Trial decision

Invalidation No. 2007-800070

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The decision on the case of the patent invalidation trial between the above parties on Japanese Patent No. 3569522, entitled "Display Apparatus", dated November 19, 2007 came with a judgement of revocation of the trial decision (2008 (Gyo-Ke) 10002, rendition of judgement on July 9, 2008) at the Intellectual Property High Court, the case was proceeded further, and another trial decision was handed down as follows:

Conclusion

The patent for the inventions according to Claims 1 to 3 of Japanese Patent No. 3569522 is invalid.

The costs in connection with the trial shall be borne by the demandee.

Reason

No. 1 History of the procedures

(a) The brief history of the procedures in connection with the Patent is as follows:

Filing date: June 14, 1995 (retroactive filing date)

(Japanese Patent Application No. 2003-344634)

(Division of Japanese Patent Application No. H7-147445)

Date of Registration of Establishment: June 25, 2004

(Right holder: Kosuke Hashimoto, number of claims: 3)

(b) The brief history of the procedures in connection with the demand is as follows:

Written demand: April 5, 2007

Written reply: May 11, 2007

Oral proceeding: July 13, 2007

(Oral proceedings statement brief (Demandant) submitted)

Written statement (Demandee): July 20, 2007

(submitted as the statement brief according to the Oral proceedings)

Written statement (Demandant): August 15, 2007

Written statement (Demandee): August 22, 2007

Previous decision: November 19, 2007

(Conclusion: demand failed)

(c) The brief history of the procedures of the suit against the previous decision is as follows:

Suit: 2008 (Gyo-Ke)10002, a request to revocate the trial decision

(Plaintiff: demandant of the trial)

Rendition of judgement: July 9, 2008

(Formal adjudication: revocation of the trial decision)

(d) The brief history of the procedures after the final and conclusive judgement is as follows:

Motion for correction: none

Written statement (part 2-1) (Demandee): September 3, 2008

Written statement (part 2-2) (Demandee): September 3, 2008

(It should be noted that the expressions "○1", "○2", and "○3" represent symbols having numerals inserted in the symbols "○" in the judgement. This is because the symbols in the judgement cannot be expressed with the performance of the information processing system.)

No. 2 The patent Invention

The inventions relating to Claims 1 to 3 of the Patent (hereinafter, the invention according to Claim 1 is referred to as the "The patent Invention," and the inventions according to Claims 2 and 3 are respectively referred to as the "The patent Invention 2" and the "The patent Invention 3") are respectively as follows as set forth in Claims 1 to 3 of the Description (patent Specification) attached to the application at the time of the registration:

Note (Description of the scope of claims of the patent Specification)

[Claim 1]

A display device comprising:

an LCD, wherein

in a case of sequentially displaying different images on the LCD, a full-screen black signal for causing the LCD to carry out full-screen black display is input every time one field or one frame of image signals is input to the LCD.

[Claim 2]

The display device according to claim 1, wherein a frequency at a time of screen scanning when the full-screen black signal is input to the LCD is set higher than a frequency at a time of scanning the image signals.

[Claim 3]

The display device according to claim 1, wherein a period during which there is not an input signal to the LCD is provided between inputting of the image signals and inputting of the full-screen black signal.

No. 3 Allegations of the parties above

1. Demand

(1) Relief sought in the demand

The demandant demands the trial decision, "The patent for the inventions according to Claims 1 to 3 of Japanese Patent No. 3569522 is invalid. The costs in connection with the trial shall be borne by the demandee."

(2) Reason for the demand

<<Preliminary allegation>>

The patent Invention does not include a "two-dimensional display device."

If it is assumed to be understood that the patent Invention includes a

"two-dimensional display device," the following reasons for Invalidation 1 and reasons for Invalidation 2 would arise.

<Reasons for Invalidation 1>

Every one of the inventions relating to Claims 1 to 3 of the Patent is the invention described in Evidence A No. 2 (publication of the unexamined original application) which is a publication distributed before the application of the Patent, and therefore it falls under the category of Article 29-1(3) of the Patent Act, and the patent for the claims falls under the category of Article 123-1(2) thereof, so that it should be invalidated. That is,

If it is assumed to be understood that the patent Invention also includes a "two-dimensional display device," the Application relating to the Patent lacks the requirements for Division of Application, so that the filing date would be October 2, 2003 which is the actual filing date. Evidence A No. 2 is a publication (publication of the unexamined application) describing the matters described in the original application of the Patent and the contents of the drawings thereof. It is apparent that a "three-dimensional display device" included in the scope of claims of the patent Invention is described in Evidence A No. 2.

<Reasons for Invalidation 2>

Every one of the inventions relating to Claims 1 to 3 of the Patent is the invention described in Evidence A No. 4 which is a publication distributed before the application of the Patent, and therefore it falls under the category of Article 29-1(3) of the Patent Act, and the patent for the claims falls under the category of Article 123-1(2) thereof, so that it should be invalidated.

<<Reasons for Invalidation 3>>

Every one of the inventions relating to Claims 1 to 3 of the Patent could be easily made by a person skilled in the art based on the inventions described in Evidence A No. 6, Evidence A No. 7 and Evidence A No. 4 which are publications distributed before the application of the Patent, and therefore the demandee should not be granted a patent for the invention under Article 29-2 of the Patent Act, and the patent falls under the category of Article 123-1(2) thereof, so that it should be invalidated. That is,

(a) Evidence A No. 6 describes "displaying different directional images alternately on the temporal basis." Separately projecting directional images on right and left eyes is the principle to achieve a stereoscopic image display device.

Evidence A No. 7 and Evidence A No. 4 disclose techniques of erasing a

displayed image every time an image is displayed on an LCD in one field period, and it is easily conceivable to apply the techniques to Evidence A No. 6 to achieve the configuration of Claim 1 (The patent Invention).

In Evidence A No. 4, picture elements are erased at a scanning rate which is two times the field frequency, and it is easily conceivable to apply this technique to Evidence A No. 6 to achieve the configuration of Claim 2.

In Evidence A No. 7, a pause period 23 is provided between a first period 22 and an operation elimination period 24, and it is easily conceivable to apply this technique to Evidence A No. 6 to achieve the configuration of Claim 3.

(b) The LCD of the patent Invention being based on dielectric polarization is not described in the scope of claims. It cannot be construed in a limited way that the LCD of Evidence A No. 7 is a "ferroelectric LCD."

