

Appeal decision

Appeal No. 2016-5752

Germany

Appellant

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Patent Attorney

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The case of appeal against an Examiner's decision of refusal of Japanese Patent Application No. 2014-536122, entitled "Air intake module for an internal-combustion engine" [International Publication on Apr. 25, 2013: WO 2013/056763, National Publication of the Translated Version on Dec. 4, 2014: National Publication of International Patent Application No. 2014-532147] has resulted in the following appeal decision:

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The present application was originally filed on Sep. 5, 2012 (H24) as an International Patent Application (claim of priority under the Paris Convention was received by the foreign receiving office on Oct. 18, 2011 (H23), Federal Republic of Germany), national documents were submitted on Apr. 17, 2014, translation of the description, the scope of claims, and Abstract was submitted on Jun. 17, 2014 by an international-application written submission of translation, reasons for refusal were notified on Apr. 27, 2015, and a written opinion and written amendment were submitted on Aug. 3, 2015. However, a decision of refusal was made on Dec. 18, 2015, and, against this, an appeal against an Examiner's decision of refusal was demanded on Apr. 18, 2016, and, at the same time, a written amendment was submitted.

No. 2 Decision to dismiss amendment for the amendment dated Apr. 18, 2016

[Conclusion of decision to dismiss the amendment]

The amendment dated Apr. 18, 2016 (hereinafter, referred to as "Amendment of

the case") shall be dismissed.

[Reason]

[1] Details of the Amendment

Amendment of the case is an amendment that amends, relating to the scope of claims, claim 1 shown in the following (1) before amended by Amendment of the case (that is, claim 1 as a result of the amendment by the written amendment submitted on Aug. 3, 2015) to claim 1 shown in the following (2).

(1) Claim 1 of the scope of claims before Amendment of the case

"[Claim 1]

An air intake module (10) for an internal-combustion engine of a vehicle, the air intake module comprising:

at least one air duct element (12), via which air is supplied to the internal combustion engine; and

a cylinder head cover (14), which is connected to the air duct element (12) and by means of which a cylinder head of the internal combustion engine is at least partially covered, wherein

a lubricant separation device (28), a cooling device (26) for cooling the air, the air duct element (12), and the cylinder head cover (14) are integrated into the intake module (10)."

(2) Claim 1 of the scope of claims after the Amendment of the case

"[Claim 1]

An air intake module (10) for an internal-combustion engine of a vehicle, the air intake module comprising:

at least one air duct element (12), via which air is supplied to the internal combustion engine; and

a cylinder head cover (14), which is connected to the air duct element (12) and by means of which a cylinder head of the internal combustion engine is at least partially covered, wherein

a lubricant separation device (28), a cooling device (26) for cooling the air compressed by a compressor of an exhaust gas turbocharger, the air duct element (12), and the cylinder head cover (14) are integrated into the intake module (10)." (The underlines were given by the appellant to show amended portions)

[2] Purpose of Amendment of the case

Amendment of the case is an amendment to make the statement "a cooling device (26) for cooling the air" be the statement "a cooling device (26) for cooling the air compressed by a compressor of an exhaust gas turbocharger," and, therefore, it imposes the restriction that "cooling device" that is a matter specifying the Invention before Amendment of the case performs "cooling the air compressed by a compressor of an exhaust gas turbocharger." Consequently, the invention described in claim 1 before Amendment of the case and the invention described in claim 1 after Amendment of the case belong to the same field of industrial application and have the same problem to be solved, and, thus, Amendment of the case falls under the category of ones for the purpose of restriction of the scope of claims stipulated in Article 17-2(5)(ii) of the Patent Act.

Therefore, whether or not the appellant should be granted a patent for the invention according to claim 1 amended by Amendment of the case (hereinafter, referred to as "the Amended Invention") independently at the time of patent application (whether or not it complies with the provisions of Article 126(7) of the Patent Act as applied mutatis mutandis pursuant to the provisions of Article 17-2(6) of the same Act) will be examined hereinafter.

[3] Judgment on independent requirements for patentability

1. Publication 1

(1) Described matters in Publication 1

In Japanese Unexamined Patent Application Publication No. 2004-108156, which was cited in the reason of the examiner's decision of refusal and is a publication distributed before the priority date for the present application (hereinafter, referred to as "Publication 1"), there are described the following matters along with drawings relating to "air intake module." (Meanwhile, underlines were added by the body for the purpose of facilitating understanding.)

