Trial decision

Invalidation No. 2012-800143

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The decision on the case of the patent invalidation trial between the parties above on Japanese Patent No. 3477995, entitled "Pointer device for vehicle," dated Apr. 26, 2013,

came with a Court decision of revocation of the trial decision (2013 (Gyo-Ke) No. 10154, rendition of decision on Dec. 24, 2013) at the Intellectual Property High Court, the case was proceeded further, and another trial decision was handed down as follows:

Conclusion

The matters of correction e to h (the corrections concerning a group of claims of claims 2, 3, and 5) in the request for correction dated Jul. 25, 2014 are approved.

The patents for the inventions described in claims 1 to 3 of Japanese Patent No. 3477995 shall be invalidated.

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

Reason

No. 1 History of the procedures

The demandee made a patent application for the invention entitled "Pointer device for vehicle" on May 23, 1996 (Japanese Patent Application No. H8-128704, Japanese Unexamined Patent Application Publication No. H9-311058), and the establishment of the patent right was made on Oct. 3, 2003 (Japanese Patent No. 3477995, hereinafter referred to as "the Patent," and the description of the Patent is referred to as "the Description of the Patent").

Against this, the demandant requested a trial on Sep. 3, 2012, and the gist of the request is to demand the trial decision that the patent for the invention according to claims 1 to 3 of the scope of claims of Japanese Patent No. 3477995 shall be invalidated, and the costs in connection with the trial shall be borne by the demandee (hereinafter, referred to as "the Invalidation trial").

The history of the procedures related to the Invalidation trial after that is roughly as follows.

Nov. 21, 2012: a written reply (hereinafter, referred to as "Written reply 1")
Feb. 27, 2013: notification of matters to be examined (dispatched on Mar. 1 of the same year)
Mar. 15, 2013: an oral proceedings statement brief (the demandee)
Mar. 18, 2013: an oral proceedings statement brief (the demandant)
Mar. 27, 2013: an oral proceeding
Apr. 11, 2013: notice of conclusion of trial proceedings (dispatched on Apr. 15 of the same

year)
Apr. 26, 2013: a trial decision
(transmittal on May 9, 2013, and hereinafter referred to as "Former trial decision")
Jun. 4, 2013: access to the court (2013 Gyo-Ke No. 10154)
Dec. 24, 2013: a court decision
(transmittal to the demandee on the same date, and hereinafter referred to as "Court decision")
Jan. 9, 2014: a written motion for request for correction
Feb. 28, 2014: a written correction request
(Hereinafter, the correction according to this written correction request is referred to as "Former correction request 1")
Apr. 10, 2014: a written refutation
Apr. 22, 2014: a decision of acceptance or non-acceptance of amendment (dispatched on Apr. 24 of the same year)
(amendment of the reason of the request by rebuttal is permitted)
May 22, 2014: a written reply (hereinafter, referred to as "Written reply 2")
May 22, 2014: a written correction request
(Hereinafter, the correction according to this Written correction request is referred to as "Former correction request 2")
Jun. 25, 2014: advance notice of a trial decision (transmittal on Jul. 1 of the same year)
Jul. 25, 2014: a written correction request
(Hereinafter, this written correction request is referred to as "the Written correction request," and the correction according to the Written correction request as "the Correction")
Meanwhile, it is construed as Former correction requests 1 and 2 were withdrawn under the provisions of Article 134-2(6) of the Patent Act because the Correction was made.

No. 2 The demandant's allegation
When the statement contents of the written demand for trial, the oral proceedings statement brief (the demandant), and the written refutation are put together, the demandant's allegation is that, (A) principally, the Correction is not permitted, and the patents for the inventions according to claims 1 to 3 of the scope of claims of the Patent (Hereinafter, respectively referred to as "the Patent Invention 1" to "Patent Invention 3," and generally as "the Patent Invention") should be invalidated, and (B) preliminary, even if the Correction is permitted, patents for the inventions according to claims 1 to 3 of the scope of claims after the correction (hereinafter, respectively referred to as "Corrected Invention 1" to "Corrected

Invention 3," and generally referred to as "the Corrected Invention") should be invalidated.

1 The principal allegation (the case when correction is not permitted)
(1) Reasons that the Correction cannot be approved
A Irradiation means (claim 1)

The correction to add "the irradiation means" in claim 1 cannot be approved because a difference between "the irradiation means" and "scale plate irradiation means" is not clear, and thus the correction does not comply with provisions of the first item of the proviso to Article 134-2 of Patent Act.

Similarly, the correction of the detailed description of the invention, the description corresponding to the correction of claim 1, cannot be approved.

B Scale plate irradiation means (claim 1)

The correction to add, in claim 1, control to make luminance of "scale plate irradiation means" return to the initial luminance with a delay after turning-on of a key switch does not comply with the provisions of Article 126(5) of the Patent Act as applied mutatis mutandis under Article 134-2(9) of the same Act, and, therefore, it cannot be approved.

Similarly, the correction of the column of the detailed description of the invention of the description corresponding to the correction of claim 1 cannot be approved.

C Irradiation means (claim 2)

Regarding the correction to add "the irradiation means" in claim 2, it is not clear what "the irradiation means" indicates; i.e., which one of "scale plate irradiation means" and "pointer irradiation means," and thus the correction does not comply with the provisions of the first item of the proviso to Article 134-2 of the Patent Act and the correction cannot be approved.

In a similar fashion, the correction of the column of the detailed description of the invention, the description corresponding to the correction of claim 2, cannot be approved.

D Scale plate irradiation means (claim 2)

The correction to add, in claim 2, control to make luminance of "scale plate irradiation means" return to the initial luminance with a delay after turning on of a key switch does not comply with the provisions of Article 126(5) of the Patent Act as applied mutatis mutandis under Article 134-2(9) of the same Act, and, therefore, it cannot be approved.

Similarly, the correction of the detailed description of the invention, the description corresponding to the correction of claim 2, cannot be approved.

(2) The reason that the patent for the Patent Invention should be invalidated

The court decision held that (A) Patent Inventions 1 and 2 could have been easily invented based on the cited invention (Evidence A No. 1), the Well-known art 1 (Evidences A No. 2 to 7), and the Publicized prior art 1 (Evidence A No. 8), and (B) Patent Invention 3 could have been easily invented based on the cited invention, the Well-known art 1, the Publicized prior art 1, and the Publicized prior art 2 (Evidence A No. 9), by a person skilled in the art.

The patent for the Patent Invention should be invalidated.

2 The preliminary allegation (when the correction is permitted)

(1) Reasons for invalidation 1

The Corrected Invention does not meet the requirement stipulated in Article 36(6)(i) of the Patent Act, and thus the patent for the Corrected Invention falls under Article 123(1)(iv) of the Patent Act and should be invalidated.

(2) Reasons for invalidation 2

(A) Corrected Inventions 1 and 2 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known art 1, Publicized prior art 1, and Well-known art 2 (Evidence A No. 9 and 13), and (B) Corrected Invention 3 could have been invented based on the Cited invention, Well-known art 1, Publicized prior art 1, Publicized prior art 2, and Well-known art 2, and, therefore, the demandee should not be granted a patent in accordance with the provisions of Article 29(2) of the Patent Act. The patents for the Corrected Invention fall under Article 123(1)(ii) of the Patent Act and should be invalidated.

3 Means of proof

Evidences submitted by the demandant are as follows.

Evidence A No. 1: a CD-ROM of Japanese Utility Model Application No. H3-81935 (Japanese Unexamined Utility Model Application Publication No. H5-90323)

Evidence A No. 2: Japanese Unexamined Patent Application Publication No. S58-53535

Evidence A No. 3: a CD-ROM of Japanese Utility Model Application No. H3-39144 (Japanese Unexamined Utility Model Application Publication No. H6-25033)

Evidence A No. 4: a CD-ROM of Japanese Utility Model Application No. H3-109047 (Japanese Unexamined Utility Model Application Publication No. H5-49494)

Evidence A No. 5: Japanese Unexamined Patent Application Publication No. H5-326182
Evidence A No. 6: Japanese Unexamined Patent Application Publication No. H5-238309
Evidence A No. 7: Japanese Unexamined Patent Application Publication No. H5-13176
Evidence A No. 8: Japanese Utility Model Publication No. H1-32592
Evidence A No. 9: Japanese Unexamined Patent Application Publication No. H4-266536
Evidence A No. 10: Kojien, the fifth edition, page 1463 and page 1812
Evidence A No. 11: Japanese Unexamined Patent Application Publication No. H3-170816
Evidence A No. 12: a trial decision, Invalidation No. 2011-800163
Evidence A No. 13: Japanese Unexamined Patent Application Publication No. H6-201410

Meanwhile, for the reason that Evidence A No. 12 was made after the present application, it is not used for judgment and the like for Article 29(2).

No. 3 Demandee's counterarguments

When the statement contents of Written reply 1, the oral proceedings statement brief (the demandee), and Written reply 2 are put together, the outline of the demandee's counterarguments is as follows.

1 Against the principal allegation

(1) Regarding the reason that the Correction cannot be approved

A Irradiation means (claim 1)

By the Correction, correction was made so as to make "irradiation means" be clear.

B Scale plate irradiation means (claim 1)

From the time of the registration, in the scope of claims, the invention concerning control of the scale plate irradiation means is described in claim 1, and the invention related to control of the scale plate irradiation means and the pointer irradiation means is described in claim 2, among the working examples described in the detailed description of the invention.

Corrected Invention 1 is an invention related to control of the scale plate irradiation means among working examples of Fig. 6, and gives novel visibility to a crew by scale plate irradiation means, by focusing attention on the scale plate itself and making luminance of irradiation light of scale plate irradiation means be gradually lowered along with turning-off of a key switch of a vehicle (IG). Further, when the key switch is turned on in this state, by adding control to make the scale plate irradiation means dark (luminance of the irradiation light is made to be zero) once and, after that, make the scale plate irradiation means bright with a delay subsequent to turning-on of the key switch (luminance

is returned to the initial luminance), it further enhances novelty in visibility for a crew.

C Irradiation means (claim 2)

By the Correction, correction was made so as to make "irradiation means" be clear.

D Scale plate irradiation means (claim 2)

Corrected Invention 2 is an invention related to control of the scale plate irradiation means and the pointer irradiation means just as in the example of Fig. 6.

2 Against the preliminary allegation

(1) Reasons for invalidation 1

The reasons are similar to the above 1 (1) B and D.

(2) Reasons for invalidation 2

Corrected Invention 1 is an invention to provide a crew novel visibility according to illumination that comes with turning off of a key switch of a vehicle (IG), and it is not simple combination of behavior at the time of turning-off of a light along with turning-off of the key switch of a vehicle (IG) and behavior at the time of turning-on of a light along with turning-on of the key switch of the vehicle (IG).

Well-known art 1 is behavior of a lighting device on the occasion of turning-off of a switch simply (fade-out), and it is not deemed to be Well-known art 1 that another operation is further taken into this fade-out.

Well-known art 2 is not well known. The publicized prior art described in Evidence A No. 13 premises lighting from luminance zero, and the publicized prior art described in Evidence A No. 9 takes up so-called time difference lighting between an instrument and a pointer as an issue of the prior art. Evidence A No. 13 and Evidence A No. 9 do not suggest re-lighting in behavior after turning-off of a key switch.

In the detailed description of the invention, novel visibility after tuning-off of a key switch is consistently described as an effect of the invention, and thus there is no discrepancy between the statements of the Corrected Invention and the detailed description of the invention.

It is obvious that Corrected Inventions 2 and 3 in which the requirement of a pointer irradiation means is added further to Corrected Invention 1 could not be conceived by a person skilled in the art with ease.

No. 4 Regarding the Correction

1 Contents of correction

The Correction requests to correct the scope of claims and the detailed description of the invention of the Description of the Patent for each group of claims as described in the corrected description attached to the Written correction request.

The contents of the correction are as follows.

(1) The correction of a group of claims including claims 1 and 4 (hereinafter, referred to as "Matters of correction 1")

A The matters of correction a

To correct

"A pointer device for a vehicle, comprising: a scale plate (20); a pointer (30) to perform indication display on the scale plate; and an irradiation means (50) for irradiating the scale plate by light, the pointer device for a vehicle further comprising

a control means (112, 112A, 113, 113A, 121-124, 130, 130A) for controlling luminance of irradiation light of the scale plate irradiation means so as to be lowered gradually when a key switch (IG) of the vehicle is turned off." of claim 1 of the scope of claims to

"A pointer device for a vehicle, comprising: a scale plate (20); a pointer (30) to perform indication display on the scale plate; and an irradiation means (50) for irradiating the scale plate by light, the pointer device for a vehicle further comprising,

a control means (112, 112A, 113, 113A, 121-124, 130, 130A)

for controlling luminance of irradiation light of the scale plate irradiation means along with turning-off of a key switch (IG) of a vehicle so as to make the luminance be lowered gradually from initial luminance of the irradiation light of the scale plate irradiation means in ON state of the key switch, and,

for controlling, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means is gradually lowering along with turning-off of the key switch, luminance of irradiation light of the scale plate irradiation means so as to be zero at timing of turning on the key switch, and, after that, luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of turning on the key switch."

B The matters of correction b

To correct

"The pointer device for a vehicle according to any one of claims 1 to 3, further comprising

a seating detection means (SW) for detecting that a crew is not sitting in a seat of a

vehicle, wherein

the control means stops its control along with detection of the seating detection means." of claim 4 of the scope of claims to

"The pointer device for a vehicle according to claim 1, further comprising

a seating detection means (SW) for detecting that a crew is not sitting in a seat of a vehicle, wherein

the control means stops its control along with detection of the seating detection means."

