Trial decision

Invalidation No. 2015-400008

Tokyo, Japan
Demandant JAPAN RECREATIONAL VEHICLE IMPORTER'S ASSOCIATION

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The case of trial regarding the invalidation of utility model registration No. 3153563, entitled "Connection structure between trailer house-side water supply and drainage piping and ground-side water supply and drainage piping" between the parties above has resulted in the following trial decision.

Conclusion

The utility model registration regarding the device according to Claims 1 to 3 of Utility Model Registration No. 3153563 was invalidated.

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

Reason

1 History of the procedures

The application (hereinafter referred to as "the Application") for the devices regarding Claims 1 to 3 of Utility Model Registration No. 3153563 (hereinafter referred to as "Devices 1-3") was filed for utility model registration on June 29, 2009, and the

establishment of the utility model right was registered on August 19, 2009. The demandant, General incorporated association Japan Recreational Vehicle Import Association, Inc., requested a trial for invalidation of utility model registration regarding the utility model registration of the Devices 1-3 on December 25, 2015, delivered a copy of the written demand on January 12, 2016, and was given an opportunity for submitting a written reply with a designated period. However, the demandee did not submit a response.

2 The Device

In light of the registered utility model specification and the description of Drawings, the devices 1-3 are acknowledged as follows, as specified by the matters described in claims 1 to 3 of the scope of claims of utility model registration.

"[Claim 1]

A connection structure between a trailer house-side water supply and drainage piping equipped in a trailer house, configured to be towed by a vehicle to a destination and fixed at the destination for use and a ground-side water supply and drainage piping, including: a male connection member having a fixed unit which is fixed to an end of one piping, and an insertion unit extended at an end of the fixed unit; and a female connection member having a fixed unit fixed to an end of the other piping to be joined to the one piping, a connection unit extended in the fixed unit and allowing the insertion unit of the male connection member to be inserted therein, and a fixing member arranged in the connection unit to fix the male connection member inserted therein.

[Claim 2]

The connection structure between a trailer house-side water supply and drainage piping and a ground-side water supply and drainage piping, described in Claim 1, configured so that the male connection member and the female connection member are formed in a substantially cylindrical shape, a recess is formed on the whole circumference outside the insertion unit of the male connection member, and the fixing member has an engaging unit to be engaged with the recess.

[Claim 3]

The connection structure between a trailer house-side water supply and drainage piping and a ground-side water supply and drainage piping, described in Claim 2, configured so that the fixing member includes the engaging unit formed by a clamp member and arranged in the recess, and a lever unit extended in the engaging unit to engage/disengage the engaging unit into/from the recess by turning it around a shaft."

3 The demandant's allegation

The demandant demands the decision, "The utility model registration according to the Devices 1-3 shall be invalidated. The costs in connection with the trial shall be borne by the demandee", submitted the following Evidences A No. 1-6 as a means of proof, and alleges that the Devices 1-3 could be easily devised by a person skilled in the art on the basis of the devices described in Evidences A No. 1-5, and therefore, the device cannot be granted utility model registration pursuant to the provisions of Article 3-2 of the Utility Model Act, and the utility model registration falls under Article 37-1(2) of the Utility Model Act and should be invalidated.

<Means of proof>

Evidence A No. 1	Registered utility model Publication No. 3107648
Evidence A No. 2	Japanese Unexamined Patent Application Publication No. 2001-74186
Evidence A No. 3	Japanese Unexamined Patent Application Publication No. 2005-54857
Evidence A No. 4	Japanese Unexamined Patent Application Publication No. 2005-207539
Evidence A No. 5	Japanese Unexamined Patent Application Publication No. 2007-32791
Evidence A No. 6	registrability report for the Device

4 The demandee's allegation

The demandee did not submit a written reply, as described in the above 1.

5 Evidences A

(1) Matters described in Evidences A

A Matters described in Evidence A No. 1

Evidence A No. 1, which is a publication distributed before the filing date of the Application, on February 3, 2005, describes the following matters.

(A1-1) "[Scope of claims of utility model registration]

[Claim 1]

A trailer house which is parked in a predetermined position, and can be made about 2 or 3 times larger in floor space than when towed, by unfolding a floor, walls,

and a roof."

(A 1-2) "[Technical field]
[0001]

The device relates to a trailer house which can be made about 2 or 3 times larger in floor space than when towed, in order to provide a comfortable moving living space.

[Background]
[0002]

Conventionally, a trailer house has been towed to a destination to provide a living space after arrival in the same shape as that when towed, or to provide a further living space with an envelope structure, such as a tent, by opening a part of a side face or a rear face."

