Trial decision

Correction No. 2015-390055

Okayama, Japan
Demandant   SYSTEM YOSHII CO., LTD

Osaka, Japan
Patent Attorney   TANAKA, Mitsuo

Osaka, Japan
Patent Attorney   YAMAZAKI, Hiroshi

Osaka, Japan
Patent Attorney   MAEHORI, Yoshiyuki

Osaka, Japan
Patent Attorney   MAEDA, Atsushi

Osaka, Japan
Demandant   YUYAMA CO., LTD

Osaka, Japan
Patent Attorney   TANAKA, Mitsuo

Osaka, Japan
Patent Attorney   YAMAZAKI, Hiroshi

Osaka, Japan
Patent Attorney   MAEHORI, Yoshiyuki

Osaka, Japan
Patent Attorney   MAEDA, Atsushi

The case of trial for correction of Patent No. 5623577 has resulted in the following decision.

Conclusion

The correction of the specification and scope of claims regarding Patent No. 5623577 according to the corrected specification and scope of claims attached to the written request for trial of the case shall be approved.

Reason

No. 1 History of the procedures

For Patent No. 5623577 of the case, Patent Application No. 2013-060419 of the case is a divisional application filed on March 22, 2013 from Patent Application No. 2012-140141 filed on June 21, 2012, which is a divisional application from Patent Application 2009-295717 filed on December 25, 2009, which is a divisional application from Patent Application No. 2000-089076 filed on March 28, 2000; and the establishment of patent right for the invention relating to Claims 1 to 16 was registered on October 3, 2014. Then, a request for trial for correction of the case was made on June 3, 2015.

No. 2 Gist of the request

1. Objective of the request and details of the correction

The objective of the request for trial for correction of the case is to seek the trial decision to approve the correction of the specification and scope of claims in Patent No. 5623577 regarding the trial for correction of the case by group of claims according to the corrected specification and scope of claims attached to the written request for trial for correction of the case.

The details of the correction of the case are as follows.

Note that the underlines were added by the demandant in the written request for trial for correction and have been incorporated by the body.

(1) Correction of a group of Claims 15 and 16

A Correction A

The description "the results of the interaction check processing by the control means" in Claim 15 of the scope of claims is deleted.

B Correction B

The description "the results of the interaction check processing between self

medicines and opposite medicines" in Claim 15 of the scope of claims is corrected to "the results of the interaction check processing between self medicines and opposite medicines <u>by the control means."</u>

C Correction C

The description "the results of the interaction check processing by the control means" in paragraph [0021] of the specification attached to the application is deleted, and the description "the results of the interaction check processing between self medicines and opposite medicines" is corrected to "the results of the interaction check processing between self medicines and opposite medicines <u>by the control means."</u>

2. Regarding a group of claims

Claims 15 and 16 of the scope of claims are a group of claims in which Claim 15 and Claim 16 have a relation where the description of Claim 15 is cited, or a relation which is prescribed in Section 46-2 (I) to (IV) of Regulations under the Patent Act.

Moreover, the request for trial for correction of the case is to request the correction of the scope of claims by group of Claims 15 and 16.

Therefore, the request for trial for correction conforms to the provisions of Article 126 (3) of the Patent Act.

In addition, the correction in paragraph [0021] of the specification attached to the application is made for the entire group of Claims 15 and 16 including Claim 15 related to the correction of the specification.

Therefore, the request for trial for correction conforms to the provisions of Article 126 (4) of the Patent Act.

No. 3 Judgment by the body
1. Regarding the correction of a group of Claims 15 and 16
(1) Purpose of correction
A Regarding Correction A
(a) The description of Claim 15 in the scope of claims attached to the application (hereinafter, referred to as "Claim 15 before correction") is as follows:
"In any of devices which are connected to a network,

storage means that stores an interaction master for separately storing combinations that cause interaction in two types of master-slave relations, one is the relation viewed from one medicine against another medicine, and the other is the

relation viewed from the other medicine against the one medicine,

control means that performs interaction check processing by classifying each of medicines in inputted new prescription data into a self medicine or an opposite medicine and determining whether or not the combination of the self medicine and opposite medicine matches a combination of medicines which has been registered in the interaction master,

and display means that displays each of the results of the interaction check processing by the control means, in a row or column of a matrix which is composed of the names of target self medicines and the names of opposite medicines targeted for the interaction check processing, and displays the results of the interaction check processing between self medicines and opposite medicines in their respective corresponding cells of the matrix
are included,

wherein the interaction master stored in the storage means stores combinations that cause interaction as combinations of therapeutic codes which indicates efficacies of medicines,

the storage means further stores an action master in which detailed information including action/mechanism is associated with each of the combinations of medicines that cause interaction,

and the control means causes, if any of the cells in which the results of the interaction check processing are displayed is specified, the display means to display the detailed information about the interaction on the basis of the action master stored in the storage means and allows a new medicine to be added in a row of the matrix which is displayed on the display means by operation of the "medicine addition" button; so as to constitute a medical interaction check system."