C The matters of correction c

To correct

"[Means for solving the problem] To achieve the above-mentioned object, according to the inventions described in claims 1 and 4, a control means performs control of luminance of irradiation light of a scale plate irradiation means so as to be lowered gradually along with turning-off of a key switch. By this, brightness of a scale plate is gradually lowered after the key switch is turned off, and, therefore, novel visibility in this type of pointer device after the key switch is turned off can be provided to a crew." of paragraph [0004] of the description attached to the application to

"[Means for solving the problem] To achieve the above-mentioned object, according to the inventions described in claims 1 and 4, a control means controls luminance of irradiation light of a scale plate irradiation means along with turning-off of a key switch so as to make the luminance be lowered gradually from initial luminance of irradiation light of the scale plate irradiation means in ON state of the key switch, and, controls when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means is gradually lowering along with turning-off of the key switch, so as to make luminance of irradiation light of the scale plate irradiation means be zero at timing of turning on the key switch, and, after that, luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of turning on the key switch. By this, brightness of a scale plate is gradually lowered after the key switch is turned off, and, therefore, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew."

D The matters of correction d

To correct

"Meanwhile, in the above-mentioned first embodiment, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting bright element 31 by a predetermined time T2 as shown in Fig. 6. In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided." of paragraph [0021] of the description attaching to the application to

"Meanwhile, in the above-mentioned first embodiment, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2 as shown in Fig. 6. In this way, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, even on the occasion of turning on the ignition switch IG after turning-off, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided."

(2) The correction of a group of claims of claims 2, 3, and 5 (hereinafter, referred to as "Matters of correction 2")

A The matters of correction e

To correct

"A pointer device for a vehicle, comprising: a scale plate (20); a light emitting pointer (30) to perform indication display on the scale plate; a scale-plate irradiation means (50) for irradiating the scale plate by light; and a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer, the pointer device for a vehicle further comprising

a control means (112, 112A, 113, 113A, 121-124, 130, 130A) for controlling luminance of irradiation light of the scale plate irradiation means and luminance of irradiation light of the pointer irradiation means so as to be respectively lowered gradually when a key switch (IG) of the vehicle is turned off." of claim 2 of the scope of claims to

"A pointer device for a vehicle, comprising: a scale plate (20); a light emitting pointer (30) to perform indication display on the scale plate; a scale-plate irradiation means (50) for irradiating the scale plate by light; and a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer, the pointer

device for a vehicle further comprising,

a control means (112, 112A, 113, 113A, 121-124, 130, 130A)

for controlling so as to make luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means be lowered gradually from initial luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means in an ON state of a key switch of a vehicle (IG) along with turning-off of the key switch, and,

for controlling, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make

luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and

luminance of irradiation light of the scale plate irradiation means be zero at the timing of turning on the key switch, and make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance."

B The matters of correction f

To add claim 5 to the scope of claims.

[Claim 5]

The pointer device for a vehicle according to any one of claim 2 or 3, further comprising

a seating detection means (SW) for detecting that a crew is not sitting in a seat of a vehicle, wherein

the control means stop its control along with detection by the seating detection means.

C The matters of correction g

To correct

"Furthermore, according to the inventions described in claims 2-4, a control means performs control of a scale plate irradiation means and a pointer irradiation means so as to make luminance of irradiation light of each of them be lowered gradually along with turning-off of a key switch. By this, brightness of each of the scale plate and the light emitting pointer is lowered gradually after the key switch is turned off, and, thus, novel visibility in this type of pointer devices after the key switch is turned off can be provided to

a crew." of paragraph [0006] of the description attached to the application to
"Furthermore, according to the inventions described in claims 2, 3, and 5, a control means performs control of a scale plate irradiation means and a pointer irradiation means so as to make luminance of irradiation light of each of them be lowered gradually from initial luminance along with turning-off of a key switch, and performs control, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and

so as to make luminance of irradiation light of the scale plate irradiation means be zero at the timing of turning on the key switch, and make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance. By this, brightness of each of the scale plate and the light emitting pointer is lowered gradually after the key switch is turned off, and, thus, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew."

D The matters of correction h

To correct
"Here, as is the case with the invention described in claim 3, when a control means performs its control in a manner that, a degree of decline of luminance of irradiation light of the scale plate irradiation means and that of the pointer irradiation means are made to differ from each other, novel visibility different from the novel visibility according to the invention described in claim 2 can be provided. In addition, as with the invention described in claim 4, if a control means stops the control along with a detection of a seating detection means, a waste such as to perform the above-mentioned luminance lowering control even after the crew has left the vehicle can be prevented." of paragraph [0008] of the description attached to the application to
"Here, as is the case with the invention described in claim 3, when a control means performs its control in a manner that, a degree of decline of luminance of irradiation light of the scale plate irradiation means and that of the pointer irradiation means are made to differ from each other, novel visibility different from the novel visibility according to the invention described in claim 2 can be provided. In addition, as with the invention described in claims 4 or 5, if a control means stops the control along with a detection of a seating

detection means, a waste such as to perform the above-mentioned luminance lowering control even after the crew has left the vehicle can be prevented."

2 About propriety of the correction

(1) Statements of the Description and the like of the Patent

In the description or the drawings before the Correction (hereinafter, referred to as "the Description, etc. of the Patent"), the following matters are described.

A "[0001]

[Field of the Invention]]

The present invention relates to a pointer device for a vehicle."

B "[0002]

[Conventional Art]

Conventionally, in a pointer device for a vehicle, as shown in Japanese Unexamined Patent Application Publication No. H6-201410, for example, there were ones that gave novel visibility to a crew by making, along with turning on of a key switch of the vehicle in question, a dial emit light with the lapse of a predetermined time after having made a pointer emit light.

[0003]

[Problem to be solved by the invention]

However, in the above-mentioned pointer device, it is only possible to to give novel visibility after turning on a key switch, and it cannot to give novel visibility along with turning-off of a key switch.

Therefore, in order to cope with such situation, an object of the present invention is to, in a pointer device for a vehicle, devise change of brightness of a pointer and a scale plate along with turning-off of a key switch to give novel visibility to a crew after the key switch is turned off."

(Note by the body: "to to give novel" is an error of "to give novel". Hereinafter, the error is corrected in the statements)

C "[0004]

[Means for solving the problem]

To achieve the above-mentioned object, according to the inventions described in claims 1 and 4, a control means performs control of luminance of irradiation light of a scale plate irradiation means so as to be lowered gradually along with turning-off of a key switch.

By this, brightness of a scale plate is gradually lowered after the key switch is turned off, and, therefore, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew.

[0005]

In this case, if a light-emitting diode is used as a scale plate irradiation means, color change of irradiation light is not caused in the course of lowering luminance thereof, and, as a result, a sense of discomfort is not given to a crew.

In addition, when a scale plate and a pointer are lidded by a cover made of a smoke material, a novel visibility that comes with the above-mentioned lowering of brightness of the scale plate can be provided to a crew at any time of the day or night.

[0006]

Furthermore, according to the inventions described in claims 2-4, a control means performs control of a scale plate irradiation means and a pointer irradiation means so as to make luminance of irradiation light of each of them be lowered gradually along with turning-off of a key switch.

By this, brightness of each of the scale plate and the light emitting pointer is lowered gradually after the key switch is turned off, and, thus, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew.

[0007]

In this case, if a light-emitting diode is used as a scale plate irradiation means and a pointer irradiation means, color change of irradiation light in each of them is not caused in the course of lowering luminance thereof, and, as a result, a sense of discomfort is not given to a crew.

In addition, when a scale plate and a light emitting pointer are lidded by a cover made of a smoke material, a novel visibility that comes with the above-mentioned lowering of brightness of the scale plate and brightness of the light emitting pointer can be provided to a crew at any time of the day or night.

[0008]

Here, as is the case with the invention described in claim 3, when a control means performs its control in a manner that, a degree of decline of luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means are made to

differ from each other, novel visibility different from the novel visibility according to the invention described in claim 2 can be provided.

In addition, as with the invention described in claim 4, if a control means stops the control along with a detection of a seating detection means, a waste such as to perform the above-mentioned luminance lowering control even after the crew has left the vehicle can be prevented."

D "[0009]

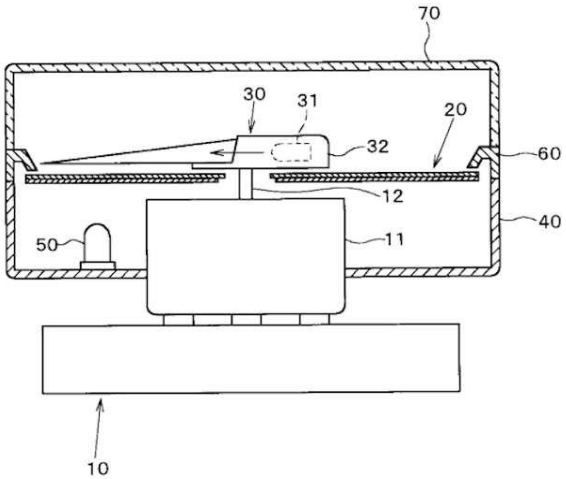
[Embodiments of the invention]

Hereinafter, each embodiment of the present invention will be described by reference to drawings.

(First embodiment)

FIG. 1 to FIG. 5 indicate a first embodiment of a pointer device for a vehicle according to the present invention, and this pointer device is arranged in an instrument panel of the vehicle in question.

[Fig. 1]

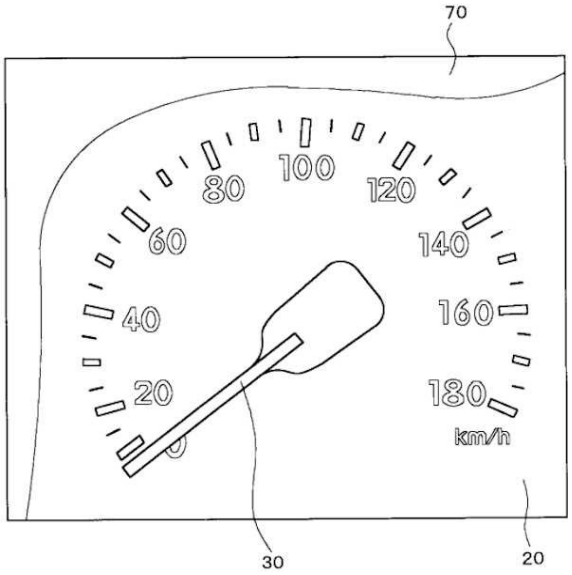


[0010]

The pointer device includes a device body 10 as shown in Fig. 1, and the device body 10 is configured to make a pointer spindle 12 rotate by a drive unit 11 thereof. Furthermore, the pointer device includes the scale plate 20 coaxially fit into the pointer

spindle 12, and a self-emitting pointer 30 pivotally supported by the tip of the pointer spindle 12, and the self-emitting pointer 30 performs pointer indication over the scale plate 20 according to rotation of the pointer spindle 12 (refer to Fig. 2).

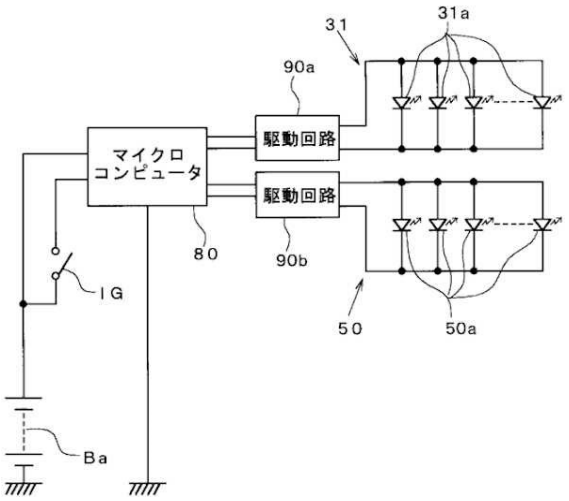
[Fig. 2]



[0011]

Here, the scale plate 20 is formed by printing a scale on the surface of a transparent resin board, and the scale plate 20 exercises a scale indication function by being lit from the lower side by the light source 50 provided on the bottom wall of the channel-shaped-section casing 40. As shown in Fig. 3, the light source 50 is constituted of a parallel circuit of a plurality of light-emitting diodes 50a.

[Fig. 3]



マイクロコンピュータ　　Microcomputer

駆動回路　　Drive circuit

In addition, the self-emitting pointer 30 is made by arranging a light emitting element 31 within the pointer body made of transparent acrylic resin, and the self-emitting pointer 30 provides a light emitting function by light emission of the light emitting element 31. As shown in Fig. 3, the light emitting element 31 is constituted by a parallel circuit of a plurality of light-emitting diodes 31a. Meanwhile, in Fig. 1, reference numeral 32 indicates a pointer cover.

[0012]

The casing 40 is fit into the drive unit 11 and covers the scale plate 20 from the lower side, and, to the upper end opening of this casing 40, a front cover 70 (made of transparent acrylic resin) of a channel-shaped cross-section is attached in a manner covering the upper surface of the scale plate 20 and the self-emitting pointer 30 via a ring-like facing plate 60. Meanwhile, the front cover 70 may be formed by a smoke material of transmittance of the degree of 20%."

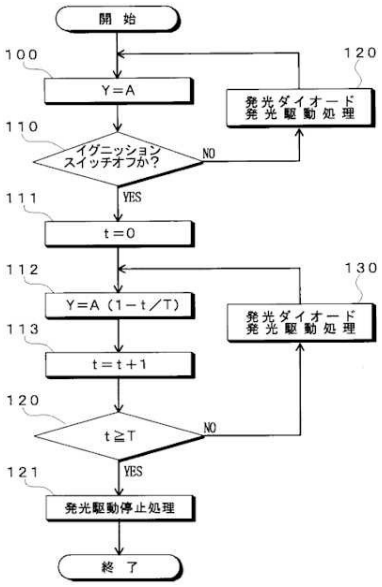
E "[0013]

Next, a drive circuit configuration of the light emitting element 31 and the light source 50 will be described with reference to Fig. 3.

