

Trial decision

Correction No. 2015-390032

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The case of trial for correction of Japanese Patent No. 5216041 has resulted in the following trial decision:

Conclusion

The correction of the Description and the scope of claims relating to Japanese Patent No. 5216041 to the corrected Description and the scope of claims attached to the written request for trial of the case shall be approved.

Reason

1. Object of the demand

The object of the demand for trial of the case is to correct the scope of claims and the Description of Japanese Patent No. 5216041 (the application filed on Apr. 7, 2010, and the establishment of the patent right was registered on Mar. 8, 2013) (hereinafter, it is called "the Patent") to the corrected scope of claims and corrected Description attached to the written request for trial of the case for each group of claims, that is, to request correction as shown in the following (1) to (3).

(1) The correction relating to a group of claims 1 to 12

(Correction F)

To correct the statement of "in order to give piezoelectricity to formed of

polyvinylidene fluoride and the like" in paragraph [0044] of the Description to the statement of "in order to give piezoelectricity to a film formed of polyvinylidene fluoride and the like".

(2) The correction relating to a group of claims 13 to 15

(Correction A)

To correct "an outline of said first transparent flat-plate electrode portion is located inside an outline of said second transparent flat-plate electrode portion in a planar view" stated in claim 13 of the scope of claims to "an outline of said second transparent flat-plate electrode portion is located inside an outline of said first transparent flat-plate electrode portion in a planar view" (the inventions according to claims 14 and 15 that refer to claim 13 are also corrected in a similar fashion).

(Correction C)

To correct "An outline of said first transparent flat-plate electrode portion is located inside an outline of said second transparent flat-plate electrode portion in a planar view" stated in paragraph [0019] of the Description to "an outline of said second transparent flat-plate electrode portion is located inside the outline of said first transparent flat-plate electrode portion in a planar view".

(Correction G)

To correct "an outline of said first transparent flat-plate electrode portion 20a is located inside an outline of said second transparent flat-plate electrode portion 30a in a planar view" stated in paragraph [0052] of the Description to "an outline of said second transparent flat-plate electrode portion 30a is located inside an outline of said first transparent flat-plate electrode portion 20a in a planar view".

(Correction H)

To correct "a touch-position-detecting touch panel 201 located in a first main surface of the transparent piezoelectric sheet 100" stated in paragraph [0052] of the Description to "a touch-position-detecting touch panel 201 located in a second main surface of the transparent piezoelectric sheet 100".

(Correction I)

To correct "similarly to the modified example 2" stated in paragraph [0062] of the Description to "similarly to the modified example 1".

(3) The correction relating to a group of claims 16 to 19

(Correction B)

To correct "The electronic device according to claim 16 or 17" stated in claim 18

of the scope of claims to "The electronic device according to claim 17" (the invention according to claim 19 that refers to claim 18 is also corrected in a similar fashion).

(Correction D)

To correct "the electronic device according to viewpoint 16 or 17" stated in paragraph [0026] of the Description to "the electronic device according to viewpoint 17".

(Correction E)

To correct "the touch panel according to viewpoint 19 of the present invention is, in the touch panel according to viewpoint 18" stated in paragraph [0027] of the Description to "the electronic device according to viewpoint 19 of the present invention is, in the electronic device according to viewpoint 18".

(Correction I)

To correct "similarly to the modified example 2" stated in paragraph [0062] of the Description to "similarly to the modified example 1".

2. Judgment by the body

(1) The correction relating to the group of claims 1 to 12

(Correction F)

Taking the following point into consideration, the above-mentioned correction F is recognized as one that aims at error correction.

A. In paragraph [0044] of the Description attached to the application of the Patent, there is a statement that "in process (1), a transparent film is formed from the above-mentioned polymer by commonly used method. Such film may be obtained as a marketed product.

Stretching processing may be applied, if desired, to the film from the point of view of piezoelectricity improvement. Here, it is preferred that the stretching be uniaxial and of stretching of 3 to 10 times of its original length. Such stretching processing should be simply performed by a commonly used method.

Although a method for giving piezoelectricity to such film differs according to polymer constituting the film, polarization treatment (also referred to as poling processing) should just be performed to give piezoelectricity to be formed of such as vinylidene fluoride-tetrafluoroethylene copolymer, vinylidene fluoride-trifluoroethylene copolymer, or polyvinylidene fluoride".