1a) "[Claim 1]"

An air intake module comprising:

a head cover mounted on a cylinder head of an internal-combustion engine having a plurality of combustion chambers;

an intake manifold comprising an air connector and intake pipes, wherein each piece of the intake pipes comprises a straight port part that branches according to the

number of the combustion chambers from the air connector and is arranged in a side opposite the cylinder head side of the head cover, and a curved port part to connect an end of the straight port part in a side opposite the air connector side and the combustion chamber; and

an ignition coil provided between adjacent pieces of the straight port part in a manner piercing through the intake manifold and the head cover, its one end protruding in a side of the cylinder head.

[Claim 2]

An air intake module comprising a throttle device supported in a manner integrated with the intake manifold on a side opposite the straight port part side of the air connector.

[Claim 3]

The air intake module according to claim 1 or 2, wherein

the head cover and the intake manifold are integrally formed of resin.

[Claim 4]

The air intake module according to claim 3, wherein

a periphery of the head cover and a periphery of the intake manifold are joined together, and a space capable of making air flow is formed between the head cover and the intake manifold." ([Claim 1] of [Scope of claims] to [Claim 4] of [Scope of Claims])

1b) "[0002]

[Conventional Art]

Conventionally, an intake system of an engine is constituted of a plurality of devices having different functions such as an air cleaner, a throttle device, and an intake manifold, for example. Therefore, an air intake module into which a part of devices of an intake system are integrated and which is mounted on an engine is widely used. By modularizing a plurality of devices constituting an intake system, there is an advantage that installation to an engine is simplified and weight reduction is achieved." (paragraph [0002])

1c) "[0011]

[Embodiments of the invention]

Hereinafter, an example indicating the modes for carrying out the present invention will be described by reference to drawings. An air intake module according to an example of the present invention is shown in FIG. 2. An air intake module 1 includes an air cleaner 10, a duct case 20, a throttle device 30, an intake manifold 40, a head cover 60,

an ignition coil 70, an ECU 80, and a fuel supply means 90. The air intake module 1 constituted of the air cleaner 10, the duct case 20, the throttle device 30, the intake manifold 40, the head cover 60, the ignition coil 70, the ECU 80, and the fuel supply means 90 is mounted on a cylinder head of an engine that is not shown. The air intake module 1 is mounted on the engine by attaching the head cover 60 to the cylinder head.
[0012]

In the case of the present example, an engine on which the air intake module 1 is mounted is installed in a vehicle of front-wheel drive. Therefore, the drive axis of the engine not shown is located vertically to the traveling direction of the vehicle. The air intake module 1 is housed in the engine room of the vehicle together with an engine not shown." (paragraphs [0011] and [0012])

1d) "[0016]

The intake manifold 40 includes an air connector 41 and an intake pipe 50. The intake pipe 50 makes the air connector 41 and the combustion chamber of a not-shown engine communicate with each other. From the air connector 41, pieces of intake pipe 50 corresponding to the number of combustion chambers of the engine branch. The intake pipe 50 has a straight port part 51 and a curved port part 52. As shown in FIG. 2, an end of the straight port part 51 on the side of the air cleaner 10, the straight port part 51 being formed extending in a linear fashion from the air connector 41 to the side of the air cleaner 10, is connected to the curved port part 52 that turns to the side of the air connector 41. The straight port part 51 of the intake manifold 40 is installed on the side opposite to the cylinder head of the head cover 60 as shown in FIG. 3. As shown in FIG. 2, between each piece of the straight port part 51 of the intake pipe 50, a plate-like wing 53 to connect adjacent pieces of the straight port part 51 is formed.

