Trial decision

Invalidation No. 2014-800151

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The case of trial regarding the invalidation of Japanese Patent No. 5533998, entitled "DOCUMENT CAMERA" between the parties above has resulted in the following trial decision.

Conclusion

The demand for trial of the case was groundless.

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

Reason

No. 1 History of the procedures

1. History of application of the case

The application relating to Japanese Patent No. 5533998 was filed on December 26, 2012 as a divided application by filing a part of Japanese Patent application No. 2009-12690 filed on January 23, 2009. The establishment was registered on May 9, 2014. The application included 7 claims at the time of registration.

2. History of trial decision

The history of procedures in the case of trial for invalidation is as follows, generally.

September 4, 2014	written demand for trial for invalidation (demandant) (appended Evidences A No. 1 to No. 9)
December 3, 2014	written reply (demandee) (appended Evidences B No. 1 to No. 2)
February 9, 2015	notification of trial examination (collegial body)
March 16, 2015	oral proceedings statement brief (demandant) (appended Evidence A No. 10)
March 19, 2015	oral proceedings statement brief (demandee)
March 23, 2015	written statement (demandant) (partial translation of Evidence A No. 10)
April 9, 2015	oral proceedings

No. 2. The patent invention

The inventions relating to Claims 1 and 5 (hereinafter referred to as "patent invention 1" and "patent invention 5" in association with the number of Claims) of the inventions relating to Claims 1 to 7 of Japanese patent No. 5533998 are as follows described in Claims 1 and 5 in the scope of claims, according to the patent specification, the scope of claims and drawings.

[Patent invention 1] (Claim 1)

The document camera, comprising:

A. an arm section having a first arm section with a camera arranged at a tip and a second arm section for supporting the first arm section, and the first and second arm sections are configured to be foldable; and

B. a body section having a housing recess for storing the arm section in a folded state when not in use, and an operation section.

C. the arm section, when not in use, is stored in the housing recess so that the first and second arm sections and the body section may be folded in a Z shape, ,
D. the arm section, when in use, is configured to unfold so that the first and second arm sections form an inverse L shape,
E. while allowing a top face of the arm section and a top face of the operation section to be substantially flush with each other when the arm section is folded and stored in the housing recess.

[Patent invention 5] (Claim 5)

The document camera of Claims 1-4 wherein,
F. the first arm section includes a first arm base end section supported by the second arm section, and a first arm tip section located at the tip of the first arm base end section and having the camera,

the first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotational position where an optical axis of the camera is directed vertically downward and a rotational position where the optical axis of the camera is directed horizontally.

The explanatory symbols in Claims 1 and 5, which were applied by the demandant, are not disputed and regarded to be valid. Thus, they are employed.

No. 3. demandant's allegation

1. Purport of demand

The demandant demands the trial decision, "The patent for the invention described in Claims 1 and 5 of the scope of claims of Japanese Patent No. 5533998 is invalid.

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

2. Reasons for invalidating the patent

The patent inventions relating to Claims 1 and 5 would be easily made before filing on the basis of the inventions described in Evidences A No. 1 to No. 8, by a person who has general knowledge in the technical field of the invention, and should not be granted a patent for the invention in accordance with the provisions of Article 29-2 of the Patent Act. The patent falls under Article 123-1(2) of the

Patent Act, and should be invalidated.

3. Gist of the reasons of the demand

(Claim 1)

The patent invention relating to Claim 1 is the one which was made only by combining known configurations disclosed in Evidence A No. 1 or Evidence A No. 2 with known configurations disclosed in Evidences A No. 3 to No. 7, and it is easy for a person ordinarily skilled in the art.

(Claim 5)

The patent invention relating to Claim 5 is the one which was made only by combining known configurations disclosed in Evidence A No. 1 or Evidence A No. 2 with known configurations disclosed in Evidences A No. 3 to No. 7 and known configurations disclosed in Evidence A No.8, and it is easy for a person ordinarily skilled in the art.

4. Means of proof

The demandant submitted the following evidences A No. 1 to No. 9, as means of proof, attached to written demand for trial, and Evidence A No. 10 attached to oral proceedings statement brief.

Evidence A No. 1: Japanese Unexamined Patent Application Publication No. 2001-211350

Evidence A No. 2: Japanese Unexamined Patent Application Publication No. 2003-153041

Evidence A No. 3: International Publication No. WO01/084827

Evidence A No. 4: Japanese Unexamined Patent Application Publication No. 2004-96661

Evidence A No. 5: Japanese Unexamined Patent Application Publication No. H6-125552

Evidence A No. 6: Design Registration Publication No. 1247305

Evidence A No. 7: Japanese Unexamined Patent Application Publication No. H10-62867

Evidence A No. 8: Japanese Unexamined Patent Application Publication No. 2005-70296

Evidence A No. 9: notice of reasons for refusal in examination of Japanese Patent Application No. 2009-12690

Evidence A No. 10: U. S. Patent No. 2009/0002548 Publication A1

No. 4 demandee's allegation

1. Purport of reply

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

2. Gist of reply

The demandant's allegations on each of the evidences are not true. There is no configuration, such as "the arm section, when not in use, is stored in the housing recess so that the first and second arm sections and the body section may be folded in a Z shape,", in Evidences A, and the allegation described as "easy" is also not true. There exists none of the reasons for invalidation in the Patent inventions 1 and 5.

3. Means of proof

Evidence B No. 1: securities report (abstract) of ELMO COMPANY, LIMITED submitted on May 27, 2010

Evidence B No. 2: colophon and p. 413 of the Kojien dictionary fifth edition

No. 5. Judgment by the body

1. The patent invention

The patent invention is as described in the above No. 2.

2. Matters described in evidences

Evidences A No. 1 to No. 8 and Evidence A No. 10 submitted by the demandant as means of proof describe the following matters and inventions.

2. 1 Evidence A No. 1

2. 1. 1 Description in Evidence A No. 1

Evidence A No. 1 (Japanese Unexamined Patent Application Publication No. 2001-211350) submitted by the demandant as means of proof describes the following matters about "a document camera device and a data projector with a document camera device"with drawings.

A. "[0001]
[Field of technology of the invention] This invention relates to a document camera device which converts a video captured to a video signal and outputs it. The invention relates to a data projector with a document camera device configured to detachably mount the document camera on a projector body." (p. 3 the fourth column l. 6- l. 11)

B. "[0025] FIGS. 1 and 2 illustrate a document camera device relating to a first embodiment of the present invention. FIG. 1 is a perspective view illustrating a document camera section with an attachment mounted thereon. FIG. 2 is a perspective view illustrating the attachment removed from the document camera section.
[0026] As shown in FIG. 1, the document camera device 10 is configured by mounting an anti-fall attachment 11 on a document camera section 31.
[0027] The document camera section 31 includes: a video camera body 32 which captures an object, and converts a video captured to a video signal for output; an arm 40 having one end fixed to the video camera body; and a video camera support section 33 to which the other end of the arm 40 is fixed.
[0028] The attachment 11 comprises: a base 12 on which the video camera support section 33 is detachably mounted; and anti-fall mechanisms (anti-fall legs) 13, 14 arranged in the base 12 and configured to prevent the video camera support section 33 from falling when the video camera support section 33 is mounted on the base 12.
[0029] The attachment 11 and the document camera section 31 are described in detail as follows.
[0030] The attachment 11 includes a connection face 15 formed on the back of the base 12, and the anti-fall legs 13, 14 arranged on the bottom face of the base 12.
[0031] The document camera section 31 is configured by fixing a circuit storage section 34 in a lower part on the back of the platy video camera support section 33. The circuit storage section 34 includes an operation section 35 with operation keys formed on the right side (in the FIG.) of the top face, and a step section 36 formed lower on the left side (in the FIG.).
[0032] A turning section 41 formed at the other end of the arm 40 is connected to an upper left (in the FIG.) part on the back of the video camera support section 33. The arm 40 is formed by connecting, from the other end, the turning section 41, a bar-like member 42, turning sections 43, 44, a bar-like member 45, and a turning

section 46, in this order. The turning section 46 arranged at one end of the arm 40 is connected to the video camera body 32 which images a subject 50.
[0033] The document camera section 31 is configured to adjust a position of the video camera body 32 by turning the turning sections 41, 43, 44, 46 and to arrange the video camera body 32 in the step section 36 with the arm 40 folded." (p. 5 the seventh column l. 40- the eighth column l. 31)

2. 1. 2 Invention described in Evidence A No. 1

According to the description in the above Evidence A No. 1 (hereinafter referred to as "Evidence A No. 1") and technical common sense in the field,

(a1) Evidence A No. 1 describes an invention relating to the "document camera device" as described in the above A.

(a2) Paragraph [0026] in the B. discloses that the "document camera device" includes the document camera section 31. Paragraph [0027] discloses that the document camera section 31 includes the "video camera body 32" and the "arm 40".

Paragraph [0032] in the B. discloses that the "arm 40" includes the "bar-like member 42" and the "bar-like member 45" connected via the turning sections and that the "video camera body 32" is connected to the "one end" of the "bar-like member 45" via the turning section. Paragraph [0033] discloses that the "arm 40" is foldable. It is obvious that folding the arm 40 having the "bar-like member 42" connected via the turning section and the "bar-like member 45" with the one end connected to the video camera body 32, indicates "folding" the "bar-like member 42" and the "bar-like member 45" with the one end connected to the video camera body 32 by turning the turning sections.

FIG. 1 illustrates the "bar-like member 42" that supports the "bar-like member 45" with the one end connected to the video camera body 32, via the turning section.

Thus, Evidence A No. 1 discloses that the "document camera device" includes the "video camera body 32" and the "arm 40 having the bar-like member 45 with the one end connected to the video camera body 32 and the bar-like member 42 supporting the bar-like member 45, and configured to fold the bar-like members 42 and 45".

(b, c) Paragraph [0027] in B. discloses that the document camera section 31

includes the "video camera support section 33". Paragraph [0031] in B. discloses that the document camera section 31 includes the "circuit storage section 34", and that the "circuit storage section 34" includes the "step section 36" and the "operation section 35".

Paragraph [0033] in B. describes, "configured to arrange the video camera body 32 in the step section 36 with the arm 40 folded" by turning the turning section. When "the video camera body 32 is arranged in the step section 36", it is obvious that the video camera body 32 cannot image the subject 50, according to FIG. 1, and it is unavailable as the "document camera device", or it is "not in use".

Evidence A No. 1 discloses that "the document camera device includes the circuit storage section 34 having the step section 36 where the video camera body 32 is arranged when not in use and the operation section 35, and the video camera support section 33,

and is configured to arrange the video camera body 32 in the step section 36 by folding the arm 40".

(d) The state shown in FIG. 1 obviously illustrates the video camera body 32 that can image the subject 50, and it can be said that it is available as the document camera device, or it is "in use".

FIG. 1 illustrates the state "in use" where the bar-like member 45 with the camera body 32 and the bar-like member 42 constituting the arm 40 are unfolded in a bent state.

Thus, Evidence A No. 1 discloses that "the arm 40 is unfolded to bend the bar-like member 45 with the camera body 32 and the bar-like member 42 when in use".

As described above, Evidence A No. 1 describes the following invention (hereinafter referred to as "Evidence A No. 1 invention") relating to the document camera device.

The explanatory symbols are added by the collegial body in association with the configuration of the patent invention.

(Evidence A No. 1 invention)

"e. The document camera device comprising:

a. a video camera body 32;

an arm 40 having a bar-like member 45 having one end connected to the video

camera body 32 and a bar-like member 42 supporting the bar-like member 45, and configured to fold the bar-like members 42 and 45;
b. a circuit storage section 34 having a step section 36 where the video camera body 32 is arranged when not in use, and an operation section 35; and a video camera support section 33,
c. the document camera device being configured to arrange the video camera body 32 in the step section 36 by folding the arm 40 when not in use,
d. and to unfold the arm 40, when in use, so as to bend the bar-like member 45 with the camera body 32 and the bar-like member 42."