(A1-3) "[Effect of the device]
[0006]

When towed, the trailer house conforms to size regulations of the Road Transport Vehicle Act, while it can be a trailer house which is parked in a predetermined position and can be made 2 or 3 times larger in floor space than when towed by unfolding a floor, walls, and a roof, (snip)"

(A1-4) "[0015]

(snip) For a long stay, infrastructural supply/discharge ports ▲13▼, ▲14▼ (water supply valve, power supply outlet, drainage valve, or the like) are provided."

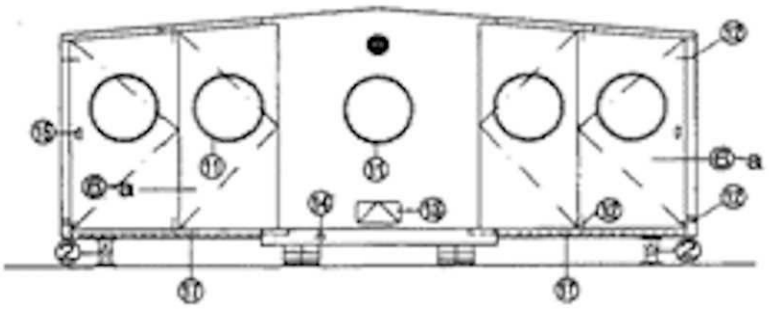
(A1-5) "[0018]

(snip) In such a situation, as long as a road is available, the device can be easily towed and moved. When parked in a schoolyard of a refuge, or a vacant lot, the trailer house can provide refugees with more comfortable living space. (snip) For middle or long-term refuge life, essential utilities can be secured through the infrastructural supply/discharge ports. (snip)"

(A1-6)

FIG. 4 illustrates the following drawing.

【図－４】



[FIG. 4]

B Matters described in Evidence A No. 4

Evidence A No. 4, which is a publication distributed before the filing date of the Application, on August 4, 2005, describes the following matters.

(A4-1) "[Scope of claims]

[Claim 1]

A pipe joint including a socket axially fitting an eccentric cam with a lever, and a plug forming an engaging groove engaged with the eccentric cam, and configured to detachably join the socket to the plug by operating the lever to engage the eccentric cam with the engaging groove,

the socket including a first tube material capable of axially fitting the eccentric cam and receiving a tip of the plug, and a second tube material rotatably mounted on the first tube material,

and the plug being configured to push the second tube material of the socket when the plug is joined to the socket by inserting the tip of the plug into the first tube material of the socket to pull down the lever.

(snip)

[Claim 4]

The pipe joint, described in any of Claims 1-3, configured by forming a male screw, in the second tube material of the socket, so as to be screwed in a female screw arranged at an end of a pipe material to be connected to the socket, and by forming a male screw at the tip of the plug, so as to be screwed in a female screw of the pipe material.

(snip)

[Claim 6]

The pipe joint, described in any of Claims 1-5, configured by forming a female screw in the plug, so as to be screwed with a male screw arranged in an intake port of a fire pump."

(A4-2) "[Technical field]

[0001]

This invention relates to a pipe joint for detachably joining pipe materials, which is suitable for joining, especially, between an intake port of a fire pump and a suction pipe, between suction pipes, and between a suction pipe and a strainer."

(A4-3) "[0016]

(snip) As shown in FIG. 1, the pipe joint 10 in this example is formed of a socket 1 and a plug 4.

[0017]

The socket 1 is formed of a cylindrical first tube material 2 and a cylindrical second tube material 3 rotatably attached to the first tube material 2.

[0018]

Two facing through-holes 23 are formed in a peripheral wall close to a tip 21 of the first tube material 2. A pair of brackets 24 are arranged on a peripheral wall outer surface, at an edge of each of the through-holes 23. Between the brackets 24, an eccentric cam 26 rotatable around a support shaft 25 is axially fitted. The eccentric cam 26 includes a lever 27. The lever 27 is operated appropriately between a pull-up state with respect to the first tube material 2 (See dashed-dotted line in FIG. 1) and a pull-down state with respect to the first tube material 2 (See solid line in FIG. 1), to turn the eccentric cam 25, resulting in inserting/removing a cam surface into/from the first tube material 2. (snip)

[0019]

The second tube material 3 includes a flange 33 formed on its outer circumference at a tip 31. The flange 33 is inserted into the first tube material 2 at a base end 22 of the first tube material 2. (snip) A male screw 37 is formed at a rear end 32 of the second tube material 3. The male screw 37 is configured to be screwed into a female screw formed at one end of a suction pipe of a standardized fire pump. Therefore a female screw formed at an end of the strainer joined to the suction pipe can also be screwed with the male screw 37.

