

Note: When any ambiguity of interpretation is found in this provisional translation, the Japanese text shall prevail.

Section I New Matter

1. Related article

Patent Act Article 17bis(3)

“... any amendment of the description, scope of claims or drawings ... shall be made within the scope of the matters stated in the description, scope of claims or drawings originally attached to the application ...”

If an amendment does not meet the above-described requirement, an application falls under a reason for refusal (Article 49(1)) or a ground for invalidation (Article 123(1)(i)); and an amendment in response to a final notice of reasons for refusal or an amendment made when filing an appeal against an examiner's decision of refusal can be subject to a dismissal of amendment when the amendment does not satisfy the above-described requirement (Article 53, Article 159(1) and Article 163(1)).

(Explanation)

Article 17bis(3) was provided with respect to the amendment of a description, the scope of claims or drawings (hereinafter referred to as “description, etc.”), referring to the provision of Article 11 of the Act Concerning the International Application of the Patent Cooperation Treaty and Related Matters (hereinafter referred to as “International Application Act”), which is operated along the PCT Guidelines, aiming at prohibiting the addition of new matter similarly in the United States or Europe.

2. Purpose of restriction on amendment

Patent Act Article 17bis(3) provides that any amendment shall be made “within the description, scope of claims or drawings originally attached to the application (hereinafter referred to as ‘matters stated in the originally attached description, etc.’),” which secures sufficient disclosure of the invention as of the filing, guarantees an immediate grant of the right, ensures fairness between an application that sufficiently discloses the invention as of the filing and an application that does not sufficiently disclose the invention as of the filing, and prevents a third party who acted based on the scope of the invention disclosed as of the filing from being adversely affected unexpectedly, in order to substantially secure a first-to-file system.

3. Basic way of thinking

Any amendment that includes contents beyond the scope of “matters stated in the originally attached description, etc.” (the amendment including new matter) is not permitted. “The matters stated in the originally attached description, etc.” are disclosed to a third party on the assumption of obtaining occupation of an invention, which is a highly advanced creation of technical ideas by means of a patent right. Therefore, “matters” as stated here are basically technical matters on the invention disclosed through the description, etc., while “the matters stated in the originally attached description, etc.” refer to technical matters introduced to a person skilled in the art by totalizing the whole statement in the originally attached description, etc. If, therefore, the amendment does not introduce new technical matters in connection with the technical matters introduced in this way, it can be said that the amendment shall be made within a scope of “matters stated in the originally attached description, etc.”

Original Japanese text was revised in 4.2015

English translation was updated in 4.2015

(Reference: A request for cancellation of trial decision, Decision by the Intellectual Property High Court, Grand Panel, May 30, 2008 [Heisei 18 (Gyo Ke) No. 10563] “Solder resist”)

3.1 A method of determining whether an amendment includes new matter

(1) Making an amendment to not only “matters explicitly stated in the originally attached description, etc.” but also “matters obvious from the statement in the originally attached description, etc.” that are not explicitly stated does not introduce new technical matters and is permitted.

(a) In order to find that amended matters are “matters obvious from the statement in the originally attached description, etc.,” it is required that a person skilled in the art who contacts them evidently understands the meaning thereof and understands them as if they were stated therein” (Notes 1 to 3).

(b) As for well-known art or commonly used art, the technology cannot sufficiently be considered as “matters obvious from the statement in the originally attached description, etc.” just because the technology itself is well-known art or commonly used art.

(c) In some cases, a matter is considered obvious from several statements in the originally attached description, etc. (for example, statement of the problem to be solved by the invention, statement of examples of the invention, statement of the description, and drawings) from a standpoint of a person skilled in the art.

Example: The description does not disclose a specific elastic support, but states a device with an elastic support. However, when a person skilled in the art regards “the elastic support” as a “helical spring” in light of the drawings, as well as the common general knowledge as of the filing, an amendment changing the term “elastic support” to a “helical spring” is permitted.

(2) Whether an amendment includes a new matter is determined by taking into consideration the typical examples in 4.2 and 5.2 (Specifics) with regard to which amendments are permitted because new technical matters are not being introduced.

(Note 1) A request for cancellation of trial decision, Decision by the Tokyo High Court, July 1, 2003 [Heisei 14 (Gyo Ke) No.3], “Network transfer system apparatus, such as game or pachinko”

“[Matters stated in the description or drawings originally attached to the application] should be limited to either matters actually stated in the description or drawings originally attached to the application or matters that are not actually stated but are obvious from those actually stated. And in order to find matters to be obvious from those actually stated therein, any person skilled in the art who contacts those actually stated must understand them as if they were stated therein. Matters that could be understood easily only if they are explained cannot be obvious matters.”]

This court decision is informative to understand the meaning of the expression “matters obvious from the originally attached description, etc.”

(Note 2) PCT Guideline 20.12

An amendment should be regarded as introducing subject matter which extends beyond the content of the application as filed, and therefore unacceptable, if the overall change in the content of the application (whether by way of addition, alteration or excision) results in the skilled person being presented with information, which was not expressly or inherently presented in the application as filed even when taking into account matter which is implicit to a person skilled in the art in what has been expressly mentioned. The term “inherently” requires that the missing

descriptive matter is necessarily present in the disclosure, and that it would be recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

(Note 3) Relation to Patent Cooperation Treaty (PCT) Article 33

Also in a translation of PCT Article 33, the term “Jimei” (in Japanese) is used, but the term “Jimei” in this case is a translation of “obviousness” also used in the United States Patent law, and corresponds to “easiness” in Japan (which is clear from the fact that the same Article (1) states “to involve an inventive step (to be non-obvious)”.

On the other hand, “obvious (Jimei)” used in this Examination Guideline refers to “a matter that is in itself already obvious without requiring any proof” (e.g., Kojien, fifth edition) as a common Japanese word that has the same meaning as that used in a court decision, etc.

3.2 Remarks

(1) A priority certificate (namely, a priority certificate in cases of priority under the Paris Convention or the like provided in Article 43(2), 43bis(1) and 43ter, and filing documents of an earlier application in case of a domestic priority provided in Article 41) cannot be the basis for determining whether new matter is added because the priority certificate is not included in the description, etc.

(2) This guideline is also applied to determination whether the description, etc. of a divisional or a converted application are within the scope of matters stated in the originally attached description, etc. of the original application.

4. Amendment of the scope of claims

4.1 General principle

If the matters used to specify the invention stated in the scope of claims after an amendment include contents beyond the scope of matters stated in the originally attached description, etc., the amendment is not permitted.

4.2 Specifics

(1) Making generic concept, more specific concept, etc.

(a) If amending a matter that specifies the invention of claims to a generic concept conceptually (including removing the matters used to specify the invention) and matters other than those stated in the originally attached description, etc. are added, or if amending it to a more specific concept conceptually (including adding the matters used to specify the invention) and matters other than those stated in the original description, etc. are individuated, the amendment is not made within the scope of matters stated in the original description, etc. and is not permitted.

(b) If changing the matters used to specify the invention in claims adds matters other than those stated in the original description, etc., the amendment is not made within the scope of matters stated in the original description, etc. either and is not permitted.

(c) If removing part of the matters used to specify the invention in claims and amending them to make the generic concept conceptually, or if limiting part of the matters used to specify

the invention in claims so that the limited matters fall under the generic concept conceptually of the matter stated in the original description, the amendment does not introduce new technical matters when the amendment does not clearly add any new technical significance. This is even the case when the amended matter does not fall under either “matters explicitly stated in originally attached description, etc.” or “matters obvious from the statement in the originally attached description, etc.” and this amendment is permitted.

[Example of prohibited amendment]

Example 1: Amendment for changing the matters used to specify the invention

Amendment for changing the phrase “when controlled means are not executed normally” to the phrase “based on a negation signal in case control means are not executed normally.”

(Explanation)

In this example, the originally attached description, etc, merely states that, when the control means are not executed normally, the absence of a positive signal lasts for a predetermined period of time and a resetting signal occurs. This amendment adds a case of occurrence of the resetting signal based on “a negation signal,” which is different from the no signal state, and which is not, however, stated in the originally attached description, etc.

(Reference: A request for cancellation of decision of cancellation, Decision by the Tokyo High Court, November 16, 2001 [Heisei 12 (Gyo Ke) No. 221], “Apparatus for controlling a pachinko machine”)

[Examples of permitted amendment]

Example 2: Amendment removing part of the matters used to specify the invention

Amendment for changing “an impurity dispersion area that constitutes a source and a drain” to “an impurity area that constitutes a source and a drain” in claims of the invention relating to a semiconductor device made up of a double-hetero compound.

(Explanation)

In this example, the invention of the application relates to a semiconductor layer in an active region consisting of a specific structure and material. The original claims incorrectly states that a source and a drain consist of “an impurity dispersion area” in a limited manner. However, a source and a drain are not limited to using dispersion. Any impurity area is sufficient, which is obvious from the statement of the description. The amendment does not change the technical significance of the invention at all.

(Reference: Decision by the Technical Board of Appeal, European Patent Office, T802/92 (OJ 1995, 379))

Example 3: Amendment for limiting part of the matters used to specify the invention

Amendment changing “a recording or reproducing apparatus” in claims to “a disc recording or reproducing apparatus.”

(Explanation)

In this example, what is stated in the originally attached description, etc. as an example is a reproducing apparatus intended for CD-ROMs. It is, however, extremely clear that not only a reproducing apparatus intended for CD-ROMs but also any disk recording and/or reproducing apparatus may be applied in view of the description and other statement (the statement of technology, etc. for reducing battery power consumption by adjusting the power supply when the recording and/or reproducing apparatus receives no operation command).

(Reference: A request for cancellation of decision of cancellation, Decision by the Tokyo High Court, February 19, 2002 [Heisei 14 (Gyo Ke) No. 298], “A feeder circuit by a battery”)

Example 4: Amendment for limiting part of the matters used to specify the invention

Amendment for changing words “work piece” in claims to words “rectangular work piece”

(Explanation)

In this example, the originally attached description, etc. explicitly states that the subject to be applied by a coating device of the present application invention is “the work piece” of glass substrate, wafer, etc. As examples, only an approximately quadrate work piece is specified, but “rectangular shape” is clearly a typical shape of a glass substrate, and therefore, an amendment to change “the work piece” to “the rectangular work piece” is made within a scope of matters stated in the originally attached description, etc.

(Reference: A request for cancellation of trial decision, Decision by the Tokyo High Court, May 23, 2001 [Heisei 11 (Gyo Ke) No. 246], “Coating device”)

(2) Claims in Markush-Type

(a) In a claim stated in an alternative form such as a Markush-type claim, an amendment for removing part of the alternatives is permitted if the remaining matters used to specify the invention are within a scope of matters stated in the description, etc. originally attached to the application.

(b) If the originally attached description, etc. includes several alternatives for describing a chemical substance, and a specific combination of alternatives is added in claims within a scope of many alternatives stated in the originally attached description, etc., or a combination of specific alternatives is left in claims as a result of the removal of alternatives, it may not be determined that the specific combination of alternatives was stated in the originally attached description, etc. In particular, if a substitute group that had several alternatives as of the filing has only one alternative as a result of the amendment and has no room for change, the amendment is not permitted because the original statement would not mean employing a specific alternative except when employing a combination of such specific alternatives has been stated in the originally attached description, etc. (see an example of the following (c)).

(c) On the other hand, if an alternative has been removed so that an alternative accompanied by an example statement is all that remains, the remaining alternative may be found to be a matter stated in the originally attached description in view of the whole statement of the originally attached description, etc. For example, if a group of chemical substances in a form of a combination of substituted groups with alternatives is stated in the originally attached description, etc., a permissible amendment would be one that left only the statement of the (group of) chemical substances consisting of specific alternatives corresponding to “a single chemical substance” that was stated in an example, etc. in the originally attached description.

(3) Numerical limitation

An amendment for adding numerical limitation is permitted if the numerical limitation is within a scope of matters stated in the originally attached description, etc.

For example, if the numerical limitation “preferably 24 to 25 degrees” is explicitly stated in the detailed description of the invention, the numerical limitation can be introduced in claims.

If examples of 24 degrees and 25 degrees are stated, this cannot be a direct basis for permitting an amendment of the numerical limitation of “24 to 25 degrees.” However, it may be found that a specific scope of 24 to 25 degrees was referred to in light of the whole statement of the originally attached description, etc. (in cases where, for example, 24 degrees and 25 degrees

are found to be stated as border values of upper limit and lower limit, etc. of a certain consecutive numerical scope in light of the statement of the problem, effect, etc.). In this case, unlike cases of absence of an example, it can be evaluated that the numerical limitation was stated originally, and new technical matter is not introduced. The amendment is, therefore, permitted.

(An example in which numerical values relating to an amendment was found to be introduced from several portions of the description: A request for cancellation of trial decision, Decision by the Tokyo High Court, December 11, 2001 [Heisei 13 (Gyo Ke) No.89], “A deep ultraviolet ray lithography”)

Moreover, if, for example, amendment changes a minimum value of a numerical range stated in claims to provide a new numerical range, and the minimum value of the new numerical range was stated in the originally attached description, etc. and the numerical range after amendment is included in the numerical range stated in the originally attached description, etc., said amendment is permitted.

(4) Disclaimer

“Disclaimer” refers to claims explicitly stating exclusion of only part of matters included in the claimed inventions from matters stated in said claims, while leaving the expression of the statement of matters stated in the claims.

“Disclaimer,” which excludes matters stated in the originally attached description, etc. through amendment while leaving the expression of the statement of matters stated in claims before amendment, is permitted if the “disclaimer” after exclusion is included within a scope of matters stated in the originally attached description, etc.

The amendment to provide a “disclaimer” in the following (i) and (ii) does not introduce new technical matters, and the amendment is permitted.

(i) If the claimed invention overlaps with the prior art and is thus likely to lose novelty, etc. (Article 29(1)(iii), Article 29bis or Article 39), making an amendment to exclude only the overlap while leaving the expression of the statement of matters stated in claims before amendment

(Explanation)

The “disclaimer” in the above-described (i) refers to a claim explicitly stating exclusion of only matters stated in the distributed publication, etc. or the description, etc. of the earlier application as the prior art relating to Article 29(1)(iii), Article 29bis or Article 39 (including matters that are deemed as being stated therein).

The amendment to provide the “disclaimer” in (i) does not change technical matters introduced from the description, etc. before amendment at all by excluding specific matters that are contained in the cited invention. It is thus evident that such amendment does not introduce any new technical matter.

In addition, amending claims to provide the “disclaimer” makes them patentable if the invention is remarkably different from the prior art as the technical idea, and inherently involves an inventive step but accidentally overlaps with the prior art. It is considered that if the invention is not remarkably different from the prior art as the technical idea, amending claims to provide the “disclaimer” rarely eliminates a reason for refusal for lack of inventive step.

Moreover, if parts of “disclaim” occupy a major portion of the claimed invention or extend to many portions, please note that an invention may not be clearly identified from one claim.

(ii) If the claimed invention includes the term “human being” and thus does not satisfy the requirement of the main paragraph of Article 29(1), or falls under unpatentable grounds provided

in Article 32, and said reason for refusal is eliminated by exclusion of the term “human being,” making an amendment to exclude only the term “human being” while leaving an expression of the statement of matters stated in claims before amendment

(Explanation)

The “disclaimer” in the above-described (ii) refers to a claim explicitly stating exclusion of only the term “human being” from matters stated in said claims while leaving an expression of the statement of matters stated in claims before amendment.

The amendment to provide the “disclaimer” in (ii) to exclude “human being” from the subject of invention to eliminate said reason for refusal does not change the technical matter introduced from the description, etc. before amendment at all. It is thus evident that such amendment does not introduce any new technical matter.

(Specific examples)

Example of (i): If the scope of claims provides “An iron plate washing agent mainly consisting of an inorganic salt containing Na ion as a cation,” while the prior art provides the invention of “an iron plate washing agent mainly consisting of an inorganic salt containing CO₃ ion as an anion” and discloses an example of employing Na ion as a cation, amendment to change the scope of claims to “... an inorganic salt containing Na ion as cation (excluding cases where anion is CO₃ ion)” for the purpose of excluding matters stated in the prior art from the scope of claims is permitted.

Example of (ii): If the scope of claims provides “a mammal characterized in that a polynucleotide having DNA Sequence No.1 is introduced into the somatic chromosomes and that the polynucleotide is expressed in its somatic cells,” “a mammal” includes human beings except when the detailed description of the invention makes it clear that “a mammal” does not include human beings. However, an invention that includes human beings as its subject falls under an invention that is likely to harm public order and morality, and it breaches Article 32. In this case, an amendment to change the scope of claims to “mammals excluding human beings ...” in order to exclude human beings from the scope of claims is permitted even if the originally attached description, etc. did not state that human beings can be excluded from the subject of the invention.

5. Amendment of the detailed description of the invention

5.1 General Principle

If matters stated in the detailed description of the invention after amendment include contents beyond the scope of matters stated in the originally attached description, etc., amendment is not permitted.

5.2 Specific

(1) Addition of contents of the prior art document

《The guideline applied to applications whose filing date (actual filing date as for divisional and converted application, etc.) is on or after January 1, 2009.》

Pursuant to Article 36(4)(ii), the prior art document information (name of publications in which the relevant invention was stated and location of other information of the inventions

disclosed in the publication) is required to be stated. Therefore, an amendment to add the prior art document information in the detailed description of the invention and add contents stated in the document to “Background Art” of the detailed description of the invention does not introduce new technical matter and is permitted. However, an amendment to add information on evaluation of the invention, such as comparison with the invention in the application or information on implementation of the invention, or an amendment to add contents stated in the prior art document to eliminate violation of Article 36(4)(i) introduces new technical matter and is not permitted.

《The guideline applied to applications whose filing date (actual filing date as for divisional and converted application, etc.) is on or before December 31, 2008.》

Pursuant to Article 36(4)(ii), the prior art document information (name of publications in which the relevant invention was stated and location of other information of the inventions disclosed in the publication) are required to be stated. Therefore, when adding the prior art document information to “Background Art” of the detailed description of the invention, an amendment to add contents stated in the document to “Background Art” at the same time does not introduce new technical matter and is permitted. However, an amendment to add information on the evaluation of the invention, such as comparison with the invention in the application or information on implementation of the invention, or an amendment to add contents stated in the prior art document to eliminate violation of Article 36(4)(i) introduces new technical matter and is not permitted.

(2) Addition of examples

Generally, adding an example of the invention or adding materials falls under amendment beyond the scope of matters stated in the originally attached description, etc. For example, in a patent application for a rubber composition consisting of several ingredients, an amendment to add information that “a specific ingredient may be added” is not permitted. Similarly, an amendment to add information that “a helical spring may be used as an elastic support” is not permitted when the application provides a device that has an elastic support without disclosing a specified elastic support in the originally attached description, etc.

(3) Addition of effect of the invention

Generally, an amendment to add effects of the invention falls under an amendment beyond the scope of matters stated in the originally attached description, etc. However, if the originally attached description, etc. explicitly states the structure, operation, or function of the invention and the said effect is an obvious matter from this statement, an amendment is permitted.

(4) Addition of irrelevant or inconsistent matters

Needless to say, an amendment to add matters irrelevant to or inconsistent with matters stated in the originally attached description, etc. is not permitted.

(Reference: A request for cancellation of trial decision, Decision by the Tokyo High Court, December 17, 2001 [Heisei 12 (Gyo Ke) No. 396], “Mid-passing fishing rod”)

(5) Elimination of mismatch statement/amendment of unclear statement

If two or more kinds of inconsistent statement are present in the description, etc. and it is evident to a person skilled in the art from the statement of the originally attached description, etc., which of them is correct, an amendment to match it with the correct statement is permitted.

Moreover, even if the statement is not in itself unclear, an amendment to make it clear is

permitted if its inherent meaning is evident to a person skilled in the art from the statement of the originally attached description, etc.

6. Amendment of drawings

Even an amendment of drawings is permitted if the amendment is within the scope of matters stated in the originally attached description, etc. However, care should be taken because in general, drawings after amendment frequently include contents beyond the scope of matters stated in the originally attached description, etc. Specifically, care should be taken when replacing photographs attached to an application form, etc. instead of drawings after filing an application. Moreover, the drawings does not always reflect the actual dimension.

7. Explanation of an applicant

(1) When an applicant intends to amend, the applicant is required to explicitly specifying the amended portions by underlining them. The applicant is also required to indicate portions of the originally attached description, etc. as a basis for amendment in a petition in case of a voluntary amendment and in a written opinion for an amendment to respond to a notice of reasons for refusal, and to explain that an amendment is within the scope of matters stated in the originally attached description, etc.

(Explanation)

As an applicant knows the contents of matters stated in the originally attached description, etc. or amendment, he/she is required to fully explain that the amendment is within the scope of the matters stated in the originally attached description, etc. in a petition or a written opinion when amending. When failing to eliminate doubt as to whether an amendment is within the scope of matters stated in the originally attached description, etc., the amendment cannot be found to be within the scope of matters stated in the originally attached description, etc.

For example, for “an elastic support” of “3.1(1)(c),” if an applicant establishes that a person skilled in the art would naturally understand that “an elastic support” means “a helical spring,” referring to the drawings, etc., which eliminates any doubt as to whether the amendment is within the scope of matters stated in the originally attached description, etc., the amendment is permitted. When any doubt is not eliminated, the amendment is not found to be made within the scope of matters stated in the originally attached description, etc.

(2) An applicant should be reminded that the patent includes an invalidation ground if patent was granted with contents beyond the scope of matters stated in the originally attached description, etc..

(3) If an applicant does not provide any explanation, and correspondence relation between the amended contents and matters stated in the originally attached description, etc. is unclear, the examiner may issue a notice of reasons for refusal, etc. stating that the amendment includes contents beyond the scope of matters stated in the originally attached description, etc. If the amendment does not fall under either the permitted amendment as “matters explicitly stated in the originally attached description, etc.” or “matters obvious from the statement of the originally attached description, etc.” in (a) 3.1(1) or the permitted amendment stated in specifics of (b) 4.2 and 5.2, the examiner may issue a notice of reasons for refusal, etc., stating that the amendment includes contents beyond the scope of matters stated in the originally attached description, etc.

Section II Amendment that Changes a

Special Technical Feature of an Invention

1. Relevant Provisions

Patent Act Article 17bis(4) reads:

“In addition to the case provided in the preceding paragraph, where any amendment of the scope of claims is made in the cases listed in the items of paragraph (1), the invention for which determination on its patentability is stated in the notice of reasons for refusal received prior to making the amendment and the invention constituted by the matters described in the amended scope of claims shall be of a group of inventions recognized as fulfilling the requirements of unity of invention set forth in Article 37.”

Patent Act Article 37 reads:

“Two or more inventions may be the subject of a single patent application in the same application provided that, these inventions are of a group of inventions recognized as fulfilling the requirements of unity of invention based on their technical relationship designated in the relevant Ordinance of the Ministry of Economy, Trade and Industry.”

Regulations under the Patent Act Article 25octies reads:

- 1. The technical relationship defined by Ordinance of the Ministry of Economy, Trade and Industry under Patent Act Article 37 means a technical relationship in which two or more inventions must be linked so as to form a single general inventive concept by having the same or corresponding special technical features among them.**
- 2. The special technical feature provided in the preceding paragraph stands for a technical feature defining a contribution made by an invention over the prior art.**
- 3. The technical relationship provided in the first paragraph shall be examined, irrespective of whether two or more inventions are described in separate claims or in a single claim written in an alternative form.**

(Explanation)

Patent Act Article 17bis(4) is a provision that prohibits an amendment from being made, as an invention for which determination on its patentable is stated in the notice of reasons for refusal and an invention constituted by matters described in the amended scope of claims after the notice of reasons for refusal do not have the same or corresponding special technical feature so that they do not fulfill the requirements of unity of invention (hereinafter referred to as “amendment to change special technical features of the invention”). This provision extends the requirements of unity of invention to inventions in claims after the amendment.

2. Purport of the Provision of Patent Act Article 17bis(4)

An invention that may be the subject of a single patent application is restricted to the scope that fulfills the requirements of unity of invention (Article 37). However, if it is allowed to freely make an amendment to claims exceeding such restriction after receiving the notice of reasons for refusal, it is not able to effectively use results of prior art searches and examinations made in the past in the examination after the notice of reasons for refusal was issued. As a result, an amendment that forces prior art searches and examinations to be conducted again may be made.

If such amendment is made, the prompt and proper grant of rights may be hindered and fairness in the handling of applications is not fully ensured. Therefore, the same restriction as the requirement of the unity of the inventions has been imposed with regard to the amendment to the scope of claims after the notice of reasons for refusal.

3. Procedure of Examination

An amendment to change special technical features of the invention (Article 17bis(4)) constitutes a reason for refusal (Article 49), but does not constitute a reason for invalidation (Article 123). It is because there is no substantive defect in the invention but there is only a formal defect that the invention after the amendment should have been split into two or more patent applications in order for it to be examined. Moreover, even if a patent is maintained, it does not directly inflict serious damages on the interest of third parties. Considering these circumstances, the requirement of Article 17bis(4) shall not be applied in an unnecessarily strict manner.

3.1 Decision of Subject of Examination

3.1.1 Basic Approach

Whether an amendment falls under the amendment to change special technical features of the invention shall be determined based on whether all inventions for which the requirements for patentability such as novelty and inventive step have been examined before the amendment and all inventions identified by the matters described in amended scope of the claims fulfill the requirements of unity of invention. Therefore, when both groups of inventions do not fulfill the requirements of unity of invention, the amendment is an amendment that changes a special technical feature of an invention.

However, amended inventions that fulfill certain requirements shall become the subject of the examination as well as the inventions that do not fall under the amendment to change special technical features, based on the same idea shown in Part I Chapter 2 “Requirements of Unity of Invention” that define the subject of the examination by giving consideration to the convenience of applicants, etc. The subject of the examination is decided in accordance with “3.1.2 Specific Procedures” below.