2. 2 Evidence A No. 2
2. 2. 1 Description in Evidence A No. 2

Evidence A No. 2 (Japanese Unexamined Patent Application Publication No. 2003-153041) submitted by the demandant as means of proof describes the following matters about "a material presentation device" with drawings..
A. "[0001]
[Field of technology of the invention] This invention relates to a material presentation device having a material platen where a material, such as a document or an object, is placed, and imaging the material by means of imaging means." (p. 2 the first column l. 50- the second column l. 3)

B. "[0020]
[Embodiment of the invention] The embodiment of the invention is described as below in reference to drawings.
(First embodiment) FIGS. 1-13 relate to the first embodiment of the invention. FIG. 1 illustrates the material presentation device which is available in the first embodiment. FIGS. 2-4 illustrate the device which is changed from the state shown in FIG. 1 to a folded state. FIG. 2 illustrates an imaging section and some of joint members constituting an arm section in a folded state. FIG. 3 illustrates the imaging section and the joint members which are turned from the state shown in FIG. 2 toward a recess formed on the back side of a material platen member. FIG. 4 illustrates the device housing the imaging section and the arm section in the recess by folding the turnable material platen member from the state shown in FIG. 3. FIG. 5 illustrates the vicinity of joint members to which lighting means is fixed. FIG. 6 illustrates a cross sectional view of the joint members where the lighting means is fixed. FIG. 7 illustrates a structure of the vicinity of an imaging window

of the imaging section where a detachable imaging attachment is mounted. FIG. 8 illustrates the vicinity of the imaging section with the imaging attachment mounted thereon. FIG. 9 illustrates the device which is imaging a document with light without using a lighting attachment. FIG. 10 illustrates lighting unevenness which occurs when the document is illuminated in the state of FIG. 9. FIG. 11 illustrates the lighting means and the structure of the vicinity of the joint members where the lighting attachment is mounted. FIG. 12 illustrates a cross sectional view of the joint member with the lighting attachment mounted thereon. FIG. 13 illustrates a configuration of a signal processing circuit.

[0021] As described in FIG. 1, the material presentation device 1 in the first embodiment of the invention includes: a material placing section 2 comprising two substantially rectangle platy material platen members 2a, 2b each having a top face configured to be substantially flush with each other so as to serve as a material placing surface; an imaging section 4 which images a material (See FIG. 9), such as a document 3, placed on the top face of the material placing section 2; and an arm section 5 having a plurality of joint members jointed at the imaging section 4 and the material placing section 2 in order to support the imaging section 4, specifically three joint members 5a, 5b, 5c.

[0022] The two material platen members 2a, 2b constituting the material placing section 2 have end surfaces, which are adjacent to each other at the center of the material placing section 2 and are turned (bent) around a rotation axis 6 formed in parallel to the end surfaces along a corner section of the back side. As shown in FIG. 1, the end surfaces are in contact with each other in a normal placing state, and top faces form substantially the same plane. When the material platen members 2a, 2b are turned around the rotation axis 6, they can be bent toward the back side as shown in FIG. 3. The material platen members 2a, 2b are turnably connected to each other at the rotation axis 6 with a hinge (not shown) or the like arranged on the back side.

[0023] When the two material platen members 2a, 2b are spread out as shown in FIG. 1, a material placing surface formed by the two material platen members 2a, 2b forms a rectangle shape so that a length in a direction of connecting the material platen members 2a, 2b may be longer than the other. The size can be set to be slightly larger than A4 size, for example. In this case, the material platen members 2a, 2b are formed in the shape of a rectangle of substantially A5 size, which is longer in a direction orthogonal to the above connection direction. The members are the same in size, and can be made compact when folded as shown in

FIG. 4.

[0024] As shown in FIG. 3, recesses 7a, 7b are formed on the back side of the material platen members 2a, 2b, respectively. The joint members 5a, 5b, 5c of the arm section 5 and the imaging section 4 are stored completely in the recesses 7a, 7b, to fold the material platen members 2a, 2b." (p.3 the fourth column l. 27-p. 4 the fifth column l. 37)

C. "[0033] When the joint member 5a is rotated clockwise around a rotation axis 11 integrally with the imaging section 4 after the imaging section 4 as shown in FIG. 1 is rotated counterclockwise around a rotation axis 12 to set the surface to be substantially flush with the joint member 5a, the rotation axis 12 can be set on the same straight line as a rotation axis 9 in a notch 8. The state shown in FIG. 2 can be set.

[0034] In this state, the three joint members 5a, 5b, 5c and a box-like surface of the imaging section 4 form the same plane, and are folded in a flat shape without overlapping. When the joint members 5a, 5b, 5c and the imaging section 4 formed in a flat shape are rotated around the rotation axes 9, 12 toward the back side of the material platen members 2a, 2b, as shown in FIG. 3, they can be stored in the recess 7a communicating with the notch 8.

[0035] In the embodiment, the three joint members 5a, 5b, 5c and the imaging sections 4 can be folded in a flat shape without overlapping, and are rotated integrally to be stored in the recesses 7a, 7b formed on the back side of the material platen members 2a, 2b in the flat shape.

" (p. 5 the seventh column l. 1- l. 21)

2. 2. 2 Invention described in Evidence A No. 2

According to the description in the above Evidence A No. 2 (hereinafter referred to as "Evidence A No. 2") and technical common sense in the field,

(a1) Evidence A No. 2 describes an invention relating to the "material presentation device" as described in the above A.

(a2) Paragraph [0021] in the B. discloses that the "material presentation device 1" includes the "imaging section 4" and the "arm section 5" formed of three "joint members 5a, 5b, 5c". FIG. 1 illustrates the "joint member 5a" supporting the "imaging section 4" at a tip, the "joint member 5b "supporting the "joint member

5a", and the "joint member 5c" supporting the "joint member 5b".

Paragraphs [0034], [0035] in the C. include descriptions about "folding" the "joint members 5a, 5b, 5c" and the "imaging section 4".

Thus, Evidence A No. 2 describes the "imaging section 4" and the "arm section 5 including the joint member 5a supporting the imaging section 4 at a tip, the joint member 5b supporting the joint member 5a, and the joint member 5c supporting the joint member 5b, and configured to be folded with the imaging section 4".

(b) Paragraphs [0021]-[0022] in the B. discloses that the "material presentation device 1" includes the "material placing section 2" comprising the material platen members 2a, 2b. Paragraph [0024] discloses that "recess 7a" is formed on the back side of the material platen member 2a constituting the "material placing section 2".

Paragraphs [0034]-[0035] in the C. disclose that the "folded" joint members 5a, 5b, 5c, or the "arm section 5" is "stored" in the "recess 7a" together with the "imaging section 4".

As described in the A., the material presentation device images a material. It can be said that the material presentation device is "not in use" when the imaging section 4 is stored in the recess 7a.

Thus, Evidence A No. 2 describes "the material presentation device 1 having the material placing section 2 which includes the recess 7a for storing the arm section 5 and the imaging section 4 in a folded state when not in use".

(c) In the C., as a procedure of storing the imaging section 4 in the recess 7a, or when "not in use", paragraph [0033] discloses that after the surface of the "imaging section 4" as shown in FIG. 1 is set to be substantially flush with the "joint member 5a", the "joint member 5a" and the "imaging section 4" are rotated around the rotation axis 11 clockwise integrally, to be folded. Paragraph [0034] discloses that the folded joint members 5a, 5b, 5c, or the "arm section 5" and the "imaging section 4" are rotated around the rotation axes 9, 12, to be stored in the "recess 7a".

Thus, Evidence A No. 2 discloses that "when not in use, after the imaging section 4 is set to be substantially flush with the joint member 5a, the joint member 5a and the imaging section 4 are rotated around the rotation axis 11 clockwise integrally, to be folded, and the folded arm section 5 and the imaging section 4 are rotated to be stored in the recess 7a".

(d) Paragraph [0020] in the B. discloses that the material presentation device as shown in FIG. 1 is "in use".

FIG. 1 illustrates the device "in use" configured to unfold the "arm section 5" comprising the joint members 5a, 5b, 5c and the "imaging section 4".

Thus, Evidence A No. 2 discloses that "when in use, the arm section 5 and the imaging sections 4 are unfolded".

(e) Paragraph [0035] in the C. discloses that the "folded" "arm section 5" comprising the joint members 5a, 5b, 5c and the "imaging section 4" are stored in the "recess 7a" formed on the back side of the material platen member 2a constituting the "material placing section 2".

FIG. 3 shows that a thickness of the "arm section 5" and the "imaging section 4" is substantially equal to a depth of the "recess 7a". It is obvious that the top face of the "arm section 5" and the "imaging section 4" is "substantially flush" with the back face of the "material placing section 2" when the "arm section 5" and the "imaging section 4" are stored in the "recess 7a" in a folded state.

Thus, Evidence A No. 2 discloses that "the top face of the arm section 5 and the imaging section 4 is substantially flush with the back face of the material placing section 2 when the arm section 5 and the imaging section 4 are stored in the recess 7a in a folded state".

As described above, Evidence A No. 2 describes the following invention (hereinafter referred to as "Evidence A No. 2 invention) relating to the material presentation device.

The explanatory symbols are added by the collegial body in association with the configuration of the patent invention.

(Evidence A No. 2 invention)

"The material presentation device 1 comprising:

a. an imaging section 4;

an arm section 5 comprising a joint member 5a supporting the imaging section 4 at a tip, a joint member 5b supporting the joint member 5a, and a joint member 5c supporting the joint member 5b, and configured to be folded with the imaging section 4;

b. and a material placing section 2 having a recess 7a for storing the arm section 5 and the imaging section 4 in a folded state when not in use,

the material presentation device being configured:
c. to rotate the arm section 5 and the imaging section 4 clockwise integrally to be folded, when not in use, after the imaging section 4 is set to be substantially flush with the joint member 5a, while rotating the folded arm section 5 and the imaging section 4 to be stored in the recess 7a;
d. to unfold the arm section 5 and the imaging section 4 when in use;
e. and to allow a top face of the arm section 5 and the imaging section 4 to be substantially flush with the back face of the material placing section 2 when the arm section 5 and the imaging section 4 are stored in the recess 7a in a folded state."

2. 3. Evidence A No. 3
2. 3. 1 Description in Evidence A No. 3
Evidence A No. 3 (International Publication No. WO01/084827) submitted by the demandant as means of proof describes the following matters about a "floor-mounted camera device" with drawings.

A. "[Embodiment 3]
FIG. 10 illustrates an overall perspective view showing an embodiment 3 of the floor-mounted camera device of the invention. FIG. 11 illustrates a perspective view of the floor-mounted camera device in use.
The floor-mounted camera device A3 comprises, in the same way as a floor-mounted camera device A2 described in an embodiment 2, a placing section 21, a camera support section 22, and a camera section 23. The placing section 21 is formed in consideration of design.
As a difference from the embodiment 2, a camera support section 12 of the embodiment 2 can be extended only, while the camera support section 22 of the embodiment 3 can be bent (shown by an arrow X in FIG. 10) and extended (shown by an arrow D in FIG. 10). The other configurations are the same as those of the embodiment 2, for example, the camera support section 22 which can be turned with respect to the placing section 21, and a camera section 13 which can be rotated with respect to the camera support section 12 and turned three-dimensionally (or semi-spherically).
In the floor-mounted camera device A3 of the embodiment 3, a base end 22a of the camera support section 22 is fixed to a front face 21a of the placing section 21 in a protruding manner. The camera section is rotated in a direction (shown by an arrow E in FIG. 10) so as to slide the front face 21a of the placing section 21.

Thus, by rotating it at 180 degrees, the camera device can be used on a housing 92 (See FIG. 11) and on a table 93 in front of a display device 91 (See FIG. 12).

The floor-mounted camera device A3 of the embodiment 3 includes a groove-like housing section 21d which is formed from a top face 21b of the placing section 21 to a back face 21c (see FIG. 13 (b)) for storing the camera support section 22 and the camera section 23. When not in use, the camera support section 22 and the camera section 23 can be stored in the housing section 21d. FIG. 13 (a) and FIG. 13 (b) illustrate the camera support section 22 and the camera section 23 stored in the housing section 21d. The camera support section 22 and the camera section 23 are stored in close contact with the placing section 21, and thereby preventing interference from the camera support section 22 and the camera section 23 or damage when not in use. The camera support section 22 and the camera section 23 are stored in close contact with the placing section 21, and thereby allowing a compact package when the floor-mounted camera device A3 is shipped after production, resulting in improving transportation efficiency." (p.8, l.18-p.9, l.23)

2. 3. 2 Invention described in Evidence A No. 3

According to the description in the A., related drawings, and technical common sense in the field, Evidence A No. 3 (hereinafter referred to as "Evidence A No. 3") describes the following invention (hereinafter referred to as "Evidence A No. 3 invention").

(Evidence A No. 3 invention)
"The floor-mounted camera device A3 configured so that the top face of the camera support section 22 may be substantially flush with the top face of the placing section 21 when the camera support section 22 is bent and stored in the housing section 21d together with the camera section 23."

2. 4 Evidence A No. 4

2. 4. 1 Description of Evidence A No. 4

Evidence A No. 4 (Japanese Unexamined Patent Application Publication No. 2004-96661) submitted by the demandant as means of proof describes the following matters about a "camera device", and the following matters.

A. "[0013]

FIG. 1 illustrates a perspective view of the camera device 1 of the invention. FIG. 2 illustrates a perspective view showing the operation of the camera device 1. FIG. 3 illustrates a perspective view of a camera support section 3 of the camera device 1 and a camera section 4 stored in a housing section 20. FIGS. 4 and 5 illustrate perspective views of the camera device 1 in use.

