

## TRIAL DECISION

Correction No. 2016-390165

Tokyo, Japan

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The case of trial for correction regarding Patent No. 3904214 has resulted in the following trial decision.

### Conclusion

The correction of the scope of claims of Japanese Patent No.3904214 shall be approved as the corrected scope of claims attached to the written demand for trial of the case.

### Reason

#### No. 1 History of the procedures

The application of the patent relating to Claims 1-6 of Japanese Patent No. 3904214 of the case was filed on September 2, 2003 and the establishment of patent right was registered on January 19, 2007, and then, a demand for trial of the case was filed on December 26, 2016.

#### No. 2 Object of the demand

The object of the demand for trial of the case is to seek the trial decision to approve the correction of the scope of claims of Japanese Patent No. 3904214 according to the corrected scope of claims attached to the written demand for trial of the case.

The details of the correction demanded by the demandant (hereinafter, referred to as "the correction of the case") are as follows:

(The matters of correction)

Correction to delete Claim 6 of the scope of claims is made.

### No. 3 Judgment by the body

#### 1. Purpose of correction

The above correction is to delete Claim 6 before correction and thus is intended for restriction of the scope of claims.

Therefore, the correction of the case is for the purpose of the matters provided in item (i) of the proviso to Article 126 (1) of the Patent Act.

#### 2. Regarding whether or not new matter exists and enlargement or alternation of the scope of claims

Since the above correction is to delete a claim, it is made within the scope of the matters described in the specification, scope of claims, or drawings attached to the application and does not substantially enlarge or alter the scope of claims.

Therefore, the correction of the case falls under the provisions of Article 126(5) to (6) of the Patent Act.

#### 3. Consideration on independent requirements for patentability

The correction of the case is a correction to delete a claim and therefore, does not need to be addressed for independent requirements for patentability.

### No. 4 Closing

As described above, the correction relating to the demand for trial of the case is for the purposes provided in item (i) of the proviso to Article 126 (1) of the Patent Act, and falls under the provisions of Article 126 (5) to (6) of the Patent Act.

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

March 14, 2017

Chief administrative judge: SHIMADA, Shinichi  
Administrative judge: MORIBAYASHI, Hirokazu  
Administrative judge: DEGUCHI, Masaya