(b) In the description "display means that displays each of the results of the interaction check processing by the control means, in a row or column of a matrix which is composed of the names of target self medicines and the names of opposite medicines targeted for the interaction check processing, and displays the results of the interaction check processing between self medicines and opposite medicines in their respective corresponding cells of the matrix" relating to the "display means" of Claim 15 before correction (the underlines have been added by the body), the descriptions of "the results of the interaction check processing" are overlapped and the claimed invention is not technically specified exactly and becomes ambiguous.

(c) In Claim 15 after correction, the description "the results of the interaction check processing by the control means" including "the results of the interaction check

processing" which appears first in Claim 15 before correction has been deleted, thereby correcting such ambiguity to clarify the inherent meaning and contents of the statement.

(d) From the above (a) to (c), correction of the Correction A is for the purpose of clarification of ambiguous statement (item (iii) of the proviso to Article 126 (1) of the Patent Act).

B Regarding Correction B

(a) The description " the results of the interaction check processing by the control means" including "the results of the interaction check processing" which appears first in Claim 15 before correction is deleted in the Correction A, and consequently, it becomes ambiguous whether or not "the results of the interaction check processing between self medicines and opposite medicines" including "the results of the interaction check processing" which appears later are the results of the interaction check processing performed by the control means.

(b) In the Correction B, the description "by the control means" is added before "the results of the interaction check processing between self medicines and opposite medicines," and the description "by the control means" to be added corresponds to "the control means" in the description "the results of the interaction check processing by the control means" which has been deleted in the Correction A.

(c) In Claim 15 after correction, the description "by the control means" is added before "the results of the interaction check processing between self medicines and opposite medicines" so as to clarify by what "the results of the interaction check processing" have been made, thereby correcting such ambiguity to clarify the inherent meaning and contents of the statement.

(d) From the above (a) to (c), correction of the Correction B is for purpose of clarification of ambiguous statement (item (iii) of the proviso to Article 126 (1) of the Patent Act).

C Regarding Correction C

The Correction C is intended for matching the description of paragraph [0021] of the specification attached to the application with the description of Claim 15 after correction so as to provide consistency between the description in the scope of claims and the detailed description of the invention, in accordance with correction related to the Corrections A and B.

The Corrections A and B in which Claim 15 before correction is corrected to

Claim 15 after correction are for the purpose of clarification of ambiguous statement as judged in the above A and B and therefore, correction in the Correction C in which the description of paragraph [0021] of the specification attached to the application is corrected so as to be matched with the description of Claim 15 after correction is for the purpose of clarification of ambiguous statement (item (iii) of the proviso to Article 126 (1) of the Patent Act).

D. Summary

From the above A to C, the Corrections A to C are for the purpose of clarification of ambiguous statement in item (iii) of the proviso to Article 126 (1) of the Patent Act.

(2) Whether or not a new matter is added or whether or not the scope of claims is substantially enlarged or altered

The Corrections A to C are for the purpose of clarification of ambiguous statement as judged in the above (1) and are not recognized to introduce new technical matters in relation to the technical matters derived by summing up all the descriptions in the specification, etc. attached to the application.   Therefore, they are within the scope of the matters described in the specification, scope of claims, or drawings attached to the application and do not add a new matter.

In addition, the Corrections A to C do not delete constituent components, add claims, or add embodiments and also do not change categories, change targets, or change purposes.   Therefore, they do not substantially enlarge or alter the scope of claims.

Thus, the Corrections A to C conform to the requirements provided in Article 126 (5) and (6) of the Patent Act.

Note that since the Corrections A to C are for the purpose of "clarification of ambiguous statement" prescribed under item (iii) of the proviso to Article 126 (1) of the Patent Act as judged in the above (1), provisions of the independent requirements for patentability under Article 126 (7) of the Patent Act are not applied.

No. 4 Concluding Remarks

As described above, the correction of the case is for the purposes provided in item (iii) of the proviso to Article 126 (1) of the Patent Act, and conforms to the provisions of Article 126 (5) and (6).

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

July 10, 2015

Chief administrative judge: TESHIMA, Seiji
Administrative judge: MIDORIKAWA, Takashi
Administrative judge: KAWASAKI, Hiroshi