[0014]

The camera device 1 includes a principal section comprising a placing section 2 to be placed on a monitor 5, the camera support section 3 mounted on the placing section 2, and the camera section 4 fixed at a tip of the camera support section 3. The above components are described in order.

[0015]

The placing section 2 is horizontally long, and contains a speaker in this embodiment. The placing section includes: a communication button 22 for connecting/disconnecting a communication line; a lamp 23 for indicating a communication state, a lamp 24 for indicating a line connection state, and a power lamp 25; and a light-receiving section for receiving a signal from a remote controller. The placing section also includes a power switch, a power cable, a connection terminal for connecting a jack of a headset, a line terminal, and an external input/output terminal (not shown).

[0016]

The placing section 2 has a flat bottom surface so as to be stably installed on the monitor 5. In order to stably fix the placing section 2, sucking tools, such as suckers, may be arranged in a plurality of spots in the bottom surface (for example, two in total on left and right side, or four in total in the front and back on both sides), or a hook-and-loop fastener may be arranged on the top face of the monitor 5 and the bottom surface of the placing section 2 for fixing to each other.

[0017]

The groove-like housing section 20 is arranged on the top face of the placing section 2 to store the camera support section 3 and the camera section 4. The camera support section 3 and the camera section 4 can be stored in the housing section 20 when not in use (See FIG. 3)." (p.3, l. 34-p.4, l. 8)

2. 4. 2 Invention described in Evidence A No. 4

According to the description in the A., related drawings, and technical common sense in the field, Evidence A No. 4 (hereinafter referred to as "Evidence A No. 4") describes the following invention (hereinafter referred to as "Evidence A No. 4

invention").

(Evidence A No. 4 invention)
"The camera device 1 configured so that the top face of the camera support section 3 and the camera section 4 may be substantially flush with the top face of the communication button 22 when the camera support section 3 and the camera section 4 are stored in the housing section 20."

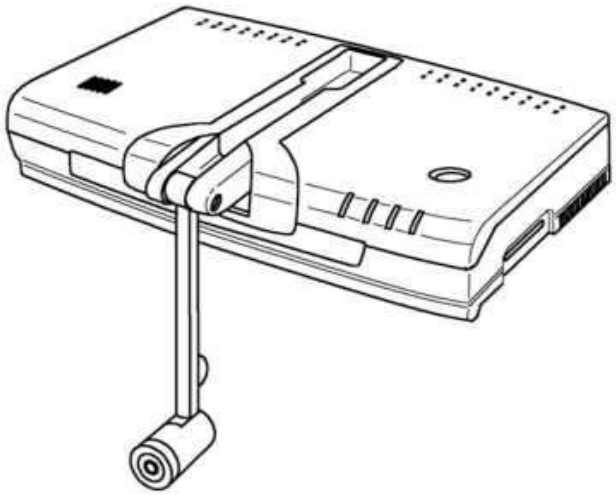
2. 5 Evidence A No. 5
2. 5. 1 Description of Evidence A No. 5
Evidence A No. 5 (Japanese Unexamined Patent Application Publication No. H6-125552) submitted by the demandant as means of proof describes the following matters about a "television telephone set" with drawings.

A. "[0007] The television telephone set includes: an image display section 4 formed of a flat display element (liquid crystal color display element, for example), and arranged at the rear of a housing 7; and an imaging section 3 held at one end of an arm 1 and formed of a flat imaging element (CCD two-dimensional sensor, for example). The other end of the arm 1 is fixed in a position closer to the front of the housing 7 via a hinge mechanism 6. The arm 1 is configured to turn forward/backward with respect to the housing 7 in a plane including an optical axis and a vertical line. When the arm 1 is inclined backward, the arm 1 is stored in a holding section 7a formed in the housing 7. In the storage state, the optical axis of an imaging lens 2 is held substantially horizontally and slightly upward in response to a person imaging state. When the arm 1 is raised forward, or unfolded, the turning arm 1 is stopped by a stopper 5 in response to a document imaging state, the optical axis is substantially vertical to a desk surface, and the imaging section 3 is located in a position substantially above the center of a document subject field view range 8." (p. 2 the second column l. 40-p. 3 the third column l. 7)

2. 5. 2 Invention described in Evidence A No. 5
According to the description in the A., related drawings, and technical common sense in the field, Evidence A No. 5 (hereinafter referred to as "Evidence A No. 5") describes the following invention (hereinafter referred to as "Evidence A No. 5 invention").

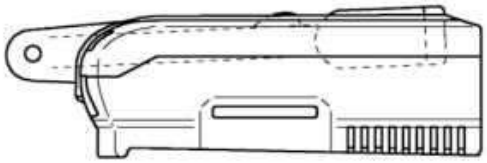
(Evidence A No. 5 invention)
"The television telephone set configured so that the top face of an arm 1 and an imaging section 3 may be substantially flash with the top face of an image display section 4 when the arm 1 and the imaging section 3 are stored in a holding section 7a."

2. 6 Evidence A No. 6
2. 6. 1 Description of Evidence A No. 6
Evidence A No. 6 (Design Registration Publication No. 1247305) submitted by the demandant as means of proof describes the following drawings as a "television telephone set".
A. "[Perspective view]



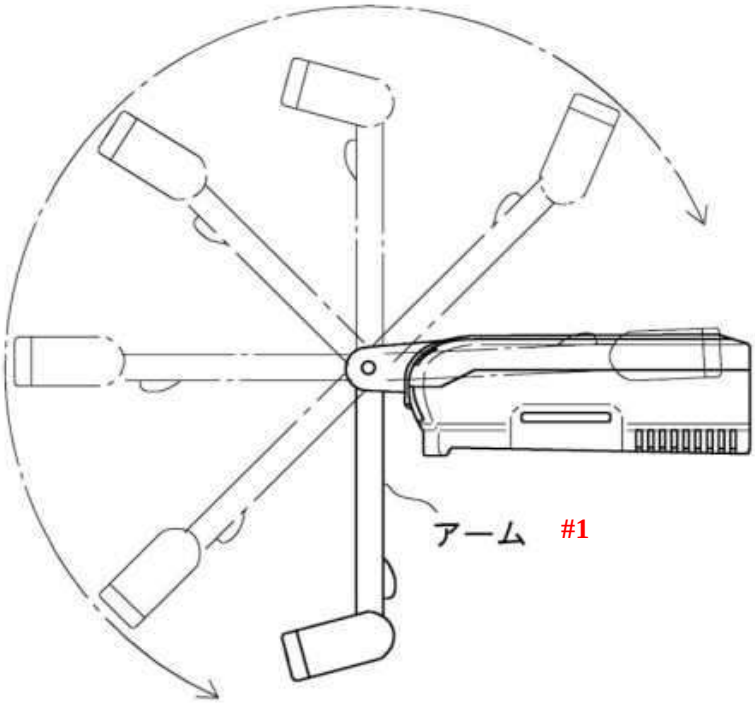
"

B. "[Reference side view showing storage state]



"

C. "[Reference side view showing rotation of arm]



#1 Arm

"

2. 6. 2 Invention described in Evidence A No. 6

According to drawings and technical common sense in the field, Evidence A No. 6 (hereinafter referred to as "Evidence A No. 6") describes the following invention (hereinafter referred to as "Evidence A No. 6 invention").

(Evidence A No. 6 invention)
"The television telephone set configured so that the top face of a camera and an arm may be substantially flush with the top face of a housing when the camera and the arm are stored in a housing recess"

2. 7 Evidence A No. 7

2. 7. 1 Description of Evidence A No. 7

Evidence A No. 7 (Japanese Unexamined Patent Application Publication No. H10-62867) submitted by the demandant as means of proof describes the following matters about a "liquid crystal projector" with drawings.

A. "[0026] FIG. 5 illustrates an external perspective view of the liquid crystal projector in storage showing a second embodiment. FIG. 6 illustrates an external perspective view of the liquid crystal projector in use. An arm 48 having one end axially fixed in a projector body 37 in a rotatable manner and the other end with an imaging head 47 is arranged on a top face of the projector body 37 of the liquid crystal projector 32. A setup button 40 is arranged near the arm 48.
[0027] The arm 48 is turned between a storage position shown in FIG. 5 and an imaging position shown in FIG. 6. The arm is buried in the projector body 37 so that the whole of the arm 48 including the imaging head 47 may not protrude beyond the top face of the projector body 37, when stored. When the setup button 40 is pressed, the arm 48 is turned to the imaging position by a biasing member (not shown). The arm 48 including the imaging head 47 protrudes on the outside of the projector body 37 in the imaging position, and images a subject 21 placed immediately below the imaging head 47.
[0028] An imaging lens 42 is arranged in the imaging head 47. A subject image is formed on a CCD module (not shown) arranged in the imaging head 47. A ring light, as a light source, is arranged around the imaging lens 42, to illuminate the subject 21, such as a document, to be enlarged and projected." (p. 4 the fifth column l. 25-l. 48)

2. 7. 2 Invention described in Evidence A No. 7

According to the description in the A., related drawings, and technical common sense in the field, Evidence A No. 7 (hereinafter referred to as "Evidence A No. 7") describes the following invention (hereinafter referred to as "Evidence A No. 7 invention").

(Evidence A No. 7 invention)

"The liquid crystal projector configured so that the top face of an imaging head 47 and an arm 48 may be substantially flush with the top face of a setup button 40 when the arm 48 with an imaging head 47 is turned to be buried in a projector body 37."

2. 8 Evidence A No. 8

2. 8. 1 Description of Evidence A No. 8

Evidence A No. 8 (Japanese Unexamined Patent Application Publication No. 2005-70296) submitted by the demandant as means of proof describes the following matters abouta "photographing apparatus" with drawings.

A. "[0001]

The invention relates to a photographing apparatus, such as a video projector with document camera, for imaging a document especially, and projecting it." (p. 2 l. 19-l. 21)

B. "[0016]

A camera section 18 includes a camera body 28 containing a solid imaging element (not shown) and a lens device 30, and is turnably connected to an upper end of an arm 16 via a joint 32 and a click mechanism 34 as shown in FIG. 3. The camera section 18 is turned by the joint 32 around a turning axis A (an axis indicated by dashed-dotted lines in FIG. 3: horizontal axis) of the joint 32, and is located in a downward position shown in FIG. 1 and a sideways position shown in FIG. 2 by the click mechanism 34.

[0017]

The camera section 18 contains a potentiometer 36, as a position detector (position detection means), a CPU 38, and a lens drive device 40 (lens driving means), such as a motor or a solenoid. The potentiometer 36 has a sliding-contactor attached to

a turning section of the joint 32. When the camera section 18 is located in the downward position, as shown in FIG. 1, with respect to the arm 16, a signal indicating a first resistance value is output to the lens drive device 40. When the camera section 18 is located in the sideways position, as shown in FIG. 2, with respect to the arm 16, a signal indicating a second resistance value is output to the lens drive device 40. The first and second resistance values from the potentiometer 36 may be output to the CPU 38." (p. 4 l. 10-l. 25)

C. "[0022]
FIGS. 4 and 5 illustrate perspective views of a video projector 50 with document camera relating to the second embodiment. The same or similar symbols to the video projector 10 with document camera relating to the first embodiment shown in FIGS. 1-3, are added for description.
[0023]
An arm 52 of the video projector 50 shown in FIGS. 4 and 5 can be turned by a hinge section 54. The arm 52 includes a body arm 56 fixed to a table 20 of a projector body 14, and a turning arm 58 connected to the body arm 56 via the hinge section 54. The camera section 18 is connected to a tip of the turning arm 58. The hinge section 54 includes a click mechanism 60 as shown in FIG. 6. The turning arm 58 is positioned by the click mechanism 60, between a 90-degree position (See FIG. 4) where a document 22 is imaged by the camera section 18 and a straight-extension position (See FIG. 5) for imaging the view of a presentation room." (p.5 l.10-l. 22)

D. "[0031]
FIG. 9 illustrates the video projector configured by turnably connecting the camera body 28 of the camera section 18 (shown in FIG. 4) to a tip of the turning arm 58. The potentiometer 36 for detecting the turning position is arranged in a connection section as shown in FIG. 3. When the camera body 28 is turned as shown in FIG. 9 to direct the camera section 18 sideways, a focus lens 44 of the lens device 30 is located in a focal position for imaging the view of the presentation room." (p. 6 l. 14-l. 19)

2. 8. 2 Invention described in Evidence A No. 8

According to the description in Evidence A No. 8 (hereinafter referred to as "Evidence A No. 8") and technical common sense in the field, Evidence A No. 8

describes the "photographing apparatus " described in the A..

(f1) The D. and paragraph [0023] in the C. disclose that the "photographing apparatus" shown in FIG. 9 has the "body arm 56" and the "turning arm 58". FIG. 9 shows that the "turning arm 58" is supported by the "body arm 56".