3.1.2 Specific Procedures

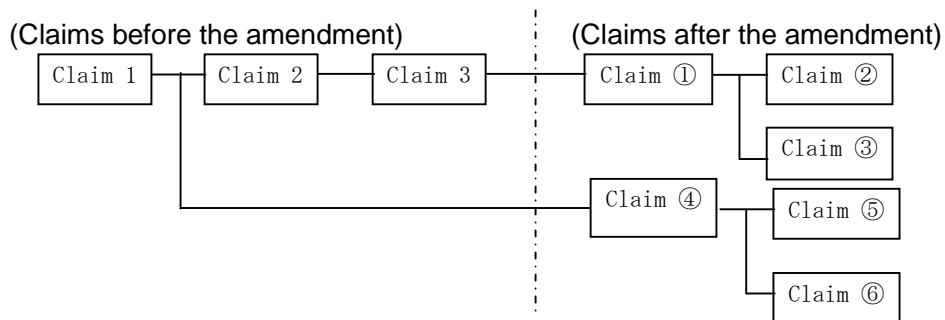
Assuming that all inventions identified by the matters described in the amended scope of claims are described continuously after all inventions for which the requirements for patentability such as novelty and inventive step have been examined before the amendment, the amended inventions that become the subject of the examination with regard to the requirements other than those of unity of invention (Note) in the light of “3.1 Decision of Subject of the Examination” in Part I Chapter 2 “Requirements of Unity of Invention” become the subject of the examination with regard to the requirements other than those described in Article 17bis(4).

(Note) In determining whether it becomes the subject of the examination with regard to the requirements other than those of unity of invention, special technical features shall be identified on the basis of a description, claims, descriptions of drawings, common general knowledge as of filing, and prior arts cited in the notification of reasons for refusal before the amendment.

(Example 1)

The inventions of Claim 2, 3 before the amendment are those in the same category that include all matters to specify the inventions of Claim 1, 2 before the amendment respectively. The

inventions of Claim 1, 2 did not have any special technical features, while a special technical feature was found in the invention of Claim 3. Regarding this application, the first notice of reasons for refusal was issued due to lack of novelty to the inventions of Claim 1, 2 and lack of inventive step to the invention of Claim 3. After said notice of reasons for refusal, the scope of claims were amended to Claim ① - ③ in the same category including all matters to specify the invention of Claim 3 and Claim ④ - ⑥ having a special technical feature same as or corresponding to the invention of Claim 3.



Claims ① - ⑥ after the amendment are inventions which have the same or corresponding special technical feature of claim 3 before amendment and fall under Part I Chapter 2 “Requirements of Unity of Invention” 3.1.2.1(4) (b). Therefore, they become subject of the examination.

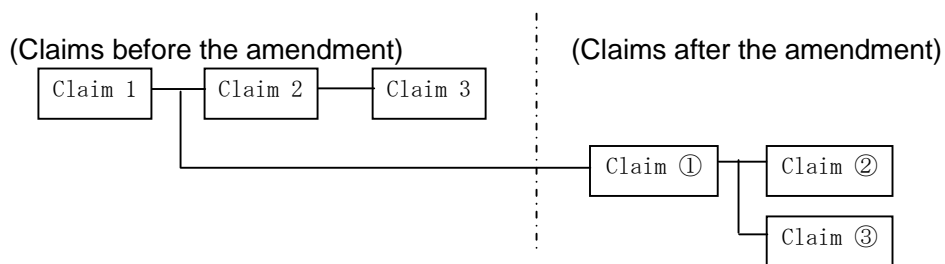
(Explanation)

Assuming that the claimed inventions of amended Claim ① - ⑥ are described continuously from the inventions of Claim 1 - 3 before the amendment (In other words, assuming that the claimed inventions of amended Claim ① - ⑥ are described as the inventions of Claim 4 - 9 before the amendment), the amended inventions that become the subject of the examination with regard to the requirements other than those of unity of invention in the light of “3.1 Decision of Subject of the Examination” in Part I Chapter 2 “Requirements of Unity of Invention” become the subject of the examination of requirements other than those described in Article 17bis(4).

Since the inventions of Claim ① - ⑥ have the same or corresponding special technical feature to the one found in the invention of Claim 3, they become the subject of the examination with regard to the requirements other than the requirement in Article 17bis(4).

(Example 2)

The inventions of Claim 2, 3 before the amendment include all matters to specify the inventions of Claim 1, 2 respectively and are in the same category. The inventions of Claim 1 - 3 before the amendment have no special technical feature and the first notice of reasons for refusal was issued due to lack of novelty of the inventions of Claim 1 - 3. After said notice of reasons for refusal was issued, the scope of claims were amended to Claim ① - ④ in the same category including all matters to specify the invention of Claim 1.



Claims ① - ③ after the amendment are inventions which fall under Part I Chapter 2 “Requirements of Unity of Invention” 3.1.2.2(1). Therefore, they become subject of the examination.

(Explanation)

Assuming that the inventions of amended Claim ① - ③ are described continuously from the inventions of Claim 1 - 3 before the amendment (In other words, assuming that the inventions of amended Claim ① - ③ are described as the inventions claimed in Claim 4 - 6 before the amendment), the amended inventions that become the subject of the examination with regard to the requirements other than those of unity of invention in the light of “3.1 Decision of Subject of the Examination” in Part I Chapter 2 “Requirements of Unity of Invention” become the subject of the examination of requirements other than those described in Article 17bis(4).

Since the inventions of Claim ① - ③ are of the same category invention with claim 1 including all matters to specify the invention of Claim 1, it is efficient to examine them all at once. Thus, they shall be, in principle, the subject of the examination other than Article 17bis(4). However, they may be excluded from the subject of the examination other than those described in Article 17bis(4), if the problem to be solved by the invention of Claim 1 and the specific problem to be solved by the invention understood by technical features added to said invention have little relevance or the technical features of the invention of Claim 1 and those added to said invention have little relevance, provided that they are not the invention for which an examination may be made without substantially conducting additional prior art searches and making a determination as a result of examining the inventions of Claims 1 - 3 or there are no other reason that it is efficient to examine an invention collectively.

3.1.3 Procedure of examination in case the notifications of refusals are issued more than once before the amendment

In case notices of refusal are issued more than once before the amendment, assuming that all inventions identified by the matters described in the amended scope of claims are described continuously after all inventions for which the requirements for patentability such as novelty and inventive step have been examined in each notice of refusals respectively, the inventions after the amendment that become the subject of the examination with regard to the requirements other than those of unity of invention in all notices become the subject of the examination of requirements other than those described in Article 17bis(4).

3.2 Notice of reasons of refusal in violation of the Article 17bis(4)

If there is a claimed invention that are not the subject of the examination of the requirements other than the requirement in Article 17bis(4) reasons for refusal are notified on the grounds of violation of Article 17bis(4). In this notice of reasons for refusal, inventions those are not subject of the examination of the requirements are specified and reasons for excluding them from the subject of the examination are described (Note).

In an amendment made in response to the final notice of reasons for refusal, said amendment shall be decided in line with “Section 2. 6. Examination when Amendment was made in Response to “The Final Notice of Reasons for Refusal”” in “Part IX Procedure of Examination” if there is any claimed invention not subject to the examination of the requirements other than the requirement in said paragraph. In the case the amendment is dismissed on the grounds of violation of Article 17bis(4), inventions those are not subject of the examination of the requirements are specified and reasons for excluding them from the subject of the examination are described in the decision of the dismissal of the amendment.

(Note) If reasons for refusal notified before the amendment have not been resolved with regard to the amended scope of claims, a decision of refusal shall be made in accordance with “7.2 Decision of Refusal” in “Part IX Procedure of Examination.”

Section III Amendment to the Scope of Claims after Final Notice of Reasons for Refusal

1. General principle

Article 17bis(5) is prescribed with intent to permit an amendment to a final reasons for refusal for a range within which the examiner may effectively utilize examination results that have been already been obtained in order to establish examination procedures for securing an immediate and an appropriate patenting while considering a basic purpose of the patent system of securing enough protection of the invention. It is prescribed that an amendment violating this provision is different from the addition of new matter and does not bring any substantial defects. An amendment is thus not dismissed retroactively after a decision of rejection or a decision to grant a patent even if violation is overlooked. Article 17bis(5) is construed as different from 17bis(3) in nature. Therefore, when applying 17bis(5) an excessively strict operation should be avoided, in case examination of the invention that should be inherently protected can be done, fully considering the intent of the provision, immediately after a final notice of reasons for refusal, by effectively utilizing the examination results that have been obtained.

2. Specific operation

2.1 Prohibition of addition of new matters (Article 17bis(3))

“... any amendment of the description, scope of claims or drawings ... shall be made within the scope of the matters stated in the description, scope of claims or drawings originally attached to the application ...”

Whether the amendment satisfies Article 17bis(3) or not is determined according to “Section I: New Matter.”

2.2 Prohibition of amendment to change special technical features of the invention (Article 17bis(4))

“... where any amendment of the scope of claims is made in the cases listed in the items of paragraph (1), the invention for which determination on its patentability is stated in the notice of reasons for refusal received prior to making the amendment and the invention constituted by the matters described in the amended scope of claims shall be of a group of inventions recognized as fulfilling the requirements of unity of invention set forth in Article 37.”

Whether the amendment satisfies Article 17bis(4) or not is determined according to “Section II: Amendment to change special technical features of the invention.”

3. Removal of claims (Article 17bis(5)(i))

3.1 Purpose

Amendment to remove some of several claims stated in the scope of claims does not require repeated examination or repeated trial examination and is thus permitted.

3.2 Specific operation

Not only amendments to remove claims but also amendments to formally amend other claims that accompany the amendments to remove claims are regarded as amendments for the purpose of removal of claims.

Examples:

- i) Change of a citation number of other claims citing the removed claims
 - ii) Change from a dependent form to an independent form
- ,that necessarily occur due to removal of the claims

4. Restriction of claims in a limited way (Article 17bis(5)(ii) and (6))

4.1 Purpose

Of amendments corresponding to restriction of the scope of claims, amendments to limit the matters used to specify the invention without changing the industrial field of the invention and the problem to be solved by the invention do not substantially change the subject of examination or trial examination, and generally the prior examination results may be utilized. Therefore, such amendments are permitted.

However, if an invention in an application cannot be patented even if such an amendment is made, the second notice of reasons for refusal may be necessary, and if the subsequent amendment is made, examination or trial examination may be necessary again. Therefore, in view of securing an immediate examination and fair handling of application, only amendment to be granted a patent may be permitted.

4.2 Requirement matching restriction in a limited way

In order to find that an amendment to the scope of claims falls under Article 17bis(5)(ii), the following requirements shall be satisfied.

(1) Restriction of the scope of claims

(2) Limitation of the matters used to specify the invention stated in claims before amendment (hereinafter referred to as “an invention before amendment”)

(3) The industrial field of the invention and the problem to be solved by the invention before amendment are the same as those of after amendment.

(Explanation)

The provision in the parenthesis of 17bis(5)(ii) provides that amendment should limit the matters used to specify the invention before amendment so that the industrial field of the invention and the problem to be solved are the same as those of before amendment, namely the industrial field of the invention and the problem to be solved of the inventions before and after amendment should be the same.

4.3 Specific Operation

4.3.1 Restriction of the scope of claims

An amendment falling under the category of expansion of the scope of claims is one that

does not fall under restriction of the scope of claims, and does not fall under Article 17bis(5)(ii), and it is not determined whether it satisfies the requirement in the parenthesis.

In addition, the scope of claims is a collection of claims stated with respect to inventions for which a patent is sought. Therefore, fundamentally, whether an amendment falls under the category of a restriction of the scope of claims is determined for each claim.

(1) Examples that do not fall under the restriction of the scope of claims:

- i) Removal of part of matters used to specify the invention stated in series
- ii) Addition of elements in an alternative form
- iii) Amendment to increase the number of claims (excluding cases falling under the following (2)v))

(2) Examples falling under the restriction of the scope of claims:

- i) Removal of elements in an alternative form
- ii) Addition of the matters used to specify the invention in series
- iii) Change from a generic concept to a more specific concept
- iv) Decrease of cited claims in a multiple dependent claim

Example: Amendment to the scope of claims from “An air-conditioner described in any one of claims 1 to 3 having an A mechanism” to “An air-conditioner described in claims 1 or claim 2 having an A mechanism”

v) Change a claim citing n claims to n-1 claims

Example: Amendment to the scope of claims from “An air-conditioner described in any one of claims 1 to 3 having an A mechanism” to two claims, “An air-conditioner described in claim 1 having an A mechanism” and “An air-conditioner described in claim 2 having an A mechanism.”

4.3.2 Limitation of matters used to specify the invention

(1) Interpretation of “matters used to specify the invention”

As “the matters used to specify the invention” provided in 17bis(5)(ii) is matters stated in claims before amendment, this should be understood based on the statement of claims before amendment.

Moreover, when operating Article 36(4)(i), a function (working/role) of matters used to specify the invention should be stated in the detailed description of the invention when it is necessary for carrying out the invention.

Therefore, “matters used to specify the invention” under Article 17bis(5)(ii) is understood in correspondence to its function based on the statement of claims before amendment, considering the statement of description and drawings.

(2) Interpretation of “limiting”

Amendment to “limit” “matters used to specify the invention” refers to the following.

- i) Amendment to change one or more of the “matters used to specify the invention” before amendment to the conceptually lower “matters used to specify the invention”

In addition, in connection with matters used to specify the invention using statement for specifying a product by a function (means for realizing a function, etc.), the matters used to specify the invention that have a different function are not ordinarily found as conceptually lower.

- ii) Amendment to remove part of alternatives in claims in which matters used to specify the invention are expressed as alternatives such as Markush-Type claims.

(3) Determination method

Whether an amendment limits matters used to specify the invention or not is determined based on understanding matters used to specify the claimed invention before amendment and after amendment, and comparing them.

4.3.3 The problem to be solved and industrial field of the invention before and after amendment are the same

(1) Finding “the problem to be solved” and “industrial field of the invention”

When finding the problem to be solved by the invention and industrial field of the invention, the problem and field are concretely specified based on “the matters used to specify the invention” understood based on the statement of claims, considering the problem in the detailed description of the invention and technical field of the invention. In addition, the problem of the invention is not necessarily one that has not been solved.

(2) Identity of the problem to be solved

In addition to cases where the problems of the inventions before and after amendment are the same, there are cases where the problem of the invention after amendment is closely related to the problem of the invention before amendment technically (in determining identity of the problem, “closely related to ... technically” means cases where the problem of the invention after amendment is conceptually lower than the problem of the invention before amendment or cases where the problems of the inventions before and after amendment are of the same type, etc.). In these cases, the problem of the invention is also found to be identical. (For example, “enhancement of strength” and “enhancement of tensile strength,” “compactification,” and “weight saving.”)

Additionally, if through amendment of one or more of the matters used to specify the invention before amendment, the problems of the inventions before and after amendment are not identical, an amendment would not satisfy this requirement.

In addition, in the operation of the Ministerial Ordinance under Article 36(4)(i), if the problem to be solved is found not to have been inherently presumed, as is the case with regard to an invention developed based on a novel conception totally different from the prior art or an invention based on a discovery as a result of trial and error, it is not required that the problem be stated. In this case, because it would be thought that an examination has been made irrespective of the problem to be solved, this requirement is found to be satisfied.

(3) Identicalness of the industrial field of the invention

The industrial field of the invention before and after amendment is determined to be identical where the technical field of the invention before and after amendment is identical, and where the technical field of the invention before amendment is closely related to the technical field of the invention after amendment.

(Explanation)

The reason that identity of the problem and industrial field of the inventions before and after amendment are required in the above (2) and (3) is that post-amendment procedures for an invention with the above-described relation to an invention before amendment may be forwarded without imposing excessive burden on examination by effectively utilizing the examination results before a final notice of reasons for refusal.

4.3.4 Independently patentable

Even if an amendment were found to fall under Article 17bis(5)(ii), an invention specified by matters stated in claims after amendment is required to be patentable.

This requirement is imposed only on claims to which the amendment for the purpose of restriction in a limited way was made. This requirement is not imposed on claims to which the amendment for the purpose of “correction of errors” or “clarification of an ambiguous statement” have been made and claims that are not amended. Therefore, if these claims have grounds to not be patented independently, the amendment shall not be dismissed based on those grounds.

Articles applicable to whether an invention is independently patentable or not are Article 29, Article 29bis, Article 32, Article 36(4)(i) or (6) (excluding (iv)), and Article 39(1) to (4). Other handling shall be in accordance with 6.2.3 of “Part IX, Procedure of Examination, Section 2, Specifics.”

4.4 Points to note when several amendments are made after a final notice of reasons for refusal

When several amendments to the description, the scope of claims, or drawings are made within a period for responding to a final notice of reasons for refusal, the description, the scope of claims, or drawings as a basis when determining if the second and subsequent amendment satisfies Article 17bis(5) and (6) shall be the ones to which amendments were legally made immediately before the second and subsequent amendment. However, as for Article 17bis(3), the basis shall be the original description, the scope of claims, or drawings.

5. Clarification of an ambiguous statement (Article 17bis(5)(iv))

5.1 Purpose

When a final notice of reasons for refusal points out defects of statements, it is inappropriate not to permit a minor amendment for correcting such defects because this shall not change the subject of examination and trial examination. Not permitting this makes it difficult for an applicant to respond to a reason for refusal and prohibiting this is not appropriate in view of protection of invention. Then, amendment to “the clarification of an ambiguous statement” which is related to “the matters stated in the reasons for refusal” pointed out in a final notice of reasons for refusal is permitted.

5.2 Meaning of “clarification of the ambiguous statement”

“The ambiguous statement” literally refers to statement that is defective, such as a statement whose meaning is ambiguous in itself.

“The ambiguous statement” in the scope of claims means that the statement of claims itself is literally unclear in meaning, contents of the statement of claims themselves cause unreasonableness in connection with other statements, or the statement of claims is not ambiguous in itself, but the claimed inventions are not technically specified exactly and become ambiguous, etc. “Clarification” means correcting such ambiguity to clarify “the inherent meaning and contents of the statement.”

Therefore, when the statement of claims is in itself clear and the invention is technically specified clearly, an amendment to clarify novelty and inventive step to respond to a reason for refusal such as lack of novelty and inventive step does not fall under “clarification of ambiguous statement.”

For example, an amendment to eliminate reasons for refusal relating to lack of novelty

and inventive step, etc. that is found to limit the matters used to specify the invention without changing the problem or to state new technical matters in claims for solving the new problem in claims does not fall under “clarification of the ambiguous statement.”

Such amendment shall be further examined as to whether it falls under any other item of 17bis(5), such as “restriction of claims in a limited way.”

5.3 Relation to the matters stated in the reasons for refusal

In order to prevent the amendment of matters that were not pointed out in a notice of reasons for refusal from causing parts that have already undergone examination or trial examination from being amended and giving rise to new reasons for refusal, “clarification of ambiguous statements” is limited to amendments which are related to the matters stated in the reasons for refusal as pointed out in the notice of reasons for refusal.

An amendment to eliminate a reason for refusal about a defect in specific statements pointed out in a final notice of reasons for refusal based on Article 36 falls under “the amendments which are related to the matters stated in the reasons for refusal” provided for in parentheses in (4).

On the other hand, irrespective of any defect in specific statements pointed out in a final notice of reasons for refusal, amendments to limit the matters used to specify the invention stated in claims or amendments to state new technical matters in claims, etc. do not fall under “the amendments which are related to the matters stated in the reasons for refusal.”

6. Correction of errors (Article 17bis(5)(iii))

6.1 Purpose

When responding to a final notice of reasons for refusal, it is not appropriate not to permit a minor amendment for correcting the inappropriate statement, because this shall not change the subject of examination and consideration. Not permitting this makes it difficult for an applicant to respond to a reason for refusal and prohibiting this is not appropriate in view of protection of invention. Then, an amendment that is found to be a “correction of errors” is permitted.

6.2 Meaning of “correction of errors”

“Correction of errors” refers to “correcting errors of words and phrases whose inherent meaning is clear from the description, the scope of claims, or drawings to words and phrases that have the inherent meaning.”

7. Determination procedures

Procedures for determination of requirements provided in items of Article 17bis shall be in accordance with 6.2 of “Part IX, Procedure of Examination, Section 2, Specifics.”

Section IV Examples Concerning Amendment of Description, Claims or Drawings

1. Examples Concerning the Process for Determining a New Matter**Example 1 concerning the analyzing process of a new matter**

Category: Changing the subject matter into a more generic or specific one

Original Description, etc.	Amended Description, etc.
Title of the Invention	Title of the Invention
Mobile communication system	...
Scope of Claims	Scope of Claims
[Claim 1]	[Claim 1]
A mobile communication system which includes a portable terminal device and a base station that communicates with the portable terminal device and which sends a position coordinate <u>and the user information</u> of the portable terminal device, as well as an identification number for identifying the portable terminal device through a vacant dedicated physical channel selected from several of these channels a position coordinate <u>[deleted]</u> of the portable terminal device as well as an identification number for identifying the portable terminal device through a vacant dedicated physical channel selected from several of these channels ...
Excerpts from the Detailed Explanation of the Invention	Excerpts from the Detailed Explanation of the Invention
[Background of the Invention]	[Background of the Invention]
... Currently, the International Standardization Committee XXX has proposed the following process for providing information according to the positional information of portable terminal devices located within the certain cell site of the base station: First, the positional information is measured by the portable terminal device. Next, the positional information and the user information as well as the identification number to identify the device are transmitted from the device to the base station through the predetermined dedicated physical channel

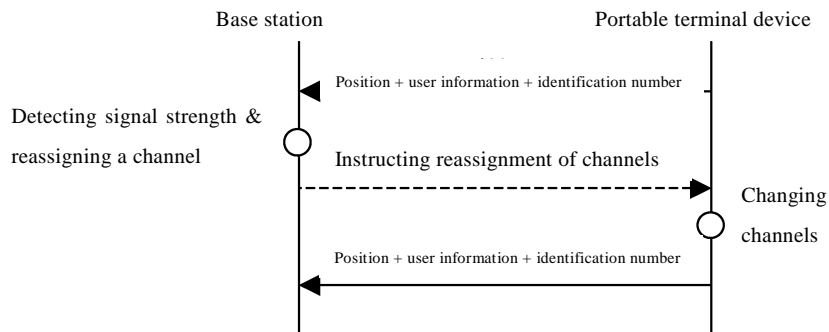
[Problem to be Solved by the Invention]

However, there is a problem that once the portable terminal device is set to select a specific physical channel and the channel is in a failure state, the mobile communication system cannot communicate with the portable terminal device until it recovers..

The present invention provides a mobile communication system which gains the positional information of the device regardless of the communication state of dedicated physical channels, which solves the above mentioned problem by sending “signals instructing reassignment of physical channels” and changing physical channels using predetermined protocols.

[Problem to be Solved by the Invention]

...

Drawings**[Conclusion]**

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The claim originally provides a portable terminal device which communicates with a base station by “sends a position coordinate and the user information of the portable terminal device, as well as an identification number” in the first place, but the claim is amended to provide a portable terminal device which communicates with a base station by “sending a position coordinate of the portable terminal device as well as an identification number,” from which “user information” is deleted.

The originally attached description, etc. does not mention anything about sending “a position coordinate and the identification number” to a base station, but the problem to be solved by the invention is to allow the system to provide information to the device according to the gained positional information regardless of the communication state of dedicated physical channels, and the means for solving the problem is to send “signals instructing reassignment of physical channels” using the predetermined protocol and changing physical channels. The invention also provides a first step of sending information from the portable terminal to the base station, which is definitely required to establish a channel, but the “user

information” is irrelevant to the problem to be solved by the invention, which explicitly states that the expression “user information” is an optional and additional new matter to the originally attached description.

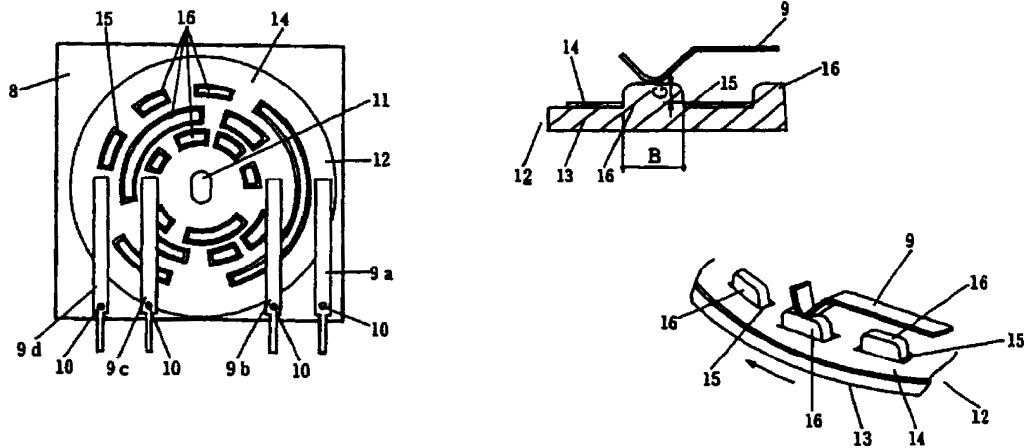
Consequently, the amendment is within the scope of the matters stated in the originally attached description, etc..

Example 2 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc.	Amended Description, etc.
Title of the Invention Rotary switch	Title of the Invention ...
Scope of Claims [Claim 1] A rotary switch which includes a terminal board (8) with multiple fixed terminals (9a-9d) on which a rotationally-movable selector (12) is arranged, wherein <u>a conductive plate (14)</u> with multiple through-holes (15) on the orbit of sliding and touching the fixed terminals (9a-9d) is attached on an insulation plate (13) with insulation protrusions (16) protruding from the through-holes (15) as selector (12).	Scope of Claims [Claim 1] <u>a copper plate (14)</u> with multiple through-holes (15) ...
Excerpts from the Detailed Explanation of the Invention The elastic fixed terminals (9) are fixed by certain members, such as four rivets (10) at one end of the terminal board (8) made of insulating materials, such as synthetic resins. The selector (12) is rotationally connected to the rotary shaft and positioned at the center of the terminal board, and is composed of <u>a conductive plate (14)</u> arranged on the surface of the insulation plate (13) made of insulating materials, such as synthetic resins. Through-holes (15) are formed on the orbit of the selector (12) sliding and touching the fixed terminals (9b-9d) on <u>the conductive plate (14)</u> , from which the insulation protrusions (16) protrude. The insulation protrusions (16) are shaped similar to the shape of through-holes (15), which are integrally formed in the insulation plate (13).	Excerpts from the Detailed Explanation of the Invention composed of <u>a copper plate (14)</u> arranged on the surface of sliding and touching the fixed terminals (9b-9d) on <u>the copper plate (14)</u> , from ...

