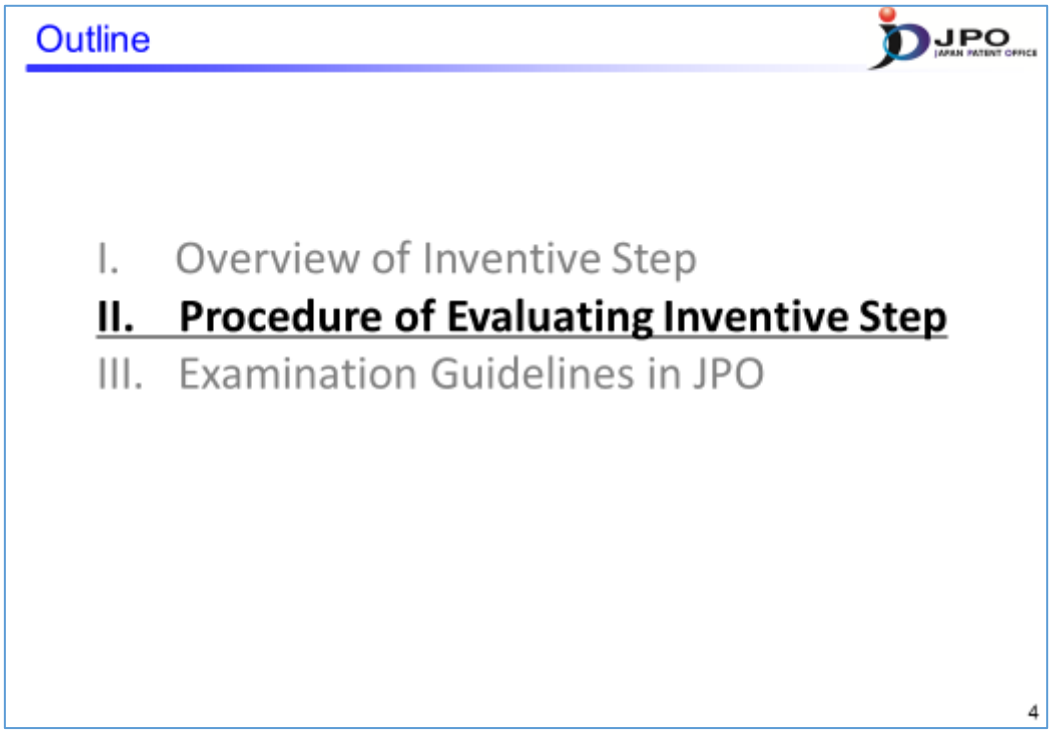
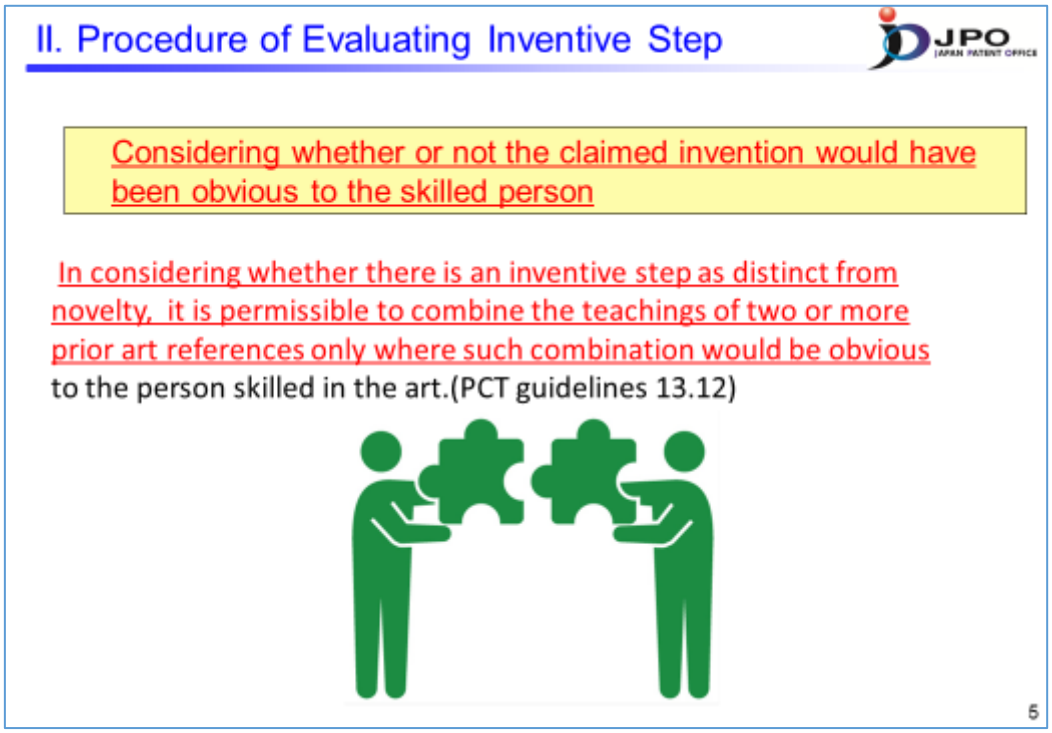


---(Slide 4)---

Now, let's look at the procedure of evaluating inventive step.