[0020]

The plug 4 is formed of a cylindrical material, and includes an engaging groove 43 formed on its peripheral wall outer surface, to be engaged with the eccentric cam 26 of the socket 1. (snip) Also a female screw 45 is formed at a rear end 42 of the plug 4. The female screw 45 is configured to be screwed with a male screw formed in a suction pipe of a standardized fire pump. Therefore a male screw formed at the other end of the suction pipe can be also screwed with the female screw 45. (snip)

[0021]

Therefore the pipe joint 10 is configured to join the socket 1 to the plug 4 by moving the lever 27 of the socket 1 toward the first tube material 2, after covering the tip 41 of the plug 4 with the first tube material 2 of the socket 1, to engage the eccentric cam 26 with the engaging groove 43 of the plug 4 (See FIG. 3). The socket 1 is separated from the plug 4 by raising the lever 27."

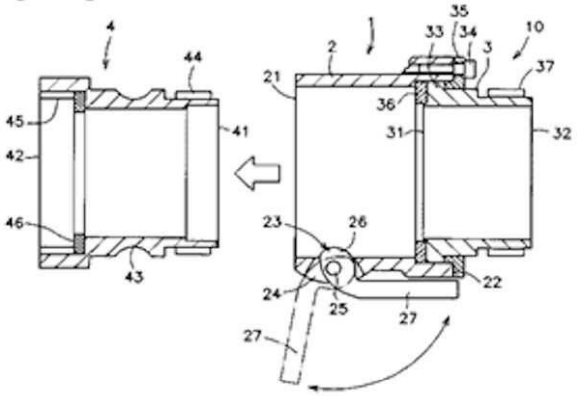
(A4-4) "[0031]

This invention is not limited to a pipe joint for joining fire piping as described above, of course, and can be applicable to, for example, a pipe joint for a transportation pipe of an oil tanker or other fields."

(A4-5)

FIGS. 1-4 illustrate the following drawings.

【図１】



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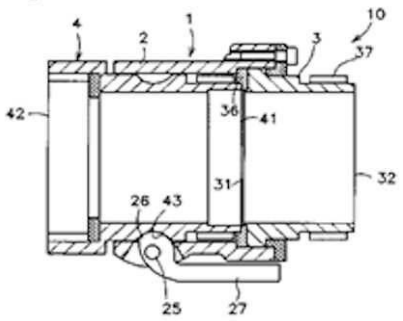

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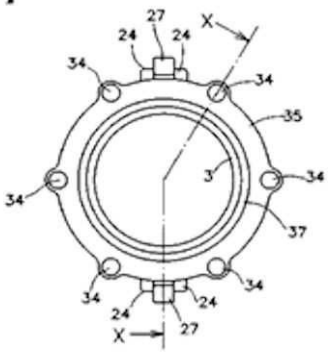
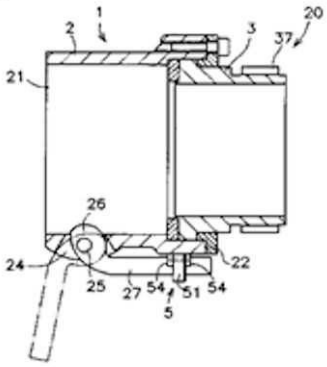


【図４】



[FIG. 1]
[FIG. 2]
[FIG. 3]
[FIG. 4]

(2) Cited device described in Evidence A No. 1

A Evidence A No. 1 discloses a technology about a "trailer house" (A1-2), while the scope of claims thereof describes, "a trailer house which is parked in a predetermined position, and can be made about 2 or 3 times larger in floor space than when towed, by unfolding a floor, walls, and a roof" (A1-1).

B It is obvious that the "trailer house" in Evidence A No. 1 is "towed by a vehicle to a destination", in light of the description, "conventionally, a trailer house used to be towed to a destination ... after arrival ..." (A1-2), the description, "when towed, the trailer house conforms to size regulations of Road Transport Vehicle Act" (A1-3), and the description, "as long as a road is available, the device can be easily towed and moved.

When parked in a schoolyard of a refuge, or a vacant lot, the trailer house can provide refugees with more comfortable living space" (A1-5).

