

Appeal decision

Appeal No. 2016-14940

Tokyo, Japan

Appellant Dr. NAKAMATS Creative Institute Co., Ltd.

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2014-194376, entitled "Low-cost Easy Sanitary Wash Toilet" (the application published on April 28, 2016, Japanese Unexamined Patent Application Publication No. 2016-65384) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The application was filed on September 24, 2014, a notice of reasons for refusal was issued on August 20, 2015, and against this, despite submission of a written opinion and an amendment on November 16, 2015, an examiner's decision of refusal was issued on June 7, 2016. Against this, an appeal against the examiner's decision of refusal was requested on October 5, 2016.

No. 2 The Invention

It is recognized that the invention according to Claim 1 of the application should be specified by the following matters recited in Claim 1 that have been amended by the amendment submitted on November 16, 2015, and thus the invention according to Claim 1 is as follows (hereinafter, referred to as "the Invention").

"A simple operation low-cost easy sanitary wash toilet provided with a button to be pushed in a horizontal direction at a front tip end of a toilet seat between the legs when seated on the toilet seat."

No. 3 Described matters in the Cited Document

1 Publication 1

In a micro-film of Japanese Utility Model Application No. S60-164346 (Japanese Unexamined Utility Model Application Publication No. S62-72373) which is a publication cited in the reasons for refusal of the examiner's decision and distributed before the filing date of the application (hereinafter, referred to as "Publication 1") describes the following matters (underlines are added by the body; the same shall apply hereinafter).

(1) "2. Claim of Utility Model

(1) A warm water washing toilet seat provided with operation switches of warm water washing toilet seat functions such as discharge and temperature adjustment of genital washing warm water, washing warm water discharge pressure adjustment, and temperature adjustment of drying warm air, on a toilet seat body attached to a toilet bowl."
(Description Page 1, Lines 4 to 9)

(2) "3. Detailed Description of Device

[Technical field]

The invention relates to a warm water washing toilet seat capable of warm water washing and warm air drying genitals of a human body after excreting, and specifically relates to a technique improving operability thereof and simplifying the whole structure.

[Background Art]

Conventionally, in a warm water washing toilet seat capable of warm water washing or warm air drying genitals of a human body after excreting, operation switches thereof are provided in a storage case storing various function components, and when operation switches are provided in the storage case in this way, operability while being seated on the toilet seat is poor. Then, so as to improve the operability, the shape of the storage case is changed and the like, and in such a case, there is a problem that the whole is enlarged and the structure is complicated.

[Object of the device]

The invention was made in view of such a problem, and the object of the device is to provide a warm water washing toilet seat capable of improving operability thereof while simplifying the whole structure.

[Disclosure of the device]

The warm water washing toilet seat of the device is provided with operation switches 3... of warm water washing toilet seat functions such as discharge and temperature adjustment of genital washing warm water, washing warm water discharge pressure adjustment, and temperature adjustment of drying warm air, on a toilet seat body

2 attached to a toilet bowl 1, and is configured in this way to achieve the above mentioned object. Namely, by providing the operation switches 3...on the toilet seat body 2, while operability in a state seated on the toilet seat body 2 can be improved, it is not necessary to extend the storage case as in the prior art, and the structure thereof is simplified.

Hereinafter, embodiments of the present device will be described on the basis of drawings.

The warm water washing toilet seat A, as shown in FIG. 1, supplies tap water from a low tank 4 storing the tap water into a tank 6 formed on a lower part of a body case 5 with a pump (not shown) stored in the low tank 4, heats the tap water in the tank 6 to an appropriate temperature with a heater (not shown), and ejects the heated warm water at appropriate pressure from a washing nozzle 7 whose posture is changed from a retracted posture to a use posture at the time of use to perform genital washing. Also, in the body case 5 of the warm water washing toilet seat A, a temperature blowing device (not shown) composed of a heater, a fan, and the like is equipped, and after warm water washing, warm air at an appropriate temperature is blown out from an outlet (not shown) to perform warm air drying. Furthermore, the toilet seat body 2 pivotally fixed to the toilet bowl 1 is attached with a heating tool (not shown) such as a heater, and the toilet seat body 2 can be warmed to an appropriate temperature by the heating tool. Then, the operation switches 3 of various functions of the warm water washing toilet seat A; namely, the operation switches 3... such as an operation switch 3a for changing the posture of the washing nozzle 7 from the use posture to the retracted posture, an operation switch 3b for ejecting the washing warm water, an operation switch 3c for the temperature adjustment of the washing warm water temperature, an operation switch 3d for adjusting warm water blowing pressure, an operation switch 3e for blowing out warm air, an operation switch 3f for adjusting warm air temperature, an operation switch (not shown) for heating the toilet seat body 2, and an operation switch (not shown) for adjusting the heating temperature, are provided on a peripheral side wall 8 of the toilet seat body 2. Therefore, by providing the operation switches 3...on the toilet seat body 2, while operability in a state seated on the toilet seat body 2 can be improved, it is not necessary to extend the storage case as in the prior art, and the structure thereof is simplified.