Drawings



[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Using a copper plate as a conductive plate is a well known technique, but the originally attached description, etc. does not mention anything about a copper plate. Taking the technical knowledge as of filing the application into consideration, a conductive plate attached on the surface of a selector of a rotary switch generally adopts various metal plates, such as copper, copper apply, and silver, according to purpose, and it is even sometimes plated with gold, and it is not considered to be obvious to a person skilled in the art that the “conductive plate” in the originally attached description, etc. represents a “copper plate.” Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 3 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc.	Amended Description, etc.
Title of the Invention Thermoplastic resin composition	Title of the Invention ...
Scope of Claims [Claim 1] A thermoplastic resin composition which is composed of 50-200 parts by weight of phosphate ester compounded to 100 parts by weight of thermoplastic resin part and which is excellently retardant to fire.	Scope of Claims [Claim 1] A <u>condensed</u> thermoplastic resin composition which is composed of 50-200 parts by weight of phosphate ester compounded to 100 parts by weight of thermoplastic resin part and which is excellently retardant to fire.
Excerpts from the Detailed Explanation of the Invention The present invention provides a phosphate ester which is effective to improve the fire-retardancy of thermoplastic resins, including polyester and polyamide.	Excerpts from the Detailed Explanation of the Invention ...
[Conclusion] The amendment is not within the scope of the matters stated in the originally attached description, etc.	

[Explanatory Note]

The originally attached description, etc. does not mention anything about the expression “condensed thermoplastic resin”. It is not considered that the “polyester and polyamide” described in the originally attached description represents “condensed thermoplastic resin” because the “polyester and polyamide” described in the originally attached description, etc. is merely describes as an example of a “thermoplastic resin”. Therefore the ““condensed thermoplastic resin” other than “polyester and polyamide”” which is not described in the originally attached description, etc., is added to the originally attached scope of claims by the amendment.. Consequently, the “condensed thermoplastic resin” in the amended claim is considered to be a new matter added to the originally attached description, etc.

Example 4 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc	Amended Description, etc
Title of the Invention	Title of the Invention
Electronically controlled game machine	...
Scope of Claims	Scope of Claims
[Claim 1]	[Claim 1]
An electronic game machine which
Excerpts from the Detailed Explanation of the Invention	Excerpts from the Detailed Explanation of the Invention
... It is well known conventionally that game machines provide games in response to players' insertion of amusement media for games, such as coins and balls, and dispense the media as a prize.
... The present invention provides a game machine which offers games in response to the insertion of amusement media, such as coins, ... and though the invention provides <u>a coin game machine as an example which uses coins as amusement media, the amusement media is replaceable by balls...</u> and though the invention provides <u>a coin game machine as an example which uses coins as amusement media, the amusement media is replaceable by balls or amusement cards in which the number of coins or a sum of money is stored</u> ...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description mentions the expression “amusement media” as a generic concept and exemplifies coins and balls as amusement media but does not exemplify “using amusement cards.” There is no basis for reasoning that it is obvious to a person skilled in the art who contacts the originally attached description that the “amusement media” represents “amusement cards in which the amount of coins or a sum of money is stored.” Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 5 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc

Title of the Invention
Rolling controller for traveling units of a combine

Scope of Claims
[Claim 1]
A rolling controller for a combine with crawler traveling units at both sides of the combine body, wherein a pair of oil hydraulic cylinders, which respectively work for both traveling units, are arranged in a manner so that one side of each oil hydraulic cylinder is attached to one respective travelling unit and the other side of each hydraulic cylinder is attached to the body.

Excerpts from the Detailed Explanation of the Invention
This invention relates to a rolling controller which prevents a running combine from inclining due to projections and recesses of rice or other fields.

Amended Description, etc

Title of the Invention
...

Scope of Claims
[Claim 1]
A rolling controller for a combine with crawler traveling units at both sides of the combine body, wherein a pair of oil hydrostatic cylinders, which respectively work for both traveling units, are arranged in a manner so that one side of each oil hydrostatic cylinder is attached to one respective travelling unit and the other side of each hydrostatic cylinder is attached to the body.

Excerpts from the Detailed Explanation of the Invention
...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The claim is amended to change the original expression, “oil hydraulic cylinders,” to “hydrostatic cylinders,” which is a generic concept of hydraulic cylinders.

Generally, “hydrostatic cylinders” could include compressible fluid cylinders, such as “pneumatic cylinders,” while the originally attached description, etc. merely mentions a rolling controller merely using “oil hydraulic cylinders” as the invention. Both arts have different characteristics, attachments, and control modes because they have different properties, that is, “compressible fluid” and “incompressible fluid.” Consequently, it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the rolling controller includes “pneumatic cylinders” as if they were stated therein.

Example 6 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc	Amended Description, etc
Title of the Invention Therapeutic agent for digestive system diseases	Title of the Invention ...
Scope of Claims [Claim 1] <u>A therapeutic agent for digestive system diseases</u> containing chemical compound A as an active ingredient.	Scope of Claims [Claim 1] <u>A therapeutic agent for pancreatitis</u> containing chemical compound A as an active ingredient.
Excerpts from the Detailed Explanation of the Invention The agent provided in the present invention protects alimentary canal mucosa.	Excerpts from the Detailed Explanation of the Invention ...
[Conclusion] The amendment is not within the scope of the matters stated in the originally attached description, etc.	

[Explanatory Note]

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.

Example 7 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc	Amended Description, etc
Title of the Invention Sweet bean paste	Title of the Invention Sweet bean paste for ice cream
Scope of Claims [Claim 1] <u>A sweet bean paste</u> that includes boiled red soy beans, sweeteners, and glycerin.	Scope of Claims [Claim 1] <u>A sweet bean paste for ice cream</u> that includes boiled red soy beans, sweeteners, and glycerin.
Excerpts from the Detailed Explanation of the Invention ... Adding glycerin to conventional sweet bean paste creates a new effects which are excellent in preservation and preventing the paste from freezing under refrigeration.	Excerpts from the Detailed Explanation of the Invention preventing the paste from freezing even under refrigeration, <u>and is especially optimal for ice cream.</u>

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

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.

Example 8 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc

Title of the Invention

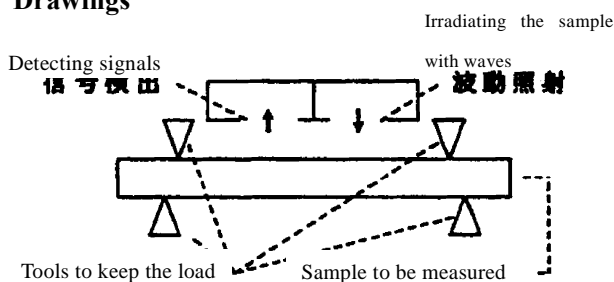
Method of measuring the distribution of concentrated stress

Scope of Claims**[Claim 1]**

A method for measuring the distribution of concentrated stress which includes steps of: applying arbitrary load on the sample to be measured, creating a concentratedly-stressed region of the sample by using the load, and measuring a stress distribution around the region by irradiating the sample with waves and analyzing signals coming from the sample while keeping the condition of the load.

Excerpts from the Detailed Explanation of the Invention

This method enables the measurement of the distribution of concentrated stress by applying a micro X-ray method or an ultrasonic microscope method with a tool to keep the arbitrary load applying to the sample.

Drawings

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

A method for measuring the distribution of concentrated stress which includes steps of: applying arbitrary load on the sample to be measured, creating a concentratedly-stressed region of the sample by using the load, and measuring a stress distribution around the region by irradiating the sample with micro X-rays and analyzing signals coming from the sample while keeping the condition of the load.

Excerpts from the Detailed Explanation of the Invention

This method enables the measurement of the distribution of concentrated stress by applying a micro X-ray method with a tool to keep the arbitrary load applying to the sample.

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The claim is amended to change the original expression, “a method for measuring the distribution of concentrated stress by wave irradiation,” which is a generic concept, to “a method for measuring the distribution of concentrated stress by micro X-ray irradiation,” which is a specific concept. This amendment

is considered to be appropriate since the expression, “applying a micro X-ray method,” is described in the detailed explanation of the invention in the originally attached description..

Example 9 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

Original Description, etc	Amended Description, etc
Title of the Invention Pachinko game machine	Title of the Invention Amusement machine
Scope of Claims [Claim 1] <u>A pachinko game machine</u> including a variable display device composed of ...	Scope of Claims [Claim 1] <u>An amusement machine</u> including a variable display device composed of ...
Excerpts from the Detailed Explanation of the Invention The <u>pachinko game machine</u> ... (The detailed explanation of the invention describes the pachinko game machine throughout the section.)	Excerpts from the Detailed Explanation of the Invention The <u>amusement machine</u> ...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. describes a “pachinko game machine” throughout the document and does not mention anything that pachinko game machine is merely as an example of the amusement machine, or even imply that the variable display device is generally applicable to an amusement machine. Consequently, it could be easy for a person skilled in the art to apply the variable display device to other amusement machines, such as a “slot machine” based on the common general technical knowledge as of filing the application, but there is no implication in the originally attached description, etc. to convey the applicability of the variable display device to a general amusement machine. Consequently, it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand an “amusement machine including a variable display device composed of...” as if they were stated therein, and the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 10 concerning the analyzing process of a new matter

Category: Changing the subject matter into a more generic or specific one

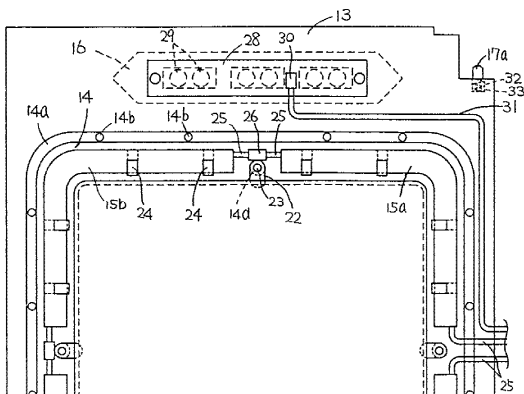
Original Description, etc

Title of the Invention
Amusement machine using elastic balls

Scope of Claims
[Claim 1]
... which includes first lamps (15a, 15b) and second lamps (29), which irradiates light from the frame ...

Excerpts from the Detailed Explanation of the Invention
... at which L-shaped first lamps that perform a function as decorative members are attached.
(There is no description about the second lamps.)

Drawings



Amended Description, etc

Title of the Invention
...

Scope of Claims
[Claim 1]
... which includes first lamps and second lamps that have different functions, which irradiates light from the frame, ...

Excerpts from the Detailed Explanation of the Invention and Drawings
...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. mentions the function of the first lamps as decorative members, but does not mention any function of the second lamps. Although it is well known that these lamps in this field have various functions other than decorative purposes, such as announcement or illumination, it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the first lamps have different functions from the second lamps as if they were stated therein.

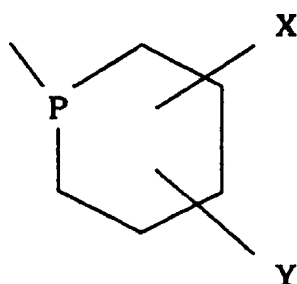
Example 11 concerning the analyzing process of a new matter

Category: Markush claim

Original Description, etc

Title of the Invention

Phosphane derivatives

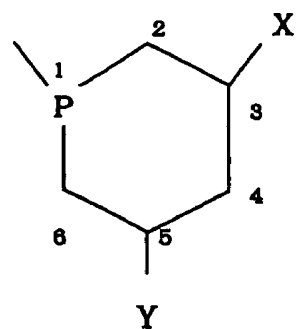
Scope of Claims**[Claim 1]**

X = alkyl, alkenyl

Y = phenyl, alkoxy

Excerpts from the Detailed Explanation of the Invention

Preferably,



Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

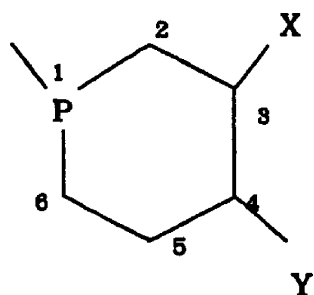
...

Excerpts from the Detailed Explanation of the Invention

Preferably,

...

or

**[Conclusion]**

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. merely mentions the sites of substitution of X and Y, especially the phosphane derivatives of 3X and 5Y, and does not mention anything about the sites of substitution of 3X and 4Y. The original claim does not specify sites of substitution and merely describes the combination of the sites of X and Y, which may form unspecific sites, including thirteen possible types of them. Consequently, it is not considered that a person skilled in the art who contacts the originally attached

description, etc. would understand the specific sites of substitution of 3X and 4Y as if they were stated therein.

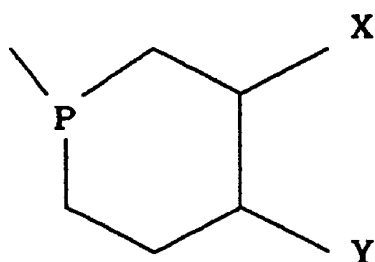
Example 12 concerning the analyzing process of a new matter

Category: Markush claim

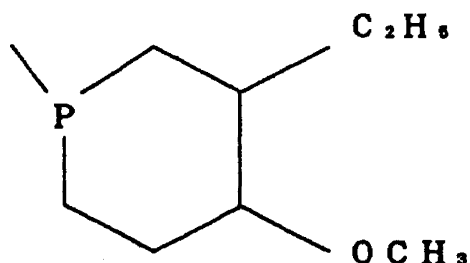
Original Description, etc

Title of the Invention

Phosphane derivatives

Scope of Claims**[Claim 1]**X = alkyl, alkenyl, amino, aralkyl, halogen, cycloalkylY = alkyl, phenyl, alkoxy**Excerpts from the Detailed Explanation of the Invention**

Working example:



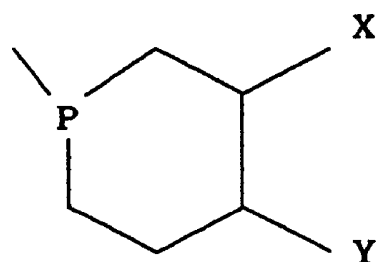
(There is no description about chemical compounds corresponding to X = alkyl and Y = phenyl.)

[Amendment 1]

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

X = alkyl

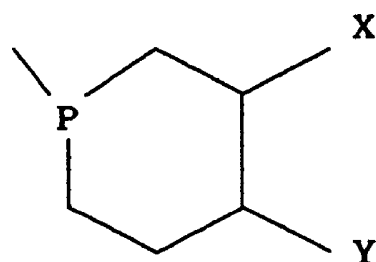
Y = alkoxy

[Amendment 2]

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

X = alkyl

Y = phenyl

[Conclusion]

For [Amendment 1], the amendment is within the scope of the matters stated in the originally attached description, etc.

For [Amendment 2], the amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The chemical substances provided in claims 1 of both [Amendment 1] and [Amendment 2] are composed exclusively of the substituent, which is selected from the alternatives in the originally attached description, etc.

The chemical compounds in the amended claim of [Amendment 1] are specific combinations of substituent X = alkyl and substituent Y = alkoxy, which is the only alternative. The specific combination of X = alkyl and Y = alkoxy is considered to be described in the originally attached description, when taking into consideration the detailed explanation of the invention of the originally attached description, etc., which provides a working example of the chemical substance of substituent X = ethyl (a specific concept of alkyl) and substituent Y = methoxy (a specific concept of alkoxy), and the originally attached claim.

Consequently, the chemical substance provided in the amended claim of [Amendment 1] is within the scope of the matters stated in the originally attached description, etc.

The chemical substance provided in the amended claim of [Amendment 2] provides a specific combination of X = alkyl and Y = phenyl, which is the only alternative. The originally attached description, etc. does not mention anything about this combination and it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand the combination as if they were stated therein.

Consequently, the chemical substance provided in the amended claim of [Amendment 2] is not within the scope of the matters stated in the originally attached description, etc.

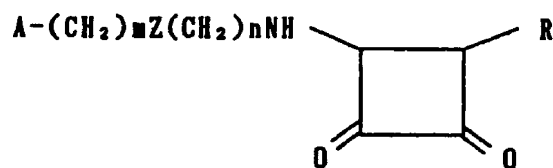
Example 13 concerning the analyzing process of a new matter

Category: Markush claim

Original Description, etc

Title of the Invention

Cyclobutanedione compounds

Scope of Claims**[Claim 1]**

Z = sulfur, oxygen or methylene

m = 1-3

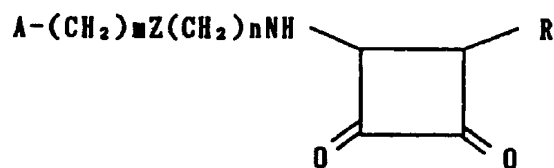
n = 1-2

R = alkyl, alkenyl, phenyl,
alkoxy, cycloalkyl,
halogen, amino

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

Z = sulfur, oxygen or methylene

m = 1-3

n = 1-2

R = alkyl, alkenyl, phenyl
alkoxy, cycloalkyl**[Conclusion]**

The amendment is within the scope of the matters stated in the originally attached description, etc.

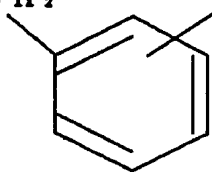
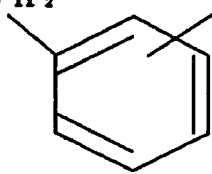
[Explanatory Note]

The chemical substance in the amended claim are composed exclusively of the substituent, which is selected from the alternatives in the originally attached description, etc. The amended claim mentions the combination of the alternatives, which are not changed to any combination of alternatives not specified in the originally attached description, etc. or are not new matters added to the alternatives.

Consequently, the matters described in the amended claim are within the scope of the matters stated in the originally attached description, etc.

Example 14 concerning the analyzing process of a new matter

Category: Markush claim

Original Description, etc	Amended Description, etc
Title of the Invention Substituted benzyl alcohol	Title of the Invention ...
Scope of Claims [Claim 1]	Scope of Claims [Claim 1]
$\text{HO}-\text{CH}_2-\text{C}_6\text{H}_4-(\text{CH}_2)_n-\text{OH}$  <p>... <u>n represents an integer of 2-5</u> ...</p>	$\text{HO}-\text{CH}_2-\text{C}_6\text{H}_4-(\text{CH}_2)_n-\text{OH}$  <p>... <u>n represents an integer of 3-5</u> ...</p>

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The meanings between the expressions “an integer n of 2-5” and “n represents 2, 3, 4, or 5” and between the expressions “an integer n of 3-5” and “n represents 3, 4, or 5” are totally identical, although they have a difference in expression.

Consequently, the amended claim provides the alternatives after removing one of the alternatives from the originally attached description, etc. by changing the expression from “n represents 2, 3, 4, or 5” to “n represents 3, 4, or 5,” and the matters described in the amended claim are within the scope of the matters stated in the originally attached description, etc.

Example 15 concerning the analyzing process of a new matter

Category: Numerical limitation

Original Description, etc

Title of the Invention

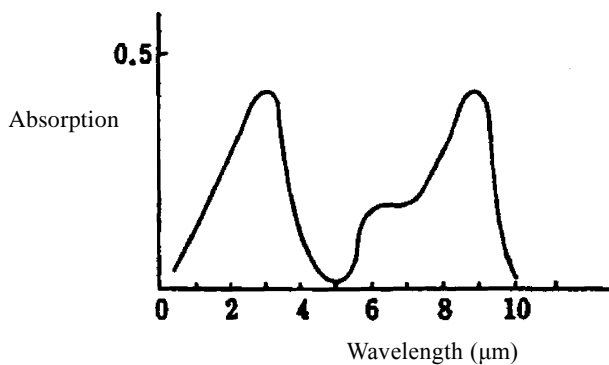
Method of drying unhulled rice using an infrared ray

Scope of Claims**[Claim 1]**

A method of drying unhulled rice by irradiating the rice with an infrared ray, the wavelength of which is 3 μ m or 9 μ m.

Excerpts from the Detailed Explanation of the Invention

Unhulled rice absorbs infrared rays holding a peak value at wavelengths of 3 μ m and 9 μ m, which are the most effective wavelengths for drying unhulled rice.

Drawing

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

.....

2-3.5 μ m or 8-9.5 μ m.

Excerpts from the Detailed Explanation of the Invention

An infrared ray at a wavelength of 2-3.5 μ m or 8-9.5 μ m, at which the level of the infrared ray absorbed by the unhulled rice is above 0.3, and which is an effective wavelength for drying unhulled rice.

Drawing

...

Note: The drawing shows the wavelength of 2-3.5 μ m and 8-9.5 μ m, at which the level of the infrared ray absorbed by the unhulled rice is above 0.3.

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. does not mention the lower limitation value, 0.3, of the infrared ray absorbed by unhulled rice, which is an effective value for drying unhulled rice. It is not considered that a person skilled in the art who contacts the originally attached description, etc. would clearly understand the lower limitation value, 0.3, of the infrared ray absorbed by unhulled rice, which is an effective value for drying unhulled rice. Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 16 concerning the analyzing process of a new matter

Category: Numerical limitation

Original Description, etc	Amended Description, etc
Title of the Invention Stabilized resorcin compounding agent	Title of the Invention ...
Scope of Claims [Claim 1] A stabilized resorcin compounding agent, in which <u>0.001-2% by mass</u> of lactic acid is added to a resorcin compounding agent comprising of a clay mineral as a base.	Scope of Claims [Claim 1] A stabilized resorcin compounding agent, in which <u>0.1-1% by mass</u> of lactic acid is added to a resorcin compounding agent comprising of a clay mineral as a base.
Excerpts from the Detailed Explanation of the Invention The value 0.05-2% by mass of lactic acid is preferable for the compounding agent. (There is no description about 0.1% by mass or 1% by mass.)	Excerpts from the Detailed Explanation of the Invention ...
[Conclusion] The amendment is not within the scope of the matters stated in the originally attached description, etc.	
[Explanatory Note] The originally attached description, etc. does not mention anything about the value “0.1% by mass” or “1% by mass” or describe the numerical range of “0.1-1% by mass” clearly enough to recognize the range.	

Example 17 concerning the analyzing process of a new matter

Category: Numerical limitation

Original Description, etc	Amended Description, etc
Title of the Invention Hollow microsphere	Title of the Invention ...
Scope of Claims [Claim 1] Hollow glass microsphere which have substantially equal diameters of <u>200-10,000μm</u> ...	Scope of Claims [Claim 1] Hollow glass microsphere which have substantially equal diameters of <u>200-6,000μm</u> ...
Excerpts from the Detailed Explanation of the Invention The glass microsphere have varied diameters according to the desired final applications between 200-10,000μm, <u>preferably 500-6,000μm</u>	Excerpts from the Detailed Explanation of the Invention ...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

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.

Example 18 concerning the analyzing process of a new matter

Category: Numerical limitation

Original Description, etc
Title of the Invention
 Adhesive agent for temporary adhesion

Scope of Claims**[Claim 1]**

An adhesive agent for temporary adhesion which is insoluble in water but easily soluble in warm water, wherein the active ingredient of the agent is either a fatty acid ester of polyglycerin, an ethylene oxide adduct of polyglycerin, or a propylene oxide adduct of polyglycerin, all of which have an HLB of 9-11, or a mixture thereof.

Excerpts from the Detailed Explanation of the Invention**[Working Example]**

HLB	Softening point (°C)	Adhesive strength (Pa)	Washing time (Warm water at 60 °C)
11	50	0.0118	40' "
10	60	0.0147	50' "
9.5	50	0.0118	40' "
9	60	0.0196	1'10' "
8.5	65	0.0294	1'40' "
8	72	0.0490	2'15' "
7.5	85	0.0784	3'20' "

The above active ingredient of the adhesive agent has an HLB of 7.5-11, preferably 9-11 ...

[Amendment 1]

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

An adhesive agent for temporary adhesion which is insoluble in water but easily soluble in warm water, wherein the active ingredient of the agent is either a fatty acid ester of polyglycerin, an ethylene oxide adduct of polyglycerin, or a propylene oxide adduct of polyglycerin, all of which have an HLB of 7.5-11, or a mixture thereof.

[Amendment 2]

Amended Description, etc

Title of the Invention

...

Scope of Claims

An adhesive agent for temporary adhesion which is insoluble in water but easily soluble in warm water, wherein the active ingredient of the agent is either a fatty acid ester of polyglycerin, an ethylene oxide adduct of polyglycerin, or a propylene oxide adduct of polyglycerin, all of which have an HLB of 9.5-11, or a mixture thereof.

Note: HLB is a numerical value which represents a balance between hydrophilic groups and lipophilic groups in molecules of surfactants.

[Conclusion]

For both [Amendment 1] and [Amendment 2], the amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended claim of [Amendment 1] mentions HLB with the numerical range of "7.5-11," the

lowest value of which is changed from “9” of the originally attached description.

The numerical range “HLB of 7.5-11” in the amended claim of this example is the range described in the detailed explanation of the invention of the originally attached description.

Also, the amended claim of [Amendment 2] mentions HLB with the numerical range of “9.5-11,” the lowest value of which is changed from “7.5” and which is the range included in the range of “7.5-11” described in the originally attached description.

In addition, the originally attached description provides the numerical values of “9.5 and 11 of HLB,” which are included in the amended numerical range and also in the values in the working example.

Consequently, it is considered that the amended numerical range of “9.5-11 of BML” is within the scope of the matters stated in the originally attached description, etc.