B. According to the above-mentioned statements, it is obvious that there are omitted letters of "a film" between "formed of such as ... or polyvinylidene fluoride" and "give piezoelectricity to".

C. According to the above, it is recognized that the above-mentioned correction F is a matter to correct the error of the described matter of the above-mentioned A., which is a statement of the Description attached to the application of the Patent.

Also, the above-mentioned correction F is one within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, is not one that substantially expands or changes the scope of claims.

Furthermore, all inventions identified by matters described in the scope of claims after correction according to the above-mentioned correction F are not inventions for which the demandant should not be granted a patent independently at the time of patent application.

(Summary)

The correction relating to the group of claims 1 to 12 is aimed at matters prescribed in Article 126(1)(ii) of the Patent Act, and, in addition, it conforms to the prescriptions of Article 126(5) to Article 126(7) of the Patent Act.

(2) About the correction relating to the group of claims 13 to 15

Regarding (Correction A)

Taking the following point into consideration, it is recognized that the above-mentioned correction A is aimed at error correction.

A. In paragraph [0039] of the Description attached to the application of the Patent, there is a statement that "the outline of said second transparent flat-plate electrode portion 30a is located inside the outline of said first transparent flat-plate electrode portion 20a in a planar view", and, also in FIG. 2, the outline of the second transparent flat-plate electrode portion 30a is located inside the outline of said first transparent flat-plate electrode portion 20a in a planar view.

B. Then, according to the statement of the above-mentioned paragraph [0039] and the statement of [Claim 13] of "in a planar view, the outline of said first transparent flat-plate electrode portion overlaps with said frame entirely, and, in addition, the outline of said second transparent flat-plate electrode portion does not overlap with said frame at all", it is obvious that "the first transparent flat-plate electrode portion" stated in [Claim 13] corresponds to "the first transparent flat-plate electrode portion 20a" stated in the above-mentioned paragraph [0039], and "the second transparent flat-plate electrode portion" stated in [Claim 13] corresponds to "the second transparent flat-plate

electrode portion 30a" stated in the above-mentioned paragraph [0039].

C. When the statement of "an outline of said first transparent flat-plate electrode portion is located inside an outline of said second transparent flat-plate electrode portion in a planar view" of [Claim 13] is examined based on the above, it is obvious that it is an error of "an outline of said second transparent flat-plate electrode portion is located inside the outline of said first transparent flat-plate electrode portion in a planar view".

D. Accordingly, it is recognized that the above-mentioned correction A is one that corrects a statement that is a statement of [Claim 13] and is a statement that contradicts the described matters of the above-mentioned A. and the described matters of the other portions of [Claim 13] to a statement that is consistent with the described matters of the above-mentioned A. and the described matters of the other portions of [Claim 13].

Also, the above-mentioned correction A is one that is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after the correction according to the above-mentioned correction A are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction C)

The above-mentioned correction C is one that corrects a statement existing in paragraph [0019] of the Description attached to the application of the Patent, which is identical with that of [Claim 13] before correction, to a statement that is identical with that of [Claim 13] after correction according to the above-mentioned correction A, and, therefore, it is recognized that it is aimed at error correction for the same reason as has been mentioned in "Regarding (Correction A)".

Also, the above-mentioned correction C is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction C are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction G)

Taking the following point into consideration, it is recognized that the above-mentioned correction G is aimed at error correction.

A. In paragraph [0052] of the Description originally attached to the application of the Patent, there is a statement that "in a planar view, the outline of said first transparent flat-plate electrode portion 20a overlaps with said frame 41 entirely, and, in addition, the outline of said second transparent flat-plate electrode portion 30a does not overlap with said frame 41 at all", and, also in FIG. 2, the outline of the second transparent flat-plate electrode portion 30a is located inside the outline of the first transparent flat-plate electrode portion 20a in a planar view.

B. Also, a touch panel of an embodiment described in the above-mentioned paragraph [0052] is one that corresponds to a touch panel of [Claim 13], and, thus, it is obvious that the above-mentioned correction G is aimed at correction similar to the above-mentioned corrections A and C from the statement of the above-mentioned paragraph [0052] and the statement of [Claim 13].