[Effect of the device]

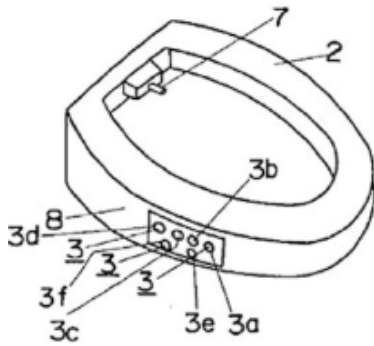
As described above, in short, since the present device is provided with operation switches of warm water washing toilet seat functions such as discharge and temperature adjustment of genital washing warm water, and washing warm water discharge pressure adjustment, and temperature adjustment of drying warm air on a toilet seat body attached to a toilet bowl, there are advantages that while operability in a state seated on the toilet

seat body 2 can be improved, it is not necessary to extend the storage case as in the prior art, and the structure thereof is simplified." (Description Page 1, Line 10 to Page 5, Line 6)

(3) "4. Brief description of drawings

FIG. 1 is an overall perspective view of one embodiment of the present invention, FIG. 2 is a perspective view of the toilet seat body, wherein 1 is a toilet bowl, 2 is a toilet seat body, and 3 is operation switches." (Description Page 5, Lines 7 to 10)

(4) FIG. 2 is the following.



(5) According to FIG. 2, it can be seen that "the peripheral side wall 8" of "the toilet seat body 2" is a generally vertical wall surface, and "the operation switches 3..." namely, "an operation switch 3a for changing the posture of the washing nozzle 7 from the use posture to the retracted posture," "an operation switch 3b for ejecting the washing warm water," "an operation switch 3c for the temperature adjustment of the washing warm water temperature," "an operation switch 3d for adjusting warm water blowing pressure," "an operation switch 3e for blowing out warm air," and "an operation switch 3f for adjusting warm air temperature" are provided on the surface.

(6) Comprehensively considering (1) to (5) above, it is recognized that Publication 1 describes the following invention (hereinafter, referred to as "the invention described in Publication 1").

"A toilet bowl 1 attached with a warm water washing toilet seat body 2 capable of warm water washing and warm air drying genitals of a human body after excreting, wherein

the toilet seat body 2 is provided with operation switches 3 of various functions of the warm water washing toilet seat A; namely, operation switches 3... such as an operation switch 3a for changing the posture of the washing nozzle 7 from the use posture to the retracted posture, an operation switch 3b for ejecting the washing warm water, an operation switch 3c for the temperature adjustment of the washing warm water temperature, an operation switch 3d for adjusting warm water blowing pressure, an operation switch 3e for blowing out warm air, an operation switch 3f for adjusting warm air temperature, an operation switch for heating the toilet seat body 2, and an operation switch for adjusting the heating temperature, on a surface of a peripheral side wall 8 that is a generally vertical wall surface of the toilet seat body 2."

2 Publication 2

Japanese Unexamined Patent Application Publication No. 2002-250070, which is a publication cited in the reasons for refusal of the examiner's decision and distributed before the filing date of the application (hereinafter, referred to as "Publication 2"), describes the following matters.

(1) "[Scope of Claims]

[Claim 1] A toilet characterized in that it can be operated in an open space of the thighs."

(2) "[Detailed Description of the Invention]

[0001] [The field of use to which the invention belongs] The present invention relates to a toilet whose operation is easy.