A microcomputer 80 executes a computer program following the flow chart illustrated in Fig. 4, and, during the execution, based on operation of the ignition switch IG

of the vehicle in question, performs drive processing of each of drive circuits 90a and 90b connected to the light emitting element 31 and the light source 50. Meanwhile, the microcomputer 80 is fed with power from a battery Ba mounted on the vehicle at all times to operate. In addition, the computer program mentioned above is stored in a ROM of the microcomputer 80 in advance.

[Fig. 4]



開始　Start

発光ダイオード発光駆動処理　　Light-emission drive processing of light-emitting diode

イグニッションスイッチオフか？　　Is ignition switch off?

発光駆動停止処理　Light-emission drive stop processing

終了　End

[0014]

Under control of the microcomputer 80, a drive circuit 90a drives each light-emitting diode 31a to emit light. A drive circuit 90b drives each light-emitting diode 50a and makes them emit light under control of the microcomputer 80.

In the first embodiment configured in this way, in the ON state of the ignition switch IG, the microcomputer 80 sets, based on execution of a computer program following the flow chart of FIG. 4, the light emitting luminance Y to an initial luminance A in step

100, makes determination of NO in step 110, and performs light-emission drive processing of each light-emitting diodes 31a and 50a in step 120. Note that the light emitting luminance Y indicates light emitting luminance of the light emitting element 31 and the light source 50.

[0015]

Then, along with the above-mentioned light-emission drive processing, the drive circuit 90a performs light-emission drive of each light-emitting diode 31a so as to make light emitting luminance of the light emitting element 31 be Y=A, and, in addition, the drive circuit 90b performs light-emission drive of each light-emitting diode 50a so as to make light emitting luminance of the light emitting element 50 be Y=A.

By this, the scale plate 20 is irradiated by each light-emitting diode 50a of the light source 50 at the initial luminance A. In addition, the self-emitting pointer 30 is irradiated by each light-emitting diode 31a of the light emitting element 31 at the initial luminance A and emits light.

[0016]

In such a state, when the ignition switch IG is turned off (refer to FIG. 5), determination of YES is made in step 110, and time data t is cleared to t=0 in step 111.

After that, in the processing circulating steps 112, 113, 120, 130, according to time data t=t+1 to be updated in an added manner over and over again in step 113, the light emitting luminance Y is calculated in step 112 based on the following Expression 1, and, based on this light emitting luminance Y, light-emission drive processing of each light-emitting diode 31a and 50a is performed in step 130.

[0017]

[Expression 1]

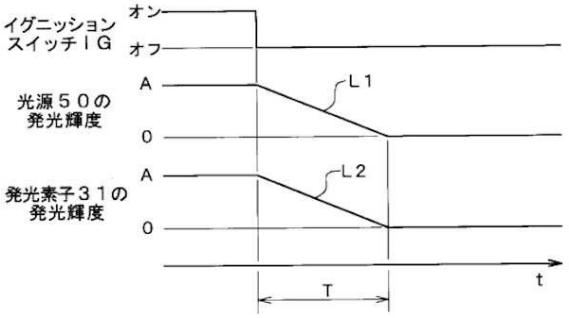
$$Y=A\{1-(t/T)\}$$

where, in the formula of Expression 1, symbol T corresponds to a value that specifies a ratio to lower light emitting luminance of each of the light emitting element 31 and the light source 50.

Then, along with such light-emission drive processing, the drive circuit 90a performs light-emission drive of each light-emitting diode 31a so as to make the light emitting element 31 emit light at each piece of calculated luminance Y in step 112. In addition, the drive circuit 90b performs light-emission drive of each light-emitting diode 50a so as to make the light source 50 emit light at each piece of calculated luminance Y in step 112.

[0018]

For this reason, as shown in FIG. 5, along with turning-off of the ignition switch IG, light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered along each of the straight lines L1 and L2 in series. Accordingly, brightness of the self-emitting pointer 30 and brightness of the scale plate 20 are lowered in a similar fashion.
[Fig. 5]



イグニッションスイッチＩＧ　Ignition switch IG
オン　ON
オフ　OFF
光源５０の発光輝度　Light emitting luminance of light source 50
発光素子３１の発光輝度　Light emitting luminance of light emitting element 31

In this way, after turning-off of the ignition switch IG, the self-emitting pointer 30 and the scale plate 20 become dark in proportion to increase of time data t without becoming dark at once, and, therefore, it is possible to provide to a crew novel visibility of the self-emitting pointer 30 and the scale plate 20 after the turning-off of the ignition switch IG.
[0019]

In this case, since light-emitting diodes are being adopted in the self-emitting pointer 30 and the scale plate 20, emission colors do not change in the course of lowering the light emitting luminance of each of the self-emitting pointer 30 and the scale plate 20. Consequently, a sense of discomfort would not be given to a crew.

Furthermore, if the front cover 70 is made of a smoke material as mentioned above, the course of lowering brightness of each of the self-emitting pointer 30 and the scale plate 20 after turning-off of the ignition switch IG as described above is visible at any time of the day or night, and, consequently, it becomes possible to provide such novel visibility at any time of the day or night.

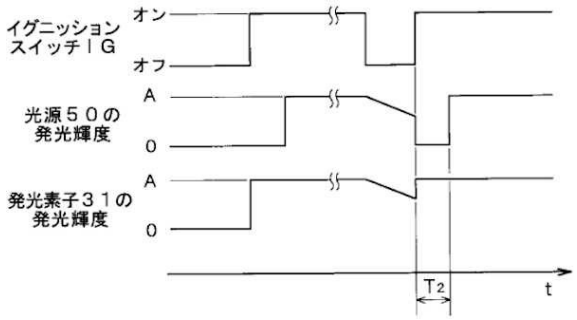
[0020]

Note that, when t becomes T and determination in step 120 is YES, the above-mentioned light-emission drive processing is stopped based on Y=0 in step 121. By this, light emitting luminance of the light emitting element 31 and light emitting luminance of the light source 50 become zero. At this time, if the front cover 70 is made of a smoke material as mentioned above, its inside is absolutely invisible."

F "[0021]

Meanwhile, in the first embodiment mentioned above, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, the timing to return light emitting luminance of the light source 50 to the initial luminance A may be performed with a delay of a predetermined time T2 in comparison with light emitting luminance of the emitting bright element 31, as shown in Fig. 6. In this case, even on the occasion of turning on the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided." (Note by the body: "the emitting bright element 31" is an error of "the light emitting element 31." The error will be corrected in the following statements)

[Fig. 6]



イグニッションスイッチＩＧ	Ignition switch IG
オン	ON
オフ	OFF
光源５０の発光輝度	Light emitting luminance of light source 50
発光素子３１の発光輝度	Light emitting luminance of light emitting element 31

G "[0034] Meanwhile, as described in the first embodiment mentioned above, at the time of implementing the present invention, the implementation may be such that, when light

emitting luminance of each of the light emitting element 31 and the light source 50 is lowered after turning-off of the ignition switch IG, and if there is a situation such as that a door of the vehicle in question is in the open state, or that a door is opened in a state that the ignition key is not removed or in a state a light switch, a head light, or a parking light is still in ON state, attention of a crew is drawn by making light emitting luminance of each of the light emitting element 31 and the light source 50 be changed in a pulsing manner alternately, as shown in Fig. 12. In this case, an open state of a door is detected by OFF of a door switch.

[0035] Furthermore, instead of an open state of a door, leaving-seat detection of a crew from his/her seat by a seating switch may be utilized. In addition, instead of turning-on of a light switch, an un-removed state of an ignition key, or an ON state of a head light or a parking light may be utilized. Also, on the occasion of implementing the present invention, the light source 50 may be an electric bulb or a cold-cathode tube, and, instead of the self-emitting pointer 30, a light emitting pointer that emits light by introducing light from an arbitrary light source may be adopted. In this case, the role as the light source 50 can be further assigned to such light source.

[0036] Furthermore, on the occasion of implementing the present invention, the implementation may be carried out in a manner that the present invention is applied to various kinds of pointer devices such as a combination meter for a vehicle and a speedometer. Each step in each flow chart of each of the embodiments mentioned above may be realized by a hard logic configuration as a function execution means."

(2) Regarding the Patent Invention

According to the Description, etc. of the Patent mentioned above, the following matters can be understood about the Patent Invention.

The Patent Invention relates to a pointer device for a vehicle (paragraph [0001]).

Conventionally, although there were pointer devices that gave novel visibility to a crew by making, along with turning on of a key switch of a vehicle, a dial emit light with the lapse of a predetermined time after having made a pointer emit light (paragraph [0002]), such devices were able to give novelty in visibility only after turning-on of a key switch, but were not able to give novelty in visibility that comes with turning-off of the key switch.

Therefore, the constitution of the Patent Invention was made while taking it an object to, in a pointer device for a vehicle, devise change in brightness of a pointer and a scale plate along with turning-off of a key switch to give novel visibility to a crew after the key switch is turned off (paragraph [0003]). In other words, according to the Patent

Invention 1, by a control means performing control of luminance of irradiation light of a scale plate irradiation means so as to be lowered gradually along with turning-off of a key switch, brightness of a scale plate is gradually lowered after the key switch is turned off, and, therefore, novel visibility in this type of pointer device after the key switch is turned off can be provided to a crew (paragraph [0004]). In addition, according to Patent Invention 2, a control means performs control of a scale plate irradiation means and a pointer irradiation means so as to make luminance of irradiation light of each of them be lowered gradually along with turning-off of a key switch, and, by this, brightness of each of the scale plate and the light emitting pointer is lowered gradually after the key switch is turned off, and, thus, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew (paragraph [0006]).

(3) Matters of correction 1

A The matter of correction a

(A) Judgment

The matter of correction is a correction for the purpose of restriction of the scope of claims.

Next, whether the matter of correction a was made within the range of the matters described in the Description, etc. of the Patent or not will be examined.

The matter of correction a includes correction to add, about luminance control of the scale plate irradiation means of the Patent Invention 1, a constitution "for controlling, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means is gradually lowering along with turning-off of the key switch, luminance of irradiation light of the scale plate irradiation means so as to be zero at timing of turning on the key switch, and, after that, luminance of the scale plate irradiation means is returned to the initial luminance with a delay from the timing of turning on the key switch." In other words, in the control according to the control means of the Corrected Invention 1, the timing to control so as to make luminance of the scale plate irradiation means return to its initial luminance is specified by relation with the timing of turning-on of a key switch of a vehicle, but is not specified by relation with the timing to make luminance of the pointer irradiation means return to its initial luminance.

However, in the Description, etc. of the Patent, there is no statement that the timing of luminance control of the scale plate irradiation means when a key switch of a vehicle is turned on is specified by relation with the timing to turn on the key switch of a vehicle, but the timing is not specified by relation with the timing to make luminance of the pointer

irradiation means return to its initial luminance. Rather, in the Description, etc. of the Patent, there is a statement that the timing to make luminance of the scale plate irradiation means return to its initial luminance is specified by relation with, not the timing to turn on the key switch of a vehicle, but the timing to make luminance of the pointer irradiation means return to its initial luminance (paragraph [0021]). Then, in the Description, etc. of the Patent, there is no statement that the timing to make luminance of the scale plate irradiation means return to its initial luminance may be specified by relation with timing other than the timing to make luminance of the pointer irradiation means return to its initial luminance. Not only that, in the Description, etc. of the Patent, there is not even a statement that the timing to make luminance of the scale plate irradiation means return to its initial luminance may not be specified by relation with the timing to make luminance of the pointer irradiation means return to its initial luminance and relation between the two is optional.

In addition, in paragraph [0002] of the Description of the Patent, there is a statement related to the conventional technology of "that gave novel visibility to a crew by making, along with turning on of a key switch of the vehicle in question, a dial emit light with the lapse of a predetermined time after having made a pointer emit light." Also, in paragraph [0003], there is a statement related to a problem to be solved by the invention that "However, in the above-mentioned pointer device, it is only possible to give novel visibility after turning on a key switch, and it cannot give novel visibility along with turning-off of a key switch." Then, in paragraph [0021], there is described that "when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2 as shown in Fig. 6. In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided."

Accordingly, if it is a person skilled in the art who has come into contact with the statements of the Description, etc. of the Patent, it would be understood that, relating to luminance control of the scale plate irradiation means when the key switch of a vehicle (the ignition switch IG) is turned on in a state that light emitting luminance of each of the pointer irradiation means (the light emitting element 31) and the scale plate irradiation means (the light source 50) is lowered, it would be understood that there is disclosed, in paragraph [0021] and Fig. 6, the same control as that of the conventional technology; that is, the control to "give novel visibility to a crew by making, along with turning on of a key

switch of the vehicle in question, a dial emit light with the lapse of a predetermined time after having made a pointer emit light." In addition, if it is a person skilled in the art who has come into contact with the statements of the Description, etc. of the Patent, it would be understood that, in luminance control of the scale plate irradiation means when the key switch of a vehicle (the ignition switch IG) is turned on in a state that light emitting luminance of each of the pointer irradiation means (the light emitting element 31) and the scale plate irradiation means (the light source 50) is lowered, "making a dial emit light with the lapse of a predetermined time after having made a pointer emit light" is an essential constitution in order to "give novel visibility to a crew."

In view of the above, in the Description, etc. of the Patent, there is no statement or suggestion about a constitution that luminance of the scale plate irradiation means when a key switch of a vehicle is turned on is controlled based on the timing of turning-on of the key switch of a vehicle, but is not controlled by relation with the timing to make luminance of the pointer irradiation means return to its initial luminance. The constitution disclosed in the Description, etc. of the Patent is a constitution to control luminance of the scale plate irradiation means when the key switch of a vehicle is turned on with a delay compared to the timing to make luminance of the pointer irradiation means return to its initial luminance, and is a constitution in which "In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided" (paragraph [0021]). In other words, in the Description, etc. of the Patent, it is not disclosed that, even in a case where the matter "the timing of returning light emitting luminance of the light source 50 to the initial luminance A is delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T" is not performed, "also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided."