[0017]

The head cover 60 is mounted on the cylinder head of an engine not shown. The head cover 60 is formed of resin. ..." (paragraphs [0016] and [0017])

1e) "[0022]

Into a box-like space 43 of the intake manifold 40 that is formed on the side of the head cover 60, a part of the head cover 60 is housed. In the outer perimeter of the head cover 60, a flange part 61 is formed. The flange part 61 of the head cover 60 is formed at a position corresponding to a flange 44 formed in a skirt part 42 of the intake manifold 40. After overlapping the flange part 61 of the head cover 60 and the flange 44 of the intake manifold 40 by covering the head cover 60 with the intake manifold 40 from the upper

side of the head cover 60, the intake manifold 40 and the head cover 60 are integrally bonded by welding the flange part 61 and the flange 44 using vibration welding or the like, for example." (paragraph [0022])

1f) "[0029]

In the air intake module 1 of the above-mentioned constitution, by forming the intake manifold 40 and the head cover 60 in an integrated manner, the strength of the intake manifold 40 and the head cover 60 is improved. Therefore, devices such as the throttle device 30 that constitutes the air intake module 1 are supported by the intake manifold 40 and the head cover 60 that are integrally formed. As a result, as compared with a case when devices constituting the air intake module 1 are supported by the chassis and the like of a vehicle, a member for support is not needed. Accordingly, the number of components can be reduced, and, in conjunction with this, assembly can be performed with ease." (paragraph [0029])

(2) Matters that can be found from the above-mentioned (1) and the drawings

1g) From the statement of the above-mentioned (1) 1d) paragraph [0016], it can be seen that the intake manifold 40 is for performing intake for an engine.

1h) From the statement of the above-mentioned (1) 1e) and 1f) and FIG. 1, it can be seen that the head cover 60 and the intake manifold 40 are ones that are joined together, and formed integrally.

1i) From the statement of the above-mentioned (1) 1c) paragraph [0012], it can be seen that the air intake module is provided in an engine for a vehicle.

(3) Cited invention

When the statements of the above-mentioned (1), (2) and FIG. 1 to FIG. 4 are put together, the following invention (hereinafter, referred to as "the Cited invention") is described in Publication 1.

"An air intake module 1 of an engine for a vehicle, comprising: an intake manifold 40 for performing intake; and a head cover 60 that is joined with the intake manifold 40, and is mounted on a cylinder head of an engine, wherein, in the air intake module 1, the intake manifold 40 and the head cover 60 are formed integrally."

2. Publication 2

(1) Described matters in Publication 2

In Japanese Unexamined Patent Application Publication No. 2008-106627 (hereinafter, referred to as "Publication 2"), which was cited in the reason of the examiner's decision of refusal, and is a publication distributed before the priority date for the present application, there are described the following matters together with drawings relating to "an intake device of an engine."

(Meanwhile, underlines were added by the body for the purpose of facilitating understanding.)

2a) "[Claim 1]

An intake device of an engine comprising

an intake system structure made of synthetic resin that is fixed to an intake-side surface of an engine body having a plurality of cylinders arranged in series and that includes a surge tank part and a branched pipe part, wherein

the intake system structure is extended into a surge tank part to overhang on a side of the engine body, and includes a tank-shaped oil separator to separate oil from blow-by gas introduced from a crank chamber of the engine body, and wherein

the oil separator includes an introduction port that is connected to a blow-by gas exhaust port of the engine body and introduces blow-by gas discharged from a crank chamber, and a mounting flange that is extended around the introduction port, and is fixed to the engine body." ([Claim 1] of [Scope of Claims])

2b) "[0008]

To solve the above-mentioned problem, the present invention is of an intake device of an engine comprising an intake system structure made of synthetic resin that is fixed to an intake-side surface of an engine body having a plurality of cylinders arranged in series and that includes a surge tank part and a branched pipe part, wherein the intake system structure is extended into a surge tank part to overhang on a side of the engine body, and includes a tank-shaped oil separator to separate oil from blow-by gas introduced from a crank chamber of the engine body, wherein the oil separator includes an introduction port that is connected to a blow-by gas exhaust port of the engine body and introduces blow-by gas discharged from a crank chamber, and a mounting flange that is extended around the introduction port, and is fixed to the engine body. In this aspect, it is possible to mount a whole oil separator on an intake system structure as a resin molding product, and, therefore, weight reduction of the oil separator

can be realized to a large degree in comparison with the conventional constitution in which the oil separator is provided in the engine body. In addition, since an oil separator has a mounting flange around an introduction port of blow-by gas, airtightness between the oil separator and the engine body is improved, and, together with this, the mounting flange can also serve as a supporting part of the intake system structure to the engine body, and, therefore, in spite of weight reduction associated with being a resin molding product, it becomes possible to maintain the overall stiffness high.