[0002] [Conventional Art] A washlet has buttons such as washing on a side part, and since necessary buttons are provided on the side part for operation such as washing, a user has to use them while twisting his/her body.

[0003] [Problem to be solved by the invention] In order to perform a button operation in a conventional washlet, it has been necessary to twist the body and it has been difficult to operate. In addition, it only offers poor operability, and when it is dark, the position of the buttons is difficult to understand, and it often becomes filthy. With respect to the toilet that is hard to operate, the present invention seeks to provide a toilet that is easy to operate and hygienic.

[0004] [Means for solving the problem] The present invention is a toilet characterized in that it can be operated between the thighs and is provided with an adjusting button for washing and the like at a position of a toilet seat sandwiched between the inner thighs of a human body near the tip end of the central part of the toilet seat.

[0005] [Embodiments of the invention] The present invention is described based on the drawings. FIG. 1 is a top view of a publicly known toilet, FIG. 2 is a view of one provided with a washlet operation button on a side part, and FIG. 2 is an enlarged view of an operation button portion of FIG. 1. FIG. 3 shows a side view of a publicly known toilet in which a remote control panel having a washlet operation button of the publicly known toilet is provided on a wall surface and the like. All of these examples have provided a panel such as a washing button on the side part of the toilet, so that it is necessary to twist a body in use. On the other hand, the toilet of the present invention shows an example of a toilet seat top view in FIG. 4. FIG. 5 shows a side view of the toilet. FIG. 6 shows another side view example of the toilet of the present invention.

[0006] Hereinafter, the present invention is described based on the drawings. FIG. 1 is a top view provided on a side part of a conventional washlet 1, and buttons 3 for operation such as washing, the adjustment of amount of water and temperature, and the like are mounted on a washlet operation button panel 2. FIG. 2 is an enlarged view of the operation panel 2 and the operation button 3 portion of FIG. 1. It is difficult to confirm and use the buttons for operation without twisting a body, which is inconvenient. In addition, for example, as shown in the side view of FIG. 3 of a publicly known washlet, although some buttons 3 for operation are used as a remote controller, which is provided on a side wall and the like, the operation has been inconvenient because they are still separated.

[0007] FIG. 4 is a top view of the present invention, FIG. 5 is an enlarged view of an operation button portion of FIG. 4, and FIG. 6 and FIG. 7 show a side view of a toilet of the present invention. In the toilet of the present invention, buttons 8 for operation are provided on an operation part 7 provided near a front center of a toilet seat 6 on a toilet tank 5. In addition, a dotted line 9 in FIG. 4 indicates a position of a human body on a toilet seat in use, and the buttons 8 for operation are located in an open space position of thigh portions 10 of a human body near the front center portion of the toilet seat.

[0008] Here, FIG. 4 and FIG. 6 show the mounting state of the button for operation of the present invention. As is apparent from FIG. 4 and FIG. 6, a positional relationship is established in which the mounting direction is rotated by 90 degrees with respect to the conventional operation button. As a result, the position of the adjustment button faces directly to a front surface of the human body, so that it is not necessary to twist the body, and it is possible to confirm the character of the adjustment button very easily. Since the operation buttons of the present invention are directly attached to the toilet seat as shown in FIG. 6 and FIG. 7, it is unnecessary to provide a conventional skirt. Therefore,

small size, light weight, and low cost are enabled, and thus it can be used in a narrow toilet.

...

[0010] In use of the toilet according to the present invention, since buttons for operation such as washing are located in front of an eye, it is easy to operate the buttons. When a male urinates, it is more ensured that he lifts the toilet seat in using the toilet since the operation buttons are in front, so that the toilet seat becomes cleaner than conventionally. It is also included in the present invention that, if necessary, the buttons for operation of the present invention may operate a washing nozzle or a flush control by wire or wirelessly. Further, it is also included in the present invention that an operation switch is directly provided on a toilet bowl instead of on a toilet seat.

[0011]

[Advantage of the Invention] According to the present invention, since a button for adjustment is provided between the thighs, it is possible to look directly and operate the button without twisting the body, so that it is very convenient and there is no trouble. Since the position of the buttons for operation can be recognized gropingly even without lighting, it can be easily used even at night. Since there are the operation buttons in front, the toilet seat is raised more than before at the time of urination so as not to become contaminated, and thus the toilet seat becomes cleaner as compared to a conventional case. In any event, the toilet of the present invention can be kept clean at all times. In addition, since the structure is simple, it is small in size, light in weight, low in cost, and the toilet bowl can be placed in a small space, so that its profit is large."