In contrast to this, it is obvious from the statements of the scope of claims that the gist of Corrected Invention 1 includes a pointer device for a vehicle provided with a control means to control luminance of the scale plate irradiation means (the light source 50) so as to make it return to the initial luminance without a delay from the timing to control to make luminance of the pointer irradiation means (the light emitting element 31) return to the initial luminance.

Therefore, it cannot be said that the matter of correction a was made within the scope of the matters described in the Description, etc. of the Patent, and, thus, it does not comply with provisions of Article 126(5) of the Patent Act as applied mutatis mutandis under Article 134-2(9) of the same Act.

(B) The demandee's allegation

a Citing the example of paragraph [0018] and Fig. 5 (the first embodiment) and the example of paragraph [0021] and Fig. 6 (a modification of the first embodiment), the demandee alleges that correction a is a correction made within the range of the matters described in the Description, etc. of the Patent (the Written correction request, page 7, line 2 to page 9, line 24).

However, as indicated below, "the first embodiment" and "the modification of the first embodiment" cannot be discussed in the same terms.

(a) The first embodiment

In paragraph [0018], it is described that "as shown in FIG. 5, along with turning-off of the ignition switch IG, light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered along each of the straight lines L1 and L2 in series. Accordingly, brightness of the self-emitting pointer 30 and brightness of the scale plate 20 is lowered in a similar fashion.", "In this way, after turning-off of the ignition switch IG, the self-emitting pointer 30 and the scale plate 20 become dark in proportion to increase of time data t without becoming dark at once, and, therefore, it is possible to provide to a crew novel visibility of the self-emitting pointer 30 and the scale plate 20 after the turning-off of the ignition switch IG." In other words, in paragraph [0018], although an aspect to make luminance of the pointer irradiation means (the light emitting element 31) and the scale plate irradiation means (the light source 50) be lowered gradually is disclosed as "the first embodiment," an aspect to make luminance of the scale plate illumination means be lowered gradually (without specifying control of the pointer irradiation means) is not being disclosed. In this regard, however, in claim 1 of the scope of claims (before the Correction), there is described an invention to control light emitting luminance of the scale plate irradiation means so as to make it be lowered gradually without specifying control of luminance of the pointer irradiation means (this has been described from the original application). In addition, it is described in paragraph [0035] that "instead of the self-emitting pointer 30, a light emitting pointer that emits light by introducing light from an arbitrary light source may be adopted. In this case, the role as the light source 50 can be further assigned to such light source." Therefore, a person skilled in the art coming into contact with these statements would understand that luminance of the pointer irradiation means (the light emitting element 31) is an appendant for which control independent of luminance of the scale plate irradiation means (the light source 50) is not needed. As a result, a person skilled in the art understands that an invention made by taking out only the

constitution of the scale plate irradiation means (the light source 50) out of the first embodiment is being described in claim 1 of the scope of claims.

(b) Modification in the first embodiment

Next, it is described in paragraph [0021] (before the Correction) that "in the above-mentioned first embodiment, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered, the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2 as shown in Fig. 6. In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided." Here, "the above-mentioned first embodiment" is an aspect to make luminance of the pointer irradiation means (the light emitting element 31) and the scale plate irradiation means (the light source 50) be lowered gradually, but is not an aspect to make luminance of the scale plate illumination means be lowered gradually (without specifying control of luminance of the pointer irradiation means). In addition, the aspect described in paragraph [0021] is an aspect in which (A) on the premise of "when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered," (B) by the constitution that "the timing of returning light emitting luminance of the light source 50 to the initial luminance A is delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2," (C) "In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided." Accordingly, in paragraph [0021], although there is disclosed an aspect to make the timing to return light emitting luminance of the scale plate irradiation means (the light source 50) to the initial luminance A be delayed by a predetermined time T2 compared with light emitting luminance of the pointer irradiation means (the light emitting element 31), but an aspect to make the timing to return light emitting luminance of the scale plate irradiation means to the initial luminance A is delayed (without specifying control of luminance of the pointer irradiation means) is not disclosed. In addition, in claim 1 of the scope of claims (before the Correction), there is no description about an invention itself of luminance control when the key switch (the ignition switch IG) is turned on. Furthermore, in accordance with the suggestion of paragraph [0035], when, instead of the self-emitting pointer 30, a light emitting pointer that emits light by introducing light from the light source 50 is adopted, it becomes impossible that "the timing

of returning light emitting luminance of the light source 50 to the initial luminance A is delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2." Therefore, even if a person skilled in the art has contact with these statements, the momentum to take out only the constitution of the scale plate irradiation means (the light source 50) in the modification of the first embodiment does not exist. In the first place, the aspect described in paragraph [0021] premises "when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered." In addition, since it is described in paragraph [0021] that "the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2," from this statement, it is impossible to take out only the constitution of the light source 50. In "the modification of the first embodiment," the pointer irradiation means (the light emitting element 31) is one for which luminance control is conducted independent of the scale plate irradiation means (the light source 50), and thus it cannot be understood that it is appendant to the scale plate irradiation means (the light source 50). Furthermore, although, relating to an effect, it is described in paragraph [0021] that "In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided.", it can be clearly understood from the statement of paragraph [0021] that "this case" means "in the above-mentioned first embodiment, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered" and, in addition, when "the timing of returning light emitting luminance of the light source 50 to the initial luminance A is delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2" (the statement of paragraph [0021] is clear, and is not a subject of clarification of ambiguous description). Therefore, a person skilled in the art would not consider that the effect that "also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided" can be obtained by the constitution to return light emitting luminance of the light source 50 to the initial luminance A without specifying control of luminance of the light emitting element 31.

Meanwhile, as pointed out by the demandant in the written refutation, page 5, lines 30 from the bottom to 34, in claim 1 of the scope of claims, there is not even a statement that the light emitting element 31 exists. In other words, the gist of Corrected Invention 1 includes constitutions of a pointer device for a vehicle in which a pointer is a non-emission

pointer, and a pointer device for a vehicle in which a pointer introduces light from the light source 50 to emit light. However, if it is made such that, even in such case, "when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means is gradually lowering along with turning-off of the key switch, luminance of irradiation light of the scale plate irradiation means is made to be zero at timing of turning on the key switch," a state that the inside of a front cover is completely invisible; that is, a state the same as the final state after turning-off of the key switch, occurs in spite of turning the key switch on. In this case, an operator gets upset, thinking that the turning-on has not succeeded although the key switch has been supposed to be turned on, or just feels uncomfortable as the time of lighting up from the turning-on of the key switch is slow. In other words, when the constitution of the light emitting element 31 lacks, the effect that "also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided" cannot be obtained.

b The demandee alleges that "the invention according to claim 1 is an invention to provide novel visibility after key switch turning-off to a crew by luminance change of the scale plate 20, and, therefore, regarding from which timing it is 'delayed by a predetermined time T2,' it is timing from turning-on of the ignition switch IG. This is clearly shown in Fig. 6." (Written correction request, page 9, lines 25 to 28).

However, it has been already described that, just because "the invention according to claim 1 (before the Correction) is an invention to provide novel visibility after key switch turning-off to a crew by luminance change of the scale plate 20," it cannot be said that "regarding from which timing it is 'delayed by a predetermined time T2' (of the invention according to claim 1 after the Correction), it is timing from turning-on of the ignition switch IG."

In the first place, regardless of whether the standard of "delayed by a predetermined time T2" is "timing of turning-on of the ignition switch IG" or not, the constitution disclosed in Fig. 6 of the Patent is a constitution that "at timing of turning-on of the ignition switch IG, luminance of the light emitting element 31 returns to its initial luminance and, in conjunction with this, luminance of the light source 50 becomes zero, and light emitting luminance of the light source 50 returns to its initial luminance after being delayed by a predetermined time T2," but it is not a constitution "at timing of turning-on of the ignition switch IG, luminance of the light source 50 becomes zero, and light emitting luminance of the light source 50 returns to its initial luminance after being delayed by a predetermined time T2" without a constitution of timing that luminance of the light emitting element 31

returns to its initial luminance.

Since Fig. 6 of the Patent "is a timing chart indicating a modification of the first embodiment" (Brief Description of Drawing), in Fig. 6, timing of turning-on and off of the ignition switch IG, timing of change of luminance of the light source 50, and timing of change of luminance of the light emitting element 31 must be accurately illustrated. Then, from Fig. 6 of the Patent, it can be understood that "timing that the ignition switch IG changes from OFF to ON, and timing that luminance of the light emitting element 31 returns to the initial luminance A are identical" based on an auxiliary line connecting between each timing (the vertical line in the left side of T2). Therefore, it is possible for a person skilled in the art who has focused on such understanding to derive a matter that "timing that luminance of the light source 50 returns to the initial luminance A from 0 is delayed from timing that the ignition switch IG changes from OFF to ON by a predetermined time T2." However, the technical significance of each timing described in Fig. 6 of the Patent should be understood based on the statements of the detailed description of the invention related to Fig. 6, and it should not be understood apart from the statements of the detailed description of the invention related to Fig. 6. The statements of the detailed description of the invention related to Fig. 6 are that, "the timing of returning light emitting luminance of the light source 50 to the initial luminance A may be delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2" (paragraph [0021]). Therefore, it cannot be said that it is possible for a person skilled in the art to elicit, from the statement contents of the Description, etc. of the Patent, the matter that "timing that luminance of the light source 50 returns to the initial luminance A from 0 is delayed from timing that the ignition switch IG changes from OFF to ON by a predetermined time T2."

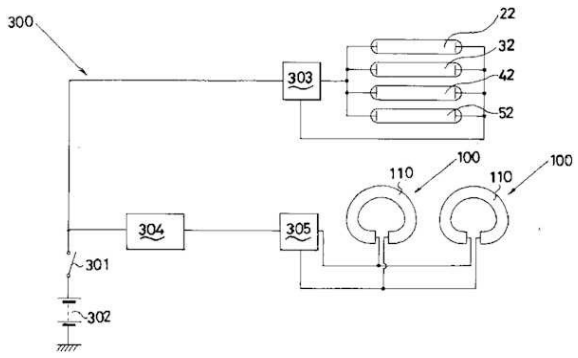
Even if it is possible to derive, from Fig. 6 of the Patent, the matter that "timing that luminance of the light source 50 returns to the initial luminance A from 0 is delayed from timing that the ignition switch IG changes from OFF to ON by a predetermined time T2," it is just a matter to be derived under the premise of "timing that the ignition switch IG changes from OFF to ON, and timing that luminance of the light emitting element 31 returns to the initial luminance A are identical." In other words, the derived matter from the Description, etc. of the Patent is a matter as "timing that luminance of the light source 50 returns to the initial luminance A from 0 is delayed from timing that luminance of the light emitting element 31 returns to the initial luminance A, which is identical with timing that the ignition switch IG changes from OFF to ON, by a predetermined time T2," and is not a matter as "timing that luminance of the light source 50 returns to the initial luminance A

from 0 is delayed from timing that the ignition switch IG changes from OFF to ON by a predetermined time T2, and relation with timing that luminance of the light emitting element 31 returns to the initial luminance A is optional."

Just because there is described, in claim 1 of the scope of claims (before the Correction), an invention related to control of a scale plate irradiation means (an invention that does not specify a constitution to control a pointer irradiation means), it does not mean that it can be extended into the case of the example of Fig. 6 just as it is. Whether or not it can be extended into the case of the example of Fig. 6 should be determined in consideration of Fig. 6 and its explanation.

c Meanwhile, when referring to the literature described in paragraph [0002] of the Description of the Patent; that is, Evidence A No. 13, in Fig. 5 and the explanation for that, exactly, there is provided "a delay means for delaying by a predetermined time (1 second, for example) from turning-on (ON) the key switch 301" (paragraph [0034]), and "when a set predetermined time (1 second, for example) has elapsed by the delay circuit 304 from turning-on of the key switch 301, two fluorescent tubes 110 emit light to make the dial parts 61-64 of the instrument panel 6 emit light" (paragraph [0035]). However, the matter described in Evidence A No. 13 is, as is clear from Fig. 5 and the explanation for that, a matter that premises the constitution that "when the key switch 301 is made ON, cold cathode discharge tubes 22, 32, 42, and 52 emit light first to make the pointers 21, 31, 41, and 51 emit light" (paragraph [0035]). Therefore, even referring to Evidence A No. 13, it cannot be said that there is being disclosed the constitution of control means in which relation between timing that luminance of a scale plate irradiation means (the light source 50) returns to the initial luminance and timing that luminance of a pointer irradiation means (the light emitting element 31) returns to the initial luminance A is optional.

[Fig. 5]



d In addition, in claim 1 of the scope of claims, although there exists, as bracketed drawing numbers (121 to 124), reference to drive processing of the light emitting element 31, it cannot be acknowledged that the light emitting element 31 is described in claim 1 of the scope of claims on grounds of this description.

B The matter of correction b

Claim 1 and claims 2 and 3 were in a state that they were handled in a unified manner as a group of claims because claim 4 before the Correction refers to claims 1 to 3, and, therefore, the matter of correction b is a correction for the purpose of solving the dependency relation with claim 2 and 3 so as not to be handled as a group of claims in a unified manner.

Therefore, the matter of correction b is a correction for the purpose of making the statement of a claim that refers to the statement of another claim not refer to the statement of the other claim in question.