(3) Means of proof

Evidence A No. 1: Demandee's third brief in damage claim(patent right) case of 2006(Wa)12733

Evidence A No. 2: Japanese Unexamined Patent Application Publication No. H8-340556

Evidence A No. 3: Bill of complaint in damage claim (patent right) case of 2006 (Wa) 12733

Evidence A No. 4: Pamphlet of International Publication No. WO 95/01701

Evidence A No. 5: Japanese Unexamined Patent Application Publication No. H8-500915

Evidence A No. 6: Japanese Unexamined Patent Application Publication No. H6-205446

Evidence A No. 7: Pamphlet of International Publication No. WO 94/06249

Evidence A No. 8: Japanese Unexamined Patent Application Publication No. H8-505014

2. Reply

(1) Effect of the reply

The demandee demands the trial decision, "The demand of trial of the case is groundless. The costs in connection with the trial shall be borne by the demandant."

(2) Reasons for the replay

<<Regarding the preliminary allegation>>

The title of the patent Invention is "Display Device", which does not particularly restrict the dimension, so that the patent Invention includes a "two-dimensional display device."

<Regarding the reasons for Invalidation 1>

Legitimacy of division should be judged in the process of examination, and should not be judged after registration of the establishment of the patent right. There are no provisions of changing the filing date after registration of the establishment of the patent right in the Patent Act. Approval or disapproval is reserved.

Further, the Description of the original application has a description on a "two-dimensional display device" (paragraph 0028, paragraph 0112, FIG. 17, etc.), so that the patent Invention includes a "two-dimensional display device".

<Regarding the reasons for Invalidation 2>

Evidence A No. 4 does not describe that "a full-screen black image signal is input in a stereoscopic image display device."

<Regarding the reasons for Invalidation 3>

(a) It is publicly known to display stereoscopic images frame-sequentially (Evidence A No. 6).

(b) Evidence A No. 4 lacks an in-depth study on a "full-screen black signal." A nematic liquid crystal device can display black screen according to the arrangement of a deflection film regardless of a voltage non-applied state (normal black) or a voltage applied state (normal white). The "full-screen black signal" cannot be defined by the voltage VB.

(c) The LCD of the patent Invention is based on dielectric polarization (nematic liquid crystal), not on spontaneous polarization (ferroelectric LC).

Evidence A No. 7 is a about ferroelectric LCD. The blanking period is needed for the properties of the ferroelectric LCD (the molecular orientation is maintained even after removal of an electric field), and is not special. Further, Evidence A No. 7 merely mentions "blanking" and "change to either full on or full off," but does not have a wording "black display."

(3) Means of proof

"Evidence A No. 9: Copy of a patent memo made by the examiner of the Japan Patent Office" is written in the column of the list of the attached documents of the

reply, and the copy is attached.

Evidence B Nos. 1 to 4 are attached to the Written statement (part 2-2) dated September 3, 2008.

Evidence B No. 1: "Thin Film Handbook" (published in 1983) Copy of the book cover

Evidence B No. 2: "Thin Film Handbook" (published in 1983) Copy of pages 622 and 623

Evidence B No. 3: "MICRO DEVICES" (2005-12) Copy of the book cover

Evidence B No. 4: Copy of page 3 of "MICRO DEVICES" (2005-12)

No. 4 Judgment on the body

1. Regarding the preliminary allegation

(1) Gist of the Description of the patent Specification

The following is the gist of the Description of the patent Specification.

(a) An object of the Patent is to provide a stereoscopic image display device that projects directional images, which are time-divisionally displayed by a transparent image display panel, on the right and left eyes of an observer. The stereoscopic image display device can project three or more directional images in the left-right direction, can always display a stereoscopic image to follow up the position of the observer even when the position of the observer moves leftward/rightward, upward/downward and in a to-and-fro direction, can provide a wide observation range when the display is changed over to the normal two-dimensional image display, and can display time-divided directional images in a temporally separate manner even when an LCD is used for a transparent image display panel is used. (paragraph 0018, paragraph 0021, paragraph 0027, and paragraph 0031)

(b) The display device of the Invention includes means for inputting a full-screen black signal for causing the LCD to carry out full-screen black display every time one field or one frame of image signals is input to the LCD in a case of sequentially displaying different images on the LCD. (paragraph 0032)

(c) The display device of the Invention provides an effect such that sequential images are not simultaneously displayed even partly at any arbitrary time, and sequential images can be displayed in a temporally separate manner. (paragraph 0033)

(d) In the example referred to as Example 1 (FIG. 1), 1 is a transparent image display panel, 2 is a convex lens plate, o is the center of the convex lens plate, FL is a focal point, and 3 is a split light source that emits light at an arbitrary partial region on

the light emission surface which is arranged in space opposite the space where an observer is present with the transparent image display panel 1 in between.

An image on the transparent image display panel 1 can be observed only in case of viewing from within a slant region containing the line L when the light emission region 3L of the split light source 3 is emitting light, or only in case of viewing from within a slant region containing the line R when the light emission region 3R is emitting light, so that fast switching the display of images R and L and fast switching the right and left light emission regions 3R, 3L of the split light source 3 accordingly can permit the images R, L to be viewed as directional images with different parallactic angles separately with the right and left eyes, on the left eye from any position within the slant region containing the line L and on the right eye from any position within the slant region containing the line R. (paragraph 0034, paragraph 0035)

(e) In the example referred to as Example 15 (FIG. 17), 4 is a right and left image signal source that outputs two directional image signals to be displayed on the transparent image display panel 1, and 4R and 4L are respectively a right-eye image signal source that outputs an image R and a left-eye image signal source that outputs an image L. 5 is a time division circuit that alternately changes over directional images for the right and left eyes to be displayed on the transparent image display panel 1 on the temporal basis, and 6 is a division control circuit that controls the split light source 3 in such a way that the split light source alternately emits light in right and left regions 3R, 3L, provided by separating the split light source 3 in half, according to the temporal-based alternate changeover of the directional images for the right and left eyes to be displayed on the transparent image display panel 1. (paragraph 0034)

The Example includes a plane display change circuit 27 that changes over between stereoscopic display (three dimensional) and plane display (two dimensional).

In case of stereoscopic display, the plane display change circuit 27 selects the time division circuit 5 and the division control circuit 6, and performs division control of the split light source 3, and, at the same time, alternately changes over the images R, L to be input to the display panel 1 on the temporal basis to ensure stereoscopic display, whereas in case of plane display, the plane display change circuit 27 selects an image for one eye (right-eye image 4R) and a full plane emission circuit 26, and causes the split light source 3 to emit light at the entire surface, and, at the same time, exclusively inputs the right-eye image 4R to the display panel 1 to provide plane

display.