C As for the embodiment of the "trailer house" in Evidence A No. 1, it is obvious that the valve used for water supply or drainage is installed in the "piping", in light of the description, "for a long stay, infrastructural supply/discharge ports ▲13▼, ▲14▼ (water supply valve, power supply outlet, drainage valve, or the like) are provided" (A1-4), (A1-6).

Therefore, it is recognized that Evidence A No. 1 describes the following device (hereinafter referred to as "Cited device").

"The water supply and drainage piping equipped in a trailer house which is towed by a vehicle to a destination and parked in a predetermined position for use."

(3) Technical matter described in Evidence A No. 4

Evidence A No. 4 discloses a technology about a "pipe joint" (A4-2). To sum up the above described matters, the evidence A No. 4 describes a technical matter (hereinafter referred to as "the technical matter described in Evidence A No. 4") on a "pipe joint including: a plug 4 having a female screw 45 configured to be screwed with a male screw formed in a suction port of a standardized fire pump, and a tip 41; a male screw 37 configured to be screwed with a female screw formed at one end of a suction pipe for a standardized fire pump; a first tube material 2 covering the tip 41 of the plug 4; and an eccentric cam 26 having a lever 27 to be axially fitted to the first tube material 2, the pipe joint being configured to join the socket 1 to the plug 4 by moving the lever 27 of the socket 1 toward the first tube material 2, after covering the tip 41 of the plug 4 with the first tube material 2 of the socket 1, to engage the eccentric cam 26 with the engaging groove 43 of the plug 4".

6 Comparison / judgment

(1) Comparison with Device 1, and judgment

A Comparison

The Device 1 is compared with Cited device.

(A) The words "predetermined position" and "parked" in Cited device correspond to the words "destination" and "fixed" in the Device 1, respectively.

(B) In light of the description in Evidence A No. 1, "for middle or long-term refuge life, essential utilities can be secured through the infrastructural supply/discharge ports" (A1-5), it is obvious that water supply and drainage can be available between drainage piping on the trailer house and a facility equipped in the destination and the water supply, for a long stay after arriving at the destination.

Therefore, the Device 1 and Cited device are in correspondence in the point,
"a water supply and drainage piping for enabling water supply and drainage with a ground-side facility equipped in a trailer house which is towed by a vehicle to a destination and fixed at the destination for use",
and differ from each other in the following point.

<The different feature>

"Water supply and drainage can be available" between the "water supply and drainage piping" "equipped on the trailer house" and the "ground-side facility". The Device 1 is configured to include a "connection structure" comprising: a male connection member having a fixed unit which is fixed to an end of one piping, and an insertion unit extended at an end of the fixed unit; and a female connection member having a fixed unit fixed to an end of the other piping to be joined to the one piping, a connection unit extended in the fixed unit and allowing the insertion unit of the male connection member to be inserted therein, and a fixing member arranged in the connection unit to fix the male connection member inserted therein", while Cited device does not have the above configuration.

B Judgment

The above Different Features will now be discussed below.

(A) The "pipe joint" in the technical matter described in Evidence A No. 4 corresponds to the "connection structure" of the piping in the Device 1.

(B) In light of the technical significance and function thereof, the "plug 4" in the technical matter described in Evidence A No. 4 corresponds to the "male connection member" "fixed to an end of one piping" in the Device 1. The "female screw 45" formed in the former is "configured to be screwed with a male screw formed in a suction port of a standardized fire pump", and corresponds to the "fixed unit fixed to the

piping end" in the latter. The "tip 41" in the former is a part of the "plug 4", and is configured to "cover the tip 41 of the plug 4 with the first tube material 2 of the socket 1", so that it corresponds to the "insertion unit extended at an end of the fixed unit" in the latter.

(C) In light of the technical significance and function thereof, the "socket 1" in the technical matter described in Evidence A No. 4 corresponds to the "female connection member" "fixed to an end of the other piping to be joined to the one piping" in the Device 1. The "male screw 37" formed in the former is "configured to be screwed with a female screw formed at one end of a suction pipe for a standardized fire pump", and corresponds to the "fixed unit fixed to the piping end" in the latter. The "first tube material 2" in the former is a part constituting the "socket 1", and is configured to "cover the tip 41 of the plug 4 with the first tube material 2 of the socket 1, so that it corresponds to the "connection unit extended in the fixed unit and allowing the insertion unit of the male connection member to be inserted therein". The "cam 26 having a lever 27" in the former is axially fixed to the "first tube material 2", and is configured to "join the socket 1 to the plug 4 by moving the lever 27 of the socket 1 toward the first tube material 2, after covering the tip 41 of the plug 4 with the first tube material 2 of the socket 1, to engage the eccentric cam 26 with the engaging groove 43 of the plug 4", so that it corresponds to the "fixing member arranged in the connection unit to fix the male connection member inserted therein" in the latter.