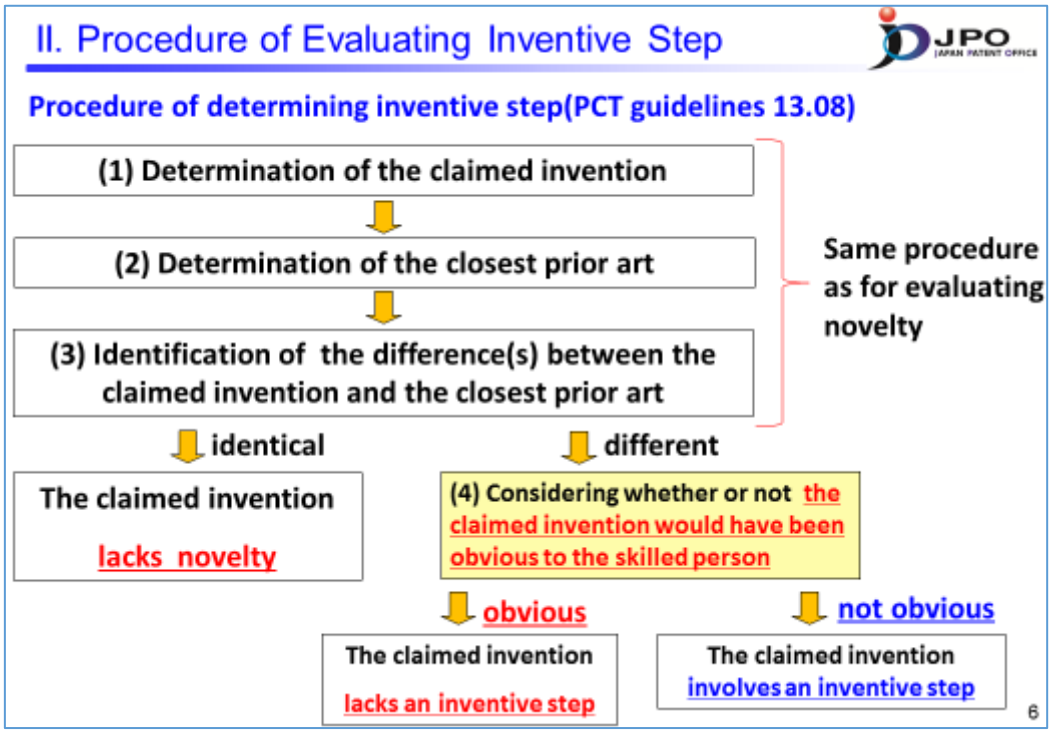


---(Slide 5)---

Determining inventive step can be seen as having the same meaning as considering whether the claimed invention is obvious to a person skilled in the art.

When the examiner considers the inventive step of the claimed invention, the PCT Guidelines state that two or more examples of prior art are allowed to be combined, if the combination is obvious to a person skilled in the art.

Whether a claimed invention is novel or not is determined by comparing the claimed invention with a single item of prior art, whereas whether a claimed invention involves an inventive step or not is determined based on one or more prior art references.



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I will now explain the actual procedures for determining the existence of an inventive step.

Please look at this slide.

First, the scope of the claimed invention is determined.

Next, the primary prior art which is the closest to the claimed invention is selected through prior art search.

Then, the claimed invention is compared to the primary prior art.