A normal non-stereoscopic image can be observed in a wide range. (paragraph 0059)

(f) In the individual examples referred to as Examples 22 to 24 (FIG. 24, FIG. 25, FIG. 26, and FIG. 27), 4 is a right and left image signal source that outputs two directional image signals to be displayed on the transparent image display panel 1, and 4R and 4L are respectively a right-eye image signal source that outputs an image R and a left-eye image signal source that outputs an image L. 5 is a time division circuit that alternately changes over directional images for the right and left eyes to be displayed on the transparent image display panel 1 on the temporal basis, and 6 is a division control circuit that controls the split light source 3 in such a way that the split light source alternately emits light in right and left regions 3R, 3L, provided by separating the split light source 3 in half, according to the temporal-based alternate changeover of the directional images for the right and left eyes to be displayed on the transparent image display panel 1. (paragraph 0034)

One field of images R, L (the field 1 and field 2 of the images R, L are inverted beforehand) is changed over to a full-screen black signal source 42 by a full-screen black display changeover circuit 41, and is input to the transparent image display panel 1 with the frame being changed over by the time division circuit 5. In this case, the field 1 of an image R-1 is input to the first field (from the first line to the 262.5th line), then the full-screen black signal is input to the second field (from the first line to the 262.5th line) to erase the image R-1, then the field 1 of an image L-1 is input to the third field, then the full-screen black signal is input to the fourth field to erase the image L-1, and the above processes are repeated thereafter. As a result, both screens are not simultaneously displayed even partly at any arbitrary time, so that the whole screen of the image R, L can be temporally separated. (paragraph 0067)

(g) It is apparent that a signal for the right eye (field by field or frame by frame) and a signal for the left eye (field by field or frame by frame) are alternately displayed on the temporal basis with the black signal in between in the order of the "image R-1 for the right eye" (field), the "black signal" (field), the "image L-1 for the left eye" (field), the "black signal" (field), the "image R-1 for the right eye" (field), the "black signal" (field), the "image L-1 for the left eye" (field), and so forth in FIG. 25, and in the order of the "image R-1 for the right eye/image R-2 for the right eye" (frame), the "black signal" (frame), the "image L-1 for the left eye/image L-2 for the left eye" (frame), the "black signal" (frame), the "image R-1 for the right eye/image R-2 for the right eye" (frame), the "black signal" (frame), the "image L-1 for the left

eye/image L-2 for the left eye" (frame), and so forth in FIG. 27.

(2) Examination

(a) Since the patent Invention has the configuration of "inputting a full-screen black signal ... in a case of sequentially displaying different images," Examples (22 to 27) that have both the configuration of "sequentially displaying different images" and the configuration of "inputting a full-screen black signal" should be referenced. An examination will be made with reference to Example 22 as a representative example.

According to Example 22, it is acknowledged that "different images" in the patent Invention are two directional images (image R for the right eye and image L for the left eye) that are output from the right-eye image signal source 4R and the left-eye image signal source 4L, respectively, and "sequentially displaying " is to alternately change over two directional images on the temporal basis by means of the time division circuit 5, and to alternately display the directional images on the transparent image display panel 1. In other words, it is acknowledged that "different images" are "images different (in direction that are output from different image signal sources)," and "sequentially displaying" is to "temporally alternately display" "images different (in direction)."

Therefore, the patent Invention can be said to be substantially a three-dimensional display device.

(b) The Specification of this Application has a description that "There is a problem such that there is only one observation position as in stereoscopic display even in a case of providing the normal two-dimensional image display by repeating the same image and simultaneously irradicating the display with all of the linear light sources instead of making an image to be displayed on the transparent image display panel different field by field." (paragraph 0014)

As apparent from this description, it is said in the patent Specification that "making an image to be displayed on the transparent image display panel different in direction field by field" is stereoscopic display, and "repeating the same image instead of making an image to be displayed on the transparent image display panel different field by field" is two-dimensional display.

A description of similar contents is also given in paragraph 0021 of Evidence A No. 6 and on page 34 of Evidence A No. 7, which seems to imply that the above recognition is not limited to the description of the Patent but is common.

(c) If one looks at each of two directional images (image R for the right eye and image L for the left eye) individually, each image is "a series of images (to be

output from a single image signal source) that vary with time", the images may be said to be "different images" within that limitation; however, in this case, since two directional images are alternately input to the display panel 1, "different images" in the stage of "sequentially displaying ... on the LCD" are no longer "a series of images that vary with time." As a result, "sequentially displaying different images on the LCD" cannot be construed as "sequentially displaying different images (a series of images that vary with time) on the LCD."

(d) In the mode of the plane display of Example 15, the image R for the right eye is solely input to the display panel 1, so that the image R for the right eye is "a series of images that vary with time" as mentioned above, which may be said to be "sequentially displaying different images (a series of images that vary with time) on the LCD." However, there is no description on "inputting a full-screen black signal" in the mode of the plane display, and Example 15 is not an example of "inputting a full-screen black signal ... in a case of sequentially displaying different images" according to the patent Invention.

(e) The demandee argues that the Specification of the original application has a description on a "two-dimensional display device" (paragraph 0028, paragraph 0112, FIG. 7, etc.), so that the patent Invention includes a "two-dimensional display device".

However, the "two-dimensional display device" described in the description of the original application is not a "two-dimensional display device" that has a configuration of "inputting a full-screen black signal." On the other hand, there is no description on a display device with configurations of both "inputting a full-screen black signal" and "a series of images that vary with time." It cannot be said that the patent Invention includes "a two-dimensional display device".

(f) From the above, the patent Invention is a three-dimensional display device, and can be in no way construed to also include a two-dimensional display device.

(3) Summary

As mentioned above, it is in no way construed that the patent Invention also includes a two-dimensional display device. The reasons for Invalidation 1 and the reasons for Invalidation 2 in the preliminary allegation, which are based on the assumption that the patent Invention includes a two-dimensional display device, cannot be accepted.

2. Regarding the reason for Invalidation 3

(1) Examination on respective items of Evidence A

Respective items of Evidence A have the following descriptions.