...

[Explanations of letters or numerals]

...

6 Toilet seat

7 Operation button panel of the present invention

8 Buttons for operation such as washing of the present invention

..."

(3) FIG. 4 is the following.

The present invention relates to a multifunctional toilet seat device which incorporates any one or more devices of a washing device for washing a part to be washed of a human body with washing water discharged from a washing nozzle, a drying device for drying a washed portion after washing, a heating device for heating a toilet seat, and the like.

The structure and its problem of a conventional case

This type of a conventional multifunctional toilet seat device, as described in FIG. 1, is sat on by a person (1) and incorporates any one or more devices of a washing water quantity adjusting knob (10) for washing a part to be washed after excreting, a drying switch (11) for drying with hot air the wet washed part after washing, a toilet seat heating temperature adjusting knob (12) for heating the toilet seat 2, and the like, and each operating portion is mounted on the rear of the toilet seat. In this structure, when the person washes the part to be washed, it is necessary to turn one's face backwards and wash while looking at the washing water quantity adjusting knob (10). Furthermore, there was a problem that it had to be done by turning backwards or in a state of hand-climbing to some extent also in the operation of the drying switch (11) for drying the wet washed part after washing with hot air and temperature adjusting knob (12) for heating the toilet seat, in addition to the washing water quantity adjusting knob (10).

The object of invention

In view of the aforementioned problems of the conventional device, it is an object of the present invention to provide a user-friendly multifunctional toilet seat device which can be operated without making a person sitting on a toilet seat turn his/her face backwards.

Constitution of the invention

To achieve the above-mentioned object, the present invention is mounted with the operating portion which incorporates any one or more devices of the washing water discharging device for washing the part to be washed with the washing water discharged from the washing nozzle, the drying device for drying the washed portion after the washing, the heating device for heating the toilet seat, and the like, on a front part of the toilet seat, and according to this structure, it is not necessary for the person to turn backward for each operation, and it can be easily operated at the front part.

Descriptions of examples

Hereinafter, an embodiment of the present invention will be described based on the attached drawings.

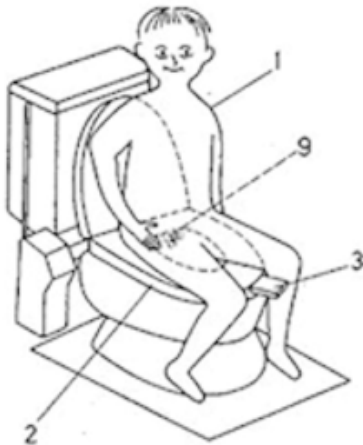
FIG. 1 is an external view of a front part of the toilet seat (2) mounted with the operating portion (3) for various devices such as the washing water quantity adjusting

knob, the drying switch, and the temperature adjusting knob of the toilet seat. FIG. 2 is a partial notch enlarged plane view of the front part of the toilet seat (2), and when each operation is desired, the operating portion (3) comes out by pushing lightly with the fingertip (4) as shown in the figure (push-out method). When the operating portion for various devices is not used, they are housed inside the toilet seat (2) by pushing them again with the fingertips, so that the appearance is not impaired. FIG. 3 is an enlarged plane view of the operating portion (3), which is equipped with a washing water quantity adjusting knob (5) for washing a part to be washed after excreting, a display lamp (5a) thereof, a hot water temperature adjusting knob (6) of the washing water, a drying switch (7) for drying the wet washed part after washing with hot air, and a toilet seat heating temperature adjusting knob (8) for heating the toilet seat (2). Also, (9) shows the washing water discharging device.

In the structure described above, the operating portion (3) for various devices is mounted to the front part of the toilet seat (2), and when a person seated on the toilet seat (2) performs various operations, it is not necessary to turn his/her face backward, and it can be operated while looking at the various knobs of the operating portion (3) on the front surface."

(Page 1, Line 16 of the left column to Page 2, Line 16 of the upper right column)

(4) FIG. 1 is the following.



