

Decision on opposition

Opposition No. 2016-700592

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The case of opposition against the patented invention of Japanese Patent No. 583952, entitled "Label printer," has resulted in the following decision.

Conclusion

Correction of the scope of claims of Japanese Patent No. 5839520 shall be approved regarding claims [1, 3, 4, 5, 6, 7] and [2, 8, 9, 10] after correction as the scope of claims attached to a Written correction request.

The patents according to claims 2, 8, and 9 of Japanese Patent No. 5839520 shall be revoked.

The patents according to claims 1, 3-6, and 10 of Japanese Patent No. 5839520 shall be maintained.

The opposition to a granted patent regarding the patent according to claim 7 of Japanese Patent No. 5839520 shall be dismissed.

Reason

No. 1 History of the procedures

The application regarding the patents according to claim 1 to claim 7 of Japanese Patent No. 5839520 was filed on Nov. 28 of the same year as Japanese Patent Application No. 2014-241437 taking the date of Jun. 25, 2014 as the priority date thereof, the establishment of the patent right thereof was made as of Nov. 20, 2015. After that, an opposition against grant of a patent was filed with respect to claims 1 to 7 dated Jul. 5, 2016 by the patent opponent, Seiko Epson Corp., inspection was performed

on Feb. 23, 2017, reasons for rescission were notified as of Mar. 31 of the same year, a written opinion and a request for correction were submitted on Jun. 12 of the same year, a written opinion was submitted from the patent opponent Seiko Epson Corp. as of Jul. 27 of the same year, reasons for revocation (advance notice of decision) were notified as of Aug. 31 of the same year, a written opinion and request for correction were submitted on Nov. 6 of the same year, and a written opinion was submitted from the patent opponent Seiko Epson Corp. as of Apr. 20, 2018.

No. 2 Suitability of the correction

1 The matters of correction

(1) Correction A

To correct "comprising: (omitted); and a nip roller pivotally supported by the nip roller shaft in a rotatable state," of claim 1 to

"comprising: (omitted); and a nip roller pivotally supported by the nip roller shaft in a rotatable state, wherein,

in the pair of supporters, a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion."

(2) Correction B

To correct "The label printer according to claim 1, wherein the pair of roller holding portion make both ends of the nip roller shaft be inserted into the roller holding portion, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered." of claim 2 to

"A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,

a pair of roller holding portion extending only from opposite end faces of the pair of supporters in only a direction orthogonal to the end face of each of the supporters and approaching each other, the pair of roller holding portion integrally molded with the supporters, respectively,

a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and

a nip roller pivotally supported by the nip roller shaft in a rotatable state,

wherein

the pair of roller holding portion make both ends of the nip roller shaft be inserted into the roller holding portion, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered."

(3) Correction C

To correct "the separation mechanism is provided within the chassis" of claim 4 to

"the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller".

(4) Correction D

To correct "any one of claims 1 to 3" of claim 4 to
"claim 1 or claim 3."

(5) Correction E

To correct "any one of claims 1 to 4" of claim 5 to
"any one of claims 1, 3, and 4."

(6) Correction F

To correct "includes a thick wall part provided along an extending direction of the nip roller shaft" of claim 6 to

"includes a thick wall part provided along an extending direction of the nip roller shaft, wherein

the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by arranging the separation mechanism close to the transportation roller."

(7) Correction G

To correct "any one of claims 1 to 5" of claim 6 to
"any one of claims 1 and 3 to 5."

(8) Correction H

Claim 7 is deleted.

(9) Correction I

To correct, regarding claim 8 that corresponds to claim 4 before the correction, "the separation mechanism is provided within the chassis" of claim 4 before the correction to

"the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller."

(10) Correction J

To correct, regarding claim 9 that corresponds to claim 5 before the correction to

"The label printer according to claim 2 or 8, wherein the supporters are made of a first resin, and the nip roller is made of a second resin different from the first resin."

(11) Correction K

To correct, regarding claim 10 that corresponds to claim 6 before the correction, "includes a thick wall part provided along an extending direction of the nip roller shaft" of claim 6 before the correction to

"includes a thick wall part provided along an extending direction of the nip roller shaft, wherein

the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by arranging the separation mechanism close to the transportation roller."