Meanwhile, since the matter of correction b is a correction to reduce claims that are referred to by claim 4, the matter of correction b is a correction made within the matters described in the Description, etc. of the Patent, and, in addition, it is not a correction to substantially expand or change the scope of claims.

C The matter of correction c

The matter of correction c is a correction for the purpose of matching the statements of the scope of claims and the statements of the detailed description of the invention, and thus it is a correction for the purpose of clarification of ambiguous statements. In this regard, however, since the matter of correction c is to perform correction similar to the matter of correction a mentioned above, by the reason similar to the judgment for the matter of correction a mentioned above, it cannot be said that it was made within the range of the matters described in the Description, etc. of the Patent, and thus does not comply with the provisions of Article 126(5) of the Patent Act as applied mutatis mutandis under provisions of Article 134-2(9) of same Act.

D Summary

As described above, without examining the matter of correction d, Matters of correction 1 applied to the group of claims of claims 1 and 4 including the matters of

correction a and c is not approved.

(4) Regarding Matters of correction 2

A The matter of correction e

The matter of correction e is a correction for the purpose of restriction of the scope of claims.

In addition, Corrected Invention 2 is an invention that is described, as a modification of the first embodiment, in the detailed description of the invention together with Fig. 6.

In other words, in paragraphs [0010] and [0011] of the Description, etc. of the Patent, there is described a constitution of "A pointer device for a vehicle, comprising: a scale plate (20); a light emitting pointer (30) to perform indication display on the scale plate; a scale-plate irradiation means (50) for irradiating the scale plate by light; and a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer."

Next, in paragraphs [0016] to [0018], there is described a constitution of "controlling so as to make luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means be lowered gradually from initial luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means in ON state of a key switch of a vehicle (IG) along with turning-off of the key switch" (the first embodiment).

Next, in paragraph [0021], there is described a constitution of "controlling, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance" (the modification of the first embodiment).

Next, from "a timing chart indicating a modification of the first embodiment" of [Fig. 6], it can be understood the constitution of "to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and luminance of irradiation light of the scale plate irradiation means be zero at timing of turning on the key switch."

In addition, although, in paragraph [0021], it is described that "In this case, also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting

pointer 30 and the scale plate 20 can be provided," and Corrected Invention 2 is also an invention in which "in the above-mentioned first embodiment, when the ignition switch IG is turned on in a state that light emitting luminance of each of the light emitting element 31 and the light source 50 is lowered," "the timing of returning light emitting luminance of the light source 50 to the initial luminance A is delayed compared with that of the light emitting luminance of the light emitting element 31 by a predetermined time T2," and therefore "also on the occasion of turning-on of the ignition switch IG, novel visibility of the self-emitting pointer 30 and the scale plate 20 can be provided."

Accordingly, the matter of correction e is a correction made within the matters described in the Description, etc. of the Patent.

In addition, it does not extend or change the scope of claims substantially.

B The matter of correction f

The matter of correction f is a correction in which, although claims 1, 2, and 3 were in a state that they were handled in a unified manner as a group of claims because claim 4 before the Correction refers to claims 1 to 3, claim 5 is added newly for the purpose of solving the dependency relation with claim 1 so as not to be handled as a group of claims in a unified manner.

Therefore, the matter of correction f is a correction for the purpose of making the statement of a claim that refers to the statement of another claim does not refer to the statement of the other claim in question.

Meanwhile, the matter of correction f is a correction to add claim 5 after the correction as a substitute of reduction of reference claims of claim 4 before correction, and, thus, the matter of correction f is a correction made within the matters described in the Description, etc. of the Patent, and, in addition, it is not a correction to substantially extend or change the scope of claims.

C The matter of correction g

The matter of correction g is a correction for the purpose of matching the statement of the scope of claims and the statement of the detailed description of the invention, and thus it is a correction for the purpose of clarification of ambiguous statements. Then, it is a correction made within the matters described in the Description, etc. of the Patent, and, in addition, it does not substantially extend or change the scope of claims.

D The matter of correction h

The matter of correction h is a correction for the purpose of matching the statement of the scope of claims and the statement of the detailed description of the invention, and thus it is a correction for the purpose of clarification of ambiguous statements. Then, it is a correction made within the matters described in the Description, etc. of the Patent, and, in addition, it does not substantially extend or change the scope of claims.

E Summary

As described above, all the matters of correction e to h comply with the provisions of the first item of the proviso to Article 134-2 of Patent Act, and, in addition, comply with the provisions of Article 126(5) and (6) of the same Act as applied mutatis mutandis pursuant to the provisions of Article 134-2(9) of the same Act, and, therefore, the correction is permitted.

3 Summary

Among the Correction, Matters of correction 1 (the correction of the matters of correction a to d) do not comply with Article 126(5) of the Patent Act applied mutatis mutandis under the provisions of Article 134-2(9) of the same Act, and, therefore, they are not to be permitted.

Among the Correction, since Matters of correction 2 (the matters of correction e to h) comply with the provisions of the proviso to Article 134-2(1) of Patent Act, and, in addition, comply with Article 126(5) and (6) of the same Act as applied mutatis mutandis pursuant to the provisions of Article 134-2(9), the correction is permitted.

No. 5 Regarding the Patent Invention 1

Among the Correction, Matters of correction 1 are not permitted, and Former correction requests 1 and 2 are construed as having been withdrawn under the provisions of Article 134-2(6) of the Patent Act. Accordingly, the Patent Invention 1 is, seen from statements of the Description, etc. of the Patent, as follows as described in claim 1 of the scope of claims of the Description of the Patent.

"[Claim 1] A pointer device for a vehicle, comprising: a scale plate (20); a pointer (30) to perform indication display on the scale plate; and an irradiation means (50) for irradiating the scale plate by light, the pointer device for a vehicle further comprising,

a control means (112, 112A, 113, 113A, 121-124, 130, 130A) for controlling luminance of irradiation light of the scale plate irradiation means so as to be lowered

gradually when a key switch (IG) of the vehicle is turned off."

Meanwhile, about the Patent Invention 1, the Court decision held as follows, and, therefore, it is made to be a premise of the finding of the gist of the Patent Invention.
"According to the Description (Evidence A No. 13), the following matters are found about the Invention.

The Invention relates to a pointer device for a vehicle (paragraph [0001]).

Conventionally, although there were pointer devices that gave novel visibility to a crew by making, along with turning on of a key switch of the vehicle in question, a dial emit light with the lapse of a predetermined time after having made a pointer emit light (paragraph [0002]), such devices were able to give novelty in visibility only after turning-on of a key switch, but not able to give novelty in visibility that comes with turning-off of the key switch.

Therefore, taking it an object to, in a pointer device for a vehicle, devise change in brightness of a pointer and a scale plate along with turning-off of a key switch to give novel visibility to a crew after the key switch is turned off (paragraph [0003]), the constitutions described in claims 1-3 of the scope of claims was made. In other words, according to the invention described in claim 1 (the Invention 1), by a control means that performs control of luminance of irradiation light of a scale plate irradiation means so as to be lowered gradually along with turning-off of a key switch, brightness of a scale plate is gradually lowered after the key switch is turned off, and, therefore, novel visibility in this type of pointer device after the key switch is turned off can be provided to a crew (paragraph [0004]). In addition, according to the inventions described in claims 2 and 3 (Inventions 2 and 3), a control means performs control of a scale plate irradiation means and a pointer irradiation means so as to make luminance of irradiation light of each of them be lowered gradually along with turning-off of a key switch, and, by this, brightness of each of the scale plate and the light emitting pointer is lowered gradually after the key switch is turned off, and, thus, novel visibility in this type of pointer devices after the key switch is turned off can be provided to a crew (paragraph [0006]). Furthermore, as with the invention described in claim 3 (the Invention 3), if the control means performs the control in such a way that a rate of luminance lowering of irradiation light of the scale plate irradiation means and that of the pointer irradiation means differ from each other, novel visibility different from the novel visibility according to the invention described in claim 2 (Invention 2) can be provided (paragraph [0008])."

Note that "Invention 1" and "the Invention" described in the Court decision

correspond to " the Patent Invention 1" and "the Patent Invention."

No. 6 Judgment by the body for the principal reasons for invalidation

Although the Former trial decision was revoked by Court decision, the findings and legal judgments that have been necessary for deriving the main text of Court decision bind this judgment body under the provisions of Article 33(1) of the Administrative Case Litigation Act in the Invalidation trial.

1 Regarding cited invention and the like

(1) Matters described in Evidence A No. 1

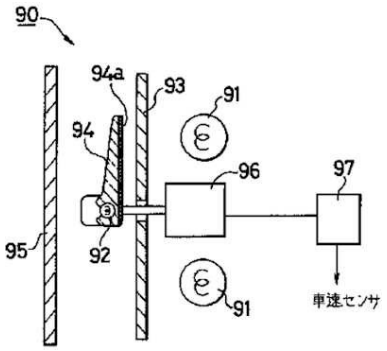
In Evidence A No. 1, there are described the following matters together with drawings.

A "[0001] [Industrial Application Field] The present device relates to an instrument for a vehicle for indicating, for example, a running speed, an engine speed, and the like, and, more particularly, to an instrument for a vehicle of what we call a blackout type, in which, when a vehicle is not used; that is, when an ignition key is not put in, its whole surface becomes dark."

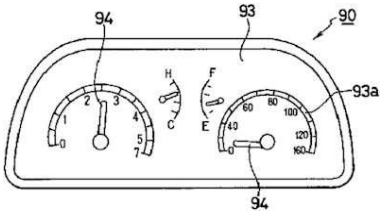
B "[0002] [Conventional Art]

Fig. 3 is a diagram indicating an example of this type of conventional vehicle instrument 90, and it is supposed that a scale plate 93 and a pointer 94 respectively provided with a scale-plate lighting device 91 and a pointer lighting device 92 that light up by turning-on of an ignition key (not illustrated) are covered by a window glass 95 formed of a smoke board adjusted to appropriate transmittance, and, by this, when the ignition key is turned off, the whole surface of the vehicle instrument 90 becomes blackout, and, only when the ignition key is turned on, by lighting up of the scale-plate lighting device 91 and the pointer lighting device 92, the scale plate 93, the pointer 94 and the like can be read as shown in Fig. 4."

[Fig. 3]



[Fig. 4]



C "[0004] [Problem to be Solved by the Device]

However, although, in a vehicle instrument 90 of the aforementioned conventional constitution, direct illumination of transmitted illumination can be used for the scale-plate lighting device 91 for the scale plate 93, the pointer lighting device 92 for the pointer 94 is of indirect illumination in which, using the pointer 94 itself as a light guide, light is made to be reflected by a reflection coating film 94a formed of, e.g. white coating material and the like on the back face of the pointer 94, and thus it is unavoidable that the pointer lighting device 92 is of low efficiency and dark in comparison with the scale-plate lighting device 91.

[0005] Accordingly, on the occasion of setting transmittance of the aforementioned window glass 95, it is necessary to set the transmittance high to a degree that the pointer 94 side can be read, and, by this, even in a period during which an ignition key is turned off, the pointer 94, the white coating 94a in particular, is seen through the window glass 95 when direct sunlight is irradiated to the vehicle instrument 90, resulting in causing a problem point that a sense of discomfort would be given to a user exceedingly. Therefore, there is an issue to solve this problem point."

D "[0006] [Means for solving the problem]

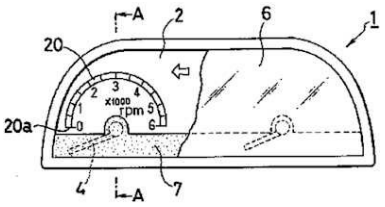
The present device is a device that, by providing, as a specific means for solving the conventional issue described above, an instrument for a vehicle in which, in an instrument for a vehicle of the constitution to cause, at the time when an ignition key is being turned

off, blackout by turning off interior illumination and by a smoke board adopted as a window glass, a pointer mask plate made of an opaque member having dark color on at least its window glass side is provided in a position more negative than the scale-0 position of the scale plate of the instrument for a vehicle and between the window glass and the pointer, and, on the occasion of the ignition key being turned off, the pointer is made to turn to a position less than scale-0 to be housed within the pointer mask plate, prevents the pointer from being seen even when direct sunlight is irradiated, and maintains the blackout effect, thereby solving the above described issue."

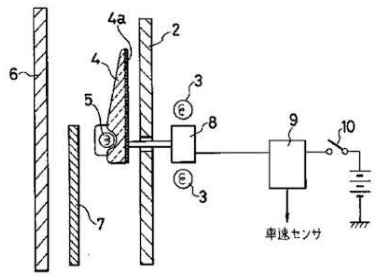
E "[0007] [Examples]

Next, the present device will be described in detail based on an example shown in figures. Indicated by reference numeral 1 FIG. 1 and FIG. 2 is an instrument for a vehicle according to the present device, and a scale-plate lighting device 3 that performs illumination in a transmitting manner is provided in a scale plate 2 of the vehicle instrument 1, and, in a pointer 4, a pointer lighting device 5 that performs illumination by reflecting light by a reflection coating film 4a applied to the pointer 4 is provided. Further, a window glass 6 is formed of a smoke board having an appropriate transmittance, and it is similar to the conventional example in a point that it is supposed that the scale-plate lighting device 3 and the pointer lighting device 5 are turned off together at the time of turning-off of an ignition key, and, when the vehicle is not in use, the vehicle instrument 1 is in a blackout state."

[Fig. 1]



[Fig. 2]



F "[0008] However, according to the present device, there is provided, in the vehicle instrument 1, a pointer mask plate 7 formed of an opaque member at a position between the window glass 6 and the pointer 4 and, in addition, lower than the scale-0 position 20a indicating the zero position of the scale 20 marked to the scale plate 2; that is, at a position suitably adjacent to the scale-0 position 20a and outside the swing range of the pointer 4, and the window glass 6 side of the pointer mask plate 7 is made to be, for example, painted dark color such as black and the like for delustering so as not to reflect light.
[0009] In addition, although the point that a stepping motor 8 adopted to drive the pointer 4 is similar to the conventional example, it is made such that a calculation circuit 9 connected to the stepping motor 8 responds to turning-on and off of an ignition key 10, and, when the ignition key 10 is turned off, a predetermined number of reverse rotation pulses are generated, and, when it is turned on, a predetermined number of clockwise pulses are generated."