Example 19 concerning the analyzing process of a new matter

Category: Disclaimer

Original Description, etc

Title of the Invention

Photosensitive plate for planography

Scope of Claims**[Claim 1]**

A photosensitive plate for planography which has a photosensitive layer, on a hydrophilically treated aluminum plate, composed of partially saponificated polyvinyl acetate having saponification degrees of 60-80 mol % and a photopolymerized monomer having at least one ethylenic unsaturated bond, wherein the photosensitive layer contains 1-100% by mass of a nitrogen-containing heterocyclic carboxylic acid for the partially saponificated polyvinyl acetate.

Excerpts from the Detailed Explanation of the Invention

The present invention provides nitrogen-containing heterocyclic carboxylic acid which includes certain substances, such as picolinic acid and isonicotinic acid. (A prior art describing the “nicotinic acid” as “nitrogen-containing heterocyclic carboxylic acid” was found.)

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

A photosensitive plate for planography which has a photosensitive layer, on a hydrophilically treated aluminum plate, composed of partially saponificated polyvinyl acetate having saponification degrees of 60-80 mol % and a photopolymerized monomer having at least one ethylenic unsaturated bond, wherein the photosensitive layer contains 1-100% by mass of a nitrogen-containing heterocyclic carboxylic acid (excluding nicotinic acid) for the partially saponificated polyvinyl acetate.

Excerpts from the Detailed Explanation of the Invention

The present invention provides nitrogen-containing heterocyclic carboxylic acid which contains certain substances, such as photopolymerized monomer and isonicotinic acid.

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended claim mentions “nitrogen-containing heterocyclic carboxylic acid (excluding nicotinic acid),” a partial change of the original claim, which explicitly excludes only the art disclosed as a prior art. Consequently, this example is included in the cases where the claim should be amended within the scope of the matters stated in the originally attached description, etc.

A “disclaimer” approach should be adopted in the potential invention only when the filed invention is an art totally different from prior art in view of the technical idea and basically has an inventive step, but has an overlapped section with the prior art by chance.

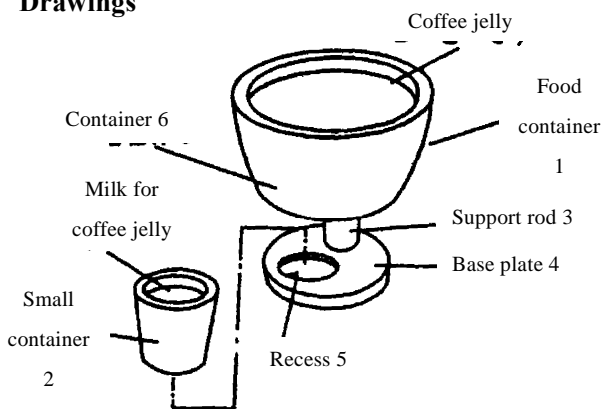
Example 20 concerning the analyzing process of a new matter

Category: Amendment to working and effect

Original Description, etc
Title of the Invention
 Food container

Excerpts from the Detailed Explanation of the Invention

The food container (1) includes a recess (5) in which a small container (2) fits, to detachably hold the small container (2). The food container (1) is also integrally combined with the small container (2), which facilitates users to carry it.

Drawings

Amended Description, etc
Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

.....

In addition, the support rod (3) is connected to the base plate (4) and container (6) eccentrically, and the base plate (4) and container (6) are vertically warped easily to the support rod (3), which serves as a fulcrum so that the small container (2) is easily detached.

Drawings

...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached drawing explicitly shows that the support rod (3) is connected to the base plate (4) and the container (6) eccentrically, but the originally attached description, etc. does not mention anything about the working and effect (the base plate (4) and the container (6) are vertically warped easily so that the small container (2) is easily detached) added to the originally attached description, etc. The vertical warp of the container eccentrically connected to the support depends on the structure or material, and the detachability of the small container (2) largely depends on the positional relationship between the

small container (2) and the container (6), and it is not considered that the working and effect added to the originally attached description, etc. are obvious to a person skilled in the art who contacts the originally attached description, etc. Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 21 concerning the analyzing process of a new matter

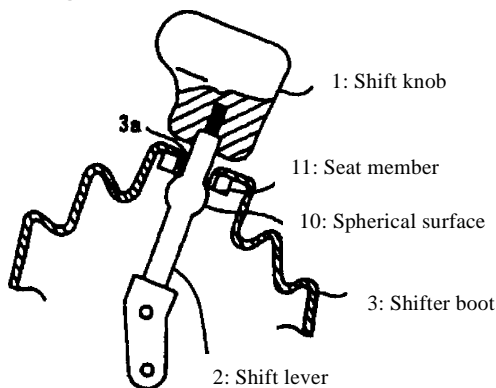
Category: Amendment to effect

Original Description, etc
Title of the Invention
 Structure for fixing shift boot

Excerpts from the Detailed Explanation of the Invention

A hard-plastic seat member arranged at the upper opening of the shift boot is supported by the spherical surface of the shift lever to be positioned, which improves the upper opening of the shift boot so as to follow the changes in the operation position of the shift lever.

Drawings



Amended Description, etc
Title of the Invention
 ...

Excerpts from the Detailed Explanation of the Invention

.....

In addition, the seat member reinforces the upper opening of the shift boot and maintains the shape of the opening.

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description mentions the hard-plastic seat member arranged at the upper opening of the shift boot, which is supported by the spherical surface of the shift lever to position the shift boot and improves the upper opening of the shift boot so as to follow the changes in the operation position of the shift lever. The seat member requires certain strength sufficient to position the shift boot and facilitate following the change of the lever, and it is considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the seat member, having such strength, reinforces the opening of the shift boot and maintains the shape of the opening as if they were stated therein.

Example 22 concerning the analyzing process of a new matter

Category: Amendment to effect

Original Description, etc

Title of the Invention

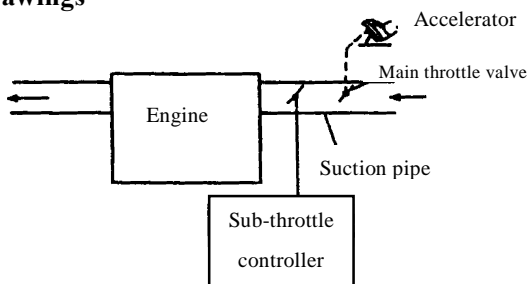
Output controller for an internal combustion engine

Excerpts from the Detailed Explanation of the Invention

Regarding output controllers for engine by opening and closing of a sub-throttle valve arranged in series to the main throttle valve in the suction pipe, such sub-throttle valve is often firmly fixed and causes maloperation of the controller due to a long period of non-use.

The present invention provides an output controller for internal combustion which periodically oscillates the sub-throttle valve at the timing when driving so that the opening and closing of the sub-throttle valve does not affect the operation of the engine and which prevents the sub-throttle valve from being firmly fixed.

Drawings



Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

[illegible]

In addition, the present invention prevents the sub-throttle valve from maloperation due to icing in winter.

Drawings

...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description,
etc.

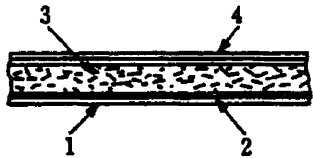
[Explanatory Note]

The condition of a sub-throttle valve which is firmly fixed due to a long period of non-use is different from that of a sub-throttle valve which is firmly fixed due to icing, and the timing for oscillating a sub-throttle valve to prevent it from being fixed is basically different between these two conditions, and a

means for preventing a sub-throttle valve from being fixed due to a long period of non-use does not always prevent a sub-throttle valve from being fixed due to icing. Consequently, it is not clear that the originally attached description mentions the effect that the controller prevents a sub-throttle valve from being fixed due to icing.

Example 23 concerning the analyzing process of a new matter

Category: Amendment to effect

Original Description, etc	Amended Description, etc
Title of the Invention Transfer photographing	Title of the Invention ...
Scope of Claims [Claim 1] A process to obtain latent images which includes steps of irradiating a support with photosensitive emulsion with light, applying a <u>fixing agent</u> to the support, overlapping an image-receiving layer on the support, and performing diffusion transfer of the images.	Scope of Claims [Claim 1], applying <u>fixing agent with paste</u> to the ...
Excerpts from the Detailed Explanation of the Invention Working Example ... A process for preparing a fixer ... <u>CMC (paste)</u> ... 1: Support, 2: Photosensitive emulsion, 3: Fixing agent, 4: Image-receiving layer	Excerpts from the Detailed Explanation of the Invention <u>A fixing agent, containing paste, is in paste form and it enables thickening of the layer, which provides sufficient density of images.</u>
Drawings 	Drawings ...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. mentions “fixing agent” while the amended description provides “fixing agent with paste” and the effect of the fixer.

The working example in the originally attached description, etc. describes using paste as fixing agent, but the originally attached description does not mention anything about its effect.

A person skilled in the art may understand that a pasty fixing agent results in creating a thick layer and that the thick layer and increased fixing agent could prepare images with sufficient density. However, the originally attached description, etc. does not mention such images and it is not considered that a person

skilled in the art who contacts the originally attached description, etc. would understand such images as if they were stated therein.

Example 24 concerning the analyzing process of a new matter

Category: Amendment to effect

Original Description, etc

Title of the Invention

X-ray tube target

Scope of Claims**[Claim 1]**

An X-ray tube target which includes a base (1), ... a target film (2), ..., and a conductive film (3) formed on the surface of the target film (2).

Excerpts from the Detailed Explanation of the Invention

It is electrically connected to the base (1) by the conductive film (3), so it prevents the surface from charging and stabilizes the output.

Amended Description, etc

Title of the Invention

...

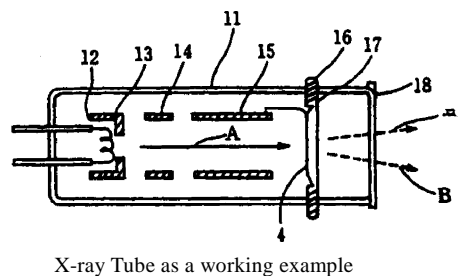
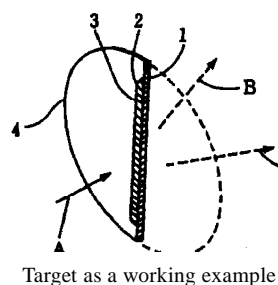
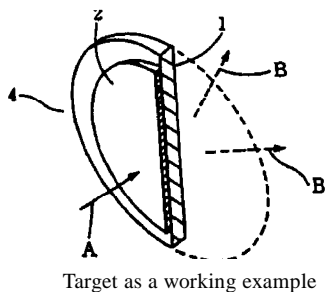
Scope of Claims**[Claim 1]**

...

Excerpts from the Detailed Explanation of the Invention

.....

 The conductive film (3) also serves as a reinforcement and prevents the target from deforming, and therefore a uniform X-ray can be generated.

Drawings**[Conclusion]**

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description only mentions a conductive film which does not take a charge. The function of the conductive film as a reinforcement to sufficiently prevent the target from deforming relies on the material and thickness of the film. Consequently, it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand the effect of the “conductive film serving as a reinforcement” as if they were stated therein.

Example 25 concerning the analyzing process of a new matter

Category: Amendment to effect

Original Description, etc

Title of the Invention

Vehicle window glass with antenna

Scope of Claims

[Claim 1]

Vehicle window glass with an antenna, wherein a transparent conductive film is arranged over the entire glass as an antenna and connected to a vehicle acoustic device and a power source through an antenna amplifier.

Excerpts from the Detailed Explanation of the Invention

... As mentioned above, the transparent conductive film in the working example has the combined function of an antenna and a heater.

Amended Description, etc

Title of the Invention

...

Scope of Claims

[Claim 1]

...

Excerpts from the Detailed Explanation of the Invention

... As mentioned above, the transparent conductive film in the working example has the combined function of an antenna, a heater, and insulating heating waves.

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended description mentions the transparent conductive film, which also has the function of insulating heating waves. However, the originally attached description, etc. does not imply anything about the relationship between the film and the function, even if the insulating heating waves is a well-known function of the transparent conductive film. It is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the film also has a function of insulating heat wires as if they were stated therein.

Example 26 concerning the analyzing process of a new matter

Category: Amendment to effect

Original Description, etc

Title of the Invention

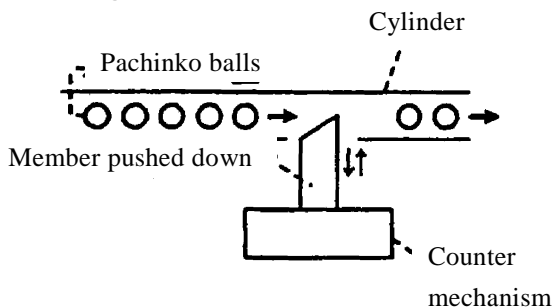
Pachinko ball counter

Scope of Claims**[Claim 1]**

A pachinko ball counter which includes a mechanism, wherein a small hole is opened in a cylinder whose inner diameter is one size larger than that of a pachinko ball, a member is inserted in the hole and pushed down by each ball travelling through the cylinder, and the mechanism counts the number of times the member is pushed-down, thereby counting the number of balls.

Excerpts from the Detailed Explanation of the Invention

The present invention provides a cylinder whose inner diameter is one size larger than that of a pachinko ball and through which balls travel and also provides a member pushed down once by each ball travelling through the cylinder, which enables the counter to correctly count the number of balls. The working example shows that balls are scarcely damaged, because the top of the member is inclined.

Drawings

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

A pachinko ball counter which includes a mechanism, wherein a small hole is opened in the cylinder whose inner diameter is one size larger than that of a pachinko ball, a member whose inclined top touches balls is inserted in the hole and pushed down by each ball travelling through the cylinder, and the mechanism counts the number of times the member is pushed down, thereby counting the number of balls.

Excerpts from the Detailed Explanation of the Invention

The present invention provides a cylinder whose inner diameter is one size larger than that of a pachinko ball and through which balls travel and also provides a member pushed down once by each ball travelling through the cylinder, which enables the counter to correctly count the number of balls and in which balls are scarcely damaged, because the top of the member is inclined.

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended claim provides an invention which is the art described in the working example of the

originally attached description, and also provides the amended effect of the invention based on the effect of the working example, but the effect of the invention is initially described in the originally attached description. Consequently, it is considered that the amendment is adequate.

Example 27 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

Key switch of an electric keyboard musical instrument

Scope of Claims

[Claim 1]

A key switch of an electric keyboard musical instrument in which an actuator (12) presses the surface of a contact pattern (3) on a piezoelectric film (7), which responds to keys (11)

Excerpts from the Detailed Explanation of the Invention

The key switch (10) is formed in the array direction of multiple keys (11) which are mounted on a keyboard frame shown in Fig. 3, and arranged so as to work the projected tip (12a) (Fig. 2) of the actuator (12) arranged under the bottom of the keys (11) to respond to pressed keys and press the surface of the contact pattern (3), which responds to keys (11), on the piezoelectric film. When the keys are pressed, a pressing force (F) is applied at the same time, and the force is input to the electric circuit (not shown) through certain devices, such as the contact pattern (5), thereby detecting pressed keys and the force or change.

Amended Description, etc

Title of the Invention

...

Scope of Claims

[Claim 1]

A key switch of an electric keyboard musical instrument in which an actuator (12) comes in contact with a piezoelectric film (7) without pressing keys and presses a certain section of a contact pattern (3) on the piezoelectric film (7), which responds to keys (11)

...

Excerpts from the Detailed Explanation of the Invention

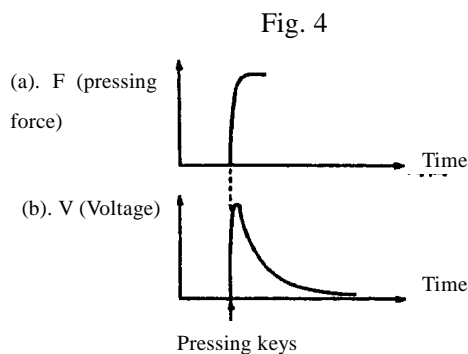
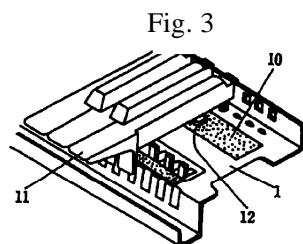
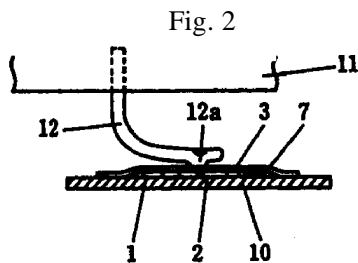
[illegible]

The keys (11) come lightly in contact with the piezoelectric film (7) without being pressed in a horizontal state. When keys are pressed, a pressing force (F) is applied at the same time, and the force is input to the electric circuit (not shown) through certain devices, such as the contact pattern (5), thereby detecting pressed keys and the force or change of the keys. Users are able to continuously receive key operation information for each key according to the intensity of the operation pressing force from the beginning of the operation to the end.

Excerpts from [Brief Explanation of Drawing]

Fig.2 shows a sectional view of keys and the actuator; Fig.3 shows a perspective view of a state of keys mounted on the key frame forming a key switch; Fig.4 shows a diagrammatic view of examples which show a relationship between the pressing force due to pressing keys applied to the section pressed by an actuator on a piezoelectric film of a key switch and the voltage generated by pressing keys.

1: Key frame, 2: Insulation layer, 3: Contact pattern, 7: Piezoelectric film, 10: Key switch, 11: Keys, 12: Actuator

Drawings**Excerpts from [Brief Explanation of Drawing]**

...

...

Drawings

...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Fig. 2 shows a state of the projected tip of the actuator (12) coming in contact with the piezoelectric film, but it is not considered that this contact explicitly represents a state in which “(the key (11)) comes lightly in contact (with the piezoelectric film (7)) without being pressed in a horizontal state” or that other descriptions in the originally attached description, etc. represent the state.

Example 28 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

Computer device

Scope of Claims**[Claim 1]**

A computer device, in which a signal distributor is arranged midway along RS232C interface cables connecting the body and a keyboard, and separating input/output devices are connected to the distributor.

Excerpts from the Detailed Explanation of the Invention

The signal distributor is arranged midway along the RS232C interface cables which connect the body and the keyboard.

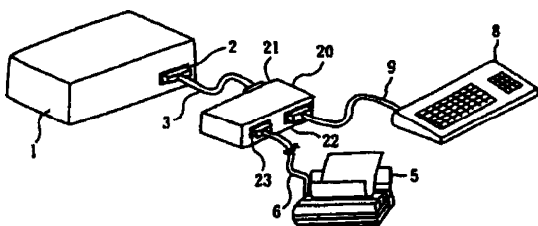
Separating input/output devices, such as a printer, are connected to the distributor, thereby it is possible to connect both the keyboard and the printer for a personal computer with one interface port.

[Brief Explanation of Drawing]

1: Body
3, 6, 9: RS232C cables
5: Printer
8: Keyboard
20: Distributer

Drawings

[Fig.1]



Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

...

Excerpts from the Detailed Explanation of the Invention

.....
.....
.....
.....
.....
.....
.....
.....

In addition to a printer, a mouse, which is controlled by RS232C interfaces, is connected to the distributor, thereby it is possible to use a mouse without modifying any part of the body of the personal computer.

[Brief Explanation of Drawing]

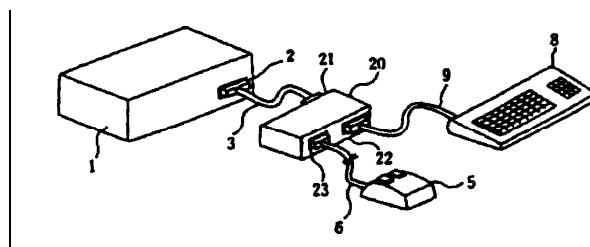
...

Drawings

[Fig.1]

...

[Fig.2]



[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. mentions a generic concept of “input/output devices” and a signal distributor to which other input/output devices controlled by RS232C interfaces are connected in addition to the keyboard. It also mentions a printer as the only example of the input/output devices. It is well known that a mouse is a separating input/output device other than a keyboard, as well as a printer, CRT, and joystick, but it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the “separating input/output devices” represent a mouse as a specific device.

Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 29 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

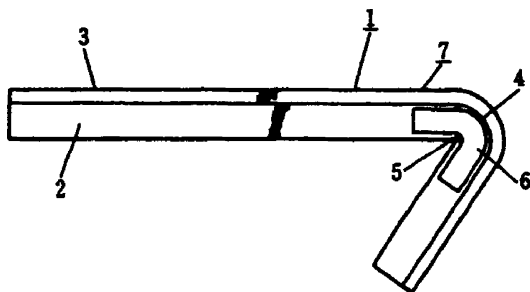
Shock absorber

Scope of Claims**[Claim 1]**

A shock absorber, in which an extrusion molded article made of shock absorbing material, such as synthetic resins, is bent to form the article into the desired shape and has a means for fixing the bent state for keeping the desired shape.

Excerpts from the Detailed Explanation of the Invention

The bending section (4) of the extrusion molded article (1) made of soft synthetic resins keeps its shape by using a means (6) for fixing the bent state.

Drawings

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

A shock absorber, in which
.....
.....
..... has a bent section on which an adhesive tape is attached over the corner.

Excerpts from the Detailed Explanation of the Invention

The bending section (4)
.....
.....
keeps its shape by attaching an adhesive tape (6) on the bent section over the corner.

Drawings

...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. does not mention specific examples of “a means for fixing the bent state.” Even though the adhesive tape may generally be one of the common means for fixing such state, it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the “means for fixing the bent state” represents the “adhesive tape.”

Example 30 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

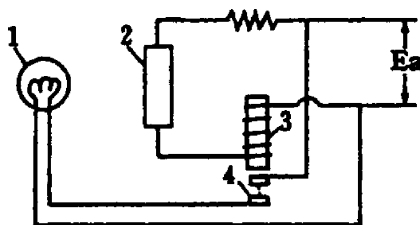
Automatic lighting device

Scope of Claims**[Claim 1]**

An automatic lighting device, in which a relay (3) operated by a delay photoconductive device (2) receiving part of the light of an illumination lamp (1) drives a contact (4) to open and close the circuit of the lamp (1).

Excerpts from the Detailed Explanation of the Invention

The symbol Es represents a direct-current power supply. It fails less often than those applying mechanical contacts for lighting, such as bimetal switches. Changing a response characteristic of the device (2) or relay (3) enables changing of the interval of turning on and off the light.

Drawings

Amended Description, etc

Title of the Invention

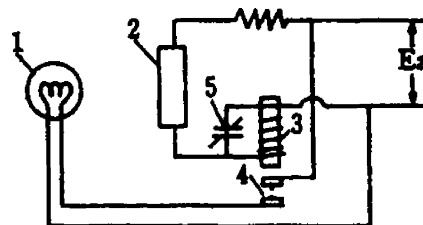
...

Scope of Claims**[Claim 1]**

.....
a relay (3) with a parallel variable capacitor (5)...

Excerpts from the Detailed Explanation of the Invention

.....
.....
.....
..... In addition, connecting the variable capacitor (5) in parallel to the relay (3) enables increasing and decreasing of the capacity of the condenser and facilitates adjustment.

Drawings**[Conclusion]**

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

It is well-known that connecting a variable capacitor in parallel to a relay enables changing of the interval of turning on and off a light and changing the response characteristic. Also, it is these well-known arts which brought about the effect of connecting a variable capacitor in parallel to a relay to facilitate adjustment.

However, the originally attached description, etc. does not mention connecting a variable capacitor in parallel to a relay to facilitate adjustment, and it is not clear if the expression “changing a response characteristic of the relay (3) enables changing of the interval of turning on and off the light” means

changing the interval of turning on and off the light for each respective device or changing the interval of turning on and off the light for a single device used in succession. Furthermore, even taking the latter “changing the interval of turning on and off the light for a single device used in succession” into consideration, there are other various means for changing the interval of turning on and off a light, such as art for connecting an RC circuit in series to a relay, and it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that a variable capacitor is connected in parallel to change a response characteristic of the device as if they were stated therein. Consequently, a lighting device with a variable capacitor arranged in parallel is an art obvious to persons skilled in the art, and the amendment is not within the scope of the matters stated in the originally attached description, etc.

Example 31 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention
Device for reproducing magnetic recordings

Scope of Claims
[Claim 1]
A device for reproducing magnetic recordings, which includes a means for controlling the device to suppress reproduction signals for coping with the defects of picture signals by using detection signals output from a detector which detects the defects, for special reproduction to reproduce recordings by sending a magnetic tape at high speed.

Excerpts from the Detailed Explanation of the Invention
... Although the working example adopts the switching sensitivity of the demodulator, a demodulation level of the demodulator may also be switched. The present invention provides for suppressing the amplitude of noise demodulated by defects in picture information or shifting the position of the noise to decrease the noise, which successfully achieves the purpose of the present invention.

Amended Description, etc

Title of the Invention
...

Scope of Claims
[Claim 1]
...

Excerpts from the Detailed Explanation of the Invention
.....
.....
.....
.....
.....
.....
.....
..... the noise, or conducting these two functions together, that is, the switching sensitivity of the demodulator and switching the demodulation level of the demodulator, which successfully ...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Even though the respective functions are known art, there is no hindrance to conducting these functions together, and applying these functions together is a well-known art to improve an effect, they are not sufficient grounds to support that a person skilled in the art who contacts the originally attached description, etc. would understand that these functions are conducted together as if they were stated therein.

Example 32 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

Suikinkutsu (water harp cave)

Scope of Claims**[Claim 1]**

A suikinkutsu, or water harp cave, which includes an upside down hollow pot made of a hard material with a hole for dripping water at the top, and a water-drop receiving tray which is positioned at the bottom of the pot, whose upper side is opened and positioned below the hole, which is shaped so as to store the predetermined amount of water in the receiving tray, and which has a path for discharging overflowed water through which water dripped into the opening of the receiving tray overflows, wherein the dripping water falls from the hole to the surface of the receiving tray in the pot and the impact of the dripping water on the surface makes a resonance sound loud enough to reach the outside of the pot.