(a) Evidence A No. 6 (Japanese Unexamined Patent Application Publication No. H6-205446)

(A) "[Field of Industrial Application] The invention relates to a stereoscopic image display device that does not need a pair of glasses, and, particularly, to a stereoscopic image display device capable of displaying a high resolution bright stereoscopic image." (paragraph 0001)

(B) "[Prior Art] To display a stereoscopic image without using a pair of glasses, it is necessary to converge display rays of light corresponding to individual directional images in multi-directional images forming the stereoscopic image at the positions of the eyes of an observer by means of some kind of optical action, and make the distance between the convergence points to be the distance between the left and right eyes (distance between the pupils) of the observer laterally, so that left and right images are autonomously separately projected onto the left and right eyes when both eyes are set on there." (paragraph 0002)

(C) "... as illustrated in the principle diagram as seen from above in FIG. 5, there is conceived an image display device configured in such a way as to use a transparent image display panel such as a back-reflection type liquid crystal display panel (LCD), and have a plurality of linear light sources L disposed on the opposite side to an observer with this LCD in between. Images to be displayed on the LCD are such that individual directional images are repetitively aligned on the display surface in the order of the directions. FIG. 5 illustrates a case where the number of the directions is two which are the minim directions that form a stereoscopic image, the display pixel P1 illustrated in the diagram indicates an image to the left eye EYE1 of the observer, and the display pixel P2 indicates an image to the right eye EYE2 of the observer. As illustrated, when linear light sources L are each disposed at the intersection of each line connecting the left eye EYE1 of the observer and the display pixel P1, and each line connecting the right eye EYE2 of the observer and the display pixel P2, the display pixels P1 and P2, which are repetitively aligned on the LCD, irradiated by lights from the linear light sources are separately converged at the positions of the left eye EYE1 and right eye EYE2 of the observer, respectively, so that when the left and right eyes are placed there, the observer can observe a stereoscopic image without needing a pair of glasses." (paragraphs 0004 and 0005)

(D) "[Problem to be Solved by the Invention] Because the conventional stereoscopic image display device that has been described referring to FIG. 5 uses a plurality of linear light sources as the irradiation source of the LCD, increasing the

luminance of the linear light sources L can expect to significantly improve the brightness in principle, and it does not use a lenticular sheet lens or the like, aberration blur does not occur. Therefore, this type of stereoscopic image display device can be said to be improved significantly as compared with the conventional devices that use a slit plate or a lenticular sheet lens. In this improved stereoscopic image display device, however, like other types of display devices, as the number of directions (two in the case of FIG. 5) increases, the occupying ratio of one directional image to the entire display surface of the LCD becomes smaller to 1/the number of directions, resulting in an inevitable reduction in resolution in that respect. The problem to be solved by the invention is to improve the stereoscopic image display device of the type described referring to FIG. 5, and ensure high-resolution image display regardless of the number of directions while maintaining the inherent advantage of the image display device of providing a bright display image, and an object of the invention is to provide a stereoscopic image display device designed to achieve it." (paragraphs 0006 and 0007)

(E) "[Examples] The following describes the invention in detail by examples referring to the accompanying drawings. FIG. 1 illustrates a stereoscopic image display device according to the invention in a principle diagram viewed from above to show a difference from the conventional type illustrated in FIG. 5 at a glance. In FIG. 1, an image VD1 or VD2 representing one kind of directional image is displayed at display pixels P1, P2, P3, ... on the image display surface of a transparent image display panel such as an LCD, not individual directional images being repeatedly arranged in the directional order thereon as illustrated in FIG. 5, and they are irradiated on the left eye EYE1 or the right eye EYE2 of an observer respectively. When the image display surface displays the image VD1 for the left eye EYE1, only light sources LL1 for the left eye EYE1, indicated by •, in a plurality of linear light sources L disposed at the back of the image display panel as viewed from the observer are turned on, and light sources LL2 for the right eye EYE2 indicated by o are turned off. At the next timing, the image VD2 for the right eye EYE2 is displayed on the image display surface, and accordingly, the light sources LL2 for the right eye EYE2 indicated by o , in a plurality of linear light sources L are turned on, and the light sources LL1 for the left eye EYE1 indicated by • are turned off. At the next timing, the image VD2 for the right eye EYE2 is displayed on the image display surface, and accordingly, the light sources LL2 for the right eye EYE2 indicated by o are turned on, and the light sources LL1 for the left eye EYE1 indicated by • are turned off. FIG. 2 illustrates the states in which the display

images VD1, VD2 and the linear light sources LL1, LL2 change as the time passes. As apparent from the above, the invention is characterized in that while the image display surface of the transparent image display panel such as an LCD is spatially divided to display images for the left eye and images for the right eye conventionally, an image on the same side is displayed on the entire image display surface as an image for the left eye or an image for the right eye, and it is changed over, together with a plurality of linear light sources for irradiation of images for the left eye and for the right eye, on the time divisional basis (change in state), which prevents the resolution from being lowered due to an increase in the number of directions or the like." (paragraphs 0009 to 0012)

(b) Evidence A No. 7

(A) "1. Field of the Invention This invention relates to illumination systems designed to improve image resolution and permit look-around viewing in liquid crystal and similar flat panel transmissive three dimensional (3-D)displays and enhanced resolution and color two dimensional (2-D) displays, for use in computers, television and the like viewing apparatus." (page 1, lines 20 to 27)

(The corresponding part of Evidence A No. 8 is page 13, lines 4 to 9.)

(B) "DESCRIPTION OF THE PREFERRED EMBODIMENTS

The basic concept of displays using the stroboscopic illumination systems object of this invention is explained with reference to FIG. 1 which depicts schematically a general configuration of autostereoscopic and 2-D displays incorporating the system. A two dimensional light valve array 6, such as a liquid crystal panel (LCD) or a similar imaging device, is used to generate images by electronically scanning the array 6 which is comprised of rows and columns of individual pixels. The operation of such imaging devices is well known to those skilled in the art. Information is inputted to the LCD 6 via an input 10 which is usually a ribbon cable. The illumination of the LCD 6 is provided by the stroboscopic or non-stroboscopic light source means 3, which is described in its several versions in the following, can consist of several different types of light sources, some in combination with electro-optical shutters. The emitting regions of the light sources will generally be long, thin, and vertically oriented or will be small and point like, as described in US -A-5,036,385. Light source means 3 is controlled and driven by signals through input 9 from the electronic control module 1. Control module 1 receives its timing signals through input 8 and generates a sequence of light flashes appropriately synchronized with the generation of an image on LCD 6. In addition to light sources and electro-optical shutters, the light source means 3 contains appropriate reflectors, mechanical supports,

cooling means, and means for adjusting the position of said light sources to achieve a desired geometry of the illumination system. An opaque flat black non-reflective barrier 96 blocks the area between and to the sides of the light sources 3, so as not to allow light to exit the light source 3 or be reflected from the light source 3 from points other than the light source 3. Barrier 96 can be a flat black metal plate with slots or holes cut in its surface in front of the light source 3." (page 9, line 26 to page 10, line 23)
(The corresponding part of Evidence A No. 8 is page 19, line 9 to page 20, line 3.)

