

## Trial decision

Correction No. 2015-390033

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The case of trial for correction of Patent No. 5630492 has resulted in the following Trial decision:

### Conclusion

It shall be approved that the descriptions and claims of Patent No. 5630492 are corrected as per the corrected descriptions and claims attached to the written demand for trial of this case.

### Reason

#### 1. Gist of demand

The demand for the trial is intended to demand corrections of the descriptions and claims attached to the request of Patent No. 5630492 (a part of Japanese Patent Application No. 2004-103973 filed on March 31, 2004 was filed as a new patent application on October 6, 2009 as Japanese Patent Application No. 2009-232166, a part of which was further filed as a new patent application on October 9, 2012, which was then established and registered on October 17, 2014) as per the corrected descriptions and claims attached to the written demand for trial; specifically, with respect to each group of claims or each claim, as per (1) and (5) described below:

#### (1) Corrections relating to claim 6

Correction 1: "said input means is a touch panel" in claim 6 in Claims shall be



corrected to "said means to input operations is a touch panel," and the "touch panel" stated thereafter shall be corrected to "said touch panel."

Correction 2: "said input position is a touch position" in claim 6 shall be corrected to "what is inputted by said operation is a touch position."

(2) Corrections relating to claim 7

Correction 1: "said input means is a touch panel" in claim 7 in Claims shall be corrected to "said means to input operations is a touch panel" and the "touch panel" stated thereafter shall be corrected to "said touch panel."

Correction 2: "said input position is a touch position" in claim 7 shall be corrected to "what is inputted by said operation is a touch position."

(3) Corrections relating to claim 8

Correction 1: "said input means is a touch panel" in claim 8 in Claims shall be corrected to "said means to input operations is a touch panel,"

Correction 2: "said input position is a touch position" in claim 8 shall be corrected to "what is inputted by said operation is a touch position."

(4) Corrections to claim 9

Correction 1: The statement "when said judgment step judges that the operation is to say how along any road" shall be corrected to "when said judgement step judges that the operation is to move along any road."

Correction 2: said statement in the paragraph [0006] in the descriptions that "when the judgement step judges that the operation is to say how along any road" shall be corrected to "when said judgement step judges that the operation is to move along any road."

(5) Correction relating to claim 10

Correction 1: The statement in claim 10 in the Claims ", further determines if there is any operation to move along a plurality of roads that are mutually crossed or connected in a map displayed in display means in a map further displayed in display means" shall be corrected to ", further determines if there is any operation to move along a plurality of roads that are mutually crossed or connected in a map displayed in display means."

2. Judgment on the body

Claim 11 is the invention citing claims 1 to 8 after correction. Since claim 11 cites claims 6, 7, 8 after correction relating to the corrections in (1) to (3) described above, claims 1 to 8 and 11 after the correction constitute a group of claims.

In the following, the corrections relating to a group of claims which consist of



claims 1 to 8 and 11 after the correction relating to claim 9, and the correction relating to claim 10 are reviewed in this order.

(1) Corrections relating to a group of claims consisting of claims 1 to 8 and 11

A. Purpose requirements of correction

(a) Corrections 1, 2 relating to claim 6

No input means is mentioned before the "input means" and the "input position" of claim 6 in the Claims, which makes the sentences irrational and obscure.

Then, the corrections 1, 2 are corrections to clarify the original meaning of the "input means" and the "input position" of claim 6, and thus are intended to explain the obscure statements.

In addition, the correction of "touch panel" to "said touch panel" in claim 1 is intended to explain the obscure statement.

In addition, the correction of "earlier" to "said" in claim 2 is intended to correct the erroneous description.

(b) Corrections 1, 2 relating to claim 7

No input means is mentioned before the "input means" and the "input position" of claim 7 in the Claims, which makes the sentences irrational and obscure.

Then, the corrections 1, 2 are corrections to clarify the original meaning of the "input means" and the "input position" of claim 7, and thus are intended to explain the obscure statements.

In addition, the correction of "touch panel" to "said touch panel" of the corrected matter 1 is intended to explain the obscure statement.

(c) Corrections 1, 2 relating to claim 8

No input means is mentioned before the "input means" and the "input position" of claim 8 in the Claims, which makes the sentences irrational and obscure.

Then, the corrections 1, 2 are corrections to clarify the original meaning of the "input means" and the "input position" of claim 8, and thus are intended to explain the obscure statements.

B. Whether the corrections fall within the matters described in the descriptions, the claims, or the drawings attached to the request

The correction, relating correction 1 of claim 6, of "The input position..." to "what is inputted by the operation" falls within the matters described in paragraphs



[0024] to [0027], and [0041] to [0048] of the descriptions of this case.