Excerpts from the Detailed Explanation of the Invention

... The external size of the receiving tray is smaller than the internal diameter of the bottom of the pot, and the receiving tray is arranged inside the pot.

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

...

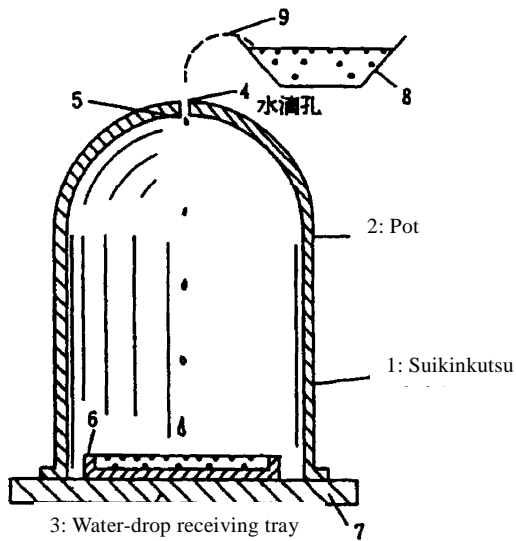
Excerpts from the Detailed Explanation of the Invention

.....

 In addition, the size of the receiving tray may be larger than the bottom of the pot, and the suikinkutsu may also be created to position the pot in the receiving tray.

Drawings

[Fig.1]



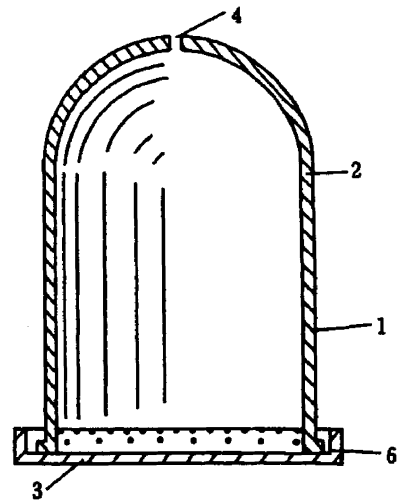
4: Hole for dripping water

Drawings

[Fig.1]

...

[Fig.2]



[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended description provides a new working example which shows that the pot is positioned in the receiving tray.

The originally attached description, etc. mentions the suikinkutsu in which the receiving tray is positioned inside the pot, and it is not considered that a person skilled in the art who contacts the originally attached description, etc. would clearly understand that the pot is positioned in the receiving tray.

Example 33 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc	Amended Description, etc
Title of the Invention Process for manufacturing a steroid	Title of the Invention ...
Scope of Claims [Claim 1] A process for manufacturing 4-oxy-methyltestosterone, wherein delta-methylandrostene-17 β -ol-3-one react with lead tetraacetate to produce delta-methylandrostene-4-acetoxy-17 β -ol-3-one and the produced delta-methylandrostene-4-acetoxy-17 β -ol-3-one is separated and treated with an acid or alkaline substance.	Scope of Claims [Claim 1] A process for manufacturing delta-methylandrostene-4-acetoxy-17 β -ol-3-one, wherein delta-methylandrostene-17 β -ol-3-one react with lead tetraacetate ...
Excerpts from the Detailed Explanation of the Invention ...	Excerpts from the Detailed Explanation of the Invention ...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The original claim provides a manufacturing process composed of the first and second steps, but the amended claim provides only one step thereof.

Since the originally attached description, etc. provides the first step, the amendment is within the scope of the matters stated in the originally attached description, etc.

Example 34 concerning the analyzing process of a new matter

Category: Amendment to structure

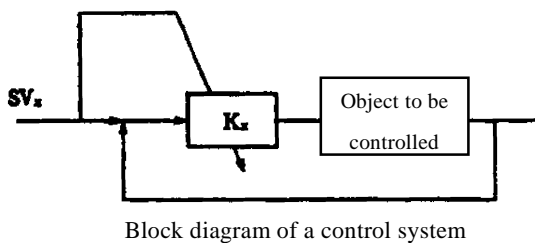
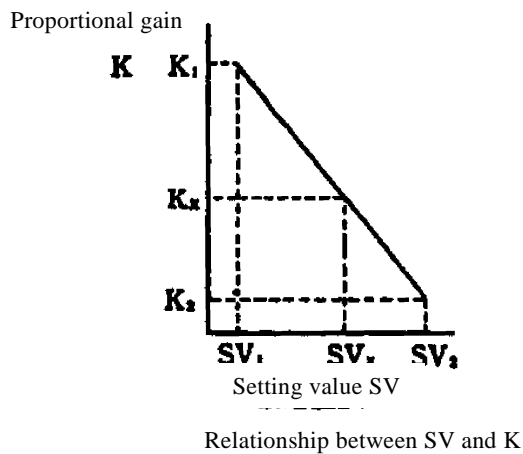
Original Description, etc

Title of the Invention

Controller for controlling process

Excerpts from the Detailed Explanation of the Invention

The present invention provides a controller which controls a process by proportional control, in which two different setting values SV_1 and SV_2 and proportional gain K_1 and K_2 responding linearly to the setting values are predetermined, and proportional gain K_x responding to arbitral setting values SV_x is gained by calculating SV_1, K_1, SV_2 , and K_2 to control the process.

Drawings

Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

.....

 and proportional gain K_x responding to arbitral setting values SV_x is gained by formula (1) to control the process.

$$K_x = \frac{K_1 - K_2}{SV_1 - SV_2} (SV_x - SV_1) + K_1 \quad \dots \text{Formula (1)}$$

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description mentions proportional gain K responding linearly to setting value SV , and figure 1 shows a block diagram showing the relationship between SV and K . Taking these descriptions into consideration, it would be clearly understood that these descriptions represent formula (1) in the amended description.

Example 35 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc

Title of the Invention

Device for opening a fertilizer bag

Scope of Claims**[Claim 1]**

A device for opening a fertilizer bag, wherein a chute is arranged for sliding a fertilizer bag filled with fertilizer onto a frame or platform of a truck that carries fertilizer bags to the positions where people or conveyers dump the fertilizer into a hopper of a dispenser, the chute is positioned by a mechanism for adjusting the angle which is composed of a means for keeping the angle and a pivot means so as to adjust the angle to a retaining pole, and a convex opening blade is arranged at the lower end of the chute, which stabs the lower bottom of the bag and opens it using the weight of the bag sliding through the chute.

Excerpts from the Detailed Explanation of the Invention

...

Numeral 1 shows the device for opening fertilizer bags which opens a fertilizer bag (2) filled with fertilizer. The device (1) for opening fertilizer bags includes a mechanism for adjusting the angle composed of: a means for keeping the angle including the arm (6) inserted between a chute (3) through which the fertilizer bag (2) slides for being dumped and a retaining pole (4); and a pivot means including a pin (5) rotationally pivoting the chute (3) to the retaining pole (4). The mechanism enables the chute (3) to adjust the angle to the retaining pole (4). The chute (3) includes the convex opening blade (7) for stabbing the lower end of the fertilizer bag (2) and opening the bag using the gravity of the bag sliding through the chute, and the blade (7) is detachably fixed by fixing bolts (7a) that enable to adjust the angle.

...

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

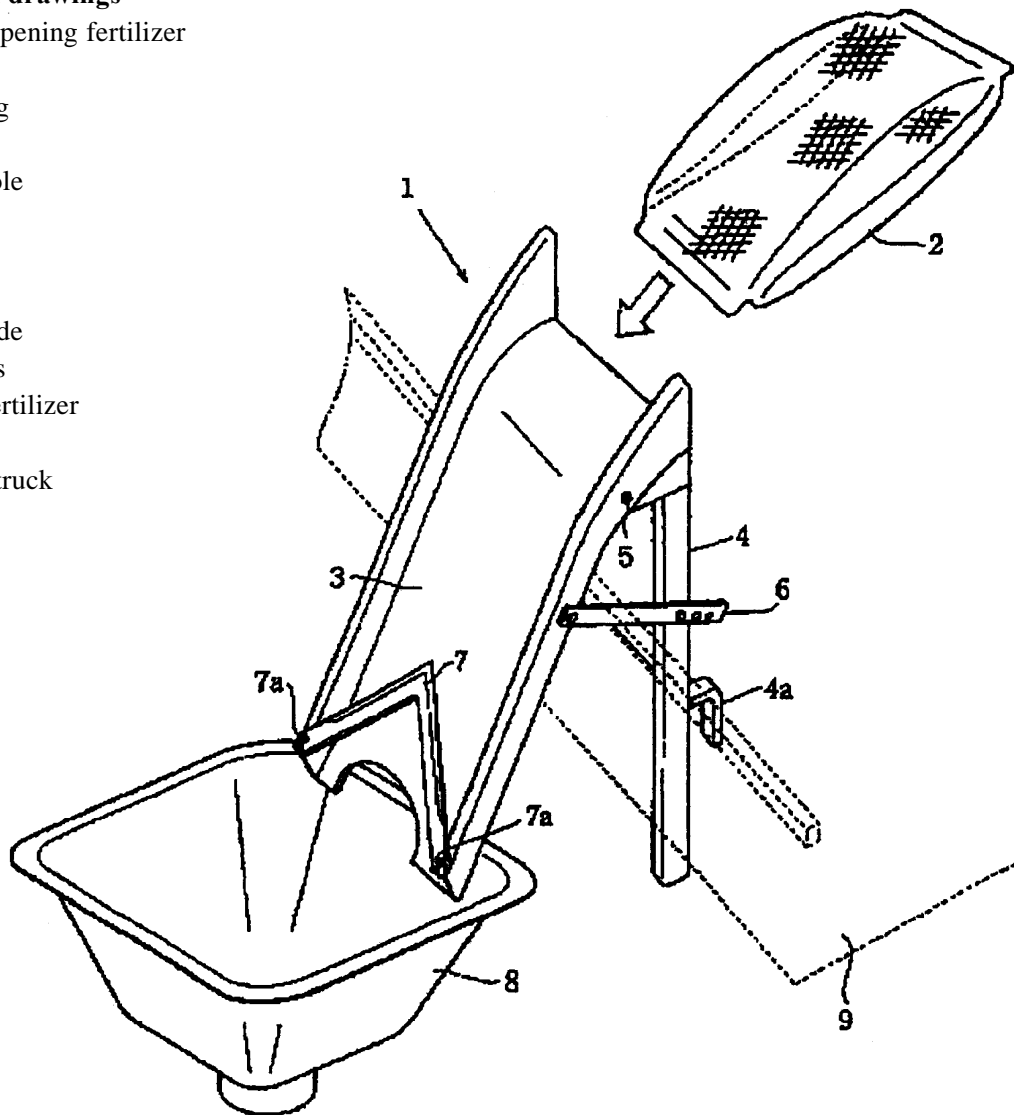
A device for opening a fertilizer bag, wherein a chute is arranged for sliding a fertilizer bag filled with fertilizer onto a frame or platform of a truck that carries fertilizer bags to the positions where people or conveyers dump the fertilizer into a hopper of a dispenser, the chute is positioned by a mechanism for adjusting the angle which is composed of a means for keeping the angle, having an arm inserted between the chute and the retaining pole, and a pivot means so as to adjust the angle to a retaining pole, and a projecting opening blade is arranged at the lower end of the chute, which stabs the lower bottom of the bag and opens it using the weight of the bag sliding through the chute.

Excerpts from the Detailed Explanation of the Invention and Drawings

...

Excerpts from drawings

- 1: Device for opening fertilizer
- bags
- 2: Fertilizer bag
- 3: Chute
- 4: Retaining pole
- 4a: Metal hook
- 5: Pin
- 6: Arm
- 7: Opening blade
- 7a: Fixing bolts
- 8: Hopper of fertilizer
- dispenser
- 9: Platform of truck



[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Regarding a “mechanism for adjusting angles” as matters used to define the invention of the device for opening fertilizer bags, the original claim describes a “mechanism for adjusting the angle which is composed of a means for keeping the angle and a pivot means,” and the detailed explanation of the invention of the originally attached description mentions a “mechanism for adjusting the angle composed of: a means for keeping the angle including the arm (6) inserted between a chute and a retaining pole (4); and a pivot means including a pin (5) rotationally pivoting the chute (3) to the retaining pole (4),” as a working example. While the working example explains a “pivot means including a pin rotationally pivoting the chute to the retaining pole,” the original claim mentions a “pivot means” without describing its specific structure.

In addition, there is no specific reason to consider that the originally attached description, etc. only

mentions a “mechanism for adjusting the angle composed of: a means for keeping the angle including the arm inserted between a chute and a retaining pole; and a pivot means including a pin rotationally pivoting the chute to the retaining pole,” such as in case when an interdependence of structures or a relationship of functions between a means for keeping the angle including the arm and a pivot means including the pin exist. Therefore, it is considered that the originally attached description, etc. describes a “mechanism for adjusting the angle which is composed of: a means for keeping the angle having an arm inserted between the chute and a retaining pole, and a pivot means.”

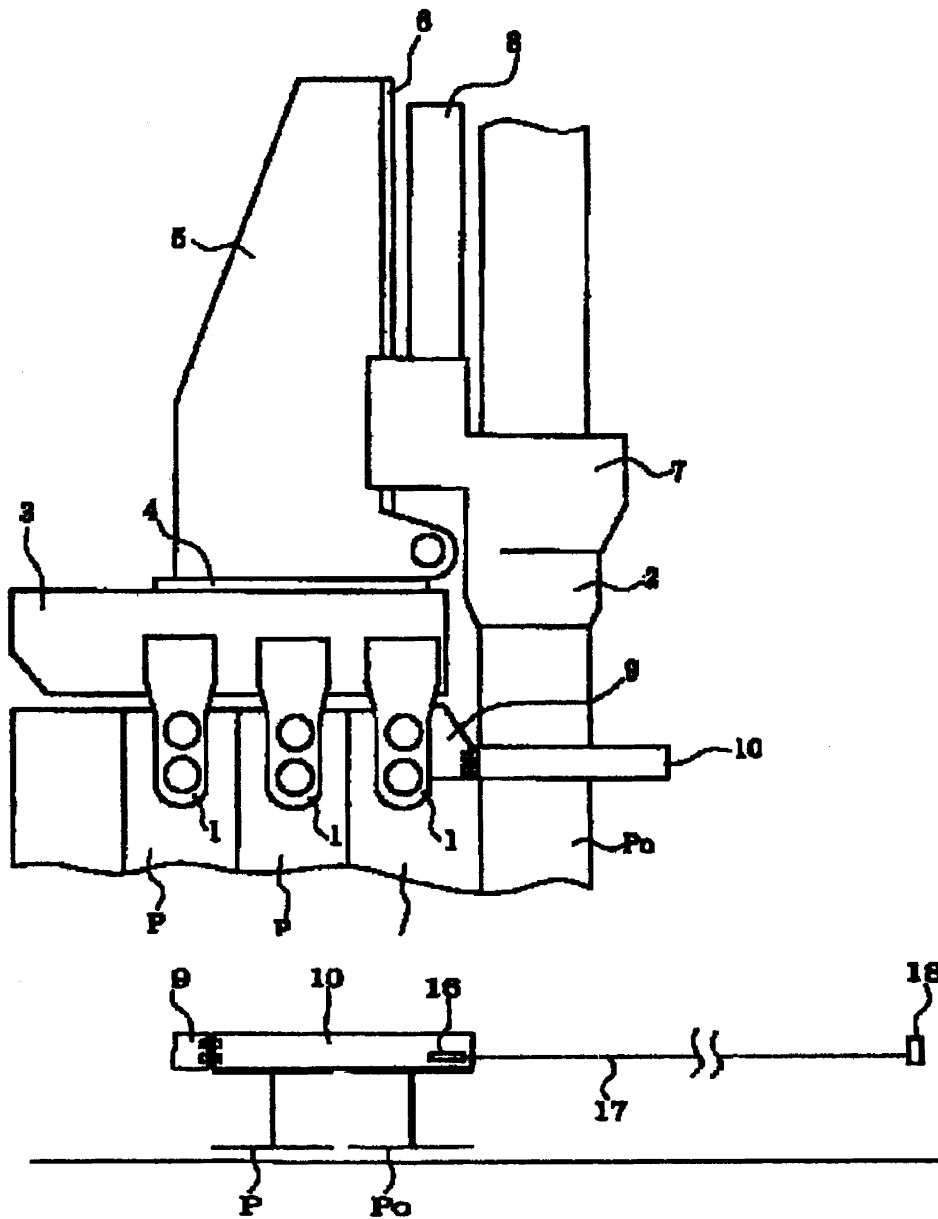
Consequently, the amendment is within the scope of the matters stated in the originally attached description, etc.

Example 36 concerning the analyzing process of a new matter

Category: Amendment to structure

Original Description, etc	Amended Description, etc
Title of the Invention Post-driving device	Title of the Invention ...
Scope of Claims [Claim 1] A post-driving device which includes a body which sequentially drives new posts into the ground in a line while binding existing posts, and a guide plate which has a guide surface configured to coordinate with the travelling direction of post line, is mounted to the body, and guides the driving of new posts along the guide surface.	Scope of Claims [Claim 1] A post-driving device which includes a body which sequentially drives new posts into the ground in a line while binding existing posts, a guide plate which has a guide surface configured to coordinate with the travelling direction of driving, is mounted to the body, and guides the driving of new posts along the guide surface, and <u>a laser oscillator mounted on the guide plate</u> , wherein the position of the body to which the guide plate is attached is selectable so that laser light hits a target arranged at the end of the post line.
Excerpts from the Detailed Explanation of the Invention ... The body of the post-driving device includes multiple cramps (1) which binds multiple existing posts (P) and a chuck (2) which drives new steel-pipe posts (PO), and the body includes a guide plate (10). The guide plate (10) guides the pressing-in of new posts (PO), and one side of the guide plate (10) is a guide surface (11). The guide surface (11) is configured to coordinate with the travelling direction of the lined new posts (PO) to be driven into the ground. The new posts (PO) are pressed in the ground while the new posts (PO) slides the guide surface (11). In addition, a laser oscillator (16) is attached to the tip of the guide plate (10) and it outputs laser light. Numeral 17 shows a line along which posts are to be driven into the ground and a target (18) which receives laser light, such as an optical receiver, is arranged at the end of the line (17). The working example shows that the position of the body on which the guide plate (10) is mounted is selected so that laser light output from the laser oscillator (16) enters the target (18), thereby coordinating the guide plate (10) with the line (17) of the posts which enables the guide surface (11) to drive the posts (P and PO) while guiding them. ... The laser light output from the laser oscillator has the characteristic of travelling straight. The present invention applies this characteristic to the simple and accurate driving of posts to arrange them in a normal line, constantly coordinating the guide plate with the line of posts. ...	Excerpts from the Detailed Explanation of the Invention and Drawings ...

Excerpted drawing



- 1: Cramp
- 2: Chuck
- 10: Guide plate
- 11: Guide surface
- P: Post
- PO: New post
- 16: Laser oscillator
- 17: Line of pressed in posts
- 18: Target

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description mentions the expression “a laser oscillator (16) is attached to the tip of the guide plate (10)” while it mentions another expression, “[t]he laser light output from the laser oscillator has the characteristic of travelling straight. The present invention applies this characteristic to the simple and accurate driving of posts to arrange them in a normal line, constantly coordinating the guide plate with the line of posts.” Considering these expressions from the technical point of the invention, it is considered that a person skilled in the art who contacts the originally attached description, etc. could understand that the laser oscillator is not required to be arranged at the tip of the guide plate as a matter of course. From this viewpoint, it is understood that the originally attached description, etc. does not limit the

position to which the laser oscillator is arranged.

Consequently, the amendment is not within the scope of the matters stated in the originally attached description, etc.

As an additional note, it is not permitted for the applicant to amend the originally attached description, etc. to specify the position to which a laser oscillator is arranged, such as “at the rear end of the guide plate,” since the originally attached description, etc. does not specify such position or mention any selected position, which would make the concept of the art more specific.

Example 37 concerning the analyzing process of a new matter

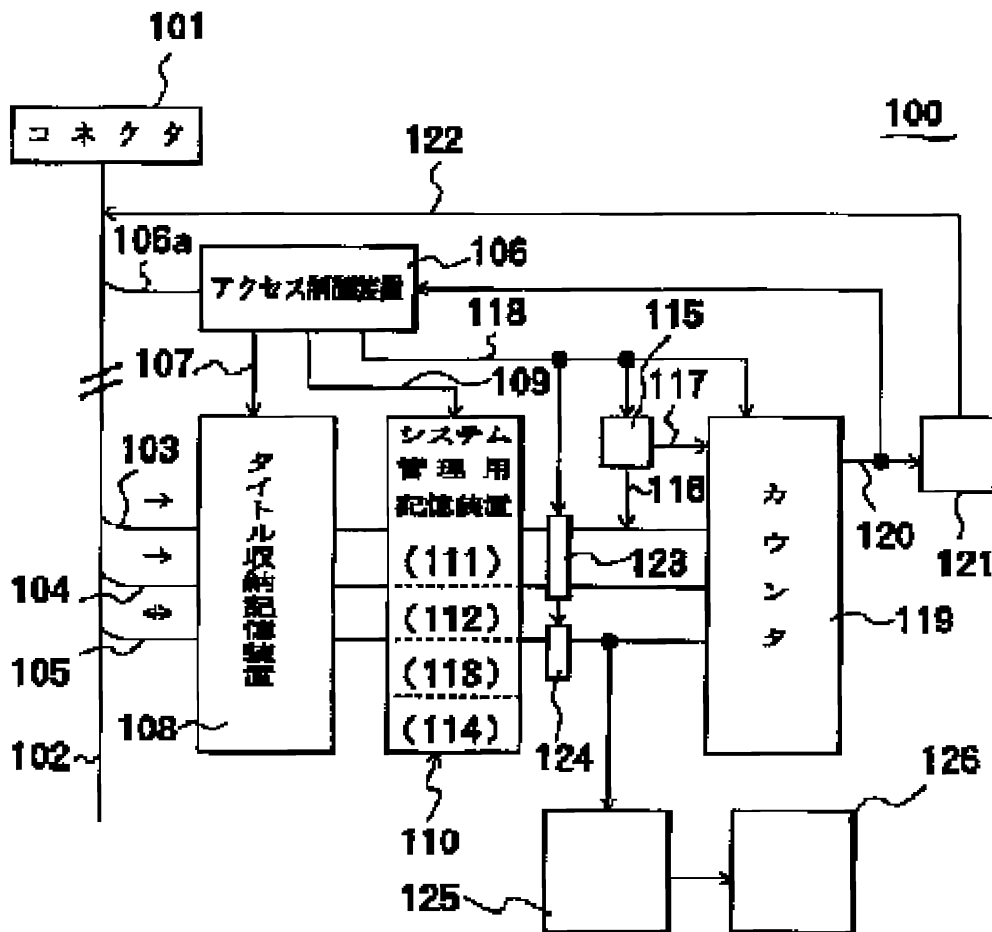
Category: Amendment to structure

Original Description, etc	Amended Description, etc
Title of the Invention	Title of the Invention
Cartridge for rental software	...
Scope of Claims	Scope of Claims
[Claim 1]	[Claim 1]
A cartridge for rental software which includes a rewritable storage in which desired software is externally stored; a means for managing the expiration date of rental software based on rental expiration information externally stored or on information on the accumulative time of rental use and for automatically invalidating the software based on the delay beyond the expiration date or on the excess over the accumulative time; and a display which indicates at least one of the following: information on the amount of the remaining time before the expiration date, the amount of elapsed or accumulated time of rental use after starting the software rental, or the delay beyond the expiration date.	A cartridge for rental software which includes a rewritable storage in which desired software is externally stored; a means for managing the expiration date of rental software based on rental expiration information externally stored or on information on the accumulative time of rental use and for automatically invalidating the software based on the delay beyond the expiration date or on the excess over the accumulative time;
	[Claim 2]
	A cartridge for rental software of claim 1 which includes a display which indicates at least one of the following: information on the amount of the remaining time before the expiration date, the amount of elapsed or accumulated time of rental use after starting the software rental, or the delay beyond the expiration date
	Excerpts from the Detailed Explanation of the Invention and Drawings
	...
Excerpts from the Detailed Explanation of the Invention	
...	

The working example describes the cartridge which includes a mechanism which stores the title of the rental software and autonomously manages the expiration date of the rental software with the title, and both users and sellers are not required to take complicated steps and are able to manage the correct expiration date.

The present invention provides a character indicator (126a) and a graph indicator (126b) which indicates the amount of remaining time before the expiration date which enables users to confirm the expiration date and which prevents inconvenience, such as passing-over the expired date of rental software, thereby improving the convenience of the cartridge.