(C) "When the systems described above use an image flip between pixel columns, then it is desirable, when switching between one set of lamps and the next, to keep both lamps off during all or most of the short period when the pixels on the LCD are changing to flip the positions of the left and right eye images. Otherwise, a double image become visible for an instant, during the short time the pixels of the display are changing from one state to the next." (page 26, lines 4 to 11)
(The corresponding part of Evidence A No. 8 is page 34, lines 16 to 21.)
(D) "The timing sequence of LCD scan (during which all pixels are addressed), pixel transmittance changes to form the next image component, and light source turn on and turn off when a small number of lamps is used for full resolution 3-D imaging as in FIG. 2 is shown in FIGs. 3a -3c. The timing diagram is shown in FIGs. 3a -3c. FIG. 3a depicts the repeated address of LCD rows starting at the top row and proceeding to the bottom row. FIG. 3b shows the change from "off" or opaque state to "on" or clear state (or vice versa) of the first and the last pixels in a video field, after these pixels have been addressed, and the flashing of the first light emitting point or lamp 42 shown in FIG. 2. In the case of TFT and Ferroelectric LCDs, when a pixel is turned on during the scan of an LCD, it stays on until turned off, in this case until the scan of the entire LCD to display one video frame is completed, and the last pixels have had time to change their state. As shown in FIG. 3a the time period between the start of one LCD scan and the start of the next is divided into three periods during which three actions occur: a first period 22 during which the LCD is scanned and its rows sequentially addressed usually starting at the top row and ending at the bottom row causing the pixels to change state in order to display the next image, a pause or waiting period 23 during which nothing happens, and an operation elimination period 24 of beneficial effect in some LCDs in which the LCD is scanned again and all the pixels are addressed and made to change state to either full on or full off depending on LCD configuration, to completely erase the previous image.

Typically, all the pixels of a given row are addressed at the same time." (page 29, line 35 to page 30, line 27)

(The corresponding part of Evidence A No. 8 is page 38, lines 4 to 25. It should be noted that the wording in the original text (Evidence A No. 7) "In the case of TFT and Ferroelectric LCDs" in the description of (D) is "In the case of TFT and Ferroelectric LCDs," (page 30, line 8) specifying "LCDs" in plural, and the issue in this description is the characteristics of the liquid crystal display (LCD), not the TFT (Thin Film Transistor) itself, and in consideration of those, it is apparent that "In the case of TFT and Ferroelectric LCDs" means "In the case of TFT LCD and Ferroelectric LCD.")

(E) "Lamps, of course, never flash instantaneously, but rather emit light for a short time and then turn off. The duration that the lamp is emitting light depends on the lamp, and can be controlled with some lamps, such as LEDs. In general, the lamp should emit light only during the time period between the completion of the last pixel's change and the beginning of the next address scan. However, if a blanking scan is used, and the LCD is blanked to a dark state, the lamps may emit light during the blanking period without significant image degradation. However, if the LCD is blanked to the bright or transparent state, the lamps should stop emitting light before the blanking period begins. Otherwise, contrast will be lessened considerably." (page 31, line 36 to page 32, line 9)

(The corresponding part of Evidence A No. 8 is page 40, lines 2 to 10. It should be noted that the wording in the original text (Evidence A No. 7) "the lamps may emit light during the blanking period without significant image degradation." is "the lamps may emit light during the blanking period without significant image degradation." (page 32, lines 5 to 6), and "may" in this wording is used to refer to "there is a case where, ..., can ..., could ...", so that the above wording can be recognized to refer to "the lamps could emit light during the blanking period without significant image degradation.".)

(c) Evidence A No. 4

(A) "It is an object of the present invention to provide a matrix display system which offers improved display quality when displaying moving images and a method of operating a matrix display system which helps to alleviate the problem of unwanted visual effects when displaying moving images." (page 3, lines 17 to 21)

(The corresponding part of Evidence A No. 5 is page 7, lines 24 to 27.)

(B) "In a second preferred embodiment of a method according to the present invention, in the time intervals between successive display information address periods to drive the picture elements of the array to their substantially

non-transmissive display states. In a second preferred embodiment of a method according to the present invention, in the time intervals between successive display information address periods to drive the picture elements of the array to their substantially non-transmissive display states. In this second embodiment, the driving of the picture elements to their substantially non-transmissive, i.e. black, states in the time intervals between successive display information address periods introduces the aforementioned "dark" intervals between the presentation to a viewer of successive display fields, thereby resulting in the improvement to the perceived resolution of moving images." (page 7, line 27 to page 8, line 12)

(The corresponding part of Evidence A No. 5 is page 10, line 28 to page 11, line 7.)

(C) "Turning now to the system embodiment of Figure 2, then following the writing of data for one TV field into the display panel 10 in a display information address period comprising one half of the TV signal field period as previously described, the picture elements of the array are addressed again in the interval comprising the remaining half of the TV signal field period to drive them to their substantially non-transmissive, black, state, unlike the scheme described in EP-A-0487140 in which the picture elements are addressed again with the same display information in the second half of the TV field period. To achieve this, selection signals are again supplied by the row driver circuit 20 to each of the row conductors in turn during this interval corresponding to the latter half of the TV field period with the selection signal of the first row conductor coinciding substantially with the beginning of the interval. For the duration of this period a predetermined reference voltage, VB, is applied to each of the column conductors 1 6, which is selected such that the picture elements are driven to their substantially non-transmissive state. The reference voltage is applied by means of a switch circuit 35 connected between the outputs of the column driver circuit 22 and the set of column conductors which switches the column conductors between the row driver circuit's outputs and the reference voltage under the control of a switching signal S supplied by the circuit 21. The row conductors are scanned with a selection signal at the same rate as previously so that the rows of picture elements are set to their substantially non-transmissive states in sequence with the final rows being set close to the end of the interval. In one TV field period, therefore, there are two display information address periods namely a display information address period in which the picture elements are driven to the liquid crystal display states and a succeeding interval in which they are driven to their substantially non-transmissive states. At the end of the TV field period, the change-over switches 28 and 32 are operated, so