2 Suitability of correction purpose, existence of new matters, existence of enlargement or alternation of a group of claims and the scope of claims

(1) Correction A is a correction that makes limitation regarding which side of a pair of supporters is connected by what, and by what such connecting member is covered, as "in the pair of supporters, a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion," and, therefore, it is for the purpose of restriction of the scope of claims.

Then, it is described, in paragraph [0039] of the description attached to the application, that "the separation unit 10 includes a nip roller shaft 11 made of metal, a resin nip roller 12 that is arranged in the middle part of the nip roller shaft 11 and is pivotally supported in a state being rotatable about the nip roller shaft 11, and resin supporters 13, 13 that support both ends of the nip roller shaft 11," and, in paragraph [0043] of the description, that "in each of the pair of supporters 13, 13, a part protruding toward the nip roller 12 is a roller holder 13d into which an end of the nip roller shaft 11 is inserted."

Furthermore, regarding the separation unit 10, It can be perceived from [FIG. 7] to [FIG. 9] of the drawings attached to the application that "the nip roller shaft is covered with the roller holding portion," "the pair of supporters are connected in the side in which the nip roller is provided," "as a connection member that connects the pair of supporters, there is no member found besides the nip roller shaft 11."

Therefore, Correction A does not fall under addition of a new matter, and it is not one that substantially enlarges or alters the scope of claims.

(2) Correction B is one that dissolves the dependency relation of claim 2 that cites claim 1 to make it be an independent claim, and makes limitation, regarding from which portion of the pair of supporters and in which direction the pair of roller holding portion extend, as "a pair of roller holding portion extending only from opposite end faces of the pair of supporters in only a direction ... approaching to each other." Therefore, it is one for the purpose of making the statement of a claim that refers to the statement of another claim be of a statement that does not cite the statement of the other claim in question, and restricting the scope of claims.

It is described, in paragraph [0043] of the description attached to the application, that "in each of the pair of supporters 13, 13, a part protruding toward the nip roller 12 is a roller holder 13d into which an end of the nip roller shaft 11 is inserted."

Furthermore, regarding the separation unit 10, it can be perceived from [FIG. 7] to [FIG. 9] that, "a pair of roller holding portion are provided only in each of opposite end faces of supporters," and that "the pair of roller holding portion extend only in a direction approaching each other."

Therefore, Correction B does not correspond to addition of new matters, and it is not a correction that substantially extends or changes the scope of claims.

(3) Correction C is a correction that limits a minimum range of members of a separation mechanism provided within the chassis by stating that "the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller," and therefore, it is for the purpose of restriction of the scope of claims.

Then, regarding a state that the separation unit 10 that is a separation mechanism is provided in the chassis, It can be perceived, from [FIG. 1] and [FIG. 15] of the drawings attached to the application, that "a pair of roller holding portion, a nip roller shaft and a nip roller (that constitute the separation unit 10) are provided within the chassis."

Accordingly, Correction C does not fall under addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(4) Correction D is a correction to make claim 4 be a claim not citing claim 2 by sorting out relation of claims that claim 4 cites claim 2, corresponding to claim 2 before the correction that cited only claim 1, becoming an independent claim by Correction B, and, therefore, it is for the purpose of restriction of the scope of claims or clarification of ambiguous statement.

Then, since it is at least deletion of a claim that has been cited, Correction D does not fall under addition of new matters, and it is not one that substantially enlarges or alters the scope of claims.

(5) Correction E is a correction to make claim 5 be a claim not citing claim 2, by sorting out relation of claims that claim 5 cites claim 2, corresponding to claim 2 before the correction that cited only claim 1 becoming an independent claim by Correction B, and, therefore, it is for the purpose of restriction of the scope of claims or clarification of ambiguous statement.

Then, since it is at least deletion of a claim that has been cited, Correction E does not fall under addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(6) Since Correction F is a correction that limits a shape and a swelling direction of a thick wall part, it is for the purpose of restriction of the scope of claims.

Then, in light of the statements of [FIG. 8] to [FIG. 10] of the drawings attached to the application regarding the thick wall part, and the statements of [FIG. 16] and [FIG. 17] of the drawings attached to the application regarding the separation issue

mode, it can be perceived that the thick wall part "has a shape protruding in a direction opposite to a direction in which a separation bar is located when performing printing in a separation issue mode for issuing said print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and a nip roller by arranging a separation mechanism close to a transportation roller."