[0009]

In a preferable aspect, the intake system structure is an assembly including a plurality of resin molded bodies that are combined, and the resin molded bodies include: a divided body constituting at least an upstream part of a branched pipe part; a housing divided body that is integrally molded with the divided body, and constituting a part of the oil separator; and an engine-side divided body that constitutes the oil separator as a whole by being welded to the housing divided body. In this aspect, on the occasion of constituting an intake system structure by a resin molding product, the housing of an oil separator is integrally molded with some of divided bodies, and, consequently, the number of components can be reduced.

[0010]

In a preferable aspect, the mounting flange is laid out at a position protruding downwardly from the projection area of the intake system structure when seen from the intake side of the engine body. In this aspect, a facing distance between the downstream end of the branched pipe part; that is, the mounting portion in the upper end side of the intake system structure, and the mounting flange becomes long, and, therefore, mounting stiffness to the engine body of the intake system structure becomes high. In addition, the work at the time of attaching the mounting flange to the engine body becomes easy." (paragraphs [0008] to [0010])

2c) "[0014]

As described above, the present invention enables mounting of a whole oil separator as a resin molding product on an intake system structure, and, thus, it is possible to realize weight reduction to a large degree in comparison with the conventional constitution. Furthermore, airtightness between an oil separator and an engine body can be increased by a mounting flange, and, together with this, the mounting flange can also serve as a support part of the intake system structure to the engine body, and, therefore, in spite of weight reduction associated with being a resin molding product, it becomes possible to maintain the overall stiffness high." (paragraph

[0014])

2d) "[0019]

The intake system structure 20 is, as shown in FIG. 3, an assembly made by molding a plurality of injection-molding products of resin, and they are integrated by vibration welding.

[0020]

The intake system structure 20 as an assembly includes a surge tank part 30 that is fixed to a cylinder block 2 of the engine body 1, and a branched pipe part 60 that continues to the surge tank part 30 and branches for each piece of intake port 3 of the engine body 1." (paragraphs [0019] and [0020])

2e) "[0031]

Referring to FIG. 3, the intake device 10 includes: a pair of inner perimeter divided bodies 100A and 100B divided into two pieces one above the other; a pair of outer perimeter divided bodies 200A and 200B arranged in the outside of both the inner perimeter divided bodies 100A and 100B; and an engine-side divided body 33B bonded to a housing divided body 33A that is integrally formed with the lower outer perimeter divided body 200B.

[0032]

The upper side inner perimeter divided body 100A is an injection-molding product made of resin, and it integrally includes the upper part of the surge tank part 30 (plenum part 32), an introduction pipe 31, and the downstream end of the branched pipe part 60. In the outer perimeter part of the inner perimeter divided body 100A, a groove part 101A to partition the downstream side inner perimeter part of the branched pipe part 60 is formed, and, in conjunction with this, in the outside of this groove part 101A, a joint face 102A that is bonded to the upper side outer perimeter divided body 200A is formed. In addition, the inner perimeter divided body 100A also integrally configures the downstream-end-side portion of the branched pipe part 60, and a flange 61 is integrally molded with the inner perimeter divided body 100A.

[0033]

The lower side inner perimeter divided body 100B is an injection-molding product made of resin integrally having the lower portion of the surge tank part 30 (plenum part 32) and the upstream end of the branched pipe part 60. In the outer perimeter part of the inner perimeter divided body 100B, as with the upper side inner perimeter divided body 100A, a groove part 101B to partition the upstream side inner

perimeter part of the branched pipe part 60 is formed, and, along with this, in the outside of this groove part 101B, a joint face 102B that is bonded to the lower side outer perimeter divided body 200B is formed.

[0034]

The upper side outer perimeter divided body 200A constitutes the downstream side part of the branched pipe part 60, and has, in its inner surface, a groove to form each of the branched pipe part 60 and a joint surface to be bonded to the upper side inner perimeter divided body 100A.

[0035]

The lower outer perimeter divided body 200B constitutes the upstream part of the branched pipe part 60, and includes, in its inner surface, a groove 201B to form each piece of branched pipe part 60 and a joint surface 202B to be bonded to the lower side inner perimeter divided body 100B.

[0036]

As seen in FIG. 1 and FIG. 3, in the lower portion of the lower outer perimeter divided body 200B, the housing divided body 33A facing the engine body 1 is integrally molded. On the other hand, the engine-side divided body 33B is a divided body that constitutes an oil separator 33 by being joined with the housing divided body 33A.