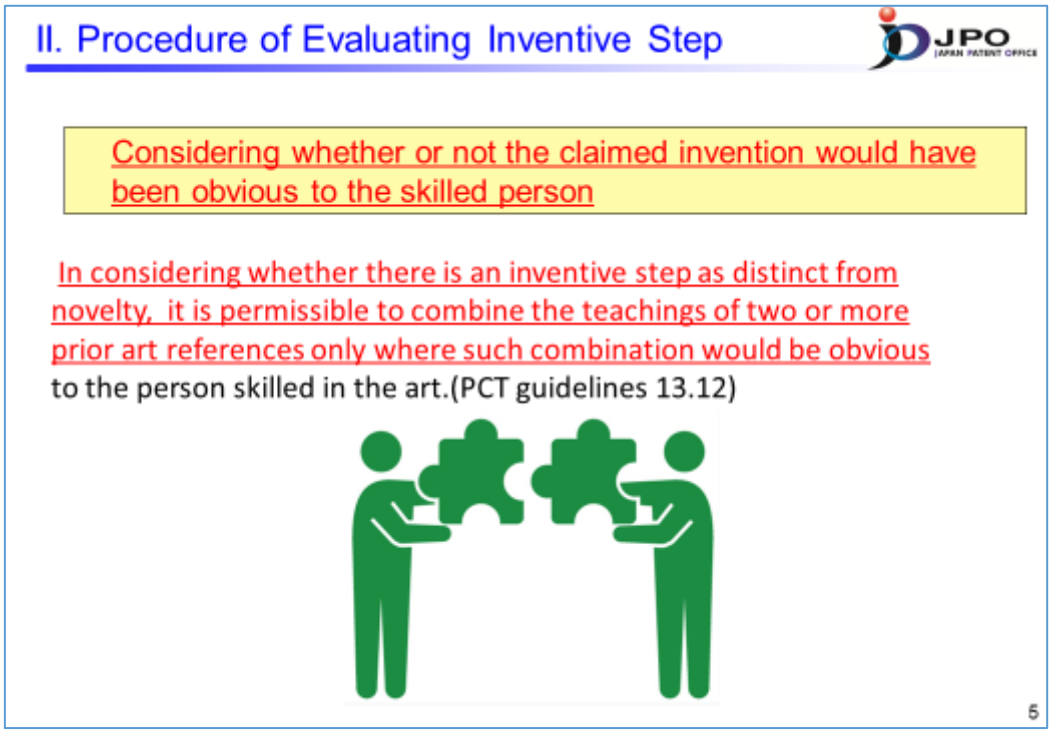
If there are no differences between them, the examiner determines that the claimed invention lacks novelty.

If the examiner determines that there are one or more differences between them, the claimed invention is novel. For the next step, the examiner will determine whether the claimed invention has an inventive step in consideration of the primary prior art and secondary prior art.

So how is inventive step determined?

By way of example, imagine a case where Structures A and B of the claimed invention are disclosed respectively in Prior Art 1 and Prior Art 2.

Can we combine the disclosures of Prior Art 1 and Prior Art 2 unconditionally to conclude that the claimed invention has no inventive step?



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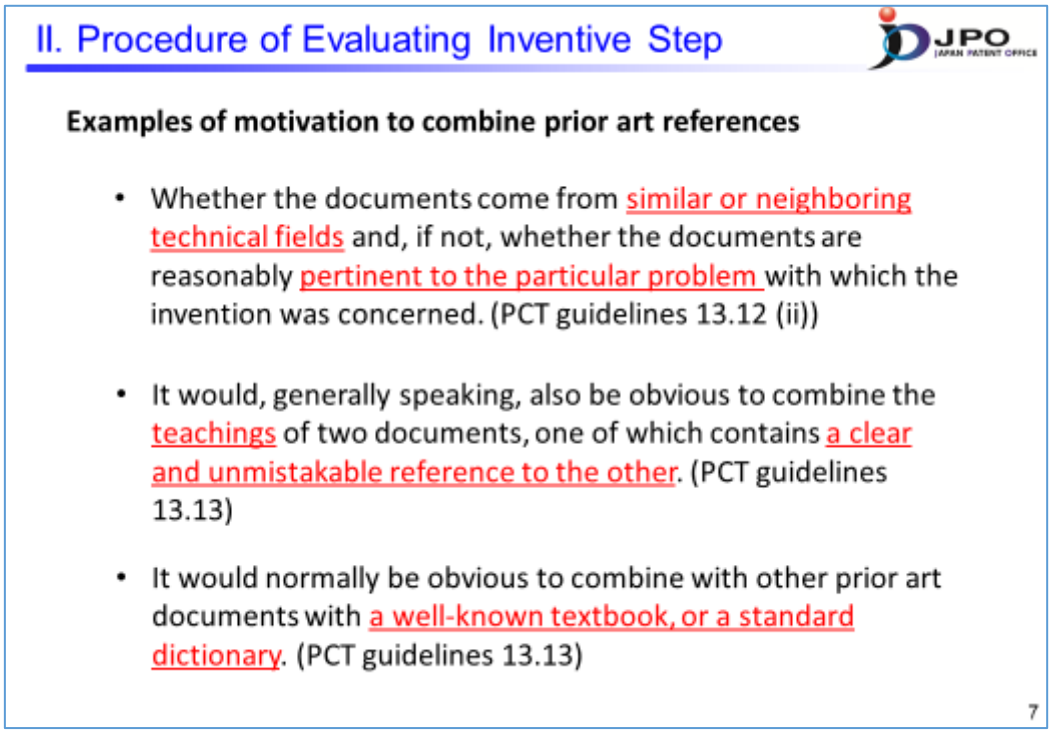
As shown in slide 5, the PCT Guidelines state that the examiners are allowed to combine two or more examples of prior art to deny inventive step for the claimed invention, if the combination is obvious to a person skilled in the art.