Therefore, Correction F does not fall under addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(7) Correction G is a correction to make claim 6 be a claim not citing claim 2, by sorting out relation of claims that claim 6 cites claim 2, corresponding to claim 2 before the correction that cited only claim 1 becoming an independent claim by Correction B, and, therefore, it is for the purpose of restriction of the scope of claims or clarification of ambiguous statement.

Then, since it is at least deletion of a claim that has been cited, Correction F does not fall under addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(8) Correction H is a correction to delete claim 7, and therefore, it is for the purpose of restriction of the scope of claims.

Then, since it is deletion of a claim, Correction H does not correspond to addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(9) Correction I is a correction that limits members of the separation mechanism to be provided within the chassis by stating that "the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller," and thus it is for the purpose of restriction of the scope of claims.

Then, it can be perceived that, regarding the state that the separation unit 10 that is a separation mechanism is provided in the chassis, from [FIG. 1] and [FIG. 15] of the drawings attached to the application, "a pair of roller holding portion, a nip roller shaft and a nip roller (that constitute the separation unit 10) are provided within the chassis".

Therefore, Correction I does not correspond to addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(10) Correction J is a correction to make claim 5 that has cited claim 2 be claim 9, corresponding to claim 2 before the correction that cited only claim 1 becoming an independent claim by Correction B, and claim 9 is made to refer to claim 2 or 8 by sorting out relation with claims to which claim 9 refers. Therefore, it is for the purpose of restriction of the scope of claims or clarification of ambiguous statement.

Then, since it is at least deletion of a claim that has been cited, Correction J does not fall under addition of new matters, and it is not one that substantially enlarges or alters the scope of claims.

(11) Since Correction K is a correction to limit a shape and a swelling direction of the thick wall part, it is for the purpose of restriction of the scope of claims.

Then, in light of the statements of [FIG. 8] to [FIG. 10] of the drawings

attached to the application regarding the thick wall part, and the statements of [FIG. 16] and [FIG. 17] of the drawings attached to the application regarding the separation issue mode, it can be perceived that the thick wall part "has a shape protruding in a direction opposite to a direction in which a separation bar is located when performing printing in a separation issue mode for issuing said print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and a nip roller by arranging a separation mechanism close to a transportation roller."

Therefore, Correction K does not fall under addition of new matters, and it is not a correction that substantially enlarges or alters the scope of claims.

(12) Regarding claims 1 to 7 before the correction, claims 2 to 6 cite claim 1, and claim 7 cites claim 1 by referring to claim 6. Then, claims 2 to 7 before the correction are corrected in conjunction with claim 1 whose statements are corrected by Correction A, and thus they fall under the category of a group of claims in advance of the correction.

Therefore, the correction request has been made for each group of claims.

Then, claims 1 and 3-7 after the correction are a group of claims, because claims 1 and 3-7 before the correction are ones in which the statements of claim 1 that includes Correction A are referred to by claims 3 to 7.

In addition, claims 2 and 4-7 before the correction are ones in which the statements of claim 2 including Correction B are referred to by claims 8-10, and thus claims 2 and 8-10 after the correction are a group of claims.

3 Summary

Accordingly, Corrections A to K according to the above request for correction are aimed at matters prescribed in items (i), (iii), and (iv) of the proviso to Article 120-5(2) of the Patent Act, and, in addition, conform to the provisions of Article 126(4) to (6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120(9) of the same Act. Therefore, the corrections regarding claims [1, 3, 4, 5, 6, 7], and [2, 8, 9, 10] after the correction shall be approved.

No. 3 Judgment by the body

1 Reasons for rescission described in the notification of reasons for rescission

(1) Inventions according to claims after the correction

The inventions according to claims 1 to 10 after the correction that have been corrected by the above-mentioned request for correction (hereinafter, referred to as "Patent Invention 1" to "Patent Invention 10") are as follows.

"[Claim 1]

A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such

a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,

a pair of roller holding portion extending from the pair of supporters in directions orthogonal to each of the supporters and approaching each other, the pair of roller holding portion being integrally molded with the supporters, respectively,

a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and

a nip roller pivotally supported by the nip roller shaft in a rotatable state, wherein,

in the pair of supporters, a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion.