[0037]

In the housing divided body 33A, a cylindrical wall 33b to partition an enclosing chamber C, an exhaust passage 33d, and a baffle 33f protruding on the side of the engine body are integrally formed.

[0038]

In the engine-side divided body 33B, an introduction port 33e, a flange 35, and the baffle 33f that is arranged up and down to the baffle 33f of the housing divided body 33A and is protruding in the outside of the engine body are integrally formed. Then, in any of the divided bodies 33A and 33B, each piece of the baffle 33f extends over the entire length of a housing 33a of the oil separator 33 in the width direction. As a result, when the divided bodies 33A and 33B are joined, stiffness of the oil separator 33 becomes high.

[0039]

Then, it becomes possible to secure the intake system structure 20 integrally having the oil separator 33 to the engine body 1 by: unifying respective divided bodies 100A, 100B, 200A, 200B, 33B by vibration welding; fixing the mounting flange 35 to the cylinder block 2 by a bolt 37; and fixing the flange 61 of the branched pipe part 60 to a cylinder head 6 by a bolt 62." (paragraphs [0031] to [0039])

2f) "[0046]

As described above, in the present embodiment, the oil separator 33 can be mounted on the intake system structure 20 as a whole as a resin molding product, and, thus, it is possible to reduce the weight to a large degree in comparison with the conventional constitution. Furthermore, it has a remarkable effect that airtightness between the oil separator 33 and the engine body 1 is improved by the mounting flange 35, and, in conjunction with this, a mounting strength of the intake system structure 20 itself is improved, and, in spite of weight reduction associated with being a resin molding product, it becomes possible to maintain the overall stiffness high." (paragraph [0046])

(2) The technology described in Publication 2

When the descriptions of the above-mentioned (1) and FIG. 1 to FIG. 5 are put together, the following technology (hereinafter, referred to as "Publication 2-described technology") is described in Publication 2.

"A technology to form the intake system structure 20, which includes the surge tank part 30 and the branched pipe part 60, and the oil separator 33 integrally, and fix it to the engine body 1."

3. Comparison / judgment between the Amended Invention and the Cited invention

As viewed from a function, constitution, and technical significance, "engine" in the Cited invention corresponds to "internal-combustion engine" in the Amended Invention. In a similar fashion, "the intake manifold 40" corresponds to "air duct element," "the intake manifold 40 for performing intake" to "at least one air duct element, via which air is supplied to the internal combustion engine," "joining" to "connection," "the head cover 60" to "cylinder head cover," "the air intake module 1 of an engine for a vehicle" to "air intake module for an internal-combustion engine of a vehicle" or "air intake module for internal-combustion engine," and "are integrally formed" to "are integrated."

Then, "the head cover 60 that is mounted on a cylinder head of an engine" in the Cited invention is nothing but one for covering a cylinder head of an engine as viewed from the common general technical knowledge, and, thus, it corresponds to "a cylinder head cover, by means of which a cylinder head of the internal combustion engine is at least partially covered" of the Amended Invention.

Accordingly, corresponding features and a different feature between the two are as follows.

[Corresponding features]

"An air intake module for an internal-combustion engine of a vehicle, the air intake module comprising: at least one air duct element, via which air is supplied to the internal combustion engine; and a cylinder head cover, which is connected to the air duct element and by means of which a cylinder head of the internal combustion engine is at least partially covered, wherein, in the air intake module, the air duct element and the cylinder head cover are integrated."

[Different feature]

A point that, regarding an air intake module, a lubricant separation device and a cooling device for cooling air compressed by a compressor of an exhaust gas turbocharger as well as an air duct element and a cylinder head cover are integrated in the Amended Invention, whereas,

in the Cited invention, although the intake manifold 40 and the head cover 60 are integrally formed, it is unclear whether or not a lubricant separation device and a cooling device for cooling air compressed by a compressor of an exhaust gas turbocharger are integrated (hereinafter, referred to as "the different feature").

The different feature will now be discussed below.