(D) As described above, it can be said that Evidence A No. 4 discloses a technical matter of the "piping connection structure including: a male connection member having a fixed unit which is fixed to an end of one piping, and an insertion unit extended at an end of the fixed unit; and a female connection member having a fixed unit fixed to an end of the other piping to be joined to the one piping, a connection unit extended in the fixed unit and allowing the insertion unit of the male connection member to be inserted therein, and a fixing member arranged in the connection unit to fix the male connection member inserted therein".

(D) In Cited device, in implementing "water supply and drainage" between the "water supply and drainage piping" "equipped on the trailer house" and the "ground-side facility", it could be a common sense that piping is equipped also in the ground-side facility for water supply-drainage efficiency, to use the "piping connection structure". As described in Evidence A No. 4, "this invention is not limited to a pipe joint for

joining fire piping as described above, of course, and can be applicable to, for example, a pipe joint for a transportation pipe of an oil tanker or other fields" (A4-4), the description suggests that the invention can be applied to a connection structure between vehicle-side piping and ground-side piping, as well. There is sufficient motive to employ the technical matter described in Evidence A No. 4 in using the "piping connection structure" for implementing "water supply and drainage" between the "water supply and drainage piping" "equipped on the trailer house" of Cited device and the "ground-side facility".

(E) Therefore, a person skilled in the art of the device would have been exceedingly easy to create Device 1 relating to the above different features by applying the technical matter described in Evidence A No. 4 to Cited device, based on the technical common sense.

(2) Device 2

The Device 2 was formed by adding the matter, "the male connection member and the female connection member are formed in a substantially cylindrical shape, a recess is formed on the whole circumference outside the insertion unit of the male connection member, and the fixing member has an engaging unit to be engaged with the recess" to the Device 1. However, the matter, "the male connection member and the female connection member are formed in a substantially cylindrical shape" (A), the matter, "a recess is formed on the whole circumference outside the insertion unit of the male connection member" (B), and the matter, "the fixing member has an engaging unit to be engaged with the recess" (C) are technical matters disclosed in Evidence A No. 4 (especially, (A4-3) and (A4-5)).
(Especially, see the descriptions for the matter (A), "cylindrical first tube material 2", "cylindrical second tube material 3", and "the plug 4 is formed of a cylindrical material", the descriptions for the matter (B), "the plug 4 is formed of a cylindrical material, and includes an engaging groove 43 formed on its peripheral wall outer surface, to be engaged with the eccentric cam 26 of the socket 1", and the descriptions for the matter (C), "moving the lever 27 of the socket 1 toward the first tube material 2, to engage the eccentric cam 26 with the engaging groove 43 of the plug 4").

(3) Device 3

The Device 3 was formed by adding the matter, "the fixing member includes the engaging unit formed by a clamp member and arranged in the recess, and a lever unit

extended in the engaging unit to engage/disengage the engaging unit into/from the recess by turning it around a shaft" to the Device 2. However, the matters are technical matters disclosed in Evidence A No. 4 (especially (A4-3) and (A4-5)).
(Especially see the description, "to join the socket 1 to the plug 4 by moving the lever 27 of the socket 1 toward the first tube material 2 to engage the eccentric cam 26 with the engaging groove 43 of the plug 4" and FIGS. 1-3).

(4) Effects of the Devices 1-3

The function and effects exerted by the Devices 1-3 could be easily devised by a person skilled in the art on the basis of Cited device, technical common sense, and technical matters described in Evidence A No. 4, and cannot be remarkable.

C Summary

Therefore, as a person ordinarily skilled in the art of the device would have been exceedingly easy to create the Devices 1-3 based on Cited device, technical common sense, and technical matters described in Evidence A No. 4, a utility model registration shall not be granted pursuant to the provisions of Article 3-2 of the Utility Model Act.

7 Closing

As described above, the Devices 1-3 cannot be granted utility model registration pursuant to the provisions of Article 3-2 of the Utility Model Act. The utility model registration regarding the Devices 1-3 falls under Article 37-1(2) of the Utility Model Act, and should be invalidated.

The costs in connection with the trial shall be borne by the demandee 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 applied mutatis mutandis in the provisions of Article 41 of the Utility model Act.

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

April 21, 2016

Chief administrative judge: SHIMADA, Shinichi
Administrative judge: WADA, Yuji
Administrative judge: UEO, Takahiko