Excerpts from drawings



100: Cartridge

101: Connector

102: Bus

103: Control bus

104: Address bus

105: Data bus

106: Access controller

106a: Control line

107: Access permission signal

108: Title storage device

109: Access permission signal

111: Storage block for message about overdue date

112: Storage block for user identification signals

113: Storage block for user information

114: Recording block for the number of access states

115: Clock generator

116: Pulse for reading counter values

117: Inputting clocks

118: Access permission signal

119: Counter

120: Outputting time-out

121: Reset pulse generator

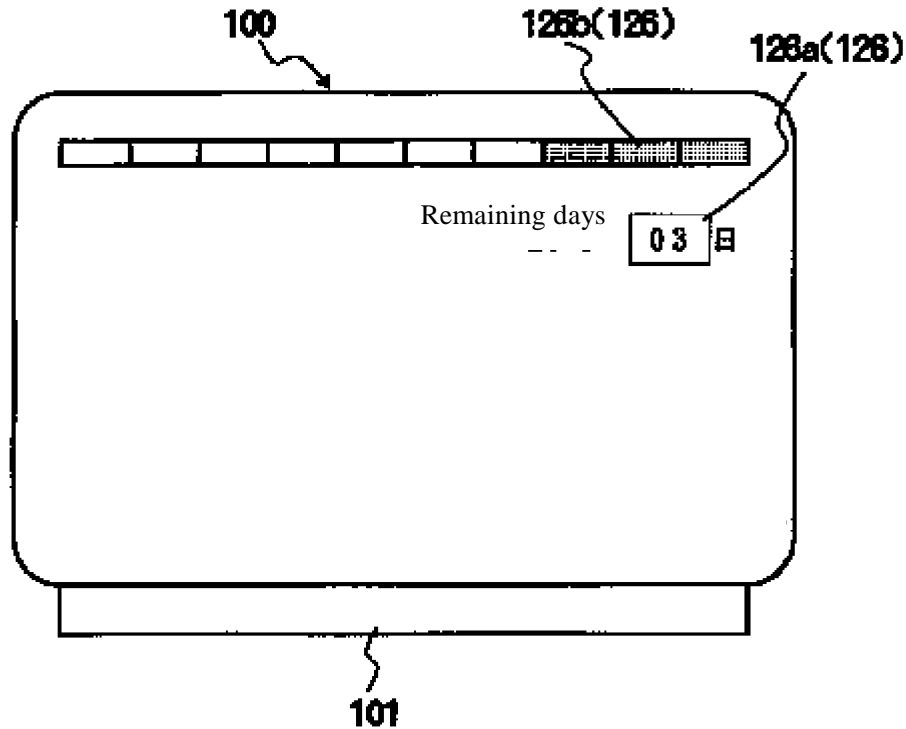
122: Reset control line

123: Bus buffer

124: Bus buffer with direction indicator

125: Counter value decoder

126: Counter value indicator



126a: Character indicator

126b: Bar graph indicator

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. mentions the expression “a cartridge for rental software which includes a storage, a means for managing the expiration date of rental software, and a display,” while the detailed explanation of the invention shows the expression “[t]he working example describes the cartridge which includes a mechanism which stores the title of the rental software and autonomously manages the expiration date of the rental software with the title, and both users and sellers are not required to take complicated steps and are able to manage the correct expiration date,” which explains based on the storage and the means for managing the expiration date of the rental software. Consequently, it is apparent that adding a display to the cartridge is an optional art.

Consequently, the amendment is within the scope of the matters stated in the originally attached description, etc.

Example 38 concerning the analyzing process of a new matter

Category: Amendment to working

Original Description, etc

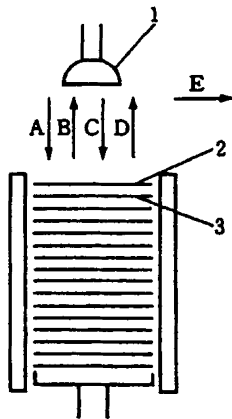
Title of the Invention

Method of carrying plate-like bodies

Excerpts from the Detailed Explanation of the Invention

The absorber (1) vertically moves twice and then carries (E) absorbed sheets to the predetermined position.

Even when it adsorbs sheet 3 under top sheet 2 during the first vertical motion (A→B) to adsorb and hold sheet 2, the adsorber (1) is able to release sheet 3 during the second vertical motion (C→D).

Drawings

Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

.....

In addition, the first vertical stroke is the same as the second one, and when it fails to absorb the top sheet during the first absorption by lowering itself (A), the absorber (1) gains an opportunity to absorb and hold the sheet during the second absorption by lowering itself (C) in succession to the first absorption.

Drawings

...

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The amended description additionally mentions the working of the invention, in which the first vertical stroke is the same as the second one, and the effect of the invention, that is, the adsorber gains an opportunity to adsorb and hold the top sheet during the second adsorption by lowering itself in succession to

the first adsorption when it fails to absorb the top sheet during the first adsorption by lowering itself. However, the effect is mentioned only in the originally attached description, etc., and it is not considered that a person skilled in the art who contacts the originally attached description, etc. would understand that the first vertical stroke is the same as the second one and the effect brought from the working as if they were stated therein.

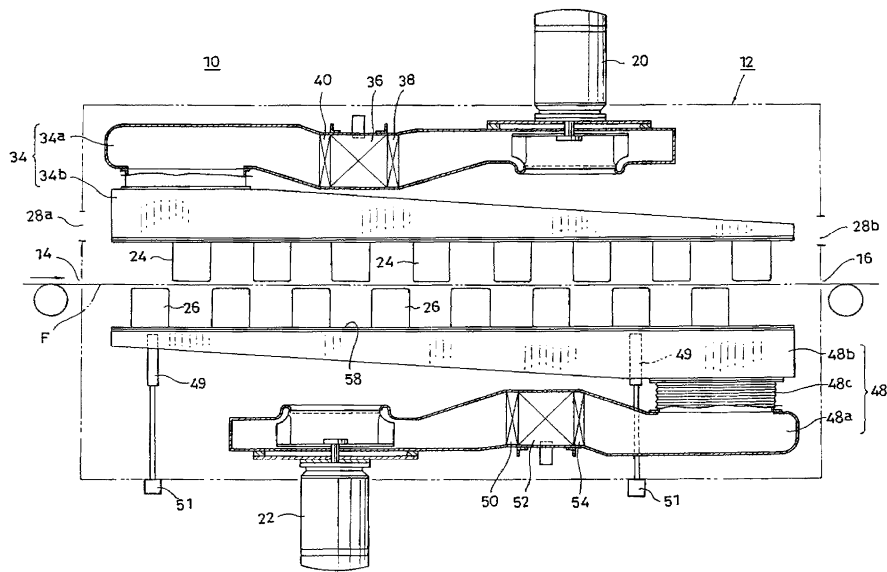
Example 39 concerning the analyzing process of a new matter

Category: Amendment based on drawings

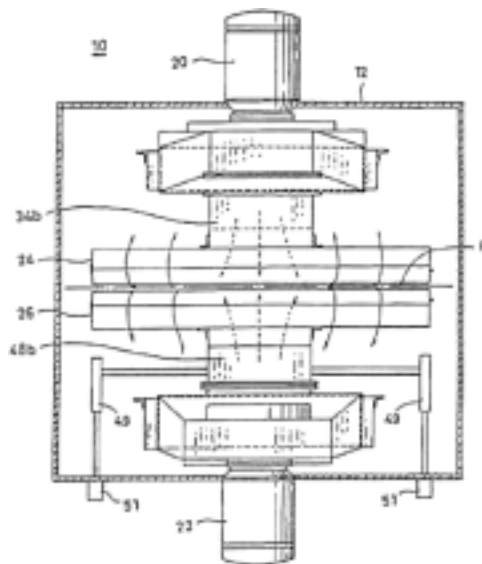
Original Description, etc	Amended Description, etc
Title of the Invention	Title of the Invention
Heat treatment device	...
Scope of Claims	Scope of Claims
[Claim 1]	[Claim 1]
A heat treatment device which includes a casing (12) which is a heat treatment chamber, <u>blowers which are arranged at the upper and lower sides across a band-like object (F) in the middle of the width direction</u> , and multiple nozzle boxes (24 and 26) which are arrayed at predetermined intervals in the longitudinal direction of the band-like object and connected to each other., <u>blowers which have intakes horizontally arranged at each fan on the ceiling and the bottom of the casing across a band-like object (F) in the middle of the width direction, wherein the intake on the ceiling faces downward and the intake on the bottom faces upward</u> , ...
Excerpts from the Detailed Explanation of the Invention	Excerpts from the Detailed Explanation of the Invention
The fan (20) on the ceiling of the casing generates wind, and the wind is sent to the lower duct (34b) through the first filter (38) of the upper duct (34a), the heat exchanger (36), and a second filter (40), during which the wind is made hot. The hot wind, then, is blown from the outlet of the nozzle boxes (24) to the upper surface of the band-like object (F).	...
On the other hand, the fan (22) on the bottom of the casing generates wind, and the wind is sent to the upper duct (48b) through the lower duct (48a) and blown from the outlet of the nozzle boxes (26) to the lower surface of the band-like object (F).	...

Drawings

[Fig. 1]



[Fig. 2]



[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Although the description does not explicitly explain the amended matter, it is clear that the invention provides an intake which faces downward and is horizontally arranged below the impeller at the lower section of the fan (20), an intake which faces upward and is horizontally arranged above the impeller at the upper section of the fan (22), and the intakes of the blowers which are arranged in the middle of the width direction of the band-like object (F), taking the descriptions about the working of the device into consideration with drawings. Consequently, it is considered that the art the applicant attempts to amend is the one which is obvious to a person skilled in the art who contacts the originally attached description, etc.

Example 40 concerning the analyzing process of a new matter

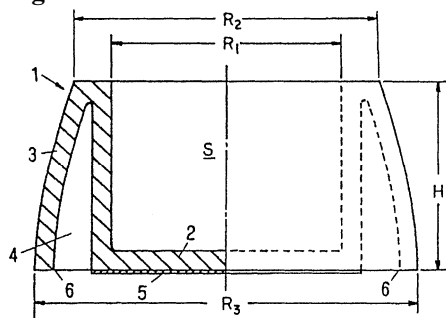
Category: Amendment based on drawings

Original Description, etc
Title of the Invention
 Beverage container serving plate

Excerpts from the Detailed Explanation of the Invention

The side portion (3) is perimetrically arranged around the outer side of the storage (S) via the hollow portion (4).

For example, when the serving plate (1) is placed on the surface of bedclothes, the serving plate (1) prevents beverage containers from tumbling since the slip resistance (5) prevents the serving plate (1) from moving and the edge (6) on the back of the side portion (3) is caught on the surface of the bedclothes.

Drawings

Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

.....

 portion (4). In addition, beverage containers placed in the storage (S) become stable since the positional level of the lower end of the side portion (3) is nearly the same as that of the bottom of the storage (S).

.....

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The drawing shows the positional relationship between the lower end of the side portion (3) and the bottom of the storage (S) and the originally attached description describes that the edge (6) on the back of the side portion (3) is caught on the surface of the bedclothes when the serving plate (1) is placed on the surface of the bedclothes, which clearly tell that the positional level of the lower end of the side portion (3) is nearly the same as that of the bottom of the storage (S) and, as a result, that the serving plate (1) prevents beverage containers from tumbling. Thus, it is obvious to a person skilled in the art who contacts the originally attached description, etc. that the serving plate (1) stabilizes beverage containers in the storage (S).

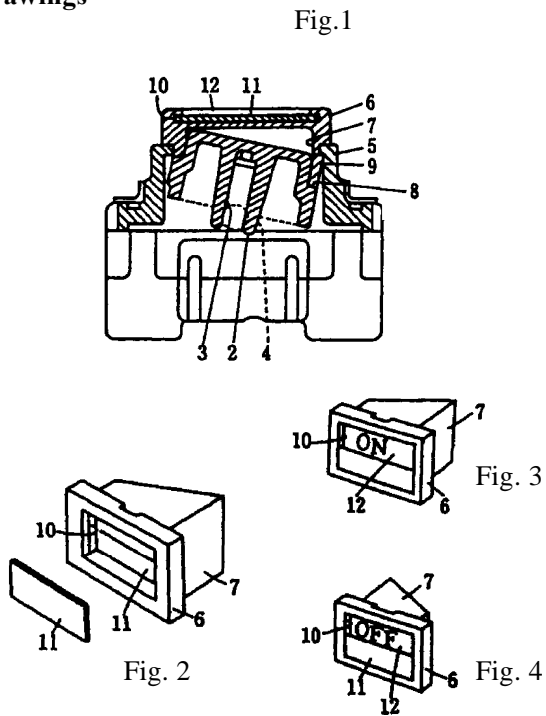
Consequently, the amendment is within the scope of the matters stated in the originally attached description, etc.

Example 41 concerning the analyzing process of a new matter

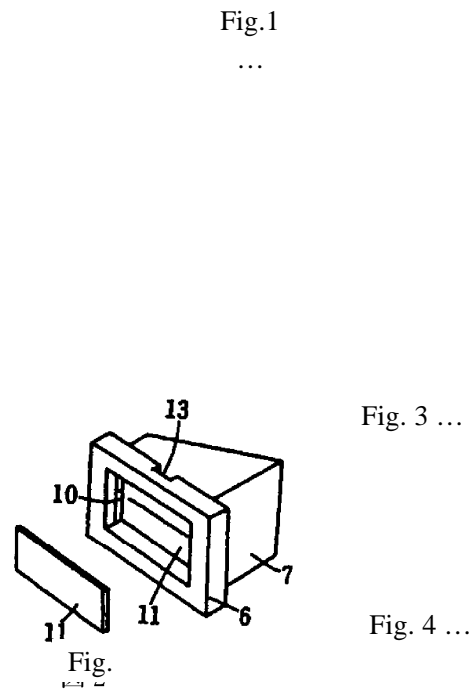
Category: Amendment to structure based on drawings

[illegible]

Drawings



Drawings



[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The slot is indicated in the drawings before the amendment, but the detailed explanation of the invention does not include any specific statements thereon. Although the technique to remove a cover with a screwdriver is well-known, it is not possible to say that the statements in the originally attached description, etc. obviously meant that the aforementioned cutout (13) is a slot for inserting a screwdriver.

Example 42 concerning the analyzing process of a new matter

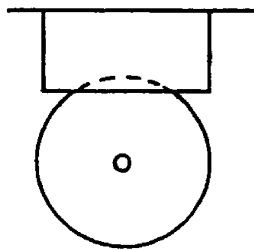
Category: Amendment to structure based on drawings

Original Description, etc

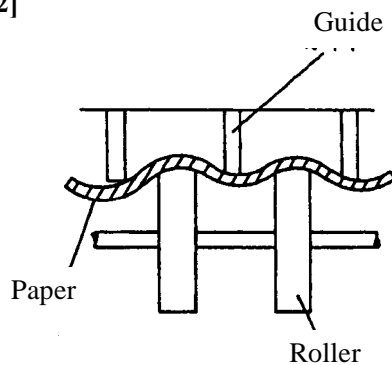
Title of the Invention
Paper ejection device

Excerpts from the Detailed Explanation of the Invention
Paper is conveyed while being pinched between a roller laid on a shaft and a guide opposite to said roller.
Stiffness is given to the paper by making the paper surge through the allocation of the guide in a manner that it enters the direction of the shaft center beyond the outer circumferential surface of the roller.

Drawings
[Fig. 1]



[Fig. 2]



Amended Description, etc

Title of the Invention
...

Excerpts from the Detailed Explanation of the Invention
Paper is conveyed while being pinched
.....
.....
The roller and the guide are allocated alternately in the direction of the shaft, and stiffness is ...

Drawings
...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Based on the statement in Fig. 2 and the statement in the description that “making the paper surge through the allocation of the guide in a manner that it enters the direction of the shaft center beyond the

outer circumferential surface of the roller,” which were originally attached to the request, it is recognized that Fig.2 indicates the point that “the roller and the guide are allocated alternately in the direction of the shaft.”

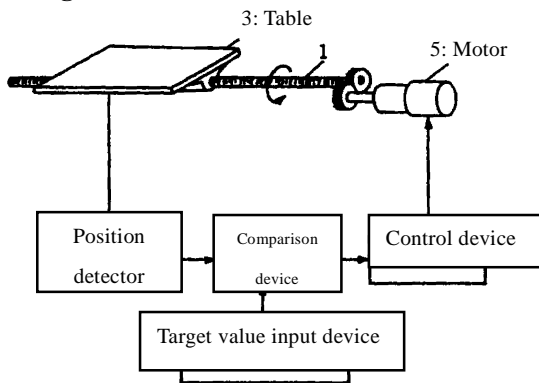
Example 43 concerning the analyzing process of a new matter

Category: Amendment to structure based on drawings

Original Description, etc

Title of the Invention
Table position control device

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

Title of the Invention
...

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).

Drawings

...

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

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.

Example 44 concerning the analyzing process of a new matter

Category: Amendment to drawings

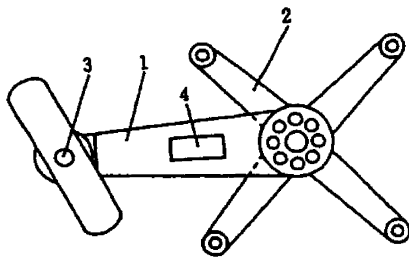
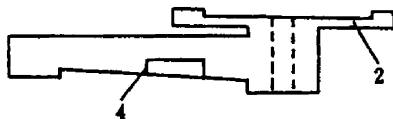
Original Description, etc

Title of the Invention

Pedal device

Excerpts from the Detailed Explanation of the Invention

In a crank lever in which a crank lever body (1) with a pedal shaft (3) and a reflector plate fixing frame (4) and an arm (2) to fix a chain gear are formed integrally, a lamellar reflector plate (5) is fitted in the bottom of a reflector plate fixing frame (4) in the manner that it does not project from the surface of crank lever body.

Drawings**[Fig. 1]****[Fig. 2]**

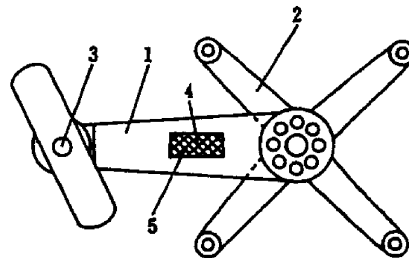
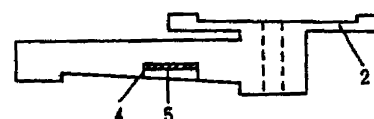
Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

...

Drawings**[Fig. 1]****[Fig. 2]**

Reflector plate

(Applicant's explanation on reasons for the amendment)

The applicant forgot to indicate the lamellar reflector plate (5) in the originally attached drawings. However, it is obvious from the statement in the originally attached description, "a lamellar reflector plate (5) is fitted in the bottom of a reflector plate fixing frame (4) in the manner that it does not project from the surface of crank lever body," that a lamellar reflector plate is fitted in the bottom of the reflector plate fixing frame (4) in the originally attached drawings as indicated in the amended drawing (Fig. 2).

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Based on the statement in the originally attached description, "a lamellar reflector plate (5) is fitted

in the bottom of a reflector plate fixing frame (4) in the manner that it does not project from the crank lever body,” the amendment to make clear that a lamellar reflector plate is fitted in the bottom of the reflector plate fixing frame (4) in the originally attached drawings as indicated in the amended drawing (Fig.2) is considered to be a matter which a person skilled in the art who contacts the originally attached description, etc. would understand as if they were stated therein. (matters obvious from the statement in the originally attached description, etc.).

Example 45 concerning the analyzing process of a new matter

Category: Amendment to drawings

Original Description, etc

Title of the Invention

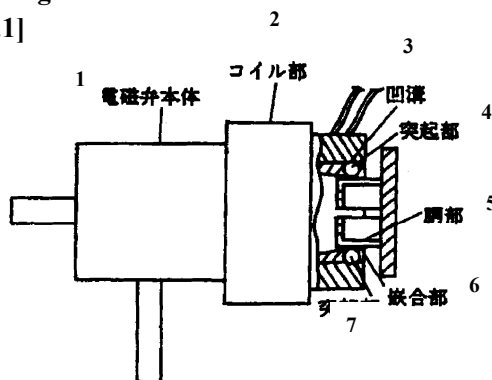
Solenoid valve device

Excerpts from the Detailed Explanation of the Invention

The cylindrical fitting part is formed on the solenoid valve body in the manner that its diameter is gradually reduced toward the end, and it can expand and contract radially owing to a cutout.

...

The solenoid valve body and the coil part are fixed by assuring the fitting with the bending of the trunk part of the fixture by pressing in the fixture after fitting the protruding part laid on the fitting part in the concave trench in the fixing part formed in the coil part.

Drawings**[Fig.1]**

- 1: Solenoid valve body
- 2: Coil part
- 3: Concave trench
- 4: Protruding part
- 5: Trunk part
- 6: Fitting part
- 7: Protruding part

Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

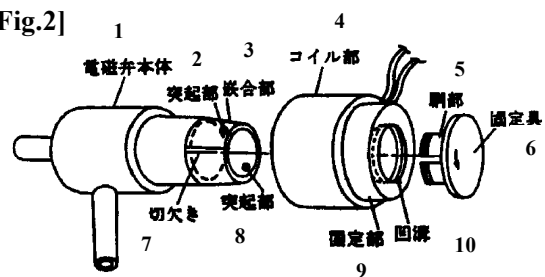
...

...

...

Drawings**[Fig.1]**

...

[Fig.2]

- 1: Solenoid valve body
- 2: Protruding part
- 3: Fitting part
- 4: Coil part
- 5: Trunk part
- 6: Fixture
- 7: Cutout
- 8: Protruding part
- 9: Fixing part
- 10: Concave trench

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description discloses that a cutout is laid on the fitting part and that a concave trench is laid on the fixing part. However, the originally attached description, etc. does not state the number or length of the cutouts nor the point that the concave trench is laid on the whole circumstance, as indicated in Fig. 2, which was added through the amendment. In addition, there is no reason for regarding these points as matters obvious from the statement in the originally attached description, etc.

Example 46 concerning the analyzing process of a new matter

Category: Amendment to drawings

Original Description, etc

Title of the Invention

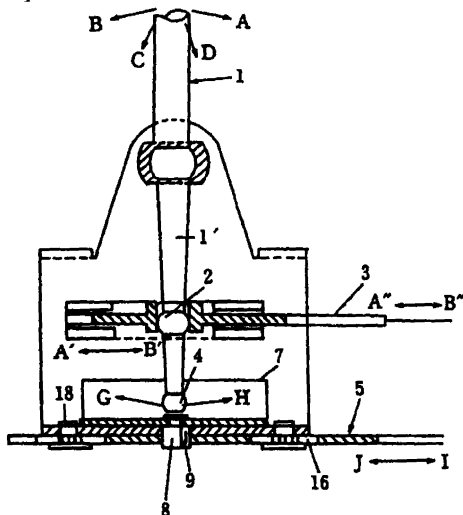
Change lever device for automobiles

Excerpts from the Detailed Explanation of the Invention

When the change lever (1) is oscillated in the direction of CD, the driven body (10) is moved by the second sliding part (4), and the second plate is moved in the IJ direction by the pin (8) laid integral with the driven body (10) and the cam groove (9) laid on the second plate (5), thereby causing shift operation.

Drawings

[Fig. 1]



Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

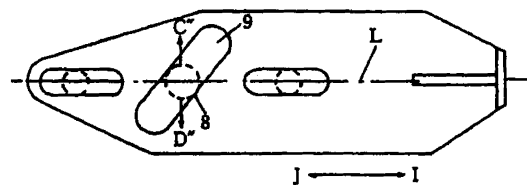
...

Drawings

[Fig. 1]

...

[Fig. 2]

**[Conclusion]**

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. discloses the existence of the cam groove (9), but does not state the form thereof. Therefore, it is impossible to say that a person skilled in the art who contacts the originally attached description understands the forms of the cam groove, the second plate, etc., which were made clear in Fig.2, as if they were stated therein.

Example 47 concerning the analyzing process of a new matter

Category: Amendment to drawings

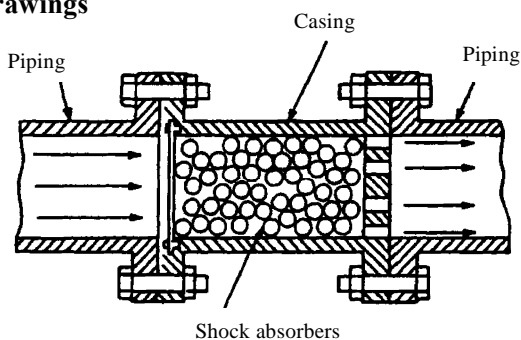
Original Description, etc

Title of the Invention

Water hammer shock absorber

Excerpts from the Detailed Explanation of the Invention

A cylindrical casing is laid in the middle of the piping, and many spherical shock absorbers are laid in said casing, thereby absorbing the shock of the water hammer.

Drawings

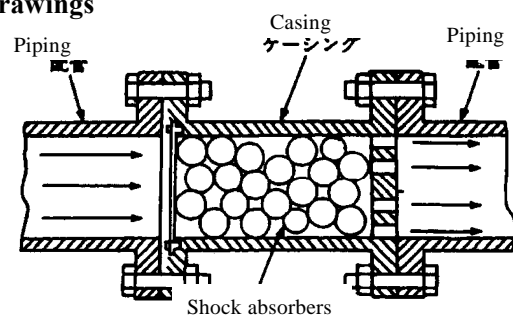
Amended Description, etc

Title of the Invention

...

Excerpts from the Detailed Explanation of the Invention

...

Drawings**(Applicant's explanation on reasons for the amendment)**

In the originally attached drawing, the diameter of the spherical shock absorbers is drawn in almost the same size as that of the openings of the holding member, which may cause a misunderstanding that the absorbers clog or flow out. However, it is an inherently presented matter that the diameter of the absorbers must be larger than that of the openings of the holding member, taking into account the function they have as stated in the originally attached description. Therefore, the applicant amended the drawing in the manner that it is obvious in the drawing that the diameter of the spherical shock absorbers is larger than that of the openings of the holding member.

[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The relationship between the diameter of shock absorbers and the size of the openings of the holding member is not necessarily clear from the drawing alone. However, taking into account the statements in the originally attached description, it is a matter obvious for a person skilled in the art that the diameter of the spherical shock absorbers must be larger than that of the openings of the holding member. Then, this amendment merely makes clear an obvious matter in the drawing. Therefore, the amendment is within the scope of the matters stated in the originally attached description, etc.

Example 48 concerning the analyzing process of a new matter

Category: Amendment to drawing

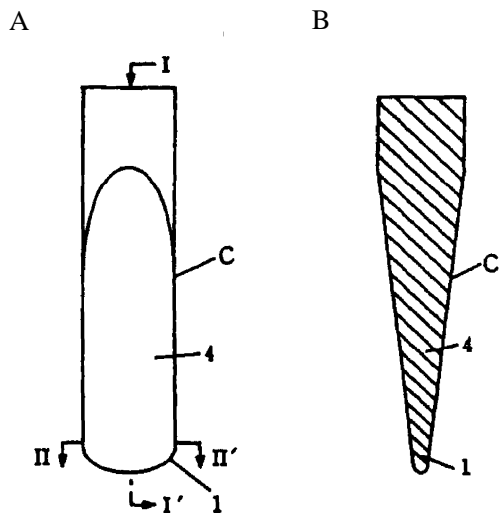
Original Description, etc

Title of the Invention

Contact laser scalpel tip

Scope of Claims**[Claim 1]**

A contact laser scalpel tip which receives a laser light transmitted from a light guide and irradiates regions to be treated with the laser light from the tip, wherein the laser scalpel tip is formed in the cylindrical shape or nearly cone shape, and the tip is centripetally inclined from the middle of the cylindrical section toward the point, which gradually makes the tip thinner toward the point.

