

38-05 P

Corrected Description, Scope of Claims or Drawings

1. How to State a Corrected Description, Scope of Claims or Drawings

When filing a request for a trial for correction or request for correction, the patentee must attach the corrected description, scope of claims or drawings (corrected description, etc.) to a written request (Patent Act Article 131 (4) (including the case where said Article is applied mutatis mutandis pursuant to Patent Act Article 120-5 (9) or Patent Act Article 134-2 (9)). However, when correcting any one of the aforementioned documents, for example, only the scope of claims, it is only necessary to attach the corrected scope of claims. In this case, the statement, "Corrected description, scope of claims (and drawings) attached," in the "Purport of the request" column in the written request shall be changed in conformity to the attached document, for example, "Corrected scope of claims attached."

When stating this corrected description, etc., the patentee shall state in a manner where no displacement of claim numbers, paragraph numbers, drawing numbers, etc. will occur before and after the correction (see Figure 2) in order to prevent occurrence of "lack of easiness to see" in the description, scope of claims or drawings (see Figure 1) (Regulation under the Patent Act Form No. 29 Remark 19, Form No. 29-2 Remark 15).

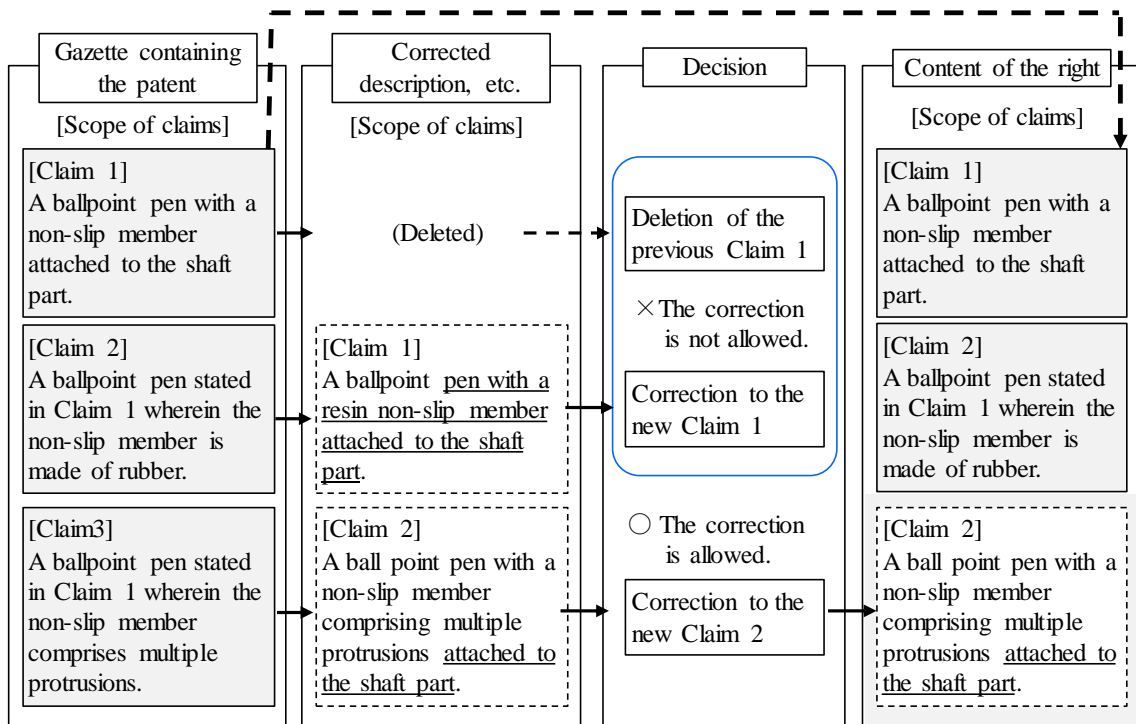


Figure 1 Example: "Lack of easiness to see" occurs (Two kinds of "Claim 2" occur)