G "[0011] Here, when running is stopped and an ignition key 10 is turned off, at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 are turned off, also the calculation circuit 9 stops its operation after generating a predetermined number of reverse rotation pulses, and, by the reverse rotation pulses, the pointer 4 rotates from the scale-0 position 20a to the further lower side; that is, to the side of a negative deflection angle, and moves to a position within a range covered by the pointer mask plate 7."

H "[0013] In addition, on the occasion of resuming operation, by turning on the ignition key 10, the calculation circuit 9 generates a predetermined number of clockwise pulses to reset the pointer 4 to the scale-0 position 20a at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 light up, and therefore, at a time point after this, a usual function as the vehicle instrument 1 is maintained."

I "[0014] [Advantage of the Device]
As has been described above, according to the present device, there is provided a pointer mask plate made of an opaque member having dark color on at least its window glass side in a position that is in a more negative side than the scale-0 position of the scale plate of the instrument for a vehicle and that is between the window glass and the pointer, and the instrument for a vehicle is made to be an instrument for a vehicle in which the

pointer is made to turn to a position more negative than the scale-0 position to be housed within the pointer mask plate at the time of turning-off of an ignition key. Accordingly, the pointer to which a reflection coating film is applied is covered with the pointer mask plate, and thus a blackout effect is maintained, thereby exerting an excellent effect of preventing a sense of discomfort from being given to a viewer. Otherwise, the reflection coating film causes the pointer to be easily observed from outside in particular due to irradiation of outside light such as direct sunlight to the window glass."

(2) Cited invention

The Court decision held as follows about a cited invention, and thus this is made to be the cited invention.

"The cited invention relates to an instrument for a vehicle for indicating, for example, a running speed, an engine speed, and the like, and, more particularly, to an instrument for a vehicle of what we call a blackout type, in which, when a vehicle is not used; that is, when an ignition key is not put in, its whole surface becomes dark (paragraph [0001]).

In a conventional instrument for a vehicle, although direct illumination of transmitted illumination can be used for a scale-plate lighting device for a scale plate, a pointer lighting device for a pointer is of indirect illumination in which, using the pointer itself as a light guide, light is made to be reflected by a reflection coating film formed of, e.g. white coating material and the like on the back face of the pointer, and thus it is unavoidable that the pointer lighting device is of low efficiency and dark in comparison with the scale-plate lighting device (paragraph [0004]). Therefore, when setting transmittance of a window glass formed of a smoke board that covers a scale plate and a pointer, it is necessary to make the transmittance high to a degree that the pointer side can be read, and, by this, also when an ignition key is being turned off and direct sunlight is irradiated to the instrument for a vehicle, the pointer, the white film in particular, is seen through the window glass in a transmitting manner, causing a problem to give a tremendous sense of discomfort to a user. (paragraph [0002], [0005])

Therefore, it is made such that, by providing an instrument for a vehicle in which, in an instrument for a vehicle of the constitution to cause, at the time when an ignition key is being turned off, blackout by turning off interior illumination and by a smoke board adopted as a window glass, a pointer mask plate made of an opaque member having dark color on at least its window glass side is provided at a position more negative side than the scale-0 position of the scale plate of the instrument for a vehicle and between the window glass and the pointer, and, on the occasion of the ignition key being turned off, the pointer

is made to turn to a position less than scale-0 to be housed within the pointer mask plate, the pointer is prevented from being seen even when direct sunlight is irradiated and the blackout effect is maintained, thereby exerting an effect to prevent a sense of discomfort from arising in a viewer (paragraphs [0006], [0014])."

(3) Well-known art and the like

The following findings about well-known art bind this judgment body because these are the matters necessary for deriving the main text of the Court decision.

A Well-known art 1 (Evidence A No. 2 to 7)

"When turning off a room light, a key cylinder illumination lamp, a foot illumination lamp and a head light that are illumination related to a vehicle and a residential illumination lamp, to control luminance of irradiation light so as to make it be lowered gradually" is a well-known art generally called fade-out (hereinafter, referred to as "Well-known art 1"). In addition, it is also well-known that "some sort of psychological effect" is exerted by fade-out, and, further, it is a general issue in the illumination technology to try to obtain some sort of good psychological effect by fade-out.

B Publicized prior art 1 (Evidence A No. 8)

It is a publicly known that "in illumination of meters (illumination of a scale plate), at the time of turning off a light, to make brightness be lowered gradually" (hereinafter, referred to as "Publicized prior art 1").

2 Comparison

The corresponding features and the different features between the Patent Invention 1 and the cited invention are as follows.

(Corresponding feature 1)

A point being a pointer device for a vehicle, comprising: a scale plate; a pointer to perform indication display on the scale plate; an irradiation means for irradiating the scale plate with light; and a control means for controlling in such a way that the scale plate irradiation means is turned off along with turning-off of a key switch of the vehicle.

(Different feature 1)

A point that, with respect to a control means for controlling so as to make light be turned off along with turning-off of a key switch of a vehicle, control is performed in the Patent Invention 1 in a manner making luminance of irradiation light be gradually lowered,

whereas, in the cited invention, control is performed in such a way that just turning-off is performed.

3 Judgment

(1) Regarding the technical significance of the Patent Invention

In Court decision, it is held as follows about the technical significance of the Patent Invention, and, thus, this is made to be a premise of judgment.

"The Invention is an invention that takes a constitution that, as found in the above 1, in a pointer device for a vehicle, aiming at devising change in brightness of a pointer and a scale plate along with turning-off of a key switch to give novel visibility to a crew after the key switch is turned off, brightness of the scale plate (and the pointer) is lowered gradually after the key switch is turned off by a control means performing control so as to make luminance of irradiation light of a scale plate irradiation means (and a pointer irradiation means) be lowered gradually along with turning-off of the key switch, and provides novel visibility. In the light of there being indicated, in paragraph [0033], the third example in which lowering processing of light emitting luminance of a self-emitting pointer and a scale plate is performed only when a crew is seating in a seat, and "becoming dark at once" is performed when a crew is away from its seat, and in view of it being aimed at novel "visibility," it is recognized that the Invention exerts the effect by appealing to a sense of vision of a crew.

On the other hand, the Invention is an invention that starts control taking turning-off of a key switch as an opportunity, and it acts at the stage where there is no need to read information of an instrument for a vehicle anymore and there is no need to keep a close watch on a scale plate and a pointer. Therefore, it does not necessarily premise a case where a crew pays attention to a pointer and a scale plate themselves. Then, a pointer and a scale plate are, in the nature of an instrument for a vehicle, arranged in a position that faces the driver seat and is easy for visual contact, and, usually, if a crew is seated and is in a posture facing the front side, their existence and at least their light come into sight. Furthermore, in the light of, although not being matters specifying the invention, there being described in paragraph [0005], [0007], and [0019] that "if a light-emitting diode is used as a scale plate irradiation means and a pointer irradiation means, color change of irradiation light in each of them is not caused in the course of lowering luminance thereof, and, as a result, a sense of discomfort is not given to a crew.", and there being described in paragraph [0018] that "become dark proportional to increase of time data t without becoming dark at once, and, therefore, it is possible to provide novel visibility of the self-

emitting pointer 30 and the scale plate 20 after the turning-off of the ignition switch IG to a crew.", it is understood as the Invention gives a good psychological effect to a crew by reducing light smoothly without causing an abrupt feeling of darkening a pointer and a scale plate instantaneously and without a sense of discomfort along with turning-off of a key switch, under a situation where, although there is no need to keep a close watch on a pointer and a scale plate, their existence or their light comes into sight.

Then, unlike a practical need of such as light reduction for securing visibility from the point of safety or for making eyes be accustomed to change in light, the Invention and Well-known art 1 are common in a point to try to obtain "some sort of good psychological effect" by fade-out, and it is understood that, when Well-known art 1 is a key cylinder illumination lamp, for example, it achieves novelty in visibility, at the time when an ignition key is made to be off, using a key cylinder for which there is no need to read information on where a key insertion port exists any more for a rendition purpose. Therefore, it can be said that "novelty in visibility" exerted by the Invention 1 is not different from "some sort of good psychological effect" exerted by Well-known art 1.

Therefore, it is reasonable to recognize that the Invention and Well-known art 1 are not only common in a point that control is performed to make luminance of irradiation light be lowered gradually, but also are identical in their technical significances."

(2) Regarding application of Well-known art 1 to the cited invention

Moreover, the Court decision held the follows about application of Well-known art 1 to the cited invention, and, therefore, this is made to be a premise of judgment.

"As has been described in the above 2, the cited invention is an invention that aims at, in a blackout type of an instrument for a vehicle in which the whole surface of the instrument assumes total darkness when an ignition key is not being turned on, an effect of preventing a sense of discomfort emerging to a viewer by preventing that only a pointer is seen and maintaining the blackout effect. Then, as described in Evidence A No. 2-7 of the above (1), to try to obtain some sort of good psychological effect by fade-out is a general issue of the illumination technology, and, considering that fade-out has been applied to various kinds of illumination, it can be easily conceived of by a person skilled in the art to perform control so as to make luminance of irradiation light be lowered gradually, by applying, in the cited invention aimed at a psychological effect as removing a sense of discomfort from a viewer, Well-known art 1 aimed at good psychological effect as a control means for a scale-plate lighting device. In addition, according to Evidence A No. 8, it is found that, in illumination of meters (illumination of a scale plate), it is a publicly known

technology to make brightness be lowered gradually at the time of turning off of a light (Publicized prior art 1), and, also from a matter that there is no technical difficulty in taking a constitution to make fade-out occur in a vehicle pointer device, the easily-conceived nature is supported."

(3) Regarding Patent Invention 1

Court decision held that, about the easily-conceived nature of Patent Invention 1, "It could have been invented with ease by a person skilled in the art to take the constitution concerning the different feature 1 by applying Well-known art 1 having a similar technical significance to that of the Invention 1 to the cited invention."

Patent Invention 1 is an invention that could have been invented with ease by a person skilled in the art based on the cited invention, Well-known art 1, and Publicized prior art 1.

4 Summary

As above, the patent for Patent Invention 1 is a patent that was made in violation of provisions of Article 29 (2) of the Patent Act, and, therefore, it should be invalidated.

No. 7 Judgment by the body about the preliminary reasons for invalidation

Among the Correction, the correction concerning the group of claims including claims 2, 3, and 5 (Matters of correction 2) was permitted.

1 Regarding Reasons for invalidation 1

(1) Corrected Inventions 2 and 3

Corrected Inventions 2 and 3 are as follows.

"[Claim 2] A pointer device for a vehicle, comprising: a scale plate (20); a light emitting pointer (30) to perform indication display on the scale plate; a scale-plate irradiation means (50) for irradiating the scale plate by light; and a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer, the pointer device for a vehicle further comprising, a control means (112, 112A, 113, 113A, 121-124, 130, 130A)

for controlling so as to make luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means be lowered gradually from initial luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means in an ON state of a key switch of a vehicle (IG) along with turning-off of

the key switch, and,

for controlling, when the key switch is turned on in a state that luminance of irradiation light each of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make

luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and

luminance of irradiation light of the scale plate irradiation means be zero at the timing of turning on the key switch, and make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance.

[Claim 3] The pointer device for a vehicle according to claim 2, wherein the control means performs control so as to make a degree of decline of luminance of irradiation light of the scale plate irradiation means and irradiation light of the pointer irradiation means differ from each other."

(2) Article 36(6)(i)

The demandant alleges roughly the following A to C (the written refutation, page 10, line 11 to page 11, line 5).

A There is no specification about, when returning luminance of an irradiation means of a scale plate that corresponds to the light source 50 to the initial luminance, making it delay in relation with light emitting luminance of the light emitting element 31.

B There is no specification about, when a key switch is turned on in a state that luminance of irradiation light is gradually lowering, in what way luminance of irradiation light of a pointer irradiation means is controlled.

C There is no specification about a constitution in which timing to return light emitting luminance of the light source 50 to the initial luminance A is delayed by a predetermined time T2 in comparison with light emitting luminance of the light emitting element 31 that returns to the initial luminance A at the same time as turning-on of the ignition switch IG, and, as a result, timing of light emitting luminance returning to the initial luminance A is shifted between the light source 50 and the light emitting element 31. Therefore, the issue to provide novel visibility cannot be solved.

However, by the Correction, Corrected Invention 2 became one that has a constitution of "controlling so as to make luminance of irradiation light of the scale plate irradiation means ... and make luminance of the scale plate irradiation means return to the

initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance," and, therefore, it became one in which, when returning luminance of irradiation means of a scale plate that corresponds to the light source 50 to the initial luminance, it is specified to delay it according to relation with light emitting luminance of the light emitting element 31.

In addition, by the Correction, Corrected Invention 2 became one that has a constitution of "when the key switch is turned on in a state that luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch," and, therefore, it became one in which, when the key switch is turned on in a state that luminance of irradiation light is gradually lowering, it is specified in what way luminance of irradiation light of a pointer irradiation means is controlled.

Furthermore, by the Correction, Corrected Invention 2 became an invention that includes the constitution " controlling so as to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and ... make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance," and, therefore, became an invention that can solve the issue of providing novel visibility.

Also, Corrected Invention 2 is an invention described in the detailed description of the invention together with Fig. 6 as a modification of the first embodiment (it is similar to the above mentioned "No. 4" 2(4)A).