The D. and paragraph [0023] in the C. disclose that the "camera section 18" is connected to the tip of the "turning arm 58". Paragraph [0016] in the B. discloses that the "camera section 18" includes the "camera body 28".

(f2) The D. and FIG. 9 disclose that the "camera section 18" is turnably connected to the "turning arm 58", and the potentiometer 36 (shown in FIG. 3) is arranged in the connection section. Paragraphs [0016]-[0017] in the B. include descriptions about, as a description of FIG. 3, the camera section 18 with the potentiometer 36 which is configured to turn the "camera section 18" turnably connected to the arm, around a horizontal axis, and to be "positioned" with respect to the arm in the "downward position" and the "sideways position".

As shown in FIG. 3, the horizontal axis around which the "camera section 18" is turned is obviously a predetermined axis along a longitudinal direction of the arm extended horizontally.

As described above, Evidence A No. 8 describes the following invention (hereinafter referred to as "Evidence a No. 8 invention") relating to the photographing apparatus.

The explanatory symbols are added by the collegial body in association with the configuration of the patent invention.

(Evidence A No. 8 invention)
"f. The photographing apparatus comprising a turning arm 58 supported by a body arm 56, and a camera section 18 connected to a tip of the turning arm 58 and having a camera body 28,

the camera section 18 being turnably connected to the turning arm 58 around a predetermined axis along a longitudinal direction of the turning arm 58, and configured to be positioned with respect to the turning arm 58 so that the camera body 28 is located in a downward position and a sideways position."

2. 9 Evidence A No. 10

2. 9. 1 Description of Evidence A No. 10

Evidence A No. 10 (U. S. Patent No. 2009/0002548 Publication A1) submitted by the demandant as means of proof describes the following matters about "DOCUMENT CAMERA" with drawings.

The descriptions about FIG. 4 and FIG. 5B referred to in "reasons for invalidating the patent 2" in oral proceedings statement brief submitted by the demandant, in the description of Evidence A No. 10, are not included in the following matters, as the "reasons for invalidating the patent 2" is already deleted (See "demandant" column 7 in the first oral proceeding record).

A. "[0045] FIG. 2B illustrates another embodiment of a 3 axis/3 arm document camera according to an embodiment of the present invention. The portable document camera includes a base 220, a first hinge 205, a first arm 225, a first telescoping portion 227, a second hinge 230, a second arm 235, a second telescoping portion 237, a third hinge 240, a third arm 245, and a camera head assembly 250. The first arm 225 is connected to the base via a first hinge. In an embodiment of the invention, the first arm 225 rotates in a counterclockwise direction from the base 220. The first arm 225 includes the telescoping portion 227. The end of the first arm 225 including the telescoping portion 227 is attached to the second arm 235 via the second hinge 230. The second arm 235 includes the telescoping portion 237. The end of the second arm 235 including the telescoping portion 237 is attached to the third arm 245 via the third hinge 240. The third arm 245 includes the camera head assembly 250. In the embodiment of the invention illustrated in FIG. 2B, the camera head assembly 250 rotates in a counterclockwise direction. The camera head assembly 250 may also rotate in a clockwise direction.

[0046] FIG. 2C illustrates the document camera of FIG. 2B in a storage mode according to an embodiment of the invention. In this storage mode, the first arm 225 lies parallel to (or alongside) a first side of the base 220. The second arm 235 lies alongside (or parallel to) the first arm 225 and also the first side of the base 220. The third arm 245 lies alongside (or parallel to) a second face of the base 220. The third arm 245 is positioned at a 90 degree angle to the first arm 225 and the second arm 235.

[0047] FIG. 3A illustrates an embodiment of a document camera according to an embodiment of the invention. The portable document image capture device includes a base 310, a first U-shaped arm 320, a second arm 330, a third arm 340,

and a document camera assembly 350. The first U-shaped arm 320 is connected to the base via a pivot 355. In an embodiment of the invention, the pivot 355 has a range of 180 degrees or greater. The second arm 330 may fit into the hole of the first arm 320 as is illustrated in FIG. 3A. The second arm 330 is extendable from a bottom of the hole formed by the first U-shaped arm 320 to a top portion of the first U-shaped arm 320. The second arm 330 is connected to the third arm 340 via a second pivot 360. In an embodiment of the invention, the range of operation of a third arm 340 in relation to the second arm 330 is approximately 360 degrees. In other words the pivot 360 may have a range of operation of approximately 360 degrees. The third arm 340 is connected to the camera assembly 350 via a third pivot 365. In an embodiment of the invention, the third pivot 365 may have a range of operation of approximately 360 degrees. The document camera assembly 350 includes a rotating camera head 370. The rotating camera head 370 may rotate approximately 360 degrees. As is illustrated in FIG. 3A, a control panel 375 may be located on a top surface of the base 310. FIG. 3B illustrates a folded side view of the document camera illustrated in FIG. 3A according to an embodiment of the invention. FIG. 3B shows that the second arm 330 slides into the U-shaped opening of the first arm 320. The first arm 320 rotates on the first pivot 355 in a clockwise direction so that the first arm 320/second arm 330 rest on a top face of the base 310. The third arm 340 rotates on the second pivot 360 (in a counterclockwise direction) and lies on the first arm 320/second arm 330, as is illustrated in FIG. 3B." (p. 2 left column l. 46-right column l. 43)

2. 9. 2 Invention described in Evidence A No. 10

According to the description in the A., related drawings, and technical common sense in the field, Evidence A No. 10 (hereinafter referred to as "Evidence A No. 10") describes the following invention (hereinafter referred to as "Evidence A No. 10 invention 1") relating to FIGS. 2B, 2C, and the following invention (hereinafter referred to as Evidence A No. 10 invention 2") relating to FIGS. 3A, 3B.

(Evidence A No. 10 invention 1)

"The document camera configured to fold a second arm 235, a first arm 225, and a base 220 so as to be stacked adjacent to each other when not in use,

and to unfold them so as to bend the second arm 235 and the first arm 225 when in use."

(Evidence A No. 10 invention 2)
"The document camera configured to fold a third arm 340, an arm comprising a first arm 320 and a second arm 330, and a base 310 when not in use,
and to unfold them so as to bend the third arm 340, and the arm comprising the first arm 320 and the second arm 330 when in use."

3. Comparison/judgment
The reasons for invalidating the patent described in the above No. 3 2. alleged by the demandant are as follows: the invention relating to Claim 1 of the patent would be easily invented by a person ordinarily skilled in the art before filing, on the basis of the inventions described in Evidence A No. 1 or Evidence A No. 2, and Evidences A No. 3-No. 7; and the invention relating to Claim 5 of the patent would be easily invented by a person ordinarily skilled in the art before filing, on the basis of the inventions described in Evidence A No. 1 or Evidence A No. 2, Evidences A No. 3-No. 7, and Evidence A No. 8 (See "demandant" column 3 in the first oral proceedings record), and the patent should be invalidated.
Thus, the reasons can be categorized into the following four reasons by combinations of the concerned patent inventions and supporting cited inventions.

Reason 1 The patent invention 1 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 1 invention and Evidence A No. 3-No. 7 inventions.
Reason 2 The patent invention 1 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 2 invention and Evidence A No. 3-No. 7 inventions.
Reason 3 The patent invention 5 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 1 invention, Evidence A No. 3-No. 7 inventions, and Evidence A No. 8 invention.
Reason 4 The patent invention 5 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 2 invention, Evidence A No. 3-No. 7 inventions, and Evidence A No. 8 invention.

Each of the above reasons is examined as follows.

3. 1 Regarding Reason 1
3. 1. 1 Regarding patent invention 1

It is recognized as [patent invention 1] in the above No. 2..

3. 1. 2 Regarding cited invention

It is recognized as (Evidence A No. 1 invention) in 2. 1. 2 of the above No. 5..

3. 1. 3. Comparison

(1) Comparison between constituent component A of patent invention 1 and constituent component (a) of Evidence A No. 1 invention

The "video camera body 32" of Evidence A No. 1 invention images a subject 50, and has a configuration corresponding to the "camera" of patent invention 1, obviously.

The "bar-like member 42" and "bar-like member 45" in Evidence A No. 1 invention can be arm-like members. The "one end" of the bar-like member 45 indicates one of two "tips" of the bar-like member 45, obviously. A member described in Evidence A No. 1 invention and formed by combining the "video camera body 32" with the "bar-like member 45 having one end with the video camera body 32 connected thereto" corresponds to the "first arm section having a tip with the camera" in patent invention 1. The "bar-like member 42 supporting the bar-like member 45" described in Evidence A No. 1 invention and formed by connecting the video camera body 32 to the one end corresponds to the "second arm section supporting the first arm section" in patent invention 1.

As for the "arm 40 configured to fold the bar-like member 42 and the bar-like member 45", the bar-like member 45 is formed by "connecting the video camera body 32 to one end". Folding the bar-like member 42 and the bar-like member 45 means folding the bar-like member 42 and the member formed by combining the "video camera body 32" with the "bar-like member 45 having one end with the video camera body 32 connected thereto" . The "video camera body 32" and the "arm 40 configured to fold the bar-like member 42 and the bar-like member 45" in Evidence A No. 1 invention correspond in combination to the "arm section configured to fold the first arm section and the second arm section " in patent invention 1.

Thus, the constituent component (a) of Evidence A No. 1 invention, "an arm 40 having a video camera body 32, a bar-like member 45 having one end connected to the video camera body 32 and a bar-like member 42 supporting the bar-like member 45, and configured to fold the bar-like members 42 and 45" corresponds to the constituent component A of patent invention 1, "an arm section having a first

arm section with a camera arranged at a tip and a second arm section for supporting the first arm section, and configured to fold the first and second arm sections".

(2) Comparison between constituent component B of patent invention 1 and constituent component b of Evidence A No. 1 invention

Regarding "a step section 36 where the video camera body 32 is arranged when not in use" in Evidence A No. 1 invention, as examined in 2. 1. 2 (b, c) in the above No. 5, Evidence A No. 1 invention discloses that the "video camera body 32", which is "not in use", is arranged on the "step section 36" when the arm 40 is folded. The "step section 36 where the video camera body 32 is arranged when not in use" in Evidence A No. 1 invention can be the "step section 36 where the video camera body 32 is arranged" by folding the arm 40 "when not in use".

When the arm 40 is folded, the video camera body 32 connected to the bar-like member 45 is also folded obviously. Thus, folding the arm 40 "when not in use" as described in Evidence A No. 1 invention corresponds to "folding the arm section when not in use" as described in patent invention 1.

We would say that the "step section 36 where the video camera body 32 is arranged" described in Evidence A No. 1 invention represents that, in consideration of FIG. 1 in Evidence A No. 1, the video camera body 32 can be arranged in a space (hereinafter referred to as "step space") having a side surface formed by the video camera support section 33 and a bottom surface formed by the step section 36 and the operation section 35 (or the top face of the circuit storage section 34). The step space is a space lower than a rectangular parallelepiped space in internal contact with a member formed of the video camera support section 33 and the circuit storage section 34, and can be a "recess" of the member formed of the video camera support section 33 and the circuit storage section 34.

Arranging the video camera body 32 in the "recess" when not in use means "storage", obviously.

Thus, the step space which is the "recess" for "storage" and arranges the video camera body 32 as a part of the arm section corresponds to the "housing recess" excluding patent invention 1 and the following different features.

The "operation section 35" in Evidence A No. 1 invention corresponds to the "operation section" in patent invention 1, while the "document camera device" in Evidence A No. 1 invention corresponds to the "document camera" in patent invention 1, obviously.

The member formed of the video camera support section 33 and the circuit

storage section 34 in Evidence A No. 1 invention could be the member including the "housing recess" and the "operation section" in patent invention 1, excluding the following different features. Thus, the member corresponds to the "body section" in patent invention 1.

The step space in Evidence A No. 1 invention is the place where the arm 40 is folded when not in use, to arrange the video camera body 32. The "housing recess" in patent invention 1 is the place where the arm section, or the "first arm section" with the camera and the "second arm section", is stored in a folded state when not in use. The step space in Evidence A No. 1 invention is common with the "housing recess" in patent invention 1 in the sense of folding the arm 40 to arrange the video camera body 32 when not in use, while different from the "housing recess" in patent invention 1 in the sense of absence of specification as to whether the folded arm 40, or the "bar-like member 45" and the "bar-like member 42" are stored or not.

Thus, the constituent component B of patent invention 1 and the constituent component b of Evidence A No. 1 invention are common in the sense of the "document camera having a housing recess for storing a camera with the arm section folded when not in use and an operation section", while different in the point that the folded "arm section" is stored in the housing recess in patent invention 1, whereas there is a description only about housing the "camera" as a part of the folded "arm section" in the housing recess in Evidence A No. 1 invention.