that the data signals for the next TV field are read out to the circuit 24 from the other store, again at twice the field rate of the TV signal and in synchronism with scanning of the row conductors at twice the conventional rate and while the subsequent TV field is being loaded into the first store. After this next field has been loaded into the display panel, the picture elements are again driven to their substantially non-transmissive display states as before in the remaining latter half of the TV field period. This manner of operation is repeated for successive TV fields. Thus, the operation of the display panel occupies a succession of approximately equal periods of time, each corresponding to approximately one half of the TV signal field period, e.g. 10 ms, in which alternate periods constitute first display panel field periods during which the picture elements are loaded with display information for a respective TV field and in which the intervening intervals constitute second display panel field periods during which the picture elements of the array are driven to their black state. This is depicted diagrammatically in Figure 4 in which T represents time and F(A) to F(D) denote four successive field periods of the applied TV signal, VS. The relative timings of the operating periods of the display panel, DP, are illustrated in which f(A) to f(C) represent the first display panel field (display information address) periods, and the periods f' represent the intervals therebetween constituting the second display panel address periods." (page 18, line 11 to page 20, line 5)

(The corresponding part of Evidence A No. 5 is page 18, line 7 to page 19, line 13.)

(D) "It may not always be necessary to restrict illumination of the panel to certain time periods. The driving of the picture elements to the black state in the intervals between the display information address periods introduces the required pause intervals and could be sufficient by itself. In this case, the light source can be arranged to illuminate the panel continuously. The relative durations of the display panel first and second address periods (f and f' respectively in Figure 4) can also be varied to an extent. As described above, each of these periods corresponds to approximately half the field period (F) of the TV signal. However, the panel address periods f and f' could be different, for example one third and two thirds respectively of the TV field period or vice versa, although this would complicate driving. In the particular embodiment described, the rows of picture elements are set to their non-transmissive states in the intervals by scanning the rows in turn with the setting of the first and last row coinciding approximately with beginning and end of interval respectively. However, other schemes for driving the picture elements to this state could be used. For example the rows could be set in a sequence of groups of successive rows or possibly substantially all together rather than in a sequence.

These latter schemes would entail modification to the row drive circuit 20 however. Moreover, the driving of the picture elements to their non-transmissive states need not commence at the beginning of the interval. Instead, a short predetermined delay time, as shown in Figure 4, may be introduced at the beginning of the intervals before the picture elements are set to this required state. This delay time would constitute a dormant period which follows after all the picture elements have been set to their display state in the period f(A), f(B), etc., during which the panel is illuminated. The end of this delay time d may be chosen to coincide with the end of the illumination period, as indicated by the dashed line in Figure 4, with the picture elements to this state in the remaining part of the interval will require a faster scanning rate which can be achieved by operating the row drive circuit at a higher clocking speed." (page 25, line 6 to page 26, line 11)
(The corresponding part of Evidence A No. 5 is page 23, lines 4 to 28.)

(2) Regarding the patent Invention

(2-1) Comparison with the invention described in Evidence A No. 6

According to the individual descriptions of (a) of the section (1), it is acknowledged that Evidence A No. 6 describes an invention of a stereoscopic image display device using a transparent image display panel such as a back-reflection type liquid crystal display panel (LCD) and configured in light of, as the technical problem to be solved, the problem of decreasing the occupying ratio of one directional image with respect to the entire display surface of the LCD according to an increase in the number of directions in the prior art of alternately aligning the image display pixels P1 for the left eye EYE1 of the observer and the image display pixels P2 for the right eye EYE2 of the observer on the LCD and causing the image display pixels P1 and the image display pixels P2 to be separately converged at the positions of the left eye EYE1 of the observer and the right eye EYE2 of the observer by means of the lights radiated from their respective linear light sources, in such a way that an image of the same direction for the left eye or for the right eye is displayed on the entire display surface of the LCD, not an image for the left eye and an image for the right eye being displayed on segments of the display surface of the LCD spatially divided, only image irradiating linear light sources LL1 for the left eye which cause an image VD1 for the left eye to converge on the position of the left eye of an observer are turned on when the left-eye image VD1 is displayed, whereas only image irradiating linear light sources LL2 for the right eye which cause an image V2 for the right eye to converge on the position of the right eye of an observer are turned on when the right-eye image

VD2 is displayed.

However, FIG. 2 in Evidence A No. 6 illustrating "the transition of the display image VD1, VD2, and the linear light sources LL1, LL2 with the passage of time" in the invention described in Evidence A No. 6, as described above, illustrates that the image VD1 is displayed on the liquid crystal display panel (LCD) and the linear light sources LL1 are turned on at time segment t1, the display image is changed over to the image VD2 and the linear light sources LL2 are turned on at next time segment t2, and this procedure is repeated at t3, t4, and so forth to time-divisionally change over and display the image VD1 and the image VD2, and at the time one image is changed over to another one, there exist a short period of time where both of the linear light sources LL1 and LL2 are turned off, from which it can be seen that there is a state where nothing is displayed (dark state) on the LCD panel for a short period of time during which images are time-divisionally changed over.

Then, being in the state where nothing is displayed (dark state) on the LCD panel refers to the LCD carrying out full-screen black display, so that it is acknowledged that the invention described in Evidence A No. 6 has a configuration of causing the LCD to carry out full-screen black display by turning off both the linear light sources LL1 and LL2 while display images are changed over. (Court judgement, page 26, line 17 to page 27, line 18)

The technical means of "causing the LCD to carry out full-screen black display" in the invention described in Evidence A No. 6 is to turn off both the linear light sources LL1 and LL2 while display images are changed over (i.e., every time one field or one frame of image signals are input to the LCD), as described above, and, unlike the patent Invention, is not achieved by the means of "inputting a full-screen black signal" (Court judgement, page 28, lines 9 to 13), so that the invention described in Evidence A No. 6 differs from the patent Invention.

Therefore, the following are the corresponding feature and the different feature between the patent Invention and the invention described in Evidence A No. 6.

Note (Corresponding feature)

A display device comprising:

an LCD, wherein

in a case of sequentially displaying different images on the LCD, the LCD is caused to carry out full-screen black display every time one field or one frame of image signals is input to the LCD.

Note (The different feature)

While the technical means of "causing the LCD to carry out full-screen black display" is achieved by the means of "inputting a full-screen black signal" in the patent Invention, the invention described in Evidence A No. 6 is achieved by "turning off both the linear light sources LL1 and LL2 while display images are changed over".