[Claim 2]

A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,

a pair of roller holding portion extending only from opposite end faces of the pair of supporters in only directions orthogonal to the end face of each of the supporters and approaching each other, the pair of roller holding portion being integrally molded with the supporters, respectively,

a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and

a nip roller pivotally supported by the nip roller shaft in a rotatable state, wherein,

the pair of roller holding portion make both ends of the nip roller shaft be inserted into the roller holding portion, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered.

[Claim 3]

The label printer according to claim 1, wherein
the pair of roller holding portion support the nip roller shaft in such a way as to covering the nip roller shaft from both ends of the nip roller shaft toward a middle part of the nip roller shaft in an axial direction and up to both ends of the nip roller.

[Claim 4]

The label printer according to claim 1 or 3, wherein
the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller.

[Claim 5]

The label printer according to any one of claims 1, 3, and 4, wherein
the supporters are made of a first resin, and the nip roller is made of a second resin different from the first resin.

[Claim 6]

The label printer according to any one of claims 1 and 3-5, wherein
the roller holder includes a thick wall part provided along an extending direction of the nip roller shaft, and wherein
the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by arranging the separation mechanism close to the transportation roller.

[Claim 7]

Deleted

[Claim 8]

The label printer according to claim 2, wherein
the separation mechanism is provided within the chassis about at least the pair of roller holding portion, the nip roller shaft and the nip roller.

[Claim 9]

The label printer according to any one of claim 2 and 8, wherein
the supporters are made of a first resin, and the nip roller is made of a second resin different from the first resin.

[Claim 10]

The label printer according to any one of claims 2 and 8-9, wherein
the roller holder includes a thick wall part provided along an extending direction of the nip roller shaft, and wherein
the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by

arranging the separation mechanism close to the transportation roller."

2 Statements of Demandant's Exhibit and Evidence A

(1) The invention of Demandant's Exhibit No. 1

In Demandant's Exhibit No. 1 (Mobile printer Petit Lapin PT200e-W1 (Manufacturer: Sato Co., Ltd.)), the following matters are shown.

A As shown in the inspection record, there are described, in Demandant's Exhibit No. 1, "MODEL: PT200e-W1" and "Manufacturer: Sato Co., Ltd." on the back face of the chassis, and thus, as viewed from the statements of "Petit Lapin PT200e" of Evidence A No. 10 (near the equipment in the upper stage of page 1), and "2-inch mobile printer PT200e" (page 2: in the boxed article described as "Easier to use, compact sized, light weighted and of higher performance") "the statement contents of this catalog are as of Jan., 2005." (page 4, the section in the lower right corner), it is recognized that Demandant's Exhibit No. 1 is "2-inch mobile printer PT200e" described in Evidence A No. 10, and was publicly known before Jun. 25, 2014 that is the priority date of the Patent.

B The matters confirmed by the inspection conducted on Feb. 23, 2017 are as follows.

(A) It has been confirmed that "MODEL: PT200e-W1" and "Manufacturer: Sato Co., Ltd." are described. (Refer to picture 1)

(B) It has been confirmed that Demandant's Exhibit No. 1 includes a chassis having an opening on one surface. (Refer to picture 2)

(C) It has been confirmed that Demandant's Exhibit No. 1 includes an open/close cover attached in a state capable of being opened and closed in the chassis. (Refer to picture 3 and picture 4)

(D) It has been confirmed that Demandant's Exhibit No. 1 includes a transportation roller that is pivotally supported by the open/close cover in a state capable of rotation and transports a print medium. (Refer to picture 5 and picture 6)

(E) It has been confirmed that Demandant's Exhibit No. 1 includes a separation bar that is fixed to the open/close cover and arranged adjacent to the transportation roller. (Refer to picture 7 and picture 8)

(F) It has been confirmed that Demandant's Exhibit No. 1 includes a member that is provided within the chassis, and is arranged opposite to the transportation roller when the open/close cover is closed, the member having black and green lines extending thereon. (Refer to picture 9 and picture 10)

(G) It has been confirmed that Demandant's Exhibit No. 1 includes a separation mechanism that is arranged in proximity to the transportation roller. (Refer to picture 11, picture 12, picture 13, picture 14, picture 15, picture 16, picture 17, and picture 18)