In other words, the combination of prior art is not allowed unconditionally. We have to consider what the motivations are for combining them.



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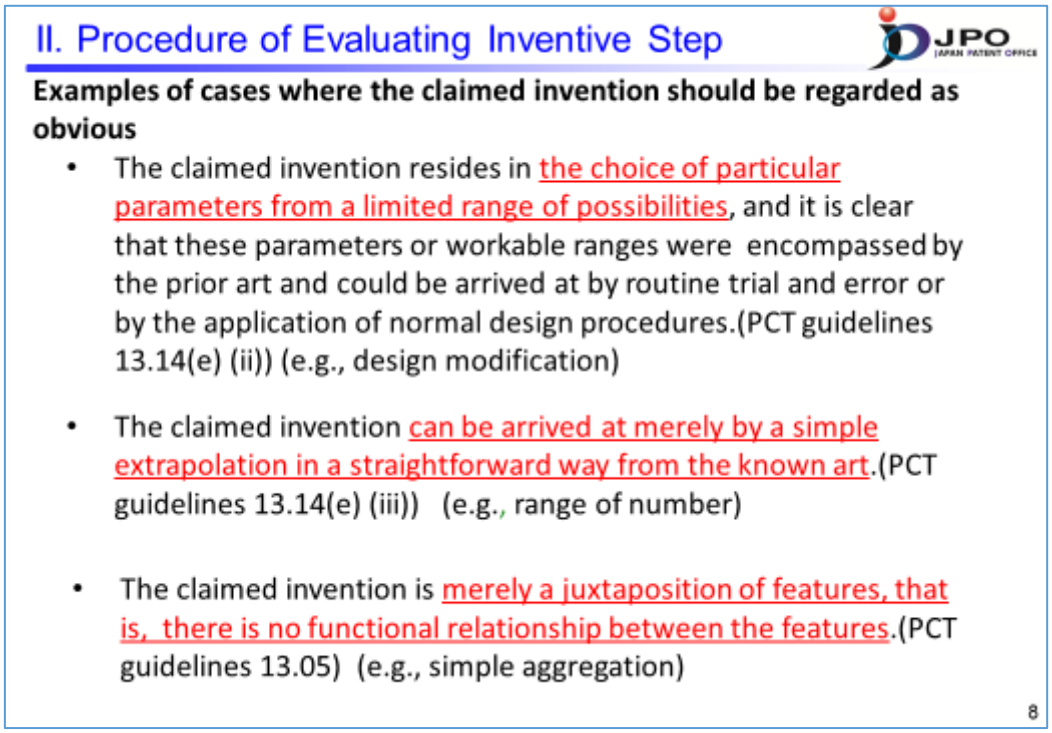
The PCT Guidelines list some examples that may be motivation for combining prior art, as shown in this slide.

If prior art belongs to an identical or similar technical field or if each case of prior art relates closely to the problem of the claimed invention, they can be a motivation to combine said prior art.

The fact that the combination of the two or more prior art references is obvious for a person skilled in the art is also one of the motivations to do so.

Furthermore, if the prior art is publicly well-known technology, such as being indicated in textbooks or dictionaries, this fact may also be a motivation to combine the prior art references.



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In addition, the PCT Guidelines list examples where the claimed invention is considered to be obvious.

The first example is the case where the claimed invention is a selection of specific parameters from among a limited range of possibilities.

In this case, the selected parameters are included in the prior art and it is obvious that a person skilled in the art would conceive the claimed invention by applying routine trial and error or normal design procedures.

The second example is the case where the claimed invention would be conceived based merely on simple assumptions and a direct method using the known art.

For example, there is the case where the claimed invention is characterized only by specifying the minimum content of an ingredient disclosed by prior art and where the minimum content can be obtained by generating a correlation graph of the efficacy disclosed by the prior art by changing the content of the ingredients.

In this case, the claimed invention can be conceived simply by using known art from among the prior art.

The third example is the case where the claimed invention is merely composed of juxtaposed characteristics.
In other words, it refers to a case where there is no functional relationship between the combined characteristics and the claimed invention is a mere compilation among prior arts and cannot achieve new technical results.