(3) Comparison between constituent component C of patent invention 1 and constituent component c of Evidence A No. 1 invention

As for "arranging the video camera body 32 in the step section 36 by folding the arm 40" in Evidence A No. 1 invention, "folding the arm 40" corresponds to "folding" the "arm section" in patent invention 1, while "arranging the video camera body 32 in the step section 36" corresponds to "storing" the camera as a part of "the arm section" "in the housing recess" in patent invention 1. The above descriptions in Evidence A No. 1 invention is common with patent invention 1 in the point that "the arm section is stored in the housing recess so that the first and second arm sections and the body section may be folded in a Z shape", and that "the camera as a part of the arm section is stored in the housing recess by folding the arm section", while different from the patent invention 1 in the point that Evidence A No. 1 invention does not specify that "the first and second arm sections and the body

section are folded in a Z shape" in folding the arm 40, in addition to the different features described in the above (2) that Evidence A No. 1 invention specifies only housing the "camera" as a part of the folded "arm section" in the housing recess, whereas the patent invention 1 discloses that the folded "arm section" is stored in the housing recess.

Thus, the constituent component C of patent invention 1 and the constituent component c of Evidence A No. 1 invention are common in the point that "the camera as a part of the arm section is stored in the housing recess by folding the arm section when not in use", while different in the point that patent invention 1 discloses that the arm section to be stored when not in use is "folded" so that "the first and second arm sections and the body section may be folded in a Z shape", whereas Evidence A No. 1 invention does not include such specification, in addition to the different features described in the above (2) that Evidence A No. 1 invention specifies only housing the "camera" as a part of the folded "arm section" in the housing recess, whereas the patent invention 1 discloses that the folded "arm section" is stored in the housing recess.

(4) Comparison between constituent component D of patent invention 1 and constituent component d of Evidence A No. 1 invention

As shown in FIG. 1 in Evidence A No. 1, "the bar-like member 45 with the camera body 32 and the bar-like member 42 unfolded in a bent state" in Evidence A No. 1 invention can be recognized, when seen from the bar-like member 42 located below, as the bar-like member 45 with the upper camera body 32 unfolded in an "inverse L shape".

Thus, the constituent component d of Evidence A No. 1 invention, "the arm 40 is unfolded to bend the bar-like member 45 with the camera body 32 and the bar-like member 42 when in use" corresponds to the constituent component D of patent invention 1, "the arm section is unfolded, when in use, to form an inverse L shape with the first and second arms".

(5) Comparison between constituent component E of patent invention 1 and constituent component e of Evidence A No. 1 invention

They are different in the point that patent invention 1 discloses that "configured so that a top face of the arm section and a top face of the operation section may be substantially flush with each other when the arm section is folded and stored in the housing recess", whereas Evidence A No. 1 invention does not describe it.

Thus, patent invention 1 and Evidence A No. 1 invention are identical and different in the following points.

(Corresponding feature)

"The document camera comprising:

an arm section having a first arm section with a camera arranged at a tip and a second arm section for supporting the first arm section, and configured to fold the first and second arm sections;

and a body section having a housing recess for storing the camera with the arm section folded when not in use, and an operation section,

the document camera being configured to store the camera as a part of the arm section in the housing recess by folding the arm section, when not in use,

and to unfold the arm section, when in use, to form an inverse L shape with the first and second arms."

(Different features)

(A) Patent invention 1 discloses that the folded "arm section" is stored in the housing recess when not in use, whereas Evidence A No. 1 invention discloses only that the "camera" as a part of the folded "arm section" is stored in the housing recess.

(B) Patent invention 1 discloses that the arm section to be stored when not in use" is folded so that the first and second arm sections and the body section may be folded in a Z shape", whereas Evidence A No. 1 invention does not describe such specification.

(C) Patent invention 1 describes, "configured so that a top face of the arm section and a top face of the operation section may be substantially flush with each other when the arm section is folded and stored in the housing recess", whereas Evidence A No. 1 invention does not include such configuration.

3. 1. 4 Judgement

(1) Regarding the different feature (A)

According to the allegations of demandant and demandee relating to the different feature (A),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○1 b." (As circled numbers cannot be available due to the restriction of electronic data processing system of the Patent Office, "○1" or the like is employed. The same shall apply hereafter.) (p. 4 l. 30-l. 32), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 3-l. 4), that a configuration corresponding to the constituent component B of patent invention 1 is disclosed in Evidence A No. 1, and alleges, in oral proceedings statement brief p. 3 l. 5-p. 3 l. 16, that the folded first arm section (bar-like member 45) described in Evidence A No. 1 and the second arm section (bar-like member 42) are stored in a housing recess (a recess formed by the circuit storage section 34 and the video camera support section 33 and having a bottom surface formed by the operation section 35 and the step section 36) of a body section (a member (See "demandant" column 6 in the first oral proceeding record) formed of the video camera support section 33 and the circuit storage section 34).

The demandee alleges, in written reply p. 4 l. 6-p. 6 l. 4, that Evidence A No. 1 discloses the video camera body 32 to be stored in the "step section 36", while there is no description about the folded arm 40 to be stored or a storage structure, thus the argument that the "step section 36" corresponds to the "housing recess" in patent invention 1 is wrong, and alleges that the "step section 36" in Evidence A No. 1 does not correspond to the "housing recess" in patent invention 1, thus the "circuit storage section 34" in Evidence A No. 1 having no configuration corresponding to the "housing recess " does not correspond to the "body section" in patent invention 1.

The body makes a judgement.

As examined in 3. 1. 3 (2) in No. 5, the components of Evidence A No. 1 invention corresponding to the "housing recess" and the "body section" in patent invention 1 are not the "step section 36" and the "circuit storage section 34", but the "step space" and the "member formed of the video camera support section 33 and the circuit storage section 34".

It is well-known that the arm section is folded for downsizing for storage or transportation. In Evidence A No. 1 invention, it is naturally assumed that the arm 40 is folded for downsizing. Therefore, a person ordinarily skilled in the art would have easily conceived of turning the turning section 44 at least to fold the bar-like members 42 and 45 and turning the turning section 41 to store the folded

bar-like members in the step space horizontally in order to reduce the folded arm 40 protruding from the document camera device.

Thus, the different feature (A) is not particularly distinguished, in consideration of the above argument of the demandee.

(2) Regarding the different feature (C)

According to the allegations of demandant and demandee relating to the different feature (C),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○3-○7." (p. 5 l. 26-p. 7 l. 20), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 10-l. 21), that a configuration corresponding to the constituent component E of patent invention 1 is disclosed in Evidences A No. 3-No. 7, and alleges that the patent invention 1 is made only by combining the configurations disclosed in Evidence A No. 1 with the configurations disclosed in Evidences A No. 3 to No. 7.

The demandee alleges, in written reply p. 7 l. 18-p. 10 l. 24, that

- regarding Evidence A No. 3, the "placing section 21" is not the "operation section", the "floor-mounted camera device A3" is not the "document camera" or the "document camera" recognized by the demandant from Evidence B No. 1, or the arm section (in Evidence B No. 2) is not "folded",
- regarding Evidence A No. 4, the "placing section 2" is not the "operation section", and the "camera device 1" is not the "document camera" or the "document camera" recognized by the demandant from Evidence B No. 1,
- regarding Evidence A No. 5, the "housing 7" is not the "operation section", and "folding" configuration is not included,
- regarding Evidence A No. 6, the "television telephone set" is not a document camera, and neither the "folding" configuration nor the "operation section" is included,
- regarding Evidence A No. 7, the "projector body 37" is not the "operation section", and the argument, "the "liquid crystal projector 2" corresponds to the "document camera", and it is not the document camera but belongs to the same technical field" alleged by the demandant is not cogent, and that the top face of the arm 48 is located below when stored and is not substantially flush with a top face of anything.

The body makes a judgement.

As described above, the demandant alleges in written demand for invalidation trial that a configuration corresponding to the constituent component E including the different feature (C), "configured so that a top face of the arm section and a top face of the operation section may be substantially flush with each other when the arm section is folded and stored in the housing recess", is disclosed in Evidences A No. 3-No. 7, Evidences A No. 3-No. 7 shall be examined.

According to the acknowledgements in 2. 3-2. 7 in No. 5,

- Evidence A No. 3 and No. 6 inventions indicate that the configuration where the top face of the arm section stored in the housing recess is substantially flush with the top face of the body section is well-known, whereas they do not specify that the top face of the arm section is configured to be substantially flush with the top face of the operation section, or the arm section is stored in a folded state.
- Evidence A No. 4-No. 5 and No. 7 inventions indicate that the configuration where the top face of the arm section stored in the housing recess is substantially flush with the top face of the operation section is well-known, whereas they do not specify that the arm section is stored in a folded state.

As described above, the demandant's allegation that the configuration corresponding to the constituent component E in the patent invention 1, "configured so that a top face of the arm section and a top face of the operation section may be substantially flush with each other when the arm section is folded and stored in the housing recess", is disclosed in Evidences A No. 3 to No. 7, cannot be accepted.

However, it can be acknowledged, from Evidence A No. 4-No. 5, and No. 7 inventions, that the configuration where the top face of the arm section stored in the housing recess at least is substantially flush with the top face of the operation section is well-known. The cases of applying the well-known arts described in Evidence A No. 4-No. 5 and No. 7 inventions to Evidence A No. 1 invention shall be examined further.

As examined as different feature (A) in 3. 1. 4 (1) in No. 5, in the document camera device as Evidence A No. 1 invention, it would be easily conceived that the arm 40 is folded to be stored in the step space, whereas it is obvious that the top face of the operation section 35 is located below the folded arm 40 when the arm 40

is folded and stored in the step space.

The well-known arts described in Evidence A No. 4-No. 5, and No. 7 inventions disclose only that the top face of the arm section stored in the recess is configured to be substantially flush with the top face of the operation section. The person skilled in the art should have easily conceived the idea of changing the position of the operation section located below the folded arm 40 to a position which is substantially flush with the top face of the folded arm so that the top face of the arm 40 may be substantially flush with the top face of the operation section when the well-known arts described in Evidence A No. 4-No. 5 and No. 7 are applied to Evidence A No. 1 invention and the arm 40 is folded and stored in the step space.

However, in Evidence A No. 1 invention, when the arm 40 is folded and stored in the step space, the top face of the video camera support section 33 is substantially flush with the top face of the arm 40, while the video camera support section 33 is only a "platy" support plate (See paragraph [0031] in 2. 1. 1. B. in No. 5). It is hard to accept that the person oridinarily skilled in the art would have easily conceived the idea that the operation section is arranged on the top face of the video camera support section 33 without any disclosure or suggestion about storing a circuit therein.

Evidence A No. 3 and No. 6 inventions do not disclose that the top face of the arm section stored in the housing recess is configured to be substantially flush with the top face of the operation section. It is hard to accept that the person ordinarily skilled in the art have easily conceived of the configuration relating to the different feature (C) even if any of Evidence A No. 3-No. 7 inventions is applied to Evidence A No. 1 invention.

Thus, the configuration relating to the different feature (C) could not be easily conceived.

(3) Regarding the different feature (B)

According to the allegations of demandant and demandee relating to the different feature (B),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○1 c." (p. 5 l. 1-l. 3), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 3-l. 4), that Evidence A No. 1 discloses the configuration corresponding to the constituent component C of patent invention 1, and that the configuration is well-known in the field of the document camera as

described in oral proceedings statement brief p. 2 l. 5-p. 3 l. 9, "according to the folding procedure presented by the demandant in Evidence A No. 1, as shown in reference drawings, the first arm section (bar-like member 45), the second arm section (bar-like member 42), and the body section (member formed of the video camera support section 33 and the circuit storage section 34 (See "demandant" column 6 in the first oral proceedings record)) are folded in a Z shape to be stored in the housing recess (recess formed by the circuit storage section 34 and the video camera support section 33 and having a bottom surface formed of the operation section 35 and the step section 36)", and in oral proceedings statement brief p. 5 l. 27-p. 6 l. 20, "there are several procedures of folding the first arm section and the second arm section as described in the reference drawings, while Evidence A No. 10 discloses that the arm section is folded so that the first and second arms and the body section may form a Z shape when not in use, and the demandee described the configuration as reference example 3 in a patent publication relating to the patent".

The patent publication relating to the patent does not include the description "reference example 3". Thus, the body acknowledges that the "reference example 3" in the allegation as a clerical error of "comparison example 3".