C. Accordingly, it is recognized that the above-mentioned correction G is one that corrects a statement that is a statement of the Description attached to the application of the Patent and that is a statement contradicting the described matters of the above-mentioned A. and [Claim 13] to a statement that is consistent with the described matters of the above-mentioned A. and [Claim 13].

Also, the above-mentioned correction G is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction G are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction H)

Taking the following point into consideration, it is recognized that the above-mentioned correction H is aimed at error correction.

A. In paragraph [0052] of the Description attached to the application of the Patent, there is a statement that "one piece of second transparent flat-plate electrode 30 located in a second main surface of the transparent piezoelectric film 10", and, also in FIG. 2, the touch-position-detecting touch panel 201 is arranged on a surface of the transparent

piezoelectric film 10 in a side where the second transparent flat-plate electrode 30 is arranged.

B. In light of these statements, it is obvious that "the touch-position-detecting touch panel 201 arranged on the first main surface of the transparent piezoelectric sheet 100" of the above-mentioned paragraph [0052] is an error of "the touch-position-detecting touch panel 201 arranged on the second main surface of the transparent piezoelectric sheet 100".

C. Accordingly, it is recognized that the above-mentioned correction H is one that corrects a statement that is a statement of the Description attached to the application of the Patent and that contradicts the described matters of the above-mentioned A. to a statement that is consistent with the described matters of the above-mentioned A.

Also, the above-mentioned correction H is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction H are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction I)

Taking the following point into consideration, it is recognized that the above-mentioned correction I is aimed at error correction.

A. In paragraph [0061] of the Description attached to the application of the Patent, there is a statements that "<Modified example 1> Referring to FIG. 5, a touch panel and an electronic apparatus of the present modified example will be described. In the second embodiment (a touch panel) and the third embodiment (an electronic apparatus), the touch-position-detecting touch panel 201 is arranged in the opposite side of the touch side of the transparent piezoelectric sheet 100, however, in contrast, in the modified example 1, it is arranged in a surface of the touch side of the transparent piezoelectric sheet 100 as shown in FIG. 5.".

B. In paragraph [0062] of the Description attached to the application of the Patent, there is a statement that "<Modified example 2> Referring to FIG. 6, a touch panel and an electronic apparatus of the present modified example will be described. As shown in FIG. 6, as with the modified example 2, the touch-position-detecting touch panel 201 is arranged on a surface of the transparent piezoelectric sheet 100 in the touch side".

C. In light of these description, it is obvious that the statement of "as with the modified example 2" of the above-mentioned paragraph [0062] is an error of "as with the modified example 1".

D. Accordingly, it is recognized that the above-mentioned correction I is one that corrects a statement that is a statement of the Description attached to the application of the Patent and that is an error of the described matters of the above-mentioned B.

Also, the above-mentioned correction I is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction I are not ones for which the demandant should not be granted a patent independently at the time of patent application.

(Summary)

The correction relating to the group of claims consisting of claims 13 to 15 is aimed at matters prescribed in Article 126(1)(ii) of the Patent Act, and, in addition, it conforms to the prescriptions of Article 126(5) to Article 126(7) of the Patent Act.

(3) Correction relating to a group of claims 16 to 19

Regarding (Correction B)

Taking the following point into consideration, it is recognized that the above-mentioned correction B is aimed at error correction.

A. In [Claim 19] of the scope of claims attached to the application of the Patent, there is a statement that "The electronic device according to claim 18, wherein a transparent flat-plate electrode on the opposite side of the touch side doubles as a ground electrode of a touch panel for touch-position detection."

B. In [Claim 18] of the scope of claims attached to the application of the Patent, there is a statement that "The electronic device according to claim 16 or 17, wherein, between the first transparent flat-plate electrode and the second transparent flat-plate electrode, a transparent flat-plate electrode on the opposite side of the touch side is a ground electrode".

C. Although, in [Claim 17] of the scope of claims attached to the application of the Patent, there is a statement that "a touch panel for touch-position detection", there is no description about "a touch panel for touch-position detection" in [Claim 16].

D. In light of these description, it is obvious that the statement of "according to claim 16 or 17" of the above-mentioned [Claim 18] is an error of "according to claim 17".