Drawings**[Fig. 1]**

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

...

Drawings**[Fig. 1]**

A ...

B ...

**[Conclusion]**

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

Fig. 1-A shows a cross-sectional view of II-II', which could represent several patterns, and the amended Fig.1 shows an additional Fig. C as cross sectional view of II-II'. Even if Fig.1-C represents one of the possible cross sectional views of the invention, it is not considered that a person skilled in the art who contacts the originally attached description, etc. could understand Fig. 1-C as if they were stated therein.

Example 49 of the Analyzing Process of a New Matter

Category: Amendment to misdescription

Original Description, etc
Title of the Invention
 Device for reading figures in using an abacus

Scope of Claims

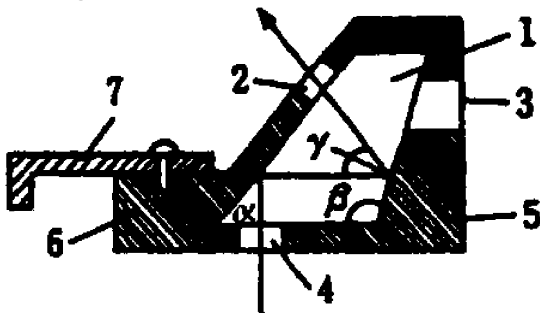
[Claim 1]

A device for reading figures in using an abacus, which includes: a cross-sectional prism (1) whose lower-angles α , β are respectively about 45 degrees and about 130 degrees, and which is stored in a casing frame (5) with thin view holes (2)-(4) respectively positioned at all of the front, upper rear surface and bottom; the casing front (5) whose lower front is formed in a vertical shape (6); and a pair of L-shaped rods (7) protruding from the front.

Excerpts from the Detailed Explanation of the Invention

The lower-angles α , β are respectively about 45 degrees and about 130 degrees, which makes an angle of an ejected beam about 40 degrees (γ), thereby providing the optimal condition for users to see the abacus.

Drawings



[Conclusion]

The amendment is within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description, etc. mentions the angle β is about 130 degrees, but the angle β should be about 110 degrees to make the angle of the ejected beam about 40 degrees (γ) in respect to a paper surface based on the calculation and considering the ejected beam in the drawing. In addition, when the angle β is about 130 degrees, the angle of the ejected beam would be about 80 degrees, which would make it

Amended Description, etc

Title of the Invention

...

Scope of Claims

[Claim 1]

.....

 about 110 degrees...

Excerpts from the Detailed Explanation of the Invention

.....
 about 110 degrees...

Drawings

...

difficult for users using an abacus to read the figures. Consequently, the originally attached description, etc. clearly tells that the expression “the angle β (is) about 130 degrees” is a misdescription and that the angle β should be “about 110 degrees.”

Example 50 concerning the analyzing process of a new matter

Category: Amendment based on the cited document

Original Description, etc

Title of the Invention

Golf ball

Scope of Claims**[Claim 1]**

A golf ball ...

Excerpts from the Detailed Explanation of the Invention

The present invention provides a golf ball whose diameter and weight are the same as those of conventional golf balls and which is divided into three sections: a surface layer, a middle layer, and a core, wherein the surface layer is composed of rubber, filler, or the same compositions as conventional ones, such as those disclosed in JP 52-32290 B, ...

Amended Description, etc

Title of the Invention

...

Scope of Claims**[Claim 1]**

A golf ball ...

Excerpts from the Detailed Explanation of the Invention

The present invention provides a golf ball whose diameter and weight are the same as those of conventional golf balls and which is divided into three sections: a surface layer, a middle layer, and a core.

The official golf balls are conventionally composed of well-known various compositions, such as high molecular weight polymers and various types of synthetic rubber like polybutadiene, polyisoprene, and butadiene-styrene copolymer etc., which are disclosed in JP 52-32290 B. In short, it is appropriate for the present invention to selectively apply the conventionally-known compositions of the official golf balls to the surface layer of the present invention.

[Conclusion]

The amendment is not within the scope of the matters stated in the originally attached description, etc.

[Explanatory Note]

The originally attached description cites a document to explain the compositions of the surface layer the invention provides. However, the amendment to add the “polybutadiene, polyisoprene, and butadiene-styrene copolymer etc.,” which are cited from the cited document to the originally attached description is unacceptable, since this amendment is considered to add the information relating to the working of the invention to the originally attached description.

2. Examples Concerning Judgment of Restriction in a Limited Way

Example 1 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

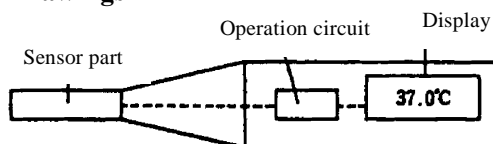
Description, etc. before amendment

Title of the Invention
Prediction type electronic clinical thermometer

Scope of Claims
[Claim 1]
An electronic clinical thermometer comprising a sensor to convert body temperature to electric signals and an operation circuit to predict stabilized body temperature based on characteristics of change in output from the sensor.

Excerpts from Detailed Explanation of the Invention
The purpose of the invention is to provide a clinical thermometer for permitting quick measurement.
Examples of the sensor for converting body temperature to an electric signal include a magnetic temperature-sensing element, a temperature measuring resistor, a thermocouple, and the like. The sensor output is led to the body temperature prediction operation circuit, and is converted to a predicted stabilized temperature value. In order to minimize the measuring time, a sensor having high sensitivity is necessary to be used. The experimental result showed that the thermocouple is optimal.

Drawings



[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

Description, etc. after amendment

Title of the Invention
...

Scope of Claims
[Claim 1]
.....
..... a sensor consisting of a thermocouple ...

Excerpts from Detailed Explanation of the Invention
The purpose of the invention is to provide a clinical thermometer for permitting quick measurement.
The sensor output is led to the body temperature prediction operation circuit, and is converted to a predicted stabilized temperature value. In order to minimize the measuring time, a sensor having high sensitivity is necessary to be used.

Drawings

...

In the amendment, matters used to define the claimed invention before amendment, that is, “A sensor to convert body temperature to electric signals,” which is one of the means for solving the problems, are limited to a more specific concept. Further, in the amendment, problems to be solved by the invention and field of industrial application are not changed.

Example 2 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

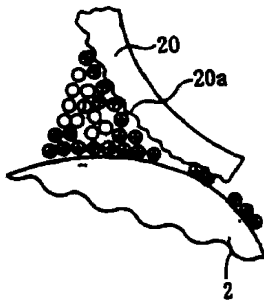
Description, etc. before amendment
Title of the Invention
 Developing device

Scope of Claims**[Claim 1]**

A developing device which makes an electrostatic latent image visible by forming a thin film of developer on a developer-sustaining body (2) by making a layer-thickness-regulating member (20) contact the developer-sustaining body which feeds developer to an electrostatic-latent-image-keeping body, to adhere the thin film developer to the electrostatic-latent-image-keeping-body, comprising roughing the surface of said layer-thickness-regulating member (20).

Excerpts from Detailed Explanation of the Invention

... by the roughing, the problem of the invention—that a thin film of uniform thickness should be made—can be solved. The roughness is desirable to be in the range from 0.5D to 1.5D when the average particle diameter of the developer is D.

Drawings**[Conclusion]**

Falls under restriction in a limited way.

Description, etc. after amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

.....

 comprising roughing the surface of said layer thickness regulating member (20), and the roughness is set to be in the range from 0.5D to 1.5D (D: average particle diameter of the developer).

Excerpts from Detailed Explanation of the Invention

...

Drawings

...

[Explanatory Note]

In the amendment, matters used to define the claimed invention before amendment, that is, “comprising roughing the surface of said layer-thickness-regulating member (20),” which is one of the means to solve the problems, are limited to a more specific concept. Further, in the amendment, problems to be solved by the invention and field of industrial application are not changed.

Example 3 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

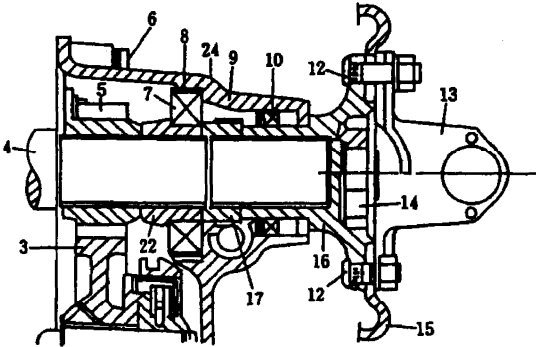
Description, etc. before amendment

Title of the Invention
Transmission gearbox

Scope of Claims
[Claim 1]
A transmission gearbox wherein a reinforcing ring is cast into a circumferential wall part of a light-alloy gearbox in which a bearing for rotatably supporting an output axis is fitted.

Excerpts from Detailed Explanation of the Invention
... the gearbox is made of aluminum alloy, ... the ring is made of steel ...

Drawings



4: output axis 7: bearing 8: ring 9: gearbox

Description, etc. after amendment

Title of the Invention
...

Scope of Claims
[Claim 1]
A transmission gearbox wherein a reinforcing steel ring is cast into a circumferential wall part of an aluminum-alloy gearbox in which a bearing for rotatably supporting an output axis is fitted.

Excerpts from Detailed Explanation of the Invention
...

Drawings
...

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

The amendment specifies the material of the gearbox and the material of the reinforcing ring, respectively. In this, matters used to define the invention before amendment, that is, “a light-alloy gearbox in a transmission gearbox,” and “reinforcing rings in a transmission gearbox,” which are means to solve the problems, are limited to a more specific concept. Further, problems to be solved by the invention, which is improvement in the strength of the bearing points of the gearbox accompanied with weight saving of the gearbox, and the field of industrial application (transmission gearbox) are the same.

Example 4 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment

Title of the Invention
Output circuit

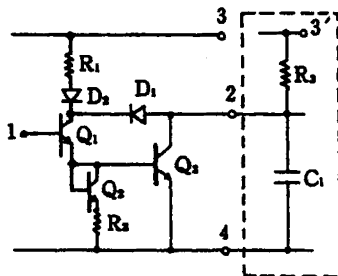
Scope of Claims
[Claim 1]

An output circuit comprising a first transistor in which a collector is connected through connecting means to a power source line, and a base is connected to an input terminal; a second transistor in which a base is connected to an emitter of said first transistor, a collector is connected to an output terminal, and an emitter is connected to a reference potential source; and a diode inserted between the collectors of said first transistor and said second transistor so that an electric current flows when said first and second transistors are conductive, and an electric current is stopped when said first and said second transistors are not conductive.

Excerpts from Detailed Explanation of the Invention

... As for the diode, it is possible to use, in addition to a typical p-n diode shown in Fig. 1, an equivalent diode shorted between a transistor base and collector as shown in Fig. 2.

Drawings



Description, etc. after amendment

Title of the Invention
...

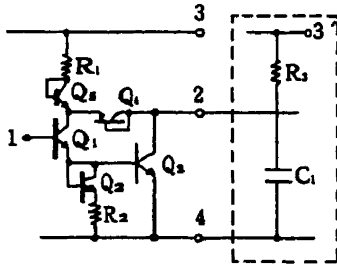
Scope of Claims
[Claim 1]

.....
.....
.....
.....
.....
.....; and an equivalent diode shorted between a transistor base and collector inserted ...

Excerpts from Detailed Explanation of the Invention

... As for the diode, an equivalent diode shorted between a transistor base and collector, as shown in Fig. 2, is recommended for use.

Drawings
...



[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

By the amendment, “diode” before amendment is amended to “an equivalent diode shorted between a transistor base and collector.” Herein, “diode” specifically includes both the p-n junction diodes shown in Fig. 1 and the equivalent diode shown in Fig. 2.

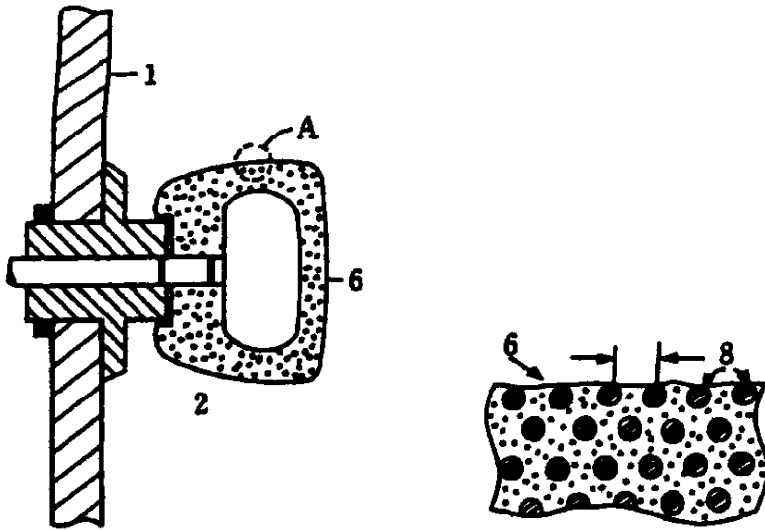
Thus, in the amendment, “diode” before amendment is limited to the more specific concept of “equivalent diode,” which is admitted to be a limitation of a part of the matters used to define the invention. Further, problems to be solved by the invention and field of industrial application are not changed before and after the amendment. Thus, the amendment is judged to be a restriction in a limited way of the claim.

Example 5 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention Knob	Title of the Invention ...
Scope of Claims [Claim 1] A knob mounted on a closing body having a grip part gripped when the closing body is opened or closed, wherein fine copper particles are exposed from at least a part of the surface of the grip part, and a large number of the exposed fine particles are scattered with a space interval to prevent bacteria from growing on the surface.	Scope of Claims [Claim 1] from growing on the surface, <u>and the interval between the fine particles is set to be below 100μm.</u>
Excerpts from Detailed Explanation of the Invention ... The space interval between these exposed fine copper particles is set to be a value which is sufficiently smaller than the diameter of the region required for bacteria adhered to the surface of the grip part to form a colony and to grow, and preferably is set to below 100μm in general.	Excerpts from Detailed Explanation of the Invention ...

Drawings



- 1: door consisting of one portion of an opened/closed body
2: knob 6: grip portion 8: fine copper particles

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

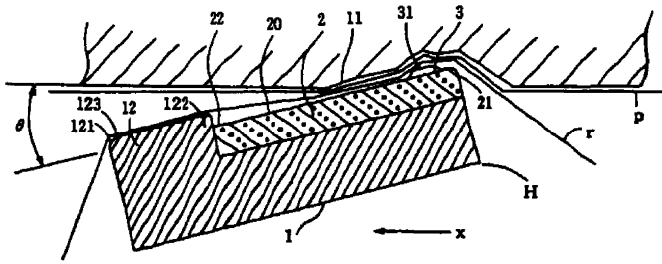
Claims after amendment limit the interval between the fine particles. This limitation limits the part of the matters used to define the claimed invention before amendment: “a space interval to prevent bacteria from growing on the surface.” Further, the field of industrial application and problems to be solved by the invention before and after the amendment are the same.

Example 6 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention Serial type thermal printer	Title of the Invention ...
Scope of Claims [Claim 1] <p>A serial type thermal printer wherein a thermal print head equipped with a head substrate and a heat evolution resistor group provided with a large number of heat evolution resistors in parallel with one side thereof is pressed into contact with platen rubber by interposing therebetween a thermal transfer ribbon and a transferred sheet or a thermal sheet for printing, comprising <u>setting</u> the thermal print head as <u>it is slanted</u> to the sliding direction of the platen rubber.</p>	Scope of Claims [Claim 1] <p>..... comprising <u>setting</u> the thermal print head as <u>it is slanted</u> to the sliding direction of the platen rubber <u>at an angle in the range from 1° to 15°</u>.</p>
Excerpts from Detailed Explanation of the Invention <p>The thermal print head of the printer of the present invention is slanted to the platen rubber, and <u>an appropriate angle</u> to the slide direction of the surface of the head of the head substrate <u>is in the range from 1° to 15°</u>.</p> <p>When the angle is less than 1°, the upper side of the head substrate is pressed into contact with the platen rubber, so as not to achieve the object of the invention. Further, when the angle exceeds 15°, the heat evolution resistor adhered onto the surface of the head substrate is not in contact with the thermal transfer ribbon or the thermal sheet, so that sharp printed letters and images cannot be expected.</p>	Excerpts from Detailed Explanation of the Invention <p>...</p> <p>...</p>

Drawings



[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

Claims after amendment specify the contact angle of the head with the platen rubber. In the amendment, a part of matters used to define the claimed invention before amendment, “setting the thermal print head as it is slanted” is limited to a more specific concept by specifying the angle. Further, the field of industrial application and problems to be solved by the invention before and after the amendment are the same.

Example 7 concerning judgment of restriction in a limited way

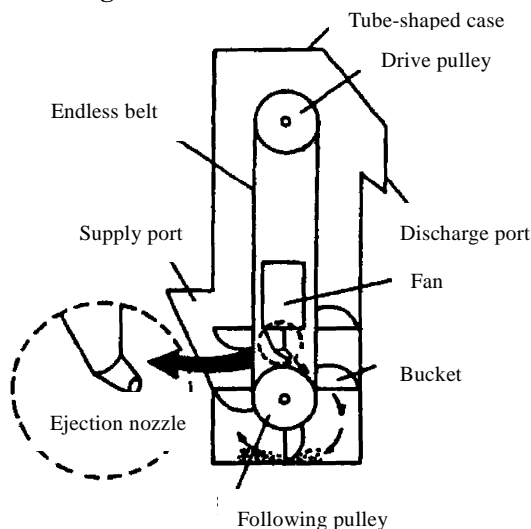
Category: Limitation of matters used to define the invention

Description, etc. before amendment
Title of the Invention
 Bucket conveyor

Scope of Claims
[Claim 1]

A bucket conveyor comprising setting a drive pulley and a following pulley in the upper and lower sides of a tube-shaped case having a supply port in its lower part and a discharge part in its upper part, setting an endless belt equipped with multiple buckets at a predetermined interval around said drive pulley and following pulley for rotation, and setting a fan having an ejection nozzle protruding in the tangent direction of the following pulley in the upper part of said follower pulley.

Drawings



[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

In the invention before and after the amendment, the field of industrial application and problems to be solved (discharging or removing particles dropped between the following pulley and the endless belt) are the same.

Further, the point that the ejection nozzle is amended to reduce the diameter of its opening

Description, etc. after amendment
Title of the Invention
 ...

Scope of Claims
[Claim 1]

.....

 setting a fan having an ejection nozzle in which its opening is reduced in diameter and protruding in the tangent direction of the following pulley in the upper part of said following pulley.

Drawings

...

specifies the shape of the ejection nozzle, and matters used to define the invention before the amendment (“ejection nozzle,” which is one of the means to solve the problems) is limited to a more specific concept.

Example 8 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment

Title of the Invention
Two-way transmission method of optical signals

Scope of Claims
[Claim 1]
A method wherein a signal is emitted each time from an optical transmitter set in a station and received by an optical receiver formed integrally with the transmitter at the termination of a transmission section formed of the optical wave guide, to make the two-way transmission of optical signals between the two stations connected through the optical wave guide, comprising:
a) interconnecting the transmitter and the receiver as an integrated member;
b) transmitting the signal of one way of the transmission through the optical wave guide during transmission stop in the other way of transmission ...

Excerpts from Detailed Explanation of the Invention
... Advantageous is the construction such that the optical transmission portion constructed as an LED is inserted in the optical reception hole constructed as a photodiode. As the LED, it is possible to use GaAs LED, or GaAlAs LED of Barus type. On the other hand, as the photodiode, a pin ...

Description, etc. after amendment

Title of the Invention
...

Scope of Claims
[Claim 1]
.....
.....
.....
.....
.....
.....
....., comprising:
a) using an LED as the transmitter, and a photodiode as the receiver, and interconnecting both as an integrated member;
b) transmitting the signal of one way of the transmission through the optical wave guide during transmission stop in the other way of transmission ...

Excerpts from Detailed Explanation of the Invention
...

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

The amendment specifies that the “transmitter” is an “LED”, and the “receiver” is a “photodiode,” and the part of matters used to define the invention before amendment is limited to a more specific concept. The field of industrial application and problems to be solved before and after the amendment are the same.

Example 9 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention Production method of compound C	Title of the Invention ...
Scope of Claims [Claim 1] A production method of compounds C comprising reacting compound A with compound B.	Scope of Claims [Claim 1] A production method of compound C comprising reacting compound A with compound B at the temperature <u>above 80°C</u> .
Excerpts from Detailed Explanation of the Invention ... The reaction temperature is preferably above 80°C.	Excerpts from Detailed Explanation of the Invention ...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

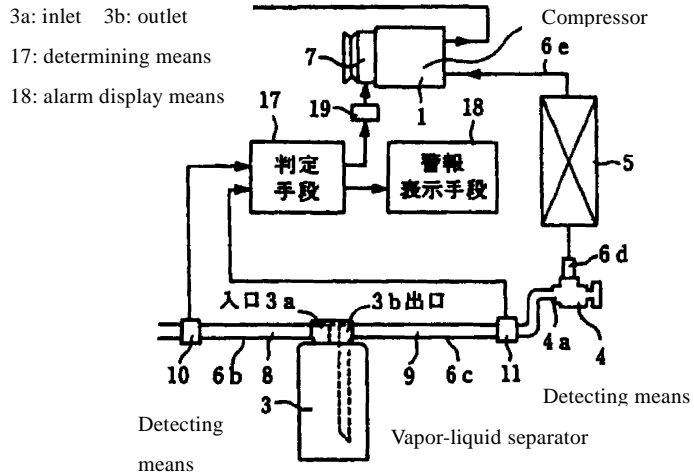
The amendment does not limit matters used to define the claimed invention before the amendment, that is, any of the matters of means to solve the problems.

Specification of the temperature can not be said to make more specific the means to solve the problems wherein the temperature conditions are not mentioned and “reacting compound A to compound B” is merely stated.

Example 10 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention Abnormal operation prevention device	Title of the Invention ...
Scope of Claims [Claim 1] An abnormal operation prevention device comprising setting a means to detect the vapor-liquid state in a refrigeration medium inlet and a refrigeration medium output of a vapor-liquid separator respectively, and setting a control means for determining an excessive or insufficient refrigeration medium in a refrigerator according to the detected values of the detection means and for intermittently operating a compressor for a predetermined period of time.	Scope of Claims [Claim 1] for intermittently operating a compressor for a predetermined period of time, <u>and for operating an alarm device.</u>
Excerpts from Detailed Explanation of the Invention ... The compressor is intermittently operated for a predetermined period of time, so that the user can easily recognize the excessive or insufficient refrigeration medium as an abnormal state of the refrigerator. Further, a means notifying the abnormal state when an excessive or insufficient refrigeration medium is determined by using alarm devices, such as a lamp or buzzer, will be effective.	Excerpts from Detailed Explanation of the Invention ... As the compressor is intermittently operated for a predetermined period of time, and an alarm device, such as a lamp or buzzer, is also operated, the user can easily recognize the excessive or insufficient refrigeration medium as an abnormal state of a refrigerator.
Drawings	Drawings ...



[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

Problems to be solved by the invention to make the user easily recognize the excessive or insufficient refrigeration medium as an abnormal state of a refrigerator is not changed before and after the amendment. “Alarm device” added to claims after the amendment, however, is not admitted as any limitation of matters used to define the invention (the means to solve the problems) before the amendment. (It can not be said that “control means for determining an excessive or insufficient refrigeration medium in a refrigerator according to the detected values of the detection means and for intermittently operating a compressor for a predetermined period of time” has led to a more specific concept.)

Example 11 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before amendment

Title of the Invention
Locking device for a door

Scope of Claims
[Claim 1]
A locking device for a door comprising a lock-position-detection means for detecting the fixed position of a lock by using a pair of a light emitting element to prevent burglars and a light receiving element, an approach-detection means for detecting the approach of the hand of a person holding the key for said lock by using a pair of a light emitting element and a light receiving element, and a lighting means for lighting the lock when the hand of the person holding the key approaches the lock.

Excerpts from Detailed Explanation of the Invention
... As a pair of a light receiving element and a light emitting element is used to detect the position of the lock and the approach of the hand of a person, it is unnecessary to find the doorknob, and the key cylinder can be easily opened or closed in a dark place. Further, a timer for turning ON the timer contact for a predetermined period of time through the operation of the detection means is set so as to light for a fixed period of time. Consequently, the power source consumption can be reduced.

Brief Explanation of the Drawing
1: door
3: key cylinder (lock)
9: key (lock)
12: light emitting element
13: light receiving element
15: lighting means

Description, etc. after amendment

Title of the Invention
...

Scope of Claims
[Claim 1]
A locking device for a door comprising a lock-position-detection means for detecting the fixed position of a lock by using a pair of a light emitting element to prevent burglars and a light receiving element, an approach-detection means for detecting the approach of the hand of a person holding the key for said lock by using a pair of a light emitting element and a light receiving element, and a lighting means for lighting the lock when the hand of the person holding the key approaches the lock, and a timer for turning on the timer contact for a predetermined period of time through the operation of the detecting means so as to light for a fixed period of time.

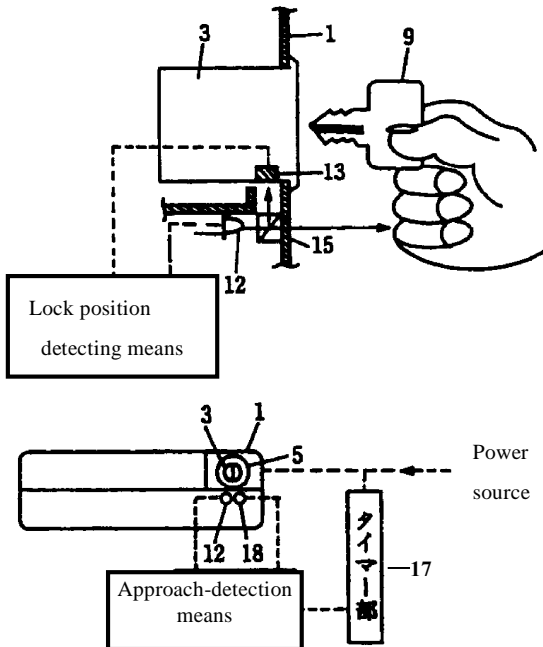
Excerpts from Detailed Explanation of the Invention
...