The correction of "earlier" to "said" of the correction 2 in claim 6 falls within the matters described in paragraphs [0024] to [0027] and [0041] to [0048] of the descriptions of this case attached to the request.

Each correction related to Claims 7 and 8 falls within the matters described in the paragraphs [0024] to [0027], [0041] to [0048]: in the descriptions of this case.

C. Whether or not the scope of claims has been substantially broadened or modified

Respective corrections relating to claims 6 to 8 neither substantially broaden nor modify the scope of claims.

D. Whether or not the invention is "An invention identified by matters described in the claims after a correction that can obtain a patent independently at the time of patent application" in article 126 (7) of the Patent Act

The corrections relating to claim 6 (what constitutes a group of claims by claims 1 to 8 and 11 after the correction) are intended to correct erroneous descriptions. The requirement is that an invention identified by matters described in the claims after correction can obtain a patent independently at the time of patent application. Then, since no reason is found to refuse each invention identified by the matters described in claim 1 to 8 and 11 of the claims after the correction, none of the inventions identified by the matters described in the claims after the correction are inventions that cannot obtain a patent independently at the time of patent application.

E. Summary

The purpose of the corrections relating to claims 6 to 8 is the matters stated in the Patent Act, Article 126 (1) (ii) and (iii), and they comply with the provisions in the same article (5) to (7).

(2) Correction relating to claim 9

A. Purpose requirements of correction

It is obvious that "operation to say how" stated in claim 9 of the Claims and paragraph [0006] of the descriptions is an error of "operation to move," and the corrections relating to the corrections 1, 2 relating to claim 9 are intended to correct the erroneous description.



B. Whether the corrections fall within the matters described in the descriptions, the claims, or the drawings attached to the request

Respective corrections relating to claim 9 fall within the matters described in paragraphs [0043] to [0044] of the descriptions originally attached to the request.

C. Whether or not the scope of claims has been substantially broadened or modified.

Respective corrections relating to claim 9 neither substantially broaden nor modify the scope of claims.

D. Whether or not the invention is "An invention identified by matters described in the claims after a correction that can obtain a patent independently at the time of patent application" in article 126 (7) of the Patent Act

The corrections relating to claim 9 are intended to correct the erroneous descriptions. The requirement is that an invention identified by matters described in the claims after correction can obtain a patent independently at the time of patent application. Then, since no reason is found to refuse each invention identified by the matters described in claim 9 of the claims after the correction, none of the inventions identified by the matters described in the claims after the correction are inventions that cannot obtain a patent independently at the time of patent application.

E. Summary

The purpose of the corrections relating to claim 9 is the matters stated in the Patent Act, Article 126 (1) (ii) and (iii), and they comply with the provisions in the same article (5) to (7).

(3) Correction relating to claim 10

A. Purpose requirements of correction

It is obvious that "further ... in a map displayed in display means in a map further displayed in display means" described in claim 10 of the Claims is an error of "further ... in a map displayed in display means," and the corrections relating to the corrections 1, 2 are intended to correct the erroneous description.

B. Whether the corrections fall within the matters described in the descriptions, the claims, or the drawings attached to the request

The correction relating to claim 10 falls within the matters described in



paragraph [0059] of the descriptions originally attached to the request.

C. Whether or not the scope of claims has been substantially broadened or modified

The correction relating to claims 10 neither substantially broadens nor modifies the scope of claims.

D. Whether or not the invention is "An invention identified by matters described in the claims after a correction that can obtain a patent independently at the time of patent application" in article 126 (7) of the Patent Act

The correction relating to claim 10 is intended to correct the erroneous descriptions. The requirement is that an invention identified by matters described in the claims after correction can obtain a patent independently at the time of patent application. Then, since no reason is found to refuse each invention identified by the matters described in claim 10 of the claims after the correction, none of the inventions identified by the matters described in the claims after the correction are inventions that cannot obtain a patent independently at the time of patent application.

E. Summary

The purpose of the corrections relating to claim 10 is the matters stated in the Patent Act, Article 126 (1) (ii) and (iii), and it complies with the provisions in the same article (5) to (7).

3. Conclusion

Therefore, the purpose of the corrections relating to the demand for the trial is matters stated in the Patent Act, Article 126 (1) (ii) and (iii), and they comply with the provisions in the same article (3) to (7).

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

May 26, 2015

Chief administrative judge: NIINOMI, Takeshi

Administrative judge: NAKAGAWA, Shinichi

Administrative judge: NAGAMA, Nozomi