E. Accordingly, it is recognized that the above-mentioned correction B is one that corrects a statement that is a statement of [Claim 18] and that is a statement of the above-mentioned B. contradicting the described matters of the above-mentioned A. and the above-mentioned C. to a statement that is consistent with the described matters of the above-mentioned A. and the above-mentioned C.

Also, the above-mentioned correction B is one within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

In addition, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction B are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction E)

Taking the following point into consideration, it is recognized that the above-mentioned correction E is aimed at error correction.

A. In paragraph [0026] of the Description attached to the application of the Patent, there is a statement that "the electronic device according to viewpoint 18 of the present invention is".

B. On the other hand, in paragraph [0027] of the Description attached to the application of the Patent, there is a statement that "the touch panel according to viewpoint 19 of the present invention is, in the touch panel according to viewpoint 18".

C. In light of these description, it is obvious that the statement of "the touch panel according to viewpoint 19 of the present invention is, in the touch panel according to viewpoint 18" of the above-mentioned paragraph [0027] is an error of "the electronic device according to viewpoint 19 of the present invention is, in the electronic device according to viewpoint 18".

D. Accordingly, it is recognized that the above-mentioned correction E is one that corrects a statement that is a statement of the Description attached to the application of the Patent and that is the statement of the above-mentioned B. that contradicts the described matters of the above-mentioned A. to a statement that is consistent with the described matters of the above-mentioned A.

Also, the above-mentioned correction E is one that is within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction E are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction D)

Taking the following point into consideration, it is recognized that the above-mentioned correction D is aimed at error correction.

A. In paragraph [0027] of the Description attached to the application of the Patent, there is a statement that "the touch panel according to viewpoint 19 of the present invention is one in which, in the touch panel according to viewpoint 18, a transparent flat-plate electrode on the opposite side of the touch side doubles as a ground electrode of a touch panel for touch-position detection".

B. As has been judged in "Regarding (Correction E)" of the above-mentioned 2.(3), "touch panel" in the statement of the above-mentioned paragraph [0027] is recognized as an error of "electronic device".

C. In paragraph [0026] of the Description attached to the application of the Patent, there is a statement that "the electronic device according to viewpoint 18 of the present invention is a device, wherein, in the electronic device according to viewpoint 16 or 17, a transparent flat-plate electrode on the opposite side of the touch side between the first transparent flat-plate electrode and the second transparent flat-plate electrode is a ground electrode."

D. Although, in paragraph [0025] of the Description attached to the application of the Patent, "a touch panel for touch-position detection" is stated as "viewpoint 17", there is no description about "a touch panel for touch-position detection" as "viewpoint 16" in paragraph [0023].

E. In light of these statements, it is obvious that the statement of "according to viewpoint 16 or 17" of the above-mentioned paragraph [0026] is an error of "according to viewpoint 17".

F. Accordingly, it is recognized that the above-mentioned correction D is one that corrects a statement that is a statement of the Description attached to the application of

the Patent and that is the statement of the above-mentioned C. contradicting the described matters of the above-mentioned A. and the above-mentioned D. to a statement that is consistent with the described matters of the above-mentioned A. and the above-mentioned D.

Also, the above-mentioned correction D is one within the scope of the matters stated in the Description, the scope of claims or drawings originally attached to the application, and, in addition, it is not one that substantially expands or changes the scope of claims.

Furthermore, all the inventions identified by the matters described in the scope of claims after correction according to the above-mentioned correction D are not ones for which the demandant should not be granted a patent independently at the time of patent application.

Regarding (Correction I)

It is as judged in the above-mentioned 2.(2) "Regarding (Correction I)".

(Summary)

The correction relating to a group of claims consisting of claims 16 to 19 is aimed at matters prescribed in Article 126(1)(ii) of the Patent Act, and, in addition, it conforms to the prescriptions of Article 126(5) to Article 126(7) of the Patent Act.

3. Concluding Remarks

As described above, it can be said that, relating to the correction concerning any of the groups of claims, the demand for trial of the case is aimed at matters prescribed in Article 126(1)(ii) of the Patent Act, and, in addition, conforms to prescriptions of Article 126(5) to Article 126(7) of the Patent Act.

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

May 29, 2015

Chief administrative judge:	KOBIKI, Mitsuaki
Administrative judge:	SHIRAISHI, Keigo
Administrative judge:	YAMADA, Masafumi