(5) According to FIG. 1, it can be seen that "the front part of the toilet seat (2)" to which "the operating portion (3)" is mounted is a toilet seat front side between the legs when seated on "the toilet seat (2)."

No. 4 Comparison/Judgment

1 Comparison

In comparison of the Invention and the invention described in Publication 1,

(1) "A toilet bowl 1 attached with a toilet seat body 2" of the invention described in Publication 1 corresponds to "a toilet" of the Invention.

Then, according to the description "[0002] A conventional wash toilet... when it is used, a person sits on the toilet seat 1 and then uses the knob or switch in the operating portion 4 to eject hot water from the nozzle 2 to wash the anus" regarding "[Background Art] of the description of the Invention, and the description "[0013]...40 is a water tank storing water for washing. The operation of the devices configured in this way will be described as follows. [0014]...If the person pushes a start button 21 at a tip end portion of the toilet seat 1, a signal thereof is notified to the control portion 25, and the control portion 25 jets warm water from the nozzle 2 to the buttocks of the person. Once the buttocks are clean, the person presses the stop button 23, thereby stopping the jetting of warm water from the nozzle 2," it is understood that "a wash toilet" of the Invention means a toilet capable of washing "a dirt of the buttocks" of the person after excreting with (warm) water.

Therefore, "a toilet bowl 1 attached with a warm water washing toilet seat body 2 capable of warm water washing and warm air drying genitals of a human body after excreting" of the invention described in Publication 1 corresponds to "a wash toilet" of the Invention.

(2) "A button to be pushed in a horizontal direction" of the Invention is obviously a kind of switch from the descriptions "[0010]...21 to 23 are operating knobs or push button switches. For example, the center 22 may be made to be a warm water temperature adjusting knob, 21 at both ends starts button, and 23 a stop button," and "[0012]...1 is a toilet seat. At a tip end thereof, the aforementioned switches are mounted, and in the figures, the stop switch 23 can be seen. On the deeper side, the warm water temperature adjusting knob 22 and the on-switch 21 are mounted. Wiring 24 notifies a contact signal from the switches 23 and the like to the control portion 32 mentioned below" regarding [Description of Embodiments] of the descriptions of the Invention. Also, it is obviously a switch for operating "a wash toilet" from the descriptions of Paragraphs 0013 and 0014 of the descriptions of the Invention described in (1) above.

Therefore, the matter that provided with the operation switches 3 of various functions of the warm water washing toilet seat A; namely, the operation switches 3...

such as an operation switch 3a for changing the posture of the washing nozzle 7 from the use posture to the retracted posture, an operation switch 3b for ejecting the washing warm water, an operation switch 3c for the temperature adjustment of the washing warm water temperature, an operation switch 3d for adjusting warm water blowing pressure, an operation switch 3e for blowing out warm air, an operation switch 3f for adjusting warm air temperature, an operation switch for heating the toilet seat body 2, and an operation switch for adjusting the heating temperature, on the surface of a peripheral side wall 8 that is a generally vertical wall surface of the toilet seat body 2" in the invention described in Publication 1, and the matter that "provided with a button to be pushed in a horizontal direction at a front tip end of a toilet seat between the legs when seated on the toilet seat" of the Invention are common in the point that "an operation switch is provided on a toilet seat."

According to (1) and (2) above, the Invention and the invention described in Publication 1 are identical in the following point.

[Corresponding features]

"A wash toilet provided with an operation switch on a toilet seat"

On the other hand, the Invention and the invention described in Publication 1 are different in the following point.

[Different Feature 1]

Regarding the layout of "the operation switch" provided on the toilet seat, in the Invention, it is specified as "at a front tip end of a toilet seat between the legs when seated on the toilet seat," whereas in the invention described in Publication 1, it is not specified in such a way.

[Different Feature 2]

Regarding the aspect of "the operation switch," in the Invention, it is specified as "a button to be pushed in a horizontal direction," whereas in the invention described in Publication 1, it is not specified in such a way.

[Different Feature 3]

Regarding "the wash toilet," in the Invention, it is specified as "simple operation, low-cost, easy, sanitary," whereas, in the invention described in Publication 1, it is not specified in such a way.