Brief Explanation of the Drawings
...

17: timer

18: light receiving element

Drawings



Drawings

...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The “timer” added by the amendment cannot be recognized as a limitation of matters used to define the invention because it can not be considered to make more specific any of the means to solve the problems of the invention before the amendment, that is, matters used to define the invention (for example, “a lock position detecting means” and “a lighting means”).

Further, regarding the problem to be solved by the invention before the amendment, that is, “the key cylinder can be easily opened or closed in a dark place,” “the power source consumption can be reduced” is added to the problem to be solved by the invention after the amendment. As the problem to be solved by the invention after the amendment does not limit the problem to be solved by the invention before the amendment to a more specific concept, nor is it the same kind, they can not be deemed to be closely related technically, and the problems to be solved by the invention before and after the amendment are not the same.

Example 12 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention

Description, etc. before Amendment

Title of the Invention

Input device with guidance system

Scope of Claims**[Claim 1]**

An input device with a touch panel on the display to input required data through the touching of a part of the display that corresponds to the display position, wherein the input device is equipped with a guidance system that indicates the next item to be input by flashing the space into which the data is to be inserted.

Excerpts from Detailed Explanation of the Invention

... An input device with a touch panel on the display to input required data through the touching of a part of the display that corresponds to the display position, wherein the input device indicates the next item to be input by making the space into which the data is to be inserted flash. That indicates to the operator the exact item to be input. Through the addition of a device to issue instructions by voice, more effective results are obtained.

Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

An input device with a touch panel on the display to input required data through the touching of a part of the display that corresponds to the display position, wherein the input device is equipped with a guidance system that indicates the next item to be input by flashing the space into which the data is to be inserted, and has a speaker to provide voice instructions on the next item to be input

Excerpts from Detailed Explanation of the Invention

... An input device with a touch panel on the display to input required data through the touching of a part of the display that corresponds to the display position. That indicates to the operator the exact item of input, and the guidance system is more effective because the device is equipped with a device to issue instructions by voice.

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

This amendment limits the claims by adding voice instructions as a part of the guidance system. As an added “speaker” by the amendment cannot be considered to make more specific any of the means to solve the problems of the invention before the amendment, it can not be recognized as the limitation of matters used to define the invention. (“Speaker” does not fall under the more specific concept of “a guidance system that indicates the next item to be input by flashing the space into which the data is to be inserted.”)

Example 13 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention / Identity of the problems to be solved

Description, etc. before Amendment	Description, etc. after Amendment
[Title of the Invention] Squid cracker	[Title of the Invention] ...
Scope of Claims [Claim 1] A squid cracker using as ingredients powdered soybean protein, spices, condiments, and wheat flour added to pulped squid meat.	Scope of Claims [Claim 1] A squid cracker, <u>shaped into the form of a squid</u> , using as ingredients powdered soybean protein, spices, condiments, and wheat flour added to pulped squid meat.
[Excerpts from Detailed Explanation of the Invention] ... Adding ingredients and kneading to shape into the form of a squid ...	[Excerpts from Detailed Explanation of the Invention] ...
[Conclusion] Does not fall under restriction in a limited way.	

[Explanatory Note]

Limiting the shape of the squid cracker cannot be considered to make any of the matters used to define the invention in claims before the amendment, that is, means to solve the problems (any of the pulped squid meat, powdered soybean protein, spice, condiments, wheat flour, or the like used as the ingredients for the squid cracker) more specific. Thus, the amendment is not considered to amend the entire part of the means to solve the problem, that is, “Squid cracker ... added to pulped squid meat,” to a more specific concept. (“Squid cracker” in itself will not fall under means to solve the problem. Thus, it cannot qualify as a limitation, nor is it deemed as a more specific concept with respect to the “squid cracker.”)

In addition, the problem to be solved by the invention before amendment is to provide a pleasing texture of squid cracker but that after amendment adds the statement in that its shape clearly indicates that the major ingredient used is squid. These problems after amendment do not make the problems before amendment more specific, nor is it a similar concept. It is not considered to have a close technical relation in terms. Therefore, this amendment is to change problems to be solved by the invention.

Example 14 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention / Identity of the problems to be solved

Description, etc. before Amendment

Title of the Invention

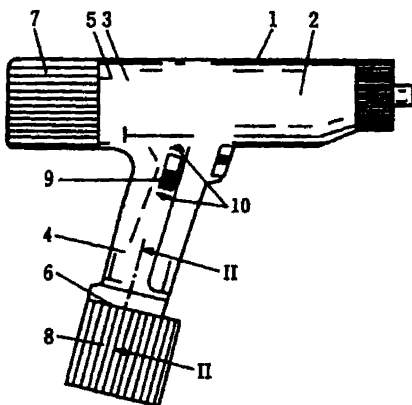
Electric power tool

Scope of Claims**[Claim 1]**

A power tool comprising two handles (3, 4) in its housing (2) and battery packs (7, 8) deployed in free ends (5, 6) of the said handles (3, 4).

Excerpts from Detailed Explanation of the Invention

... able to balance its weight ... a switching circuit ...

Drawings

Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

... in free ends (5, 6) of the said handles (3, 4), and having a selector switch to select the higher-charged batteries from the said battery packs (7, 8).

Excerpts from Detailed Explanation of the Invention

... able to balance its weight ... a switching circuit ...

Drawings

...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The switching circuit is not considered as a more specific concept of means to solve the problems, namely, the matters used to define the invention (for example “battery packs deployed in free ends of the said handles” or “two handles in its housing”) before amendment. Thus, a limitation of matters used to define the invention is not applicable.

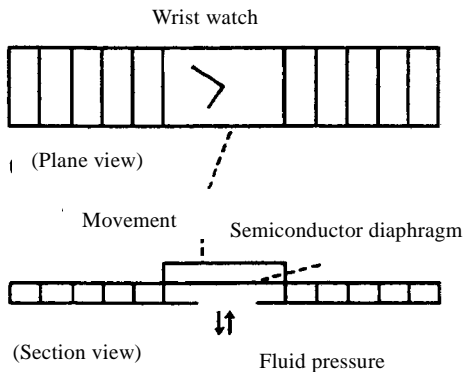
In addition, in the invention before amendment, regarding the problem to be solved by the invention, the application states that weight balance is attained because the battery packs were appropriately placed. Furthermore, deriving power from the well-charged battery after amendment has the problem that the batteries may be efficiently used in the invention. The problem provides the problem before amendment with no more specific concept, nor the same kind of concept. It is not considered that a close relationship

exists in terms of a technical point of view. This amendment is to change problems to be solved by the invention.

Example 15 concerning judgment of restriction in a limited way

Category: Limitation of matters used to define the invention / Identity of the problems to be solved

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention Electronic wristwatch with pressure altimeter	Title of the Invention ...
Scope of Claims [Claim 1] An electronic wristwatch comprising a semiconductor diaphragm forming a distortion sensor for measuring fluid pressure, an arithmetic circuit for converting output from said distortion sensor to an altitude signal, and a timer circuit in the movement mechanism.	Scope of Claims [Claim 1] An electronic wrist watch comprising a semiconductor diaphragm forming a distortion sensor for measuring fluid pressure, an arithmetic circuit for converting output from said distortion sensor to altitude signal, and a timer circuit, <u>which are formed of semiconductor thin-film circuits on said diaphragm,</u> in the movement mechanism.
Excerpts from Detailed Explanation of the Invention This invention <u>is to provide a wristwatch</u> which indicates time and altitude information convenient for diving, mountain climbing, and hang glider riding. The distortion sensor deployed in the semiconductor diaphragm ascertains the depth of water by detecting hydraulic pressure in water and altitude by detecting air pressure on land. The thinner and more lightweight movement is made possible by the use of thin-film circuits of semiconductors to form the arithmetic circuit for converting the output signal from the distortion sensor into the altitude signal and the clock circuit on film.	Excerpts from Detailed Explanation of the Invention This invention <u>is to achieve thinness and lightweight movement of a wristwatch,</u> which indicates time and altitude information convenient for diving, mountain climbing, and hang glider riding ...
Drawings	Drawings ...

**[Conclusion]**

Does not fall under restriction in a limited way.

[Explanatory Note]

The problem to be solved by the invention before the amendment states “to provide a wrist watch which indicates time and altitude information.” The problem to be solved by the invention after amendment, on the other hand, states “thinness and lightweight movement.” Thus, the problem to be solved by the invention after the amendment provides the problem to be solved by the invention before amendment with neither a concept that is more specific, nor the same kind of concept. It is not considered that a close technical relationship exists between the problem before the amendment and the problem after the amendment. There exists a difference in the problem to be solved by the invention between the invention before the amendment and the invention after the amendment.

In addition, “in the electronic wristwatch, an arithmetic circuit and a timer circuit, which are formed of semiconductor thin film-circuits on said diaphragm” is not deemed as more specific concept of matters used to define the invention before the amendment. It is not, therefore, considered that the matters used to define the invention have been limited.

Example 16 concerning judgment of restriction in a limited way

Category: Identity of the problems to be solved

Description, etc. before Amendment

Title of the Invention

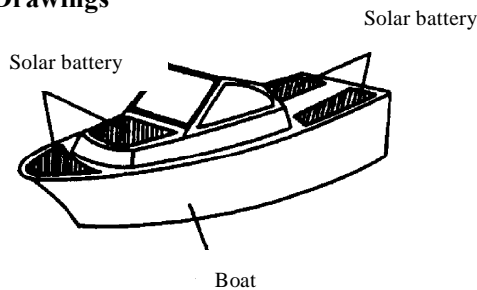
Cover sheet

Scope of Claims

[Claim 1]

A cover sheet made of a translucent material, with which a boat equipped with solar battery cells connected to a battery charger on its upper face is covered.

Drawings



Description, etc. after Amendment

Title of the Invention

...

Scope of Claims

[Claim 1]

A cover sheet made of a translucent material, which, excluding parts positioned on the upper faces of solar batteries, is made of a light-shielding material, ...

Drawings

...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The problem to be solved by the invention before the amendment states that the use of this cover sheet “prevents the battery from losing its charge, while protecting a solar battery against wind and rain.” The problem to be solved by the invention after the amendment adds a new problem stating: “protects a boat only against the effects of ultraviolet rays.” Therefore, as the problem is not a more specific concept of the problem before neither the amendment, nor the same kind, it is not considered to be technically closely related, and the amendment is deemed to change the problem to be solved.

Example 17 concerning judgment of restriction in a limited way

Category: Identity of the problems to be solved

Description, etc. before Amendment

Title of the Invention

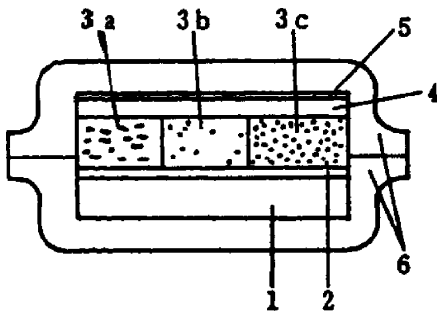
Flat light emitter

Scope of Claims**[Claim 1]**

A flat light emitter formed of a transparent electrode, light-emitting layers, a dielectric layer and a back electrode which are laid in order on a glass substrate, comprising being covered with a moisture-proof film.

Brief Explanation of the Drawing

1: glass substrate 2: transparent electrode
3a, 3b, 3c: light emitting layer
4: dielectric layer
5: back electrode 6: moisture-proof film

Drawings

Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

.....
.....
.....
....., comprising being covered with a moisture-proof film and having said light-emitting layers formed of multiple light-emitting layers showing different colors respectively.

Drawings

...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The problem to be solved by the invention states moisture proofing in the invention before the amendment. The invention after amendment adds a statement concerning multicolor light emission. The problems to be solved after amendment neither make the problems before amendment more specific, nor provide a concept of the same kind. It is not considered that a close technical relation exists. This amendment is to change the problem to be solved by the invention.

Example 18 concerning judgment of restriction in a limited way

Category: Identity of the problems to be solved

Description, etc. before Amendment

Title of the Invention

Filtering device

Scope of Claims**[Claim 1]**

A filtering device for an engine having a large number of cells facing the exhaust gas passage and a burner installed in the up-stream in the gas passage, comprising forming the filter as being smaller in its cell-passing area in the center part, and becoming larger towards the outer circumference.

Drawings

Fig. 1

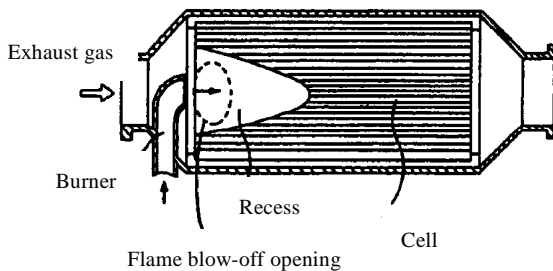
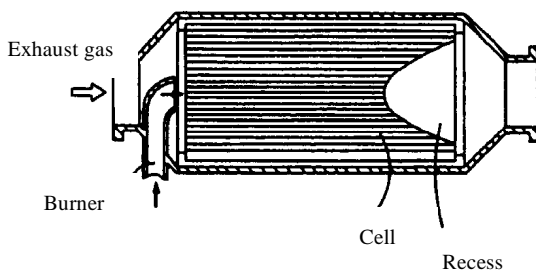


Fig. 2



Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

.....

, and becoming larger towards the outer circumference, and forming an open recessed part on the end face at the upper stream of the filter.

Drawings

Fig. 1

...

(Fig. 2 deleted)

[Conclusion]

Does not fall under restriction in a limited way.

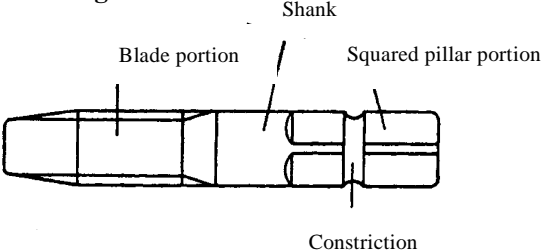
[Explanatory Note]

The problem to be solved by the invention before the amendment is to evenly distribute the heat of the exhaust gas in the filter. The problem to be solved by the invention after the amendment adds a statement that the filter is prevented from local heating at the flame exit hole of the burner. The problems to be solved by the invention after amendment neither make the problems to be solved by the invention before

amendment more specific, nor provide the same type of concept. A close technical relation does not exist. This amendment is to change the problem to be solved by the invention.

Example 19 concerning judgment of restriction in a limited way

Category: Identity of the problems to be solved

Description, etc. before Amendment
Title of the Invention
Tap
Scope of Claims
[Claim 1]
A tap with a constriction in its shank
Excerpts from Detailed Explanation of the Invention
When the tap is overloaded, the force breaks the shank at the constriction due to concentration of stress, thereby preventing the broken piece from damaging the work.
Turning a tap handle after it breaks at the constriction can pull out the tap easily by allowing the remaining piece of the squared pillar portion of the tap to be gripped by its squared shank.
Drawings


[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The problem to be solved by the invention states in the invention before the amendment that the tap is broken at the shank portion by stress concentration on the constricted portion of the shank, preventing only the blade portion from being broken and left in the work. That is, causing the tap to break on a point outside of the work allows easy identification of the broken portion of the tap. In the invention after the amendment, however, the constriction is placed in the central portion of the squared pillar portion of the shank, thereby allowing the remaining piece of the tap to be gripped by its squared shank, rendering removal of the broken tap an easy task by rotating the tap handle. Invention after the amendment adds a problem: that of easily holding the broken tap to facilitate tap removal. The problem to be solved by the invention after the

Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

A tap with a constriction in its shank wherein the squared pillar portion of the shank is extended over both sides of the constriction.

Excerpts from Detailed Explanation of the Invention

...

...

Drawings

...

amendment, therefore, does not fall under the category of the problem to be solved by the invention before the amendment under a more specific concept, nor is it conceptually the same. Hence a close technical relation cannot be said to exist. This amendment is to change the problem to be solved by the invention.

Example 20 concerning judgment of restriction in a limited way

Category: Identity of the problems to be solved

Description, etc. before Amendment

Title of the Invention

Combination playing-card game machine

Scope of Claims**[Claim 1]**

A combination playing-card game machine, comprising momentarily spinning multiple display drums with playing cards attached to the surface by operating a control circuit by means of a starting signal generating means, a drive connecting the display drums and a drive shaft through a one-way clutch, freely rotating them by the inertia of the display drums even after the motor stops, and randomly changing the display cards on the display drums.

Excerpts from Detailed Explanation of the Invention

In a playing card combination game using multiple display drums, by altering the point at which each drum stops spinning, the card display was randomized even though the same motor was used to start the spin, achieving a greater randomness of the combination of cards displayed.

As for the means to cause the start signal, it is possible to equip the machine with a light sensor. The light sensor signal can be used as a machine start signal or it can be used to detect the light emitted by a light-ray gun for starting games.

Description, etc. after Amendment

Title of the Invention

...

Scope of Claims**[Claim 1]**

.....

 circuit by means of a starting signal generating means which causes the starting signal by detecting the light emitted by a light-ray gun, ...

Excerpts from Detailed Explanation of the Invention

The uniqueness of the present invention is, by the use of light emitted by the light-ray gun to start the drums spinning, to render possible a new game in which cards can be used as targets for the gun.

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

The claims after the amendment restate “a starting signal generating means” as “a starting signal generating means which causes the starting signal by detecting the light emitted by a light-ray gun.” The limitation restates “a starting signal generating means in the combination playing-card game machine,” which is part of the matters used to define the claimed invention before amendment.

In the amendment, however, the problem to be solved by the invention modifies “to obtain a

playing-card combination game machine having a high chance of winning” in the specification before amendment to “obtain a playing-card combination game machine capable of using a light-ray gun.” The problems to be solved after amendment can not be considered to make the problems before amendment more specific, or to provide a concept of the same kind. It is not considered that a close technical relation exists in the matters. This amendment is to change problems to be solved by the invention.

Example 21 concerning judgment of restriction in a limited way

Category: Identity of the field of industrial application

Description, etc. before Amendment

Title of the Invention

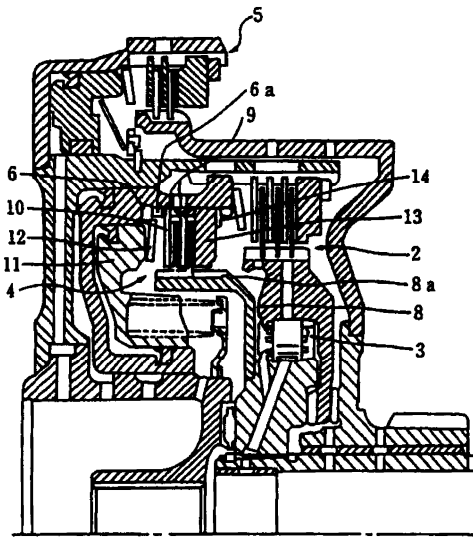
Clutch

Scope of Claims

[Claim 1]

A clutch comprising a rotary shaft ...

Drawings



Description, etc. after Amendment

Title of the Invention

Clutch for automatic transmission

Scope of Claims

[Claim 1]

A clutch for automatic transmission comprising a rotary shaft ...

Drawings

...

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

Automatic transmission is one of the most representative devices incorporating a clutch. Thus, a clutch and a clutch for automatic transmission are technically closely related and fall under the relevant technical field to the inventions.

This amendment can be considered to make the entire means to solve the problem before the amendment, “A clutch comprising a rotary shaft ...” more specific. Therefore this amendment can be considered to restrict the matters used to define the invention before the amendment. In addition, the same problem to be solved by the invention exists in statements before and after the amendment.

Example 22 concerning judgment of restriction in a limited way

Category: Identity of the field of industrial application

Description, etc. before amendment

Title of the Invention
Chord for an electric stringed musical instrument

Scope of Claims
[Claim 1]
A chord for an electric stringed musical instrument comprising bronze plating on a steel wire, cast iron and a film made of an anticorrosive alloy, and a nickel-plated layer formed on said plated layer.

Excerpts from Detailed Explanation of the Invention
... the chord for the electric stringed musical instrument of the present invention has a high anticorrosion property. Thus, said chord is suitable as a chord for an electric stringed musical instrument, including an electric guitar, violin, and other stringed instruments, because of problems from corrosion caused by hand perspiration. Said chord for the electric stringed musical instrument is less vulnerable to corrosion related to room environment and is also suitable as a chord for an electric piano.

Description, etc. after amendment

Title of the Invention
Chord for an electric guitar

Scope of Claims
[Claim 1]
A chord for an electric guitar ...

Excerpts from Detailed Explanation of the Invention
... the chord for electric guitar of the present invention has a high anticorrosion property. Thus, it is suitable for use in an electric guitar, which has problems of corrosion caused by hand perspiration.

[Conclusion]
Falls under restriction in a limited way.

[Explanatory Note]
In the amendment, the technical fields of the invention modify the chord for an electric stringed musical instrument to a chord for an electric guitar. However, since the most typical of various stringed musical instruments is the guitar, it is considered that a close technical relationship exists between the technical fields of the inventions before modification and that of the invention after amendment. Thus, it is considered that the field of industrial application for the invention before and after amendment are the same. In addition, the amendment can be considered to make more specific “A chord for the electric stringed musical instrument ... on said plated layer,” which is the entire means for solving the problem of the invention before amendment. Therefore this amendment can be considered to restrict matters used to define the invention before amendment. In addition, problems to be solved by the invention are not changed in the invention before amendment or the invention after amendment.

Example 23 concerning judgment of restriction in a limited way

Category: Identity of the field of industrial application

Description, etc. before amendment	Description, etc. after amendment
Title of the Invention <u>Flat display panel</u>	Title of the Invention <u>Plasma display panel</u>
Scope of Claims [Claim 1] <u>A flat display panel</u> having a terminal for control and ...	Scope of Claims [Claim 1] <u>A plasma display panel</u> having a terminal for control ...
Excerpts from Detailed Explanation of the Invention ... <u>Where the foregoing example is a case applying the present invention to a plasma display panel, it is clear that the application of the present invention to other flat panel displays would result in the same effect.</u>	Excerpts from Detailed Explanation of the Invention ... <u>As described above, applying the present invention to the plasma display panel produces a superior effect.</u>

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

The amendment modifies “A flat display panel” to “A plasma display panel.”

However, “A plasma display panel” falls under the category of “A flat display panel.” It is, therefore, considered that a close technical relation exists between the technical fields of the inventions before and after amendment. Thus, it is considered that the field of industrial application in the invention before amendment is the same as that of the invention after amendment.

In addition, this amendment can be considered to make more specific the entire means to solve the problem in the invention before amendment: “A flat display panel having terminal for control and ...” Therefore this amendment can be considered to restrict the matters used to define the invention. In addition, problems to be solved by the invention are not changed before and after amendment.

Example 24 concerning judgment of restriction in a limited way

Category: Identity of the field of industrial application

Description, etc. before amendment	Description, etc. after amendment
[Title of the Invention] <u>Toiletries</u>	[Title of the Invention] <u>Lotion</u>
Scope of Claims [Claim 1] <u>Toiletries</u> comprising: (a) A poly-hydric alcohol (b) Urea (c) An anionic surfactant (d) A cationic surfactant blended.	Scope of Claims [Claim 1] <u>Lotion</u> comprising: (a) A poly-hydric alcohol (b) Urea (c) An anionic surface active agent (d) A cationic surface-active agent blended.
Excerpts from Detailed Explanation of the Invention ... Toiletries include, for example, latex lotion, cream, lotion, hair tonic, cleansing cream, shampoo, hair rinse and others.	Excerpts from Detailed Explanation of the Invention ...

[Conclusion]

Falls under restriction in a limited way.

[Explanatory Note]

In the amendment, the technical fields of the inventions are modified from toiletries to lotion. However, the most typical of various toiletries falls under the more specific concept of lotion. It is, therefore, considered that a close relationship in terms of a technical point of view exists between the technical fields of the inventions before and after amendment. Thus, it is considered that the same field of industrial application of the invention exists between the invention before amendment and the invention after amendment. In addition, the amendment can be considered to make more specific “Toiletries comprising: (a) a poly-hydric alcohol ... (d) A cationic surfactant blended,” which is the entire specified item of the invention before amendment. Therefore this amendment can be considered to restrict the matters used to define the invention before amendment. In addition, the same problem to be solved by the invention exists before and after amendment.

Example 25 concerning judgment of restriction in a limited way

Category: Identity of the field of industrial application

Description, etc. before amendment	Specification after amendment
Title of the Invention Surfactant A	Title of the Invention Surfactant A <u>for insecticide</u>
Scope of Claims [Claim 1] A surfactant comprising substance A.	Scope of Claims [Claim 1] A surfactant <u>for an insecticide</u> comprising substance A.
Excerpts from Detailed Explanation of the Invention This surfactant is used in detergents, emulsifiers, dispersants, and others, and falls under the category of ordinary application utilizing its surfactant activity. ... In addition, this surfactant activity may be used advantageously in an insecticide.	Excerpts from Detailed Explanation of the Invention ...

[Conclusion]

Does not fall under restriction in a limited way.

[Explanatory Note]

A surfactant for insecticide falls under the specific application of a surfactant, and is not a typical application for a surfactant. In addition, no special relation exists between the technical fields the “the surfactant” and the technical fields of “insecticide.” It is, therefore, not considered that a close technical relation exists between the technical fields of “the surface active agent” and the technical fields of “surfactant for insecticide.” Thus, the field of industrial application of the invention before amendment is not the same as the field of industrial application of the invention after amendment.