The same applies to the invention 3 after the Correction.

Therefore, the statements of claims 2 and 3 of the scope of claims after the Correction conform to Article 36(6)(i) of the Patent Act.

2 Regarding Reasons for invalidation 2

(1) The matters described in Evidence A No. 1

The matters described in Evidence A No. 1 is as has been described in the above mentioned "No. 6" 1(1).

(2) Cited invention

When the cited invention is rewritten into a form also including control of an instrument for a vehicle along with turning-on of an ignition key, it is as indicated below.

"An vehicle instrument 1 in which a scale-plate lighting device 3 that performs illumination in a transmitting manner is provided in a scale plate 2, and, in a pointer 4, a pointer lighting device 5 that performs illumination by reflecting light by a reflection coating film 4a applied to the pointer 4 is provided, the vehicle instrument 1 comprising:

a stepping motor 8 for driving the pointer 4: and a calculation circuit 9 that is connected to the stepping motor 8, is made to respond to turning-on and off of the ignition key 10, generates a predetermined number of reverse rotation pulses when the ignition key 10 is turned off, and generates a predetermined number of clockwise pulses when the ignition key 10 is turned on, wherein

when running is stopped and the ignition key 10 is turned off, at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 are turned off, the calculation circuit 9 also stops its operation after generating a predetermined number of reverse rotation pulses, and, by the reverse rotation pulses, the pointer 4 rotates from the scale-0 position 20a to the further lower side; that is, to the side of a negative deflection angle, and moves to a position within a range covered by the pointer mask plate 7, and, on the occasion of resuming operation, by turning on the ignition key 10, the calculation circuit 9 generates a predetermined number of clockwise pulses to reset the pointer 4 to the scale-0 position 20a at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 light up, and therefore, at a time point after this, a usual function as the vehicle instrument 1 is maintained,

when the ignition key 10 is turned off, by covering, by the pointer mask plate 7, the pointer 4 to which a reflection coating film that comes to be easily seen from outside in particular by irradiation of outside light such as direct sunlight and the like to a window glass is applied, a blackout effect is maintained, thereby exerting an effect of preventing a sense of discomfort from being given to a viewer."

(3) Well-known art and the like

Well-known art 1 and Publicized prior art 1 are as described in the above "No. 6" 1(3). In addition, the finding of the following Publicized prior art 2 (Evidence A No. 9) are matters necessary for deriving the main text of Court decision, and thus binds this judgment body.

It is publicly known that, "at the time of a key-off, first, illumination of a pointer is turned off, and then, illumination of an instrument plate is turned off"; that is, "an instrument-for-vehicle lighting device in which timing of turning-off of the illumination of the pointer and timing of turning-off of the illumination of the instrument plate is made to

be shifted" (hereinafter, referred to as "Publicized prior art 2").

Next, in Evidence A No. 13, there is described the following matters together with drawings.

A "[Claim 1] A lighting device of an instrumental device, comprising:

(a) an indicating instrument including a pointer that rotates;

(b) an instrument panel including a display part such as a scale, a symbol, and the like arranged according to movement of the pointer;

(c) a first light emitting body to make the pointer of the indicating instrument emit light;

(d) a second light emitting body to make the display part of the instrument panel emit light;

(e) a switch means for connecting the first and second light emitting bodies and a power source, and

(f) a delay means for delaying, when electric power is supplied to the first and second light emitting bodies by turning on the switch means, power supply timing to one light emitting body among the first and second light emitting bodies relative to power supply timing to another light emitting body.

[Claim 2] The lighting device of an instrumental device according to claim 1, wherein

the delay means delays power supply timing to the second light emitting body relative to power supply timing to the first light emitting body."

B "[0001] [Industrial Application Field] This invention relates to a lighting device of an instrumental device, and, more particularly, to a lighting device of an instrumental device for an automobile for informing a state of an automobile and its individual instruments such as a speed of the automobile, an engine speed, an engine cooling water temperature, and the like to a crew."

C "[0010] [Action] According to the invention described in claim 1, power supply timing to one light emitting body among the first and second light emitting bodies is delayed certainly relative to power supply timing to the other light emitting body. Therefore, since the first and second light emitting bodies emit light in a fixed order at all times, a pointer and a display part such as a scale and a symbol come to emit light in a fixed order at all times, and thus an uncomfortable feeling is not given to a user.

[0011] According to the invention described in claim 2, since a pointer emits light first; that

is, the pointer emits light at the time when the display part such as a scale and a symbol is not emitting light, a user will clearly recognize the pointer."

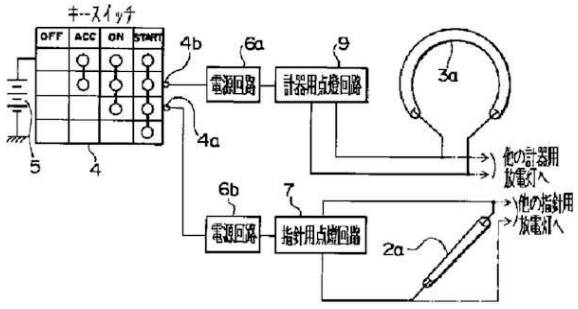
D "[0033] The electric circuit 300 is a circuit, as shown in Fig. 5, to electrify (ON) or stop electrification (OFF) the cold cathode discharge tubes 22, 32, 42, 52 and two fluorescent tubes 110. The electric circuit 300 is such that, when the key switch 301 as the switch means is turned on (ON), direct current is supplied to the transformer module 303 and the delay circuit 304 from the direct current power source 302. In the transformer module 303, direct current is converted into alternating current and the alternating current is supplied to the cold cathode discharge tubes 22, 32, 42, 52.
[0034] The delay circuit 304 is a delay means for delaying power supply timing to the transformer module 30 by a predetermined time (for example, 1 second) after the key switch 301 is turned on (ON). In the transformer module 305, direct current is converted into alternating current to supply the alternating current to the two fluorescent tubes 110.
[0035] In other words, when the key switch 301 is made ON, the cold cathode discharge tubes 22, 32, 42, 52 emit light and the pointers 21, 31, 41, 51 emit light first. Then, when a predetermined time (for example, 1 second) set by the delay circuit 304 has elapsed from the key switch 301 having been made ON, the two fluorescent tubes 110 emit light and dial parts 61-64 of the instrument panel 6 come to emit light."

E "[0044] [Effect of the example] As above, in the lighting device 1 of an instrumental device, the cold cathode discharge tubes 22, 32, 42, 52 and the two fluorescent tubes 110 emit light in a fixed order at all times. In other words, since the two fluorescent tubes 110 emit light after elapse of a predetermined time (for example, 1 second) from the time when the cold cathode discharge tubes 22, 32, 42, 52 have emitted light first, an uncomfortable feeling is not given to a user such as a crew.
[0045] In addition, since it is possible to make each of the pointers 21, 31, 41, 51 emit light first when the dial parts 61-64 of the water temperature meter 2, the rev counter 3, the speed meter 4, and the fuel meter 5 are not emitting light, each of the pointers 21, 31, 41, 51 can be made to be clearly recognized, and thus it is possible to give a feeling of high accuracy of an indicating instrument such as the water temperature meter 2, the rev counter 3, the speed meter 4, and fuel meter 5 to a user such as a crew."

Furthermore, in Evidence A No. 9, there is described, as a conventional technology, the following matters together with drawings.

F "[0002] [Conventional Art] A lighting device that illuminates each portion of the whole portion of an instrument such as pointer, a scale, and letters of an instrument for a vehicle separately using a plurality of illumination lamps has been put to practical use. Fig. 2 indicates a circuit of this type of lighting device, and Fig. 3 indicates a speed meter illuminated by that lighting device. A pointer 2 of a speed meter 1 is illuminated by a pointer electric-discharge lamp 2a, and an instrument whole portion 3 such as a scale and a letter is illuminated by an instrument electric-discharge lamp 3a. When a key switch 4 of a vehicle is made to be in the ON position, power is supplied from a battery 5 to an illumination power circuit 6 of the speed meter 1 via an ignition power terminal 4a of the key switch 4. The power circuit 6 stabilizes the battery voltage and outputs direct-current voltage. This direct-current voltage is supplied to the pointer lighting circuit 7 and the timer 8, and the pointer lighting circuit 7 is activated and the timer 8 starts. The pointer lighting circuit 7 outputs alternating-current voltage to apply it to the pointer electric-discharge lamp 2a, and the pointer electric-discharge lamp 2a lights up to illuminate the pointer 2. On the other hand, the timer 8 expires after a setting time to supply direct-current voltage to an instrument lighting circuit 9. The instrument lighting circuit 9 outputs alternating-current voltage and applies it to the instrument electric-discharge lamp 3a, and the instrument electric-discharge lamp 3a lights up and the instrument whole portion 3 such as a scale and a letter and the like is illuminated. In other words, the instrument whole portion 3 is illuminated after the setting time of the timer 8 from the time when the pointer 2 has been illuminated."

[Fig. 2]



キースイッチ　Key switch

電源回路　Power circuit

計器用点燈回路　Instrument lighting circuit

指針用点燈回路　Pointer lighting circuit

他の計器放電灯へ　To other instrument electric-discharge lamps

他の指針用放電灯へ　　To other pointer electric-discharge lamps

As above, since, in Evidence A No. 9 and 13, there are described the technical matters of the above-mentioned A to F, "to control in such a way that, when a key switch is turned on, a scale plate irradiation means is made not to emit light to keep luminance of irradiation light zero, and luminance of the scale plate irradiation means is made to be predetermined luminance after a given delay time from turning on the key switch" such technical matters are a well-known art in instruments for a vehicle as the demandant alleges. In this regard, however, considering that the demandee is disputing about the well-known nature, when rewriting this by the statements of Evidence A No. 13 for convenience, it is as indicated below (hereinafter, referred to as "Well-known art 2").

"A lighting device of an instrumental device, comprising:

(a) an indicating instrument including a pointer that rotates;

(b) an instrument panel including a display part such as a scale, a symbol, or the like arranged according to movement of the pointer;

(c) a first light emitting body to make the pointer of the indicating instrument emit light;

(d) a second light emitting body to make the display part of the instrument panel emit light;

(e) a key switch to connect the first and second light emitting bodies and a power source, and

(f) a delay means for delaying, when electric power is supplied to the first and second light emitting bodies by ON of the key switch, power supply timing to the second light emitting body relative to power supply timing to the first light emitting body, wherein,

in addition to not giving an uncomfortable feeling to a user, it is possible to make a user clearly recognize the pointer, and to give a feeling of high accuracy of an indicating instrument to a user because the pointer emits light first; that is, the pointer emits light at the time when the display part such as a scale and a symbol is not emitting light."

(4) Comparison

In view of the case, when Corrected Invention 3 and the cited invention are compared, we find as follows.

A The scale plate (20) and the scale-plate irradiation means (50)

Since the cited invention has the constitution that "a scale-plate lighting device 3 that performs illumination in a transmitting manner is provided in a scale plate 2," "the

scale plate 2" of the cited invention corresponds to "the scale plate (20)" of Corrected Invention 3.

In addition, "the scale-plate lighting device 3" of the cited invention corresponds to "the scale-plate irradiation means (50) for irradiating the scale plate by light" of Corrected Invention 3.

B The light-emitting pointer (30) and the pointer irradiation means (31)

The cited invention has the constitution of "a scale-plate lighting device 3 that performs illumination in a transmitting manner is provided in a scale plate 2" and "in a pointer 4, a pointer lighting device 5 that performs illumination by reflecting light by a reflection coating film 4a applied to the pointer 4 is provided," and, in in view of the arrangement relationship between the pointer 4 and the scale plate 2 depicted in Figs. 1 and 2 of Evidence A No. 1 and the common general technical knowledge, "the pointer 4" of the cited invention corresponds to "the light emitting pointer (30) to perform indication display on the scale plate" of Corrected Invention 3.

Furthermore, "the pointer lighting device 5" of the cited invention corresponds to "a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer" of Corrected Invention 3.

C Pointer device for a vehicle

Since the cited invention is of "a vehicle instrument 1 in which a scale-plate lighting device 3 that performs illumination in a transmitting manner is provided in a scale plate 2, and, in a pointer 4, there is provided a pointer lighting device 5 that performs illumination by reflecting light by a reflection coating film 4a applied to the pointer 4," "the vehicle instrument 1" of the cited invention corresponds to "pointer device for a vehicle" of Corrected Invention 3.

Accordingly, the corresponding features and the different features between Corrected Invention 3 and the cited invention are as follows.

(Corresponding features)

"A pointer device for a vehicle, comprising: a scale plate (20); a light emitting pointer (30) to perform indication display on the scale plate; a scale-plate irradiation means (50) for irradiating the scale plate by light; and a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer."

(Different features)

A point that Corrected Invention 3 includes "a control means (112, 112A, 113, 113A, 121-124, 130, 130A) for controlling so as to make luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means be lowered gradually from initial luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means in an ON state of a key switch of a vehicle (IG) along with turning-off of the key switch, and, for controlling, when the key switch is turned on in a state that luminance of irradiation light of each of the scale plate irradiation means and the pointer irradiation means is gradually lowering along with turning-off of the key switch, so as to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch, and luminance of irradiation light of the scale plate irradiation means be zero at the timing of turning on the key switch, and make luminance of the scale plate irradiation means return to the initial luminance with a delay from the timing of returning luminance of the pointer irradiation means to the initial luminance," and, in addition, includes the constitution that "the control means performs control so as to make a degree of decline of luminance of irradiation light of the scale plate irradiation means and irradiation light of the pointer irradiation means differ from each other," whereas the cited invention does not include a control means for performing such control.