2 Judgment

(1) Regarding Different Feature 1

The object of the invention described in Publication 1, as mentioned in No. 3-1(2) above, is to improve the operability of the operation switch on the warm water washing toilet seat while simplifying the whole structure thereof, as described "the device is ... to provide a warm water washing toilet seat capable of improving operability thereof while simplifying the whole structure" in "Object of the Invention" of Publication 1. Further, the invention is made to improve operability in a state seated on the toilet seat body 2 as described as "operability in a state seated on the toilet seat body 2 can be improved" in "[Disclosure of the Invention]", so that it can be said that it has a problem of improving the operability of the operation switch.

Then, in general, while the layout of the operation switch is a design matter that can be appropriately determined by a person skilled in the art, as described in No. 3-2 above, in Publication 2, the structure in which "buttons for operation such as washing, the adjustment of amount of water and temperature" "are provided" "at a position of a toilet seat sandwiched between the inner thighs of a human body near the tip end of the central part of the toilet seat" and "it is possible to look directly and operate the button without twisting the body, so that it is very convenient and there is no trouble" is described. Also, in Publication 3, as described in No. 3-3 above, the structure in which "a front part of the toilet seat (2) mounted with the operating portion (3) for various devices such as the washing water quantity adjusting knob, the drying switch, and the temperature adjusting knob of the toilet seat" "between the legs when seated on the toilet seat (2)" and "it is not necessary to turn backward, and it can be easily operated at the front part" is described. In this way, the structure in which the operation switch is placed at the front part of the toilet seat between the legs when seated on the toilet seat is publicly known, and in such a structure, since it is not necessary to twist the body or turn backward for operation, the operability is improved, so that a person skilled in the art could have easily conceived to try to arrange "the operation switches 3..." provided "on the peripheral side wall 8 that is a generally vertical wall surface of the toilet seat body 2" in the invention described in Publication 1 on "the peripheral side wall 8" "at the front part of the toilet seat between the legs when seated on the toilet seat" in the same way; namely to arrange it at a front tip end of the toilet seat.

As described above, the structure of the Invention related to Different Feature 1 could have been easily conceived by a person skilled in the art based on the techniques described in the invention described in Publication 1, Publication 2, and Publication 3.

(2) Regarding Different Feature 2

While a push button was well-known and commonly used as an operation switch prior to the filing of the application of the Invention, as described in No. 3-2(2) above, "[0006]...FIG. 1 is a top view provided on a side part of a conventional washlet 1, and buttons 3 for operation such as washing, the adjustment of amount of water and temperature, and the like are mounted on a washlet operation button panel 2," in Publication, it was well known prior to the filing of the application of the Invention to use a button switch for the operation switch for "washing, the adjustment of amount of water and temperature" of a washlet (genitals of a human body washing device). Hence, a person skilled in the art could have easily conceived that "an operation switch 3b for ejecting the washing warm water"("washing" in Publication 2), "an operation switch 3c for the temperature adjustment of the washing warm water temperature" ("temperature adjustment" in Publication 2), "an operation switch 3d for adjusting warm water blowing pressure" ("water quantity" in Publication 2) and the like of "the operation switches 3..." of the invention described in Publication 1 are made to be buttons, by adopting the well-known arts. In addition, it is natural for a person skilled in the art to understand that the operation switch 3 shown in FIG. 2 of Publication 1 is a button.

Then, examining the point that the button is specified as "to be pushed in a horizontal direction" in the Invention, from the meaning that "a projecting part to be pushed with fingers so as to actuate machines and 'Push-' of the term "button"(Iwanami Shoten, KOJIEN, 6th edition), the button is to "be pushed," since "the operation switches 3..." of the invention described in Publication 1 are provided "on a surface of the peripheral side wall 8 that is a generally vertical wall surface," it is obvious that the pushing direction of the button becomes the horizontal direction if adopting the button as the operation switch.

As described above, the structure of the Invention related to Different Feature 2 could have been easily conceived by a person skilled in the art based on the invention described in Publication1 and the well-known arts mentioned above.

(3) Regarding Different Feature 3

The matter specifying the invention that "simple operation low-cost easy sanitary" merely describes the property, action, or effect of the structure of "the wash toilet"

"provided with a button to be pushed in a horizontal direction at a front tip end of a toilet seat between the legs when seated on the toilet seat," and as of the examination of (1) and (2) above, the structure of the Invention (the structure related to Different Features 1 and 2) could have been easily conceived by a person skilled in the art. If the structure is the same, it can be said that the same property, action, or effect is achieved, and thus Different Feature 3 cannot be said to be substantial.