[Regarding the different feature]

Publication 2-described technology is "a technology to form the intake system structure 20, which includes the surge tank part 30 and the branched pipe part 60, and the oil separator 33 integrally, and fix it to the engine body 1.", and it suggests that the intake system structure 20 (this corresponds to "air duct element" of the Amended Invention) and the oil separator 33 (this corresponds to "lubricant separation device" of the Amended Invention) are integrally formed to be modularized.

Then, according to Japanese Unexamined Patent Application Publication No. 2011-190744 (refer to FIG. 1, FIG. 2 and the like) and microfilm of Japanese Utility Model Application No. S58-180622 (Japanese Unexamined Utility Model Application Publication No. S60-91972) (refer to Fig. 1 to Fig. 6), it is well-known that a cooling device for cooling air compressed by a compressor of an exhaust gas turbocharger such

as an intercooler is provided in an intake manifold and they to be integrated (hereinafter, referred to as "the Well-known Art").

In addition, in the statements of Publication 1 of the above-mentioned 1. (1) 1b), it is described as, to solve the to-be-solved problem of "installation to an engine is simplified and weight reduction is achieved," "modularizing a plurality of devices constituting an intake system" is carried out.

From the above, in the Cited invention, it would be easily achieved by a person skilled in the art to conceive the matter specifying the invention of the Amended Invention concerning the aforementioned different feature by, in order to modularize a plurality of devices constituting an intake system under the above-mentioned problem to be solved: further integrally forming an oil separator in Publication 2-described technology that is a device associated with an intake system with an air intake module in which the intake manifold 40 and the head cover 60 are formed in an integrated manner; and, in addition to this, integrally forming an air intake module in which a cooling device for cooling air compressed by a compressor of an exhaust gas turbocharger such as an intercooler is provided in the intake manifold 40 based on the Well-known Art.

Then, even if the Amended Invention is examined as a whole, it does not provide a specific effect beyond the effect predicted on the basis of the Cited invention, Publication 2-described technology, and the Well-known Art.

4. Summary

Accordingly, the Amended Invention is an invention that could have been invented easily by a person skilled in the art with ease based on the Cited invention, Publication 2-described technology, and the Well-known Art, and, thus, the appellant should not be granted a patent for it independently at the time of patent application under the provisions of Article 29(2) of the Patent Act.

5. Closing

As above, since Amendment of the case violates the provisions of Article 126(7) of the Patent Act as applied mutatis mutandis pursuant to the provisions of Article 17-2(6) of the same Act, it should be dismissed under the provisions of Article 53(1) of the same Act which is applied mutatis mutandis pursuant to the provisions of Article 159(1) of the same Act.

Therefore, decision is made as [Conclusion of decision to dismiss the

amendment].

No. 3 Regarding the invention of the case

1. The Invention

Since Amendment of the case has been dismissed as described above, the invention according to claim 1 of the present application (hereinafter, referred to as the "Invention") is an invention as described in the above-mentioned No. 2 [reason] [1] (1) as viewed from the translation of the description submitted by the written submission of translation of international application and the scope of claims amended by the written amendment submitted on Aug. 3, 2015 and the drawing at the time of the international application.

2. Statements and the like of the publications

The publications cited in the reason of Examiner's decision, the Cited invention, and Publication 2-described technology are as described in the above-mentioned No. 2 [reason] [3] 1. and 2.

3. Comparison / judgment

The Invention corresponds to an invention made by eliminating the limitation of "compressed by a compressor of an exhaust gas turbocharger" with respect to "air" examined in the above-mentioned No. 2 [reason] [2].

Therefore, the Amended Invention that includes all the matters specifying the invention of the Invention is an invention that could have been invented by a person skilled in the art with ease based on the Cited invention, Publication 2-described technology, and the Well-known Art as described in the above-mentioned No. 2 [reason] [3] 3., and the Invention is also an invention that could have been invented by a person skilled in the art with ease based on the Cited invention, Publication 2-described technology, and the Well-known Art.

4. Summary

As above, since the Invention could have been invented by a person skilled in the art with ease based on the Cited invention, Publication 2-described technology, and the Well-known Art, the appellant should not be granted a patent in accordance with the provisions of Article 29(2) of the Patent Act.

No. 4 Closing

As No. 3 above, the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act, and, thus, the present application should be rejected.

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

Jan. 30, 2017

Chief administrative judge: NAKAMURA, Tatsuyuki

Administrative judge: MATSUSHITA, Akira

Administrative judge: MAKIHARA, Susumu