(5) Judgment

An instrument for a vehicle of the cited invention is such that "when the ignition key 10 is turned off, by covering, by the pointer mask plate 7, the pointer 4 to which is applied a reflection coating film that comes to be easily seen from outside in particular by irradiation of outside light such as direct sunlight and the like to a window glass, a blackout effect is maintained, thereby exerting an effect of preventing provision of a sense of discomfort to a viewer." In addition, even if the effect of "preventing provision of a sense of discomfort to a viewer" means literally "not to give a psychological effect to a viewer," it can be said that "some sort of a good psychological effect" is provided to a viewer in relative comparison with the prior art described in Evidence A No. 1. In the first place, an instrument for a vehicle of the cited invention is not just one only pursuing a function as an instrument, but one that intends a design rendition such as "blackout," and, therefore, it is on the premise of promoting "some sort of good psychological effect" to a viewer (operator) in a positive manner. Then, in a design rendition using a lighting device, it is a common occurrence that a certain rendition effect can be obtained by shifting, about a

plurality of illumination lamps, timing of turning off and on or of dimming and brightening light, and, therefore, it can be achieved by a person skilled in the art with ease to, while maintaining a design rendition of the blackout effect, in the cited invention aimed at a psychological effect of removing a sense of discomfort from a viewer, adopt in a combined manner the constitution of turning off and on or dimming and brightening light with shifted timing like Well-known arts 1 and 2 and Publicized prior art 2 to the scale-plate lighting device 3 and the pointer lighting device 5 of an instrument for a vehicle of the cited invention, for the purpose of giving a further design rendition or a more good psychological effect to a viewer. Furthermore, in view of the existence of Publicized prior arts 1 and 2 in an instrument for a vehicle, there is no technical difficulty in employing the constitution of turning off and on or dimming and brightening of illumination for a vehicle with shifted timing.

In view of the above, it is conceived by a person skilled in the art with ease to, concerning the constitution "when running is stopped and the ignition key 10 is turned off, at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 are turned off, also the calculation circuit 9 stops its operation after generating a predetermined number of reverse rotation pulses, and, by the reverse rotation pulses, the pointer 4 rotates from the scale-0 position 20a to the further lower side; that is, to the side of a negative deflection angle, and moves to a position within a range covered by the pointer mask plate 7" of the cited invention, apply Well-known art 1 and Publicized prior art 2 aimed at a design rendition or a good psychological effect as a control means for a scale-plate lighting device and a pointer irradiation means to change it to the constitution of "when running is stopped and the ignition key 10 is turned off, the scale-plate lighting device 3 is controlled so as to be gradually darkened from the lighting state, the pointer lighting device 5 is controlled so as to be gradually darkened from the lighting state with a delay from the control timing of the scale-plate lighting device 3, and, at the same time as both are turned off, the calculation circuit 9 is made to stop its own operation after generating a predetermined number of reverse rotation pulses, and the pointer 4 is made to rotate by this reverse rotation pulses to the further lower side from the scale-0 position 20a; that is, to the side of negative deflection angle, to thereby be moved to within a range covered by the pointer mask plate 7," and in conjunction with this, concerning the constitution "on the occasion of resuming operation, by turning on the ignition key 10, the calculation circuit 9 generates a predetermined number of clockwise pulses to reset the pointer 4 to the scale-0 position 20a at the same time as the scale-plate lighting device 3 and the pointer lighting device 5 light up, and therefore, at a time point after this, a usual function as the vehicle

instrument 1 is maintained" of the cited invention, apply Well-known art 2 in which, in addition to not giving an uncomfortable feeling to a user, since a pointer emits light first; that is, the pointer emits light at the time when the display part such as a scale and a symbol is not emitting light, it is possible to make a user clearly recognize the pointer, and to give a feeling of high accuracy of an indicating instrument to a user, thereby changing it to the constitution of "on the occasion of resuming operation, by turning on the ignition key 10, at the same time as power is supplied to the pointer lighting device 5 to make it light up, the calculation circuit 9 generates a predetermined number of clockwise pulses to reset the pointer 4 to the scale-0 position 20a, and supplies power to the scale-plate lighting device 3 to make it light up with a delay from the power supply to the pointer lighting device 5, and therefore, at a time point after this, a usual function as the vehicle instrument 1 is maintained." In addition, since the turning-on operation of the ignition key 10 is operation that a viewer (operator) rotates a key, there are also cases where the ignition key 10 is turned on immediately after the ignition key is turned off. Then, since interest of a viewer who has turned on an ignition key is inclined toward, not suspension of running, but resumption of operation, when the ignition key 10 is turned on by the viewer (operator) during fade-out, it is natural to provide the control of Well-known art 2 immediately, and therefore it is inevitable to, at the time of the control of Well-known art 2, control once to a state that a display part such as a scale and a symbol are not emitting light; that is, control in such a way that "by turning on the ignition key 10, at the same time as power is supplied to the pointer lighting device 5 to make it light up, the scale-plate lighting device 3 is turned off, and the calculation circuit 9 generates a predetermined number of clockwise pulses to reset the pointer 4 to the scale-0 position 20a, and supplies power to the scale-plate lighting device 3 to make it light up with a delay from the power supply to the pointer lighting device 5."

Then, the constitution that is conceived easily as above becomes one that has overcome the different features.

Meanwhile, referring to the statements of Evidence A No. 13 relating to Well-known art 2, it is considered that there is a some delay between the time when electric power is supplied to the first light emitting body (cold cathode discharge tube) and the time of its light emission, and, therefore, Well-known art 2 is not one, in a precise sense, "to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch." However, the pointer lighting device 5 of the cited invention is one that is provided in the pointer 4 (paragraph [0007] and Fig. 5), and, in the state of the

art at the time point of the present application, it is reasonable to adopt ones that immediately light up such as LED, and, therefore, it can be said that the pointer lighting device 5 made by combining Well-known art 2 on the premise of the cited invention is one that "by turning on the ignition key 10, electric power is supplied to the pointer lighting device 5, and it lights up at timing when the ignition key 10 is turned on."

In the first place, the statement supporting the constitution of "to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch" of Corrected Invention 3 is only the timing chart of Fig. 6, and it cannot be understood, even referring to Fig. 6, that it has technical significance that the timing is identical exactly to a level that does not tolerate "some delay from the time when electric power is supplied to the time of light emission."

Accordingly, Corrected Invention 3 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and Publicized prior arts 1 and 2.

In addition, an effect exerted by Corrected Invention 3 is in a range predictable from the cited invention and the like by a person skilled in the art.

(6) Corrected Invention 2

Corrected Invention 2 is an invention made by eliminating the constitution of "the control means performs control so as to make a degree of decline of luminance of irradiation light of the scale plate irradiation means and irradiation light of the pointer irradiation means differ from each other" from Corrected Invention 3.

Then, considering that Corrected Invention 3 that corresponds to an invention that includes all the matters specifying the invention of Corrected Invention 2, and, further, that is made by adding other matters specifying the invention is, as described in the above (4) and (5), an invention that could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2 and, Publicized prior arts 1 and 2, and Publicized prior art 2 corresponds to the above-mentioned eliminated constitution, also Corrected Invention 2 is an invention that could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and Publicized prior arts 1 in a similar fashion.

Furthermore, an effect exerted by Corrected Invention 2 is in a range also predictable from the cited invention and the like for a person skilled in the art.

(7) The demandee's allegation

A Allegation of not being a simple combination

The demandee alleges that the Corrected Invention is an invention that provides novel visibility to a crew according to illumination that comes with turning-off a key switch of a vehicle (IG), and it is not a simple combination of behavior on the occasion of turning off a light along with turning-off of the key switch of a vehicle (IG) and behavior on the occasion of lighting along with turning-on of the key switch of a vehicle (IG).

However, as has been described in the above (5), there is no difference between "novel visibility to a crew according to illumination that comes with turning-off a key switch of a vehicle (IG)" insisted by the demandee and visibility derived by "a simple combination of behavior on the occasion of turning off a light along with turning-off of the key switch of a vehicle (IG) and behavior on the occasion of lighting along with turning-on of the key switch of a vehicle (IG)."

B Well-known art 1

The demandee alleges that Well-known art 1 is behavior (fade-out) of a lighting device on the occasion of simply turning off a switch, and there is no case where another operation further enters during this fade-out.

However, since turning-off of a switch is human-induced operation, turning-on immediately after turning-off; that is, another operation that enters further during fade-out, is slated also in Well-known art 1.

C Well-known art 2

The demandee alleges that Well-known art 2 is not well-known.

However, it is obvious that Well-known art 2 is well-known when it is taken into consideration that Evidence A No. 13 is widely known in the business community, for example. Even if Well-known art 2 is publicly known art, Well-known art 2 found by this judgment body is described in Evidence A No. 13 and is publicly known, and, in addition, even it is publicly known, the judgment of the above (5) is not influenced.

D Evidence A No. 13

The demandee alleges that, since the technology described in Evidence A No. 13 is on the premise of lighting from luminance zero, it does not suggest re-lighting in behavior after turning-off of a key switch.

However, the technology described in Evidence A No. 13 (Well-known art 2) is on

the premise of an illumination operation when a key switch becomes ON, but not one on the premise of lighting from luminance zero. That a key switch is turned on immediately after the key switch is turned off is a matter that must be assumed, when it is taken into consideration that operation of a key switch is human-induced operation. In addition, interest of an operator who has made a key switch be ON is inclined toward, not suspension of running, but resumption of operation, and, thus, in order to immediately provide control of Well-known art 2 when the operator makes the key switch be ON, the pointer lighting device 5 (the first light emitting body) should be lit and the scale-plate lighting device 3 (the second light emitting body) be turned off at the same time as making the key switch be ON.

E Effect

The demandee alleges that novel visibility after turning-off of a key switch is described consistently as the effect of the invention in the detailed description of the invention.

However, the effect that is conceived easily as the above described (5) also gives novel visibility, and there is no difference between these in that point.

(8) Summary

Corrected Invention 2 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and, Publicized prior art 1, and Corrected Invention 3 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and, Publicized prior arts 1 and 2, and, therefore, the demandee should not be granted a patent in accordance with the provisions of Article 29 (2) of the Patent Act.

The patents for Corrected Inventions 2 and 3 fall under Article 123(1)(ii) of the Patent Act, and these should be invalidated.

No. 8 Preliminary judgment

This collegial body judges that, as has been described in the above "No. 4" to "No. 6," Matters of correction 1 among the Correction are not permitted, and, the patent for Patent Invention 1 was made in violation of the provisions of Article 29 (2) of the Patent Act, and, therefore, it should be invalidated. However, in view of the case, a case when Matters of correction 1 are also permitted will be judged hereinafter.

1 Regarding Corrected Invention 1

Corrected Invention 1 is as follows.

"[Claim 1] A pointer device for a vehicle, comprising: a scale plate (20); a pointer (30) to perform indication display on the scale plate; and an irradiation means (50) for irradiating the scale plate by light, the pointer device for a vehicle further comprising,

a control means (112, 112A, 113, 113A, 121-124, 130, 130A)

for controlling luminance of irradiation light of the scale plate irradiation means along with turning-off of a key switch (IG) of a vehicle so as to make the luminance be lowered gradually from initial luminance of the irradiation light of the scale plate irradiation means in ON state of the key switch, and,

for controlling, when the key switch is turned on in a state that luminance of irradiation light of the scale plate irradiation means is gradually lowering along with turning-off of the key switch, luminance of irradiation light of the scale plate irradiation means so as to be zero at timing of turning on the key switch, and, after that, luminance of the scale plate irradiation means returns to the initial luminance with a delay from the timing of turning on the key switch."

2 Matters described in Evidence A No. 1

The matters described in Evidence A No. 1 are as has been described in the above mentioned "No. 6" 1(1).

3 Cited invention and well-known art and the like

The cited invention is as has been described in the above "No. 7" 2(2).

Well-known art 1 and Publicized prior art 1 are as have been described in the above "No. 6" 1(3).

Publicized prior art 2 and Well-known art 2 are as have been described in the above "No. 7" 2(3).

4 Comparison and judgment

Corrected Invention 1 is an invention that, from Corrected Invention 2, further eliminates, (A) the constitution that "pointer" is "light emitting pointer," (B) the constitution of "a pointer irradiation means (31) for making the light emitting pointer emit light by irradiating light to the light emitting pointer," and (C) the constitution for control of luminance of the pointer irradiation means, and (D) the timing to be the standard to delay the timing to make luminance of the scale plate irradiation means return to its initial

luminance is changed from "the timing of turning on the key switch" to "the timing of returning luminance of the pointer irradiation means to the initial luminance."

Here, since Corrected Invention 2 has the constitution of "to make luminance of the pointer irradiation means return to the initial luminance at timing of turning on the key switch," the change of the above (D) is not change in effect.

Then, in a similar fashion, considering that Corrected Invention 2 that corresponds to an invention that includes all the matters specifying the invention of Corrected Invention 1, and, further, is made by adding other matters specifying the invention is, as described in the above "No. 7" 2(6), an invention that could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and Publicized prior art 1, and, further, considering that the change point of the above (D) does not exist in effect, Corrected Invention 1 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and Publicized prior art 1.

Furthermore, an effect exerted by Corrected Invention 1 is in a range also predictable from the cited invention and the like for a person skilled in the art.

5 Summary

Since Corrected Invention 1 could have been invented by a person skilled in the art with ease based on the cited invention, Well-known arts 1 and 2, and, Publicized prior art 1, the demandee should not be granted a patent in accordance with the provisions of Article 29 (2) of the Patent Act.

The patent for Corrected Invention 1 falls under Article 123(1)(ii) of the Patent Act, and it should be invalidated.

No. 9 Conclusion

The patents for the inventions according to claims 1 to 3 of the Patent should be invalidated.

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

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

September 30, 2014

Chief administrative judge: MORI, Ryosuke
Administrative judge: HIGUCHI, Nobuhiro
Administrative judge: NAKATSUKA, Naoki