(4) Appellant's allegation

The allegation which the appellant made in the written opinion and the written request for appeal submitted on November 16, 2015 will be examined.

A Regarding the allegation in the written opinion.

The appellant pointed out, in "(1) Regarding Reason 1 (inventive step)" in the written opinion submitted on November 16, 2015, that generally the operation switch 3 "is provided under the right leg or the outside of a leg on a side surface of the toilet seat body 2" in FIG. 2 of Publication 1, "the buttons 8 for operation are provided on an upper surface of the toilet seat 6" in the invention described in Publication 2, and "it is inconvenient that the user pulls the operating portion 3 from between the crotch" in the invention described in Publication 2, regarding the inventive step of the Invention, and alleges that each of them is fundamentally different in structure from the Invention, and cannot be easily conceived from the inventions described in Publications 1 to 3.

However, as in the examination in (1) to (3) above, it is described in Publication 1 to provide the operation switch on a side surface of the toilet seat instead of an upper surface, and it is described in Publications 2 and 3 to provide it at a toilet seat front part between the legs. Since Publications 1 to 3 are all provided with the operation switch of the washing device on the toilet seat, it could have been easily conceived by a person skilled in the art to apply the techniques described in Publications 2 and 3 and the well-known arts for the invention described in Publication 1.

Further, in the written opinion, it is alleged that "in the Invention, since the button of the contact switch is arranged in the direction parallel to the toilet seat, there is an advantage in that it is not splashed with urine, and urine does not enter it even if it is splashed, and it is hygienic and easy to operate."

However, while it is understood whether urine is splashed depends on the button layout, as described above, the structure related to the layout of the button of the Invention could have been easily conceived from the techniques described in the invention

described in Publication 1, Publications 2 and 3, and the well-known arts, and the working effect exerted by the Invention falls within a scope that can be predicted therefrom, and cannot be regarded as a particularly distinguished effect. Also, although it is understood that the working effect "urine does not enter it even if it is splashed" is due to the structure of "the button," in Claim 1 of the scope of claims of the present application, the specific structure of the button is not described. Furthermore, in Claim 1 of the scope of claims of the present application, there is no description of "a button of a contact switch." Hence, it cannot be said that the allegation is based on the descriptions of the scope of claims.

Therefore, the allegation of the written opinion cannot be adopted.

B Regarding the allegation in the written request for appeal

The appellant, in "(3) Reasons why the Invention should be patented" of the written request for appeal, alleges that "the structural characteristics of the Invention is in the point that "provided with a button to be pushed in a horizontal direction at a front tip end of a toilet seat between the legs when seated on the toilet seat," and that with this structure, a contact signal can be created with a very simple structure."

However, in Claim 1 of the scope of claims of the present application, there is no description about the specific structure of "the button" or a description that a contact signal is created, and also, even referring to the descriptions and drawings of the present application, a concrete structure in which the button of the Invention has a particularly simple structure for creating a contact signal as compared with the button of the well-known art as described in Publication 2 discussed in (2) above is not found. Hence, it cannot be said that the allegation is based on the descriptions of the scope of claims.

Therefore, the allegation of the written request for appeal cannot be adopted.

(5) Summary

Then, even when comprehensively considering these different features described above, a working effect of the Invention falls within a scope that can be predicted from the invention described in Publication 1, techniques described in Publications 2, 3 and the well-known arts, and cannot be regarded as a particularly distinguished effect.

Therefore, the Invention could have been easily made by a person skilled in the art on the basis of the invention described in Publication 1, techniques described in Publications 2, 3 and the well-known arts.

No. 5 Closing

As described above, the Invention could have been easily made by a person skilled in the art on the basis of the invention described in Publication 1, techniques described in Publications 2, 3 and the well-known arts, and thus the appellant should not be granted a patent for the Invention under the provisions of Article 29(2) of the Patent Act.

Hence, the present application should be rejected.

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

November 22, 2017

Chief administrative judge: ONO, Chuetsu

Administrative judge: MAEKAWA, Shinki

Administrative judge: INOUE, Hiroyuki