(2-2) Judgement on the different feature

According to the individual descriptions of (b) of the section (1), it can be acknowledged that Evidence A No. 7 describes that in connection with an invention of an illumination system for a three-dimensional display or a color two-dimensional display that includes a liquid crystal panel (LCD) and lamps and displays an image for the right eye and an image for the left eye in a flipped manner, ○1 it is desirable to turn off both of a lamp for the right eye and a lamp for the left eye for a short period of time during which the image for the right eye and the image for the left eye are flipped; otherwise, a double image becomes visible for an instant during the short time of flipping, ○2 in the case of the TFT driving LCD or ferroelectric LCD, when all the pixels (one frame) of the LCD are scanned to display an image, the prior display state is maintained until the pixels of the LCD are scanned next to change the state, whereas the illumination system of the invention described in Evidence A No. 7 is provided with the control of erasing the prior display state by scanning the LCD in an all-ON state or an all-OFF state according to the configuration of the LCD, and ○3 while the lamps should be enabled to emit light only during the time interval between the completion of changing of the pixels (i.e., completion of scanning of one frame for displaying an image) and the start of the next address designation scanning, if a blanking scan is used, and the LCD is blanked to a dark state, the lamps may keep emitting light during the blanking period without significant image degradation.

In other words, like invention described in Evidence A No. 6, Evidence A No. 7 points out that a stereoscopic (three-dimensional) image display device configured to include an LCD and image irradiating light sources (lamps) and to time-divisionally change over the display image (image) and the image irradiating light sources for the left eye and the right eye has a problem such that a double image becomes visible for an instant at the time of flipping from one image to another image (it is technically apparent that a leading image and a subsequent image temporally overlaps on the display surface and is not separated from each other, which results in reduction in image quality), and discloses, as the technical means for solving this problem, first, the means of turning off both the light source for the left eye and the

light source for the right eye for the short period of time of flipping from one image to another image, and secondly the means of performing blanking scan to blank the LCD to a dark state (black state) at the time of image flipping, so that those means are both the technical means of "causing the LCD to carry out full-screen black display" and are apparently disclosed as parallel means that are replaceable with each other in consideration of the wording in (E) of (b) in the section (1) "if a blanking scan is used, and the LCD is blanked to a dark state, the lamps may emit light during the blanking period without significant image degradation." (the wording "may emit light" refers to "are able to emit light" as mentioned above). Of those means, the first means is the configuration used by the invention described in Evidence A No. 6, while the second means is the configuration of "inputting a full-screen black signal" that is used by the patent Invention.

Accordingly, as described, above by turning off both the linear light sources LL1 and LL2 (i.e., light sources for the right eye and light sources for the left eye) while display images are changed over (i.e., every time one field or one frame of image signals is input to the LCD), it would be easy for a person skilled in the art to achieve the configuration of "inputting a full-screen black signal" relating to the patent Invention by using the means of "performing blanking scan to blank the LCD to a dark state (black state)" disclosed in Evidence A No. 7 in place of turning off both the linear light sources LL1 and LL2. (Court judgement, page 31, line 20 to page 33, line 10)

Therefore, the patent Invention could be easily made by a person skilled in the art based on the inventions described in Evidence A No. 6 and Evidence A No. 7.

(3) Regarding the patent Invention 2

(3-1) Comparison with the invention described in Evidence A No. 6

In view of the comparison between the patent Invention 2 and the invention described in Evidence A No. 6, the corresponding feature is the same as the corresponding feature in the section (2-1), and the following is the different feature.

Note (The different feature)

While the technical means of "causing the LCD to carry out full-screen black display" is achieved by the means of "inputting a full-screen black signal" in the patent Invention 2, the invention described in Evidence A No. 6 is achieved by "turning off both the linear light sources LL1 and LL2 while display images are changed over," and, in addition, "a frequency at a time of screen scanning when the full-screen black signal is input to the LCD is set higher than a frequency at a time of

scanning the image signals" in the patent Invention 2, whereas such is not carried out in the invention described in Evidence A No. 6.

(3-2) Judgement on the different feature

As mentioned above, with regard to the invention described in Evidence A No. 6 according to which "the LCD is caused to carry out full-screen black display" by turning off both the linear light sources LL1 and LL2 while display images are changed over, it would be easy for a person skilled in the art to achieve the configuration of "inputting a full-screen black signal" relating to the patent Invention 2 by using the means of "performing blanking scan to blank the LCD to a dark state (black state)" disclosed in Evidence A No. 7 in place of turning off both the linear light sources LL1 and LL2 (the above section (2-2)).

"Evidence A No. 7 · · · discloses, · · · , first, the means of turning off both the light source for the left eye and the light source for the right eye for the short period of time of flipping from one image to another image, and secondly the means of performing blanking scan to blank the LCD to a dark state (black state) at the time of image flipping" (the above section (2-2), court judgement, page 32, lines 16 to 20), so that the period of time of performing blanking scan is a short period of time of flipping from one image to another image. Accordingly, the blanking scan is performed during one field period or one frame period excluding the short period of time of performing blanking scan. Moreover, the period of time of changing from one image to another image in Evidence A No. 6 is also short.

Meanwhile, Evidence A No. 4 discloses that the operation becomes faster at the time of driving to a black state (refer to (c) in the above section (1), particularly, (D) of the description (c)).

In consideration of those points, with regard to the invention described in Evidence A No. 6 according to which "the LCD is caused to carry out full-screen black display" by turning off both the linear light sources LL1 and LL2 while display images are changed over, the blanking scan to blank the LCD to a dark state (black state) is performed in a short period of time at the time of using the means of "performing blanking scan to blank the LCD to a dark state (black state)" disclosed in Evidence A No. 7, so that it would be easy for a person skilled in the art to perform scanning faster than image signal scanning in order to perform scanning in a short period of time, i.e., to set the frequency at the time of screen scanning when the full-screen black signal is input higher than the frequency at the time of scanning the image signals.

Therefore, the patent Invention 2 could be easily made by a person skilled in the art based on the inventions described in Evidence A No. 6, Evidence A No. 7, and Evidence A No. 4.

(4) Regarding the patent Invention 3

(4-1) Comparison with the invention described in Evidence A No. 6

In view of the comparison between the patent Invention 3 and the invention described in Evidence A No. 6, the corresponding feature is the same as the corresponding feature in the section (2-1), and the following is the different feature.