(H) It has been confirmed that, in Demandant's Exhibit No. 1, the separation mechanism includes a pair of supporters provided opposite to each other in a direction orthogonal to the transportation direction of a print medium. (Refer to picture 19 and picture 20)

(I) It has been confirmed that, in Demandant's Exhibit No. 1, the separation mechanism is provided with a pair of members that extend from the pair of supporters in directions orthogonal to the transportation direction and approaching each other, the pair of members are formed integrally with each of the pair of supporters, the pair of

members have penetration holes, and a roller shaft is held by the penetration holes. (Refer to picture 21 and picture 22)

(J) It has been confirmed that, in Demandant's Exhibit No. 1, the separation mechanism includes a nip roller shaft whose both ends are supported by each of the pair of the members. (Refer to picture 23)

(K) It has been confirmed that, in Demandant's Exhibit No. 1, the separation mechanism includes a nip roller pivotally supported by the nip roller shaft in a rotatable state.

(L) It has been confirmed that, in Demandant's Exhibit No. 1, the pair of members make both ends of the nip roller shaft be inserted thereto, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered.

(M) It has been confirmed that, in Demandant's Exhibit No. 1, a part of the separation mechanism is provided within the chassis.

(N) It has been confirmed that, in Demandant's Exhibit No. 1, the supporters are made of hard resin, and the nip roller is made of resin softer than the supporter.

(O) It has been confirmed that, in Demandant's Exhibit No. 1, the members are ones having a thickness of a degree of 2.5-3 mm along the extending direction of the nip roller shaft. (refer to picture 24 and picture 25)

C The matters that can be perceived from the pictures of the inspection record are shown as follows.

(P) It can be perceived, from picture 21, picture 22, and picture 23 of the inspection record, that the pair of members are provided only on the opposed surfaces of the pair of supporters, and these are not ones that extend up to the surfaces in the sides opposite to the opposed surfaces of the pair of supporters.

In addition, the opposed surfaces of the pair of supporters are end faces of the supporters, and it is obvious that the pair of members extend only from the opposite end faces of the pair of supporters.

Therefore,

(Q) as described in the above-mentioned (I), it can be perceived that the pair of members approach each other from a pair of supporters in directions orthogonal to the transportation direction, and, from picture 15, picture 21, picture 22, and picture 23, the end faces of the pair of supporters extend in a direction parallel to the transportation direction.

Accordingly, the pair of members will be orthogonal to the end faces of the pair of supporters.

(R) From picture 21, picture 22, picture 23 of the inspection record, it can be perceived that a pair of second members that correspond to the roller holding portion of the Patent Invention 2 form an approximately columnar outer shape, the opposite (open) end faces of the columnar shape extend in directions approaching each other, and the extending directions do not have other directions' that is, they are linear, and take the shortest distance to each other.

Therefore, it can be said that the pair of members extend only in directions approaching each other.

(S) From picture 11, picture 12, picture 15, picture 16, picture 17, picture 18, picture 19, picture 20, picture 21, picture 22, and picture 23 of the inspection record, it can be perceived that a part of "separation mechanism" is provided within the chassis,

the separation mechanism includes "pair of members," "nip roller shaft," and "nip roller," and, at least "pair of members," "nip roller shaft," and "nip roller" are provided within the chassis.

Therefore, regarding the separation mechanism, at least, the pair of members, the nip roller shaft and the nip roller are provided within the chassis.

From the above, it is recognized that, due to the mobile printer of Demandant's Exhibit No. 1, the invention that was publicly known in advance of the priority date of the Patent is as indicated below. (Hereinafter, referred to as "Invention Exhibit A-1")