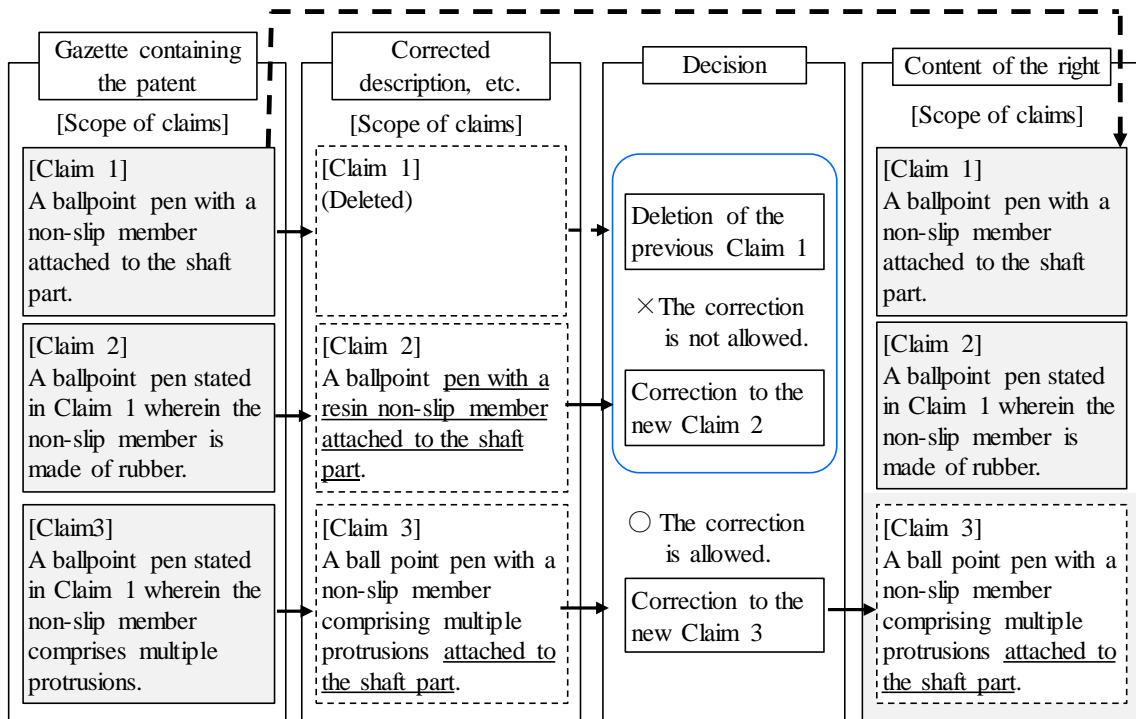


Figure 2 Example: How to state the scope of claims to prevent occurrence of "lack of easiness to see"

As stated in Figures 1 and 2, the patentee shall underline the corrected parts. In addition, where corrections are made multiple times, earlier corrections are deemed to have been withdrawn. Therefore, it should be noted that the underlined corrected parts will be the parts changed from the statement at the time of the registration of establishment (gazette containing the patent in Figures 1 and 2; or the statement at the time when the correction became final and binding if any correction has already become final and binding).

2. How to State a Correction to Delete a Claim

(1) When deleting a claim stated in the scope of claims, the patentee shall state in such manner as "[Claim X] (Deleted)" without moving forward claim numbers, and leave the deleted claim number in the scope of claims and description (Regulations under the Patent Act Form No. 29-2 Remark 15 A).

(2) When deleting a paragraph stated in the description, the patentee shall state in such manner as "[XXXX] (Deleted)" (Regulation under the Patent Act Form No. 29 Remark 19 A).

(3) When deleting a figure stated in drawings, the patentee shall state in such manner as "[Figure X] (Deleted)" (Regulation for Enforcement of the Patent Act Form No. 30 Remark 13 A).

(4) When deleting a chemical formula, mathematical formula, table, document, embodiment, etc. stated in the scope of claims, description, etc., the patentee shall leave the already assigned chemical formula numbers, mathematical formula numbers, table numbers, document numbers, embodiment numbers, etc. as they are even if those numbers become discontinuous, and shall not make a correction to move forward the numbers (Regulation under the Patent Act Form No. 29 Remark 14 C, E, Remark 16, Form No. 29-2 Remark 16)).

3. How to State a Correction to Add a Claim

(1) When adding a new claim, the patentee shall state the new claim following the last claim, and shall not make a correction by inserting a number between claims (Regulation under the Patent Act Form No. 29-2 Remark 15 B).

(2) When adding a new figure, the patentee shall state the new figure following the last figure, and shall not make a correction by inserting the new figure between figures (Regulation under the Patent Act Form No. 30 Remark 13 B).