The demandee alleges in written reply p.5 l.8-p. 6 l.4, " Evidence A No. 1 does not include a description about folding in a Z shape. The bar-like member 42 shown in FIGS. 1-4 has a flat shape and has a thickness equal to or less than half of the width of the circuit storage section 34. It can be considered natural that the bar-like member 42 is turned to the right around the turning section 41 after the bar-like member 45 is turned to the right forward at the turning section 44 as described in FIG. 1, to be folded. If the bar-like member 45 is folded on the bar-like member 42, they interfere with each other and the video camera body 32 is unlikely to be positioned on the step section 36. There is a significant distance between the bar-like member 42 and the circuit storage section 34, and it does not form the Z shape. Thus, the demandant's allegation that Evidence A No. 1 discloses the configuration, "the first and second arms and the body section are folded in a Z shape to be stored in the housing recess", is wrong.", and the demandee alleges in oral proceedings statement brief p. 1 l. 23-p.2 l. 3, "The "Z shape" indicates "a state where the three parts are bent in different directions in one plane". It cannot be recognized that the bar-like members 45, 42 and the circuit storage section 34 form a Z shape in Evidence A No. 1.".

The body makes a judgement.

The argument alleged by the demandee, "the bar-like member 42 is flat, as shown in drawings of Evidence A No. 1, and when the bar-like member 45 is folded on the bar-like member 42, they interfere with each other", cannot be accepted because the drawings in the specification do not necessarily represent an actual size.

The argument alleged by the demandee, "the bar-like member 42 and the circuit storage section 34 serving as the body section, which form a Z shape, are spaced from each other at a significant distance that does not form the Z shape", cannot be accepted because the component in Evidence A No. 1 invention corresponding to the "body section" in patent invention 1 is, as examined in 3. 1. 3 (2) in No. 5, not the "circuit storage section 34" but the "member formed of the video camera support section 33 and the circuit storage section 34", and it is obvious that the members are connected to the bar-like member 42 as shown in FIG. 1 of Evidence A No. 1.

The argument alleged by the demandee, "the "Z shape" indicates "a state where the three parts are bent in different directions in one plane"" cannot be accepted because there is no description about "in one plane" in both claims of patent invention 1 and detailed description.

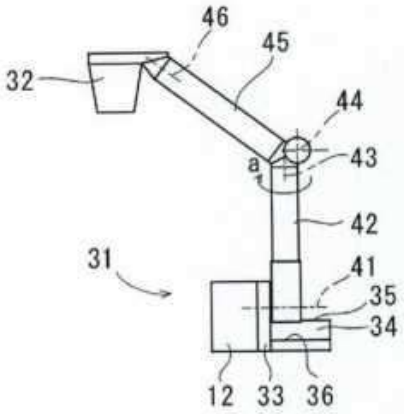
The body judges that the "Z shape" is a state formed by connecting three parts in a shape similar to a character "Z", and that the description "in one plane" is not based on the description in the specification and the scope of claims.

Evidence A No. 10 invention 1 and 2 disclose that the first arm section (the second arm 235, the third arm 340), the second arm section (the first arm 225, the arm formed of the first arm 320 and the second arm 330), and the body section (the base 220, the base 310) are folded when the arm section is folded in the document camera, whereas they do not specify that they are folded in a Z shape. In this regard, the same applies to the "comparison example 3" described in the patent publication relating to the patent, which is presented with Evidence A No. 10 by the demandant.

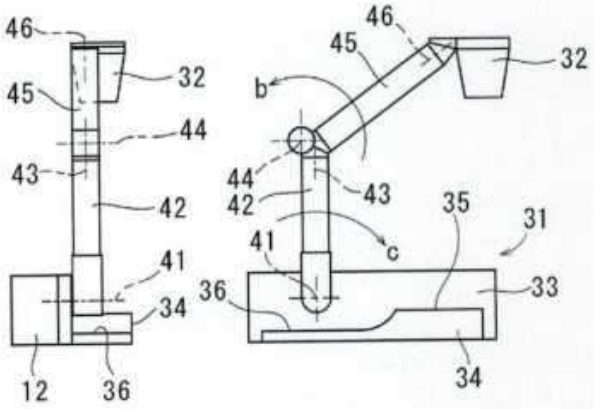
However, as shown by the demandant in reference drawings 1-1, 1-2 of oral proceedings statement brief, the configuration where the video camera body section 32 is arranged in the step section 36 even if the arm 40 is folded so that the member formed by combining the video camera body section 32 and the bar-like member 45, the bar-like member 42, and the member formed of the video camera support section 33 and the circuit storage section 34 may form a Z shape by turning the turning sections 41, 43, 44, to fold the bar-like member 45 on the bar-like member 42, could be acknowledged as one of available folding modes of the arm.

参考図面１－１ #1

S１



S２



#2

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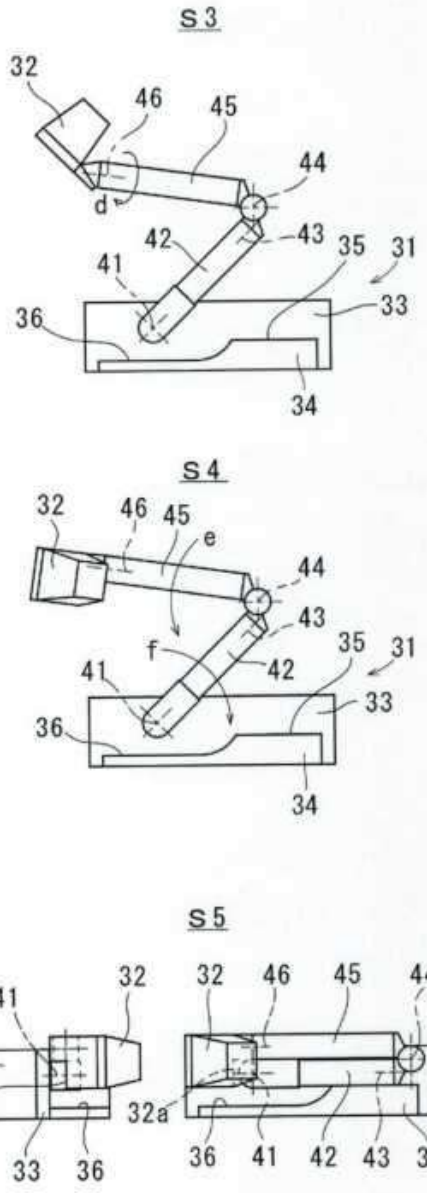

#1 Reference drawing 1-1

#2 Reference drawing 1-2

Thus, the above demandee's allegation cannot be accepted. A person ordinarily skilled in the art would have easily conceived the idea that the arm 40 to be stored when not in use, in Evidence A No. 1 invention, is folded so that the member formed by combining the video camera body section 32 and the bar-like member 45, the bar-like member 42, and the member formed of the video camera support section 33 and the circuit storage section 34 may form a Z shape. Therefore, the different feature (B) is not particularly distinguished.

3.1.5 Conclusion

As described above, the configuration relating to the different feature (C) could not be easily conceived. It cannot be decided that the person ordinarily skilled in the art would have easily invented patent invention 1, on the basis of Evidence A No. 1 invention and Evidence A No. 3-No. 7 inventions.

3. 2 Regarding Reason 2

3.2.1 The patent invention 1

It is recognized as [patent invention 1] in the above No. 2..

3. 2. 2 Regarding cited invention

It is recognized as (Evidence A No. 2 invention) in Matters described in evidences of the above No. 2..

3.2.3 Comparison

(1) Comparison between constituent component A of patent invention 1 and constituent component (a) of Evidence A No. 2 invention

The "imaging section 4" of Evidence A No. 2 invention images a document 3 or the like, and has a configuration corresponding to the "camera" of patent invention 1, obviously. The "joint member 5a" in Evidence A No. 2 invention is a component of the "arm section 5", and supports the "imaging section 4" at a tip. The member formed by combining the "imaging section 4" in Evidence A No. 2 invention with "the joint member 5a supporting the imaging section 4 at a tip" corresponds to the "first arm section having a camera arranged at a tip" in patent invention 1.

The "joint member 5c" in Evidence A No. 2 invention is also a component of the "arm section 5", and supports the "imaging section 4" and the "joint member 5a"

via the joint member 5b. They are common in the sense of supporting the "second arm section" in patent invention 1 and "supporting the first arm section", and different in the point that the "second arm section" directly "supports the first arm section" without using other arm sections in patent invention 1, whereas the "joint member 5c" in Evidence A No. 2 invention indirectly supports the "imaging section 4" and the "joint member 5a" via the "joint member 5b".

The "arm section 5" formed of the "joint member 5a", the "joint member 5b", and the "joint member 5c" of Evidence A No. 2 invention can be folded together with the "imaging section 4". The member formed by combining the "arm section 5" with the "imaging section 4" can be a foldable member including the member formed by combining the imaging section 4 with the joint member 5a, the joint member 5b, and the joint member 5c. They are common in the sense of "the arm section configured to fold the first arm section and the second arm section" in patent invention 1 and the "arm section foldable including the first arm section and the second arm section, and different in the point that only the "first arm section" and the "second arm section" are to be folded by the "arm section" in patent invention 1, whereas the member formed of the imaging section 4 and the joint member 5a, the joint member 5c, and the joint member 5b are to be folded by the member formed by combining the "arm section 5" and the "imaging section 4" in Evidence A No. 2 invention.

Thus, the constituent component A of patent invention 1 and the constituent component (a) of Evidence A No. 2 invention are common in the point of the "arm section having at least a first arm section with a camera arranged at a tip and a second arm section supporting the first arm section, and configured to be folded including the first arm section and the second arm section, and different in the point that the "arm section" is formed without including any other arm section between the "first arm section" and the "second arm section" in patent invention 1, whereas the joint member 5b is arranged between the member formed of the imaging section 4 and the joint member 5a and the joint member 5c in Evidence A No. 2 invention.

(2) Comparison between constituent component B of patent invention 1 and constituent component b of Evidence A No. 2 invention

The "recess 7a for storing the arm section 5 and the imaging section 4 in a folded state when not in use" in Evidence A No. 2 invention corresponds to the "housing recess for storing the arm section in a folded state when not in use" in patent invention 1, excluding the different features examined in (1).

The "material placing section 2" in Evidence A No. 2 invention is common with the "body section" having the "housing recess" of patent invention 1 in the point of having the "recess 7a", and different in the point that the "body section" includes the "operation section" in patent invention 1, whereas the material placing section 2 includes no "operation section" in Evidence A No. 2 invention.

The "material presentation device 1" in Evidence A No. 2 invention is a device for imaging a "document" or the like, as described in A. in 2. 2. 1 of No. 5, and corresponds to the "document camera" in patent invention 1.

Thus, the constituent component B of patent invention 1 and the constituent component b of Evidence A No. 2 invention are common in the point of the "document camera having the body section with a housing recess for storing the arm section in a folded state when not in use", and different in the point that the "body section" with the "housing recess" includes the "operation section" in patent invention 1, whereas the "material placing section 2" includes no "operation section" in Evidence A No. 2 invention.

(3) Comparison between constituent component C of patent invention 1 and constituent component c of Evidence A No. 2 invention

The configuration of turning "the folded arm section 5 and the imaging section 4" to be "stored in the housing recess 7a" in Evidence A No. 2 invention corresponds to the configuration of "storing" the folded arm "in the housing recess" in patent invention 1, excluding the different features examined in (1).

The configuration in Evidence A No. 2 invention, "after the imaging section 4 is set to be substantially flush with the joint member 5a, the arm section 5 and the imaging section 4 are turned clockwise integrally with the joint member 5a and the imaging section 4, to be folded", and the configuration in patent invention 1, "the arm section is folded so that the first and second arm sections and the body section may form a Z shape", are common in the point of "folding the arm", and different in the point that the arm section is folded "so that the first and second arm sections and the body section may form a Z shape" in patent invention 1, whereas the arm is folded by "turning clockwise integrally with the joint member 5a and the imaging section 4 after the imaging section 4 is set to be substantially flush with the joint member 5a" in Evidence A No. 2 invention.

The constituent component C of patent invention 1 and the constituent component c of Evidence A No. 2 invention are common in the point of "folding the arm section to be stored in the housing recess when not in use", and different in

the point that the arm is folded when not in use "so that the first and second arm sections and the body section may form a Z shape" in patent invention 1, whereas the arm is folded by "turning clockwise integrally with the joint member 5a and the imaging section 4 after the imaging section 4 is set to be substantially flush with the joint member 5a" in Evidence A No. 2 invention.

(4) Comparison between constituent component D of patent invention 1 and constituent component d of Evidence A No. 2 invention

The description "when in use" in Evidence A No. 2 invention is a state of use, and corresponds to the description "when in use" in the patent invention.

The configuration of "unfolding the arm section 5 and the imaging section 4" in Evidence A No. 2 invention can be the same as the state where "the arm section 5" and the "imaging section 4", or the joint member 5a and the imaging section 4, the joint member 5b, and the joint member 5c are unfolded when in use from a folded state when not in use. The above configuration and the configuration of "unfolding the arm section into an inverse L shape with the first and second arm sections when in use" in patent invention 1, are in common in the point of "unfolding the arm section with the first arm section and the second arm section when in use", excluding the different features examined in (1), and different in the point that the first and second arm sections are unfolded into an "inverse L shape" in patent invention 1, whereas such specification is not included in Evidence A No. 2 invention.