"A mobile printer, comprising:

a chassis including an opening provided on one surface;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller pivotally supported by the open/close cover in a state capable of rotating to transport a print medium;

a separation bar that is fixed to the open/close cover, and arranged adjacent to the transportation roller;

a member provided within the chassis, arranged opposite to the transportation roller when the open/close cover is being closed, and having black and green lines extending on the member; and

a separation mechanism arranged adjacent to the transportation roller, a part of the separation mechanism being provided within the chassis, wherein

the separation mechanism, includes:

a pair of supporters provided opposite to each other in a direction orthogonal to a transportation direction of a print medium; and

a pair of members extending only from opposite end faces of the pair of supporters only in directions orthogonal to the end faces of each of the supporters and approaching each other, wherein

the pair of members are formed integrally with each of the pair of supporters, have penetration holes, and a roller shaft is held in the penetration holes,

the separation mechanism includes a nip roller shaft whose both ends are supported by each of the pair of members, and a nip roller pivotally supported by the nip roller shaft in a rotatable state, wherein

the pair of members make both ends of the nip roller shaft be inserted therethrough, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered,

the supporters are made of hard resin, and the nip roller is made of resin softer than the supporters,

the pair of members have a thickness of a degree of 2.5-3 mm along an extending direction of the nip roller shaft, and wherein

at least the pair of members, the nip roller shaft and the nip roller of the separation mechanism, are provided within the chassis."

(2) Invention described in Evidence A No. 1

In Evidence A No. 1 (Japanese Unexamined Patent Application Publication No. 2007-185774), there are the following statements.

A "[0033]

As shown in FIG. 1, the printer with a peeler mechanism 1 has a flattened rectangular parallelepiped shape that is long in a front-back direction as a whole. In the last half of the upper surface of the printer exterior case 2 of the printer with a peeler mechanism 1, there are arranged an opening/closing cover 4 and an openable peeler unit 10. Between the opening/closing cover 4 and the peeler unit 10, a mount discharge port 11 extending in the printer width direction is formed. In addition, in the peeler unit 10, a label ejection port 12 extending in the printer width direction is formed."

B "[0037]

As indicated by a two-dot chain line in FIG. 3, inside the printer, there is formed a transportation path 18 that leads the paper 14A that is sent out from the paper roll 14 loaded on the roll paper storage unit 15 to the mount ejecting port 11 and the label ejection port 12 formed in the middle part of the upper surface of the printer. At an intermediate position of this transportation path 18, a thermal head 19 is arranged. A printing surface 19a of the thermal head 19 and a platen roller 20 mounted on the side of the opening/closing cover 4 sandwich the paper 14A, and are pressed to each other by predetermined force from the rear side of the thermal head 19.

[0038]

When the paper 14A is provided with a long-shaped mount 14b and a label 14c of a fixed length and width stuck on the surface of the mount 14b at regular intervals as indicated in FIG. 5(b), FIG. 6(c), and FIG. 8 that will be described later, printing is applied on a surface of the label 14c of the paper 14A by the thermal head 19 while transporting the paper 14A by the platen roller 20. The paper 14A after the printing is transported along either one of a label ejection path 18a that leads to the label ejection port 12 and a mount ejection path 18b that leads to the mount ejecting port 11, and then ejected."

C "[0040]

At a branching point of the label ejection path 18a and the mount ejection path 18b, a peeler shaft 23 extending in the printer width direction is arranged. The peeler shaft 23 is a small diameter shaft that bends the paper 14A by 90 degrees or more and guides the paper to the rear side of the printer, and is mounted on the side of the opening/closing cover 4. To the platen roller 20 located in the rear lower side of the peeler shaft 23, the mount hold roller 24 attached in the side of the peeler unit 10 is pressed from the upper side in a state capable of corotation.

[0041]

By the paper 14A being bent by the peeler shaft 23, the label 14c sticking on a surface of the mount 14b is peeled and separated from the mount 14b by strength of its own (stiffness). After the separation, the peeled label 14c is transported to the label ejection path 18a that leads it to the label ejection port 12. Meanwhile, the mount 14b is transported to the mount ejection path 18b that leads to the mount ejecting port 11 while being sandwiched by the platen roller 20 and the mount hold roller 24. In this way, in the present example, a peeler 30 is constituted by the peeler unit 10 (the mount hold roller 24) attached in the printer body side and the peeler shaft 23 attached in the side of the opening/closing cover 4."

D "[0044]

First, the peeler unit 10 attached in the printer body side includes a unit frame 31 capable of turning up and down in a manner taking the supporting shaft 16 on the side

of printer body as a center, and a mount-hold-roller support frame 35 (turning member) supporting the mount hold roller 24, and the mount-hold-roller support frame 35 is supported by the unit frame 31 in a state capable of turning up and down.

[0045]