Note (The different feature)

While the technical means of "causing the LCD to carry out full-screen black display" is achieved by the means of "inputting a full-screen black signal" in the patent Invention 3, the invention described in Evidence A No. 6 is achieved by "turning off both the linear light sources LL1 and LL2 while display images are changed over," and, in addition, "a period during which there is not an input signal to the LCD is provided between inputting of the image signals and inputting of the full-screen black signal" in the patent Invention 3, whereas such is not provided the invention described in Evidence A No. 6.

(4-2) Judgement on the different feature

As mentioned above, it is acknowledged that with regard to the invention described in Evidence A No. 6 according to which "the LCD is caused to carry out full-screen black display" by turning off both the linear light sources LL1 and LL2 while display images are changed over, it would be easy for a person skilled in the art to achieve the configuration of "inputting a full-screen black signal" relating to the patent Invention 3 by using the means of "performing blanking scan to blank the LCD to a dark state (black state)" disclosed in Evidence A No. 7 in place of turning off both the linear light sources LL1 and LL2 (the above section (2-2)).

Evidence A No. 7 illustrates that a pause period is provided between LCD scan and blanking scan at the time of performing blanking scan in order to cause the LCD to carry out full-screen black display, as illustrated in (D) of (b) of the section (1) and FIG. 3a, so that it is acknowledged that it would be easy for a person skilled in the art to use the means of "providing a pause period between LCD scan and blanking scan and performing blanking scan to blank the LCD to a dark state (black state)" disclosed in Evidence A No. 7 to achieve the configuration relating to the patent

Invention 3.

Therefore, the patent Invention 3 could be easily made by a person skilled in the art based on the inventions described in Evidence A No. 6 and Evidence A No. 7.

(5) Regarding the allegations of the demandee

While the demandee alleges that the invention described in Evidence A No. 7 is a ferroelectric LCD, whereas the LCD of the patent Invention is based on the dielectric polarization principle (nematic liquid crystal), the LCD of the patent Invention being based on the dielectric polarization principle (nematic liquid crystal) is not defined in the gist of the patent Invention, so that the above allegation is a misfeasance for it is not based on the gist of the Invention. Moreover, although the demandee alleges that Evidence A No. 7 does not have the wording "black display," "to blank the LCD to a dark state" in (E) of (b) of the section (1) is equivalent to causing the LCD to carry out "black display" so that this allegation is a misfeasance too (Court judgement, page 33, lines 11 to 18).

Therefore, the allegations of the demandee cannot be accepted.

(6) Summary

As apparent from the above, it would be easy for a person skilled in the art to achieve the patent Invention and the patent Invention 3 based on the inventions described in Evidence A No. 6 and Evidence A No. 7, and it would be easy for a person skilled in the art to achieve the patent Invention 2 based on the inventions described in Evidence A No. 6, Evidence A No. 7 and Evidence A No. 4.

No. 5 Regarding the allegations of the demandee

1. The demandee submitted the Written statement (part 2-1) dated September 3, 2008, and made the following allegations on the deficiencies relating to the form (procedures) of the demand for the invalidation trial.

(1) Evidence A No. 3 (bill) attached to the demand for trial should be invalidated, and the entire submission should be rejected ("demand for examination" written in 2 of No. 1 in the aforementioned written statement should read as "demand for trial").

(2) The address (residence) of the agent that should be written in the demand for trial is not accurate and legal.

(3) Article 123 of the Patent Act does not contain an "article on violations of requirements of division," and the illegal procedures should be dismissed (under

Article 133-2 of the Patent Act)

Regarding (1)

Evidence A No. 3 is a copy of the bill submitted by the demandee at Osaka District Court to verify the allegations of the demandee in litigation, which is an evidence submitted by the demandant.

Submission of a copy of a bill as an evidence is not illegal, and it is not acknowledged that submission of a copy of a bill as an evidence is a deficiency on the procedures of a demand for trial.

Therefore, the allegation of the demandee cannot be accepted.

Regarding (2)

It is not acknowledged that the address (residence) of the agent in the demand for trial is not accurate and legal.

Therefore, the allegation of the demandee cannot be accepted.

Regarding (3)

The description in lines 1 to 7 on page 5 of the demand for trial states that the inventions relating to Claims 1 to 3 of the Patent are the invention described in Evidence A No. 2, and therefore fall under the category of Article 29-1(3) of the Patent Act, and the patent for the claims falls under the category of Article 123-1(2) thereof, so that it should be invalidated, and alleges that the reason why Evidence A No.2 corresponds to a publication distributed before the filing of this Application is that this Application does not fulfill the legal requirements for Division of Application, and such can be understood as an allegation for a reason for invalidation.

Therefore, the allegation of the demandee cannot be accepted.

As apparent from the above, there are no deficiencies on the form (procedures) of the demand for trial that the demandee has alleged, so that the allegations of the demandee cannot be accepted.

2. The demandee submitted the Written statement (part 2-2) dated September 3, 2008, and explained at great length about the "TFT" in the "TFT and Ferroelectric LCDs" in line 8 on page 30 of Evidence A No. 7, but with regard to the "TFT and Ferroelectric LCDs," as mentioned in the "noting" following summarization of the corresponding part of Evidence A No. 8 of (D) of (b) of the section (1) of No.4-2, it is apparent that "In the case of TFT and Ferroelectric LCDs" means "In the case of TFT LCD and Ferroelectric LCD," and thus, the allegation of the demandee cannot be

accepted.

No. 6 Conclusion

As apparent from the above, it would be easy for a person skilled in the art to achieve the invention relating to Claim 1 of the Patent and the invention relating to Claim 3 of the Patent based on the inventions described in Evidence A No. 6 and Evidence A No. 7, and it would be easy for a person skilled in the art to achieve the invention relating to Claim 2 of the Patent based on the inventions described in Evidence A No. 6, Evidence A No. 7 and Evidence A No. 4, so that the Patent violate the provisions of Article 29-2 of the Patent Act, and falls under the category of the provisions of Article 123-1(2), and should be invalidated.

The costs in connection with the trial shall be borne by the demandee under the provisions of Article 61 of the Code of Civil Procedure which is applied mutatis mutandis in the provisions of Article 169-2 of the Patent Act.

Therefore, the trial decision shall be made as described in the conclusion.

November 26, 2008

Chief administrative judge: FUJIUCHI, Mitsutake
Administrative judge: KOIKE, Masahiko
Administrative judge: INUKI, Shoichi