Thus, the constituent component D of patent invention 1 and constituent component d of Evidence A No. 2 invention are common in the point of "unfolding the arm section with the first and second arm sections when in use", and different in the point that the first and second arm sections are unfolded into an "inverse L shape" in patent invention 1, whereas such specification is not included in Evidence A No. 2 invention.

(5) Comparison between constituent component E of patent invention 1 and constituent component e of Evidence A No. 2 invention

The "top face of the arm section 5 and the imaging section 4" which is "folded and stored in the housing recess 7a" corresponds to the "top face of the arm section" which is "folded and stored in the housing recess".

However, the surface of the body section to be substantially flush with the top face of the arm section stored in a folded state is the "back face of the material

placing section 2" in Evidence A No. 2 invention, whereas it is the "top face of the operation section" in patent invention 1.

Thus, the constituent component E of patent invention 1 and constituent component e of Evidence A No. 2 invention are common in the point that "the top face of the arm section is configured to be substantially flush with the surface of the body section when the arm section is stored in the housing recess in a folded state", and different in the point that the surface of the body section to be substantially flush with the top face of the stored arm section is the "top face of the operation section" in patent invention 1, whereas it is the "back face of the material placing section 2" in Evidence A No. 2 invention.

Thus, patent invention 1 and Evidence A No. 2 invention are identical and different in the following points.

(Corresponding feature)

"The document camera comprising:
an arm section having a first arm section with a camera arranged at a tip and a second arm section for supporting the first arm section, and configured to be folded including the first and second arm sections;

and a body section having a housing recess for storing the arm section in a folded state when not in use,

the document camera being configured to store the arm section in a folded state, when not in use,

and to unfold the arm section with the first and second arms, when in use,

while allowing a top face of the arm section and a face of the body section to be substantially flush with each other when the arm section is folded and stored in the housing recess."

(Different features)

(A) The "arm section" is formed without including any other arm section between the "first arm section" and the "second arm section" in patent invention 1, whereas the joint member 5b is arranged between the member formed of the imaging section 4 and the joint member 5a and the joint member 5c in Evidence A No. 2 invention.

(B) The "body section" having the "housing recess" includes the "operation section" in patent invention 1, whereas the "material placing section 2" includes no

"operation section" in Evidence A No. 2 invention.

(C) The arm section is folded, when not in use, "so that the first and second arm sections and the body section may form a Z shape" in patent invention 1, whereas the arm is folded by "turning clockwise integrally with the joint member 5a and the imaging section 4 after the imaging section 4 is set to be substantially flush with the joint member 5a" in Evidence A No. 2 invention.

(D) In unfolding the first arm section and the second arm section when in use, the first and second arm sections are unfolded into an "inverse L shape" in patent invention 1, whereas such specification is not included in Evidence A No. 2 invention.

(E) When the arm section is stored in the housing recess in a folded state, the surface of the body section to be substantially flush with the top face of the arm section is the "top face of the operation section" in patent invention 1, whereas it is the "back face of the material placing section 2" in Evidence A No. 2 invention.

3.2.4 Judgment

(1) Regarding the different features (A), (C), and (D)

According to the allegations of demandant and demandee relating to the different features (A) and (C),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○2 c." (p. 5 l. 16-l. 18), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 5-l. 6), that Evidence A No. 2 discloses the configuration corresponding to the constituent component C of patent invention 1, or including the point of folding "so that the first and second arm sections and the body section may form a Z shape" relating to the difference feature (C), and that the configuration is well-known, as described by the demandee as reference example 3 in a patent publication relating to the patent, according to oral proceedings statement brief p. 4 l. 29-p. 5 l. 22, "according to the folding procedure presented by the demandant in Evidence A No. 2, as shown in reference drawings, the first arm section (joint member 5a), the second arm section (joint member 5c), and the body section (material placing section 2a) are folded in a Z shape to be stored in the housing recess (recess 7a)", and oral proceedings statement brief p. 5 l. 27-p. 6 l. 20,

"as a procedure of folding the first arm section and the second arm section of this kind of document camera, Evidence A No. 10 discloses that the arm section is folded so that the first and second arms and the body section may form a Z shape when not in use".

The body acknowledges that the description "reference example 3" is a clerical error of the "comparison error 3" as examined in 3. 1. 4 (3) of No. 5.

The demandee alleges, in written reply p. 6 l. 6-p. 7 l. 4, regarding the different feature (C), that the description, "the first and second arm sections and the body section are folded in a Z shape and stored" in Evidence A No. 2 is obviously not true, according to the descriptions about the method of folding the material presentation device 1 described in paragraphs [0049]-[0051] in Evidence A No. 2 and FIGS. 1-3, and alleges, in oral proceeding statement brief p. 1 l. 23-p. 2 l. 8, regarding the different features (A) and (C), that one example of the "Z shape" is presented in paragraph [0041] in the patent specification, which indicates "the state where three parts are bent in opposite directions in one plane", and that the joint member 5a and the joint member 5c adjacent to each other and the material placing section 2 located below do not form the Z shape, and the joint member 5a and the joint member 5c significantly distant from each other do not form the Z shape.

The body makes a judgement.

As examined in 3. 1. 4 (3) in No. 5, the argument alleged by the demandant on Evidence A No. 10 inventions 1, 2, and the description as the reference example 3 in the patent publication relating to the patent, and the argument alleged by the demandee on the "Z shape" cannot be accepted.

Thus, the body judges that the "Z shape" is a state formed by connecting three parts in a shape similar to a character "Z", and that the description "in one plane" is not based on the description in the specification and the scope of claims.

As described in Evidence A No. 2 invention, "when not in use, after the imaging section 4 is set to be substantially flush with the joint member 5a, the joint member 5a and the imaging section 4 are rotated clockwise integrally", when the joint member 5a and the imaging section 4 are horizontal to the material placing section 2, the joint member 5a, the imaging section 4, the joint member 5c, and the material placing section 2 seem to form a "Z shape" apparently when viewing the side face of the material presentation device 1 from the rotation axis 10, while the joint member 5a and the joint member 5c are not connected to each other due to a joint member 5b arranged between them. It cannot be recognized that the three

members are integrated to constitute the "Z shape", and the above state is not recognized as a "Z shape". The joint member 5b is required to be long enough to correspond to the width of the imaging section 4. The idea of omitting 5b could not be easily conceived in Evidence A No. 2 invention.

In all the ways of folding the arm section alleged by the demandant, the joint member 5b exists between the joint member 5a and the joint member 5c. Thus, the "Z shape" cannot be recognized.

Therefore, the configuration relating to the different features (A) and (C) could not be easily conceived.

According to the allegations of demandant and demandee relating to the different feature (D),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○2 d." (p. 5 l. 19-l. 21), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 5-l. 6), that Evidence A No. 2 discloses the configuration corresponding to the constituent component D of patent invention 1, or including the point of unfolding the first arm section and the second arm section in an "inverse L shape", relating to the difference feature (D), and that the configuration is well-known in the field of the document camera, as described by the demandee as reference example 3 in a patent publication relating to the patent, according to oral proceedings statement brief p. 4 l. 29-p. 5 l. 25, "according to the folding procedure presented by the demandant, as shown in reference drawings, the first arm section (joint member 5a) and the second arm section (joint member 5c) are unfolded into an inverse L shape", and oral proceedings statement brief p. 5 l. 27-p. 6 l. 20, "Evidence A No. 10 discloses that the first and second arm sections are unfolded in an inverse Z shape when in use".

The body acknowledges that the description "reference example 3" is a clerical error of the "comparison error 3" as examined in 3. 1. 4 (3) of No. 5.

The demandee alleges, in written reply p. 7 l. 5-l. 17, regarding the different feature (D), that the "joint member" corresponding to the arm section, in FIG. 1 indicating the material presentation device of Evidence A No. 2 in use, is not unfolded in an inverse L shape, and in oral proceedings statement brief p. 2 l. 9-l. 12, that the "inverse L shape" shows one example in paragraph [0041] of the patent specification and is a "state where two sections are bent".

The body makes a judgement.

In Evidence A No. 2 invention, it is well known that the joint member 5a and the joint member 5c are connected via the rotation axes 10, 11 and that the joint member is rotated around the rotation axis for adjusting the direction or height of the imaging section when in use. It would easily occur to a person ordinarily skilled in the art that the joint member 5a, the imaging section 4, and the joint member 5c seem to form an "inverse L shape" when the joint member 5a and the joint member 5c are viewed from the side of a rotation axis (one of 10 to 12), on the side face of the material presentation device 1, while the joint member 5a and the joint member 5c are not connected to each other due to the joint member 5b arranged between them. The two members are not integrated to for the "inverse L shape". Thus, the "inverse L shape" cannot be recognized. The joint member 5b is required to be long enough to correspond to the width of the imaging section 4. The idea of omitting 5b could not be easily conceived in Evidence A No. 2 invention.

In all the ways of unfolding the arm section alleged by the demandant, the joint member 5b exists between the joint member 5a and the joint member 5c. Thus, the "inverse L shape" cannot be recognized.

Therefore, the configuration relating to the different feature (D) could not be easily conceived.

(2) Regarding the different features (B) and (E)

According to the allegations of demandant and demandee relating to the different feature (B),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○2." (p. 5 l. 22-l. 25), that Evidence A No. 2 does not describe the operation section of the body section (material placing section 2), and that it is only a design matter to arrange the operation section in the body section.

The demandee alleges, in written reply p. 11 l. 14-l. 27, that the operation section is arranged in a configuration corresponding to the body section in Evidence A No. 2. The allegation relates to the different feature (E).

The body judges that it is well known that the operation section to be operated for imaging is arranged in the body section in the document camera, and that it is only an addition of the well-known art to arrange the operation section in the body

section in Evidence A No. 2 invention.

Thus, the different feature (B) is not particularly distinguished.

According to the allegations of demandant and demandee relating to the different feature (E),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 1) ○3-○7." (p. 5 l. 26-p. 7 l. 20), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 1)" (p. 8 l. 10-l. 21), that a configuration corresponding to the constituent component E of patent invention 1 is disclosed in Evidences A No. 3-No. 7, or including the point that the surface of the body section substantially flush with the top face of the arm section is the "top face of the operation section" when the arm section is folded to be stored in the housing recess, regarding the different feature (E), and alleges that the patent invention 1 is made only by combining the configurations disclosed in Evidence A No. 2 with the configurations disclosed in Evidences A No. 3 to No. 7.

The demandee alleges, in written reply p. 7 l. 18-p. 10 l. 24, that

- regarding Evidence A No. 3, the "placing section 21" is not the "operation section", the "floor-mounted camera device A3" is not the "document camera" or the "document camera" recognized by the demandant from Evidence B No. 1, or the arm section (in Evidence B No. 2) is not "folded",
- regarding Evidence A No. 4, the "placing section 2" is not the "operation section", and the "camera device 1" is not the "document camera" or the "document camera" recognized by the demandant from Evidence B No. 1,
- regarding Evidence A No. 5, the "housing 7" is not the "operation section", and "folding" configuration is not included,
- regarding Evidence A No. 6, the "television telephone set" is not a document camera, and neither the "folding" configuration nor the "operation section" is included,
- regarding Evidence A No. 7, the "projector body 37" is not the "operation section", and the argument, "the "liquid crystal projector 2" corresponds to the "document camera", and it is not the document camera but belongs to the same technical field" alleged by the demandant is not cogent, and that the top face of the arm 48 is located below when stored and is not substantially flush with a top face of anything,

and alleges, in written reply p. 11 l. 14-l. 27, that the "operation section" is arranged

on the top face of the material platen member 2a in FIG. 3 of Evidence A No. 2 when "the arm section is folded to be stored in the housing recess so that the top face of the arm section may be substantially flush with the top face of the operation section" in patent invention 1, in the "material platen members 2a, 2b" alleged by the demandant to correspond to the "body section", and that as shown in FIG. 1, the operation section is located on a rear face when in use and there is a disincentive to arrange an unavailable "operation section" when in use.

The body makes a judgement.

Regarding the demandant's allegation on Evidences A No. 3 to No. 7, as examined in 3. 1. 4 (2) in No. 5, the demandant's allegation that the configuration corresponding to the constituent component E of patent invention 1 is described in Evidences A No. 3 to No. 7, and cannot be accepted. However, according to Evidence A No 4, 5 and 7 inventions, it is at least well known that the top face of the arm section stored in the housing recess is substantially flush with the top face of the operation section. The case of applying the well-known art described in Evidence A No. 4, 5, and 7 inventions, to Evidence A No. 2 invention, is further examined.

As examined as the different feature (B), it is only an addition of a well-known art to arrange the operation section in the body section.