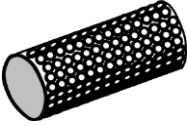
(3) When adding a new paragraph, chemical formula, mathematical formula, table, document, embodiment, etc., the patentee shall make a correction so that the already assigned paragraph numbers, chemical formula numbers, mathematical formula numbers, table numbers, document numbers, embodiment numbers, etc. are neither displaced nor changed. Incidentally, there is no problem even if such numbers become discontinuous as a result of a correction (Regulation under the Patent Act Form No. 29 Remark 14 C, E, Remark 16, Remark 19 B, Form No. 29-2 Remark 16).

4. Example: How to State a Corrected Description, Scope of Claims or Drawings

Example: How to state a corrected description, etc. when making a correction to delete a claim

Description, etc. before the correction	Corrected description, etc. (after the correction)
Claims	Claims
[Claim 1]	[Claim 1]
A ballpoint pen wherein a non-slip member which is made of a material that differs from that of the shaft cylinder part and comprises a porous tube is fitted into the grip part on the tip side of the shaft cylinder.	A ballpoint pen wherein a non-slip member which is made of a material that differs from that of the shaft cylinder part and comprises a <u>rubber</u> porous tube is fitted into the grip part on the tip side of the shaft cylinder.
[Claim 2]	[Claim 2] (Deleted)
A ballpoint pen stated in Claim 1 wherein the tube has many small protrusions on its outside surface.	[Claim 3]
[Claim 3]	A ballpoint pen stated in Claim 1 wherein the tube has multiple ventilation grooves at the same intervals in the axial direction

<p>A ballpoint pen stated in Claim 1 wherein the tube has multiple ventilation grooves at the same intervals in the axial direction on its outside surface.</p> <p>Description (detailed explanation of the invention)</p> <p>...</p> <p>[Embodiment 1]</p> <p>[0012] ... the non-slip member comprising a porous tube is fitted into the grip part on the tip side of the shaft cylinder of the ballpoint pen, which can have the grip part function to absorb sweat.</p> <p>[Embodiment 2]</p> <p>[0013] ... As shown in Figure 2, the provision of many small protrusions on the outside surface of the porous tube can enhance the non-slip function and realize a good sense of grip. ...</p> <p>[Embodiment 3]</p> <p>[0014] ... The provision of multiple ventilation grooves at the same intervals in the axial direction on the outside surface of the porous tube can restrain the stickiness of the surface and maintain a comfortable sense of grip. ...</p>	<p>on its outside surface.</p> <p>Description (detailed explanation of the invention)</p> <p>...</p> <p>[Embodiment 1]</p> <p>[0012] ... the non-slip member comprising a <u>rubber</u> porous tube is fitted into the grip part on the tip side of the shaft cylinder of the ballpoint pen, which can have the grip part function to absorb sweat.</p> <p>[Embodiment 2]</p> <p>[0013] (<u>Deleted</u>)</p> <p>[Embodiment 3]</p> <p>[0014] ...The provision of multiple ventilation grooves at the same intervals in the axial direction on the outside surface of the porous tube can restrain the stickiness of the surface and maintain a comfortable sense of grip....</p>
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<p>Drawings</p> <p>...</p> <p>[Figure 2] </p>	<p>Drawings</p> <p>...</p> <p>[Figure 2] (<u>Deleted</u>)</p>
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In the aforementioned example, the correction was made to delete the statement of Claim 2 and delete paragraph [0013] which states Embodiment 2 in the detailed explanation of the invention in response to the invention relating to Claim 2, and also delete [Figure 2] which explains Embodiment 2.

(i) Deletion of a claim

The deleted claim number is left in the scope of claims by stating deleted Claim 2 as "[Claim 2] (Deleted)" without making a correction that moves forward Claim 3 to Claim 2 along with the deletion of [Claim 2].

(ii) Deletion of a paragraph

The deleted paragraph number is left in the description by stating deleted paragraph [0013] as "[0013] Deleted" without making a correction that moves forward paragraph [0014] and subsequent paragraphs one by one along with the deletion of paragraph [0013].

Incidentally, embodiment numbers, etc. become discontinuous along with the deletion of this paragraph (Embodiment 2 is deleted), but there is no problem as is.

(iii) Deletion of a figure

The number assigned to the deleted figure is left in the drawings by stating deleted [Figure 2] as "[Figure 2] (Deleted)" without making a correction that moves forward Figure 3 and subsequent figures one by one along with the deletion of Figure 2.

By making a correction in such manner, the patentee can prevent the displacement of claim numbers, paragraph numbers, drawing numbers, etc. before and after the correction and can thereby prevent occurrence of "lack of easiness to see."

(Revised Sep. 2018)