However, in Evidence A No 2 invention, when the arm section 5 and the imaging section 4 are folded to be stored in the recess 7a, the operation section is to be arranged on a rear face of the material placing section 2 so that the top face of the arm section 5 and the imaging section 4 may be substantially flush with the top face of the operation section. The rear face of the material placing section 2 is located on the back when in use, and cannot be operated when in use. Thus, there is a disincentive to arrange the operation section on the rear face of the material placing section 2 when in use.

As described in Evidence A No. 4, 5, and 7 inventions, although it is well known that the top face of the arm section stored in the housing recess is configured to be substantially flush with the top face of the operation section, it cannot be accepted that the well-known art has been easily applied in Evidence A No. 2 invention with the disincentive.

Evidence A No. 3 and 6 inventions do not disclose a configuration where the top

face of the arm section stored in the housing recess is substantially flush with the top face of the operation section. Even if any of Evidence A No. 3 to 7 inventions is applied to Evidence A No. 2 invention, it cannot be recognized that the configuration relating to the different feature (E) would easily occur to a person ordinarily skilled in the art.

Thus, it cannot be accepted that the configuration relating to the different feature (E) would be easily conceived.

3.2.5 Conclusion

As described above, the configuration relating to the different features (A), (C) to (E) could not easily be conceived. It cannot be accepted that patent invention 1 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 2 invention, and Evidence A No. 3 to No. 7 inventions.

3. 3 Regarding Reason 3

3. 3. 1 Regarding patent invention 5

It is recognized as [patent invention 5] in the above No. 2..

3. 3. 2 Regarding cited invention

It is recognized as (Evidence A No. 1 invention) in Matters described in evidences of the above No. 2..

3.3.3 Comparison

(1) Comparison between the configuration relating to the "document camera described in any of Claims 1-4" of patent invention 5 and Evidence A No. 1 invention

The configuration of the "document camera described in any of Claims 1-4" of patent invention 5 obviously includes the "document camera described in Claim 1". The corresponding features between the "document camera described in Claim 1" and Evidence A No. 1 invention, and the different features (A) to (C) are as examined in 3. 1. 3 of the above No. 5.

(2) Comparison between constituent component F of patent invention 5 and constituent component (a) of Evidence A No. 1 invention

As examined in 3. 1. 3 (1) in No. 5, a member described in Evidence A No. 1 invention and formed by combining the "video camera body 32" with the "bar-like member 45 having one end with the video camera body 32 connected thereto"

corresponds to the "first arm section" having a tip with the camera in patent invention 1. The "bar-like member 42 supporting the bar-like member 45" described in Evidence A No. 1 invention and formed by connecting the video camera body 32 to the one end corresponds to the "second arm section" supporting the first arm section in patent invention 1. In patent invention 5, the member formed by combining the "video camera body 32" with the "bar-like member 45 having one end with the video camera body 32 connected thereto" and the "bar-like member 42" correspond to the "first arm section" and the "second arm section", respectively.

The "bar-like member 45" in Evidence A No. 1 invention supported by the "bar-like member 42" in Evidence A No. 1 invention corresponding to the "second arm" in patent invention 5, corresponds to the "first arm base end section" in patent invention 5. The "video camera body 32" in Evidence A No. 1 invention located at the tip of the "bar-like member 45" and obviously having a configuration for imaging, or a configuration corresponding to the "camera" in patent invention 5, corresponds to the "first arm tip section" in patent invention 5.

Regarding the first arm section, "the first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally, in patent invention 5, whereas Evidence A No. 1 invention does not include such configuration.

Thus, patent invention 5 and Evidence A No. 1 invention are identical and different in the following points, regarding the constituent component F, in addition to the corresponding features examined in 3. 1. 3 of No. 5 on the "document camera described in Claim 1" and the different features (A) to (C).

(Corresponding feature)

"The document camera configured
to include the first arm section comprising a first arm base end section supported by the second arm section, and a first arm tip section located at a tip of the first arm base end section and having the camera."

(The different feature)

(D) Regarding the first arm section, "the first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a

longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally, in patent invention 5, whereas Evidence A No. 1 invention does not include such configuration.

3.3.4 Judgment

(1) Regarding the different feature (D)

According to the allegations of demandant and demandee relating to the different feature (D),

the demandant alleges, in written demand for invalidation trial "6. (4) [B] Description of the fact and evidence of presence of prior art invention (Claim 5) ○8" (p. 7 l. 22-l. 31), and "6. (4) [C] Comparison between the patent invention and the prior art invention (Claim 5)" (p. 8 l. 22-l. 31), that Evidence A No. 8 discloses a configuration corresponding to the constituent component F of patent invention 1 and that patent invention 5 would be easily conceived by collecting configurations disclosed in Evidences A No. 1 to No. 7 and a configuration disclosed in Evidence A No. 8.

The demandee has not made any particular allegation regarding the different feature (D).

The body makes a judgement.

The "camera body 28" in Evidence A No. 8 invention, which includes a solid imaging element to image documents or the like, corresponds to the "camera" in patent invention 5. The "camera section 18" having the "camera body 28" in Evidence A No. 8 invention and joined to a tip of the "turning arm 58", the "turning arm 58" having the tip joined to the "camera section 18", and a member formed of the "camera section 18" and the "turning arm 58" correspond to the "first arm tip section", the "first arm base end section", and the" first arm section" in the patent invention 5, respectively. In Evidence A No. 8 invention, the "body arm 56" supporting a configuration corresponding to the "first arm section" in patent invention 5 corresponds to the "second arm section" in Evidence A No. 8 invention.

The "imaging device" in Evidence A No. 8 invention for imaging documents or the like corresponds to the "document camera" in patent invention 5.

It is obvious that a "predetermined axis along a longitudinal direction of the turning arm 58" in Evidence A No. 8 invention is a predetermined axis along a

longitudinal direction of the whole of the member formed of the "camera section 18" and the "turning arm 58", and that the "camera section 18" "joined" to the "turning arm 58" "rotatably" is one "supported" by the "turning arm 58" "rotatably". The "camera section 18" in Evidence A No. 8 invention "joined to the turning arm 58 so as to be turned around a predetermined axis along a longitudinal direction of the turning arm 58" corresponds to the "first arm tip section" in patent invention 5 "supported by the first arm base end section so as to be rotated around a predetermined axis along a longitudinal direction of the first arm section".

As for the "camera section 18" in Evidence A No. 8 invention "configured so as to position the camera body 28 downward and sideways", it is a technical common sense that the "direction" of the camera indicates an "optical axis" of the camera, in the field of camera. It is also obvious that the words "downward" and "sideways" of the document camera configured to be installed on a horizontal table indicate "vertically downward" and "horizontally", respectively, and that the document camera turned to be "positioned" in each of positions corresponds to the document camera to be "fixed in a rotation position".

The description in Evidence A No. 8 invention, "the camera section 18 is turnably connected to the turning arm 58 around a predetermined axis along a longitudinal direction of the turning arm 58, and configured so that the camera body 28 may be located in a downward position and a sideways position" corresponds to the description in patent invention 5, "The first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally."

In Evidence A No. 1 invention, a person ordinarily skilled in the art would easily conceive of the idea of applying the technology described in Evidence A No. 8 invention which is common in the technology on the "document camera".

Thus, the different feature (D) is not particularly distinguished.

(2) Regarding the different features (A) to (C) between "document camera described in Claim 1" and Evidence A No. 1 invention

The different features are as examined in 3. 1. 4 of the above No. 5.

3.3.5 Conclusion

As described above, the different feature (D) relating to the constituent component F is not particularly distinguished, however, the configuration relating to the "document camera described in Claim 1" could not easily be conceived from Evidence A No. 1 invention, as described in 3. 1. 4 of No. 5. It cannot be accepted that a person skilled in the art would have easily conceived of patent invention 5, on the basis of Evidence A No. 1 invention and Evidence A No. 3 to No. 7 inventions, and Evidence A No. 8 invention.

3. 4 Regarding Reason 4

3. 4. 1 Regarding patent invention 5

It is recognized as [patent invention 5] in the above No. 2..

3. 4. 2 Regarding cited invention

It is recognized as (Evidence A No. 2 invention) in Matters described in evidences of the above No. 2..

3.4.3 Comparison

(1) Comparison between the configuration relating to the "document camera described in any of Claims 1-4" of patent invention 5 and Evidence A No. 2 invention

The configuration of the "document camera described in any of Claims 1-4" of patent invention 5 obviously includes the "document camera described in Claim 1". The corresponding features between the "document camera described in Claim 1" and Evidence A No. 2 invention, and the different features (A) to (E) are as examined in 3. 2. 3 of the above No. 5.

(2) Comparison between constituent component F of patent invention 5 and constituent component (a) of Evidence A No. 2 invention

As examined in 3. 2. 3 (1) in No. 5, a member described in Evidence A No. 2 invention and formed by combining the "imaging section 4" with the "joint member 5a supporting the imaging section 4 at a tip" corresponds to the "first arm section" having a tip with the camera in patent invention 5. The "joint member 5c" described in Evidence A No. 2 invention corresponds to the "second arm section" supporting the first arm section in patent invention 5, excluding the different feature (A) described in 3. 2. 3 of No. 5 that the "joint member 5b" exists with the "joint

member 5a".

The "joint member 5a" in Evidence A No. 2 invention supported indirectly by the "joint member 5c" in Evidence A No. 2 invention corresponding to the "second arm section" in patent invention 5 corresponds to the "first arm base end section" in patent invention 5. The "imaging section 4" of Evidence A No. 2 invention located at a tip of the "joint member 5a" and obviously having a configuration for imaging, or a configuration corresponding to the "camera" in patent invention 5 corresponds to the "first arm tip section" in patent invention 5.

Regarding the first arm section, "the first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally", in patent invention 5, whereas Evidence A No. 2 invention does not include such configuration.

Thus, patent invention 5 and Evidence A No. 2 invention are identical and different in the following points, regarding the constituent component F, in addition to the corresponding features examined in 3. 2. 3 of No. 5 on the "document camera described in Claim 1" and the different features (A) to (E).

(Corresponding feature)

"The document camera configured
to include the first arm section comprising a first arm base end section supported by the second arm section, and a first arm tip section located at a tip of the first arm base end section and having the camera."

(The different feature)

(F) Regarding the first arm section, "the first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally, in patent invention 5, whereas Evidence A No. 2 invention does not include such configuration.

3.4.4 Judgment

(1) Regarding the different feature (F)

The allegations of demandant and demandee relating to the different feature (F), and correspondence between Evidence A No. 8 invention and patent invention 5 judged by the body are as examined in 3. 3. 4 of No. 5.

The description in Evidence A No. 8 invention, "the camera section 18 is turnably connected to the turning arm 58 around a predetermined axis along a longitudinal direction of the turning arm 58, and configured to be positioned so that the camera body 28 may be located in a downward position and a sideways position" corresponds to the description in patent invention 5, "The first arm tip section is supported on the first arm base end section so as to rotate around a predetermined axis along a longitudinal direction of the first arm section, and is configured to be fixed in a rotation position where an optical axis of the camera is directed vertically downward and a rotation position where the optical axis of the camera is directed horizontally".

In Evidence A No. 2 invention, a person ordinarily skilled in the art would easily conceive of the idea of applying the technology described in Evidence A No. 8 invention which is common in the technology on the "document camera".

Thus, the different feature (F) is not particularly distinguished.

(2) Regarding the different features (A) to (E) between the "document camera described in Claim 1" and Evidence A No. 2 invention

The different features are as examined in 3. 2. 4 of the above No. 5.

3.4.5 Conclusion

As described above, the different feature (F) corresponding to the constituent component (F) is not particularly distinguished. However, the configuration of the "document camera described in Claim 1" could not be easily conceived from Evidence A No. 2 invention as examined in 3. 2. 4 of No. 5. It cannot be accepted that patent invention 5 would be easily invented by a person ordinarily skilled in the art, on the basis of Evidence A No. 2 invention, Evidence A No. 3 to No. 7 inventions, and Evidence A No. 8 invention.

3.5 Summary

According to 3. 1-3. 4 of No. 5, a person ordinarily skilled in the art could not

easily conceive of patent invention 1, on the basis of Evidence A No. 1 invention, Evidence A No. 2 invention, and Evidence A No. 3 to No. 7 inventions, and could not easily conceive of patent invention 5, on the basis of Evidence A No. 1 invention or Evidence A No. 2 invention, Evidence A No. 3 to No. 7 inventions, and Evidence A No. 8 invention.

Thus, the allegation of the demandant cannot invalidate the patent.

No. 6. Conclusion

As described above, it cannot be said that the patent violates the provisions of Article 29-2 of the Patent Act, on the basis of the allegation of the demandant. The patent does not fall under Article 123-1(2) of the Patent Act, and cannot be invalidated.

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

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

July 7, 2015

Chief administrative judge:	FUJII, Hiroshi
Administrative judge:	TOYOSHIMA, Yosuke
Administrative judge:	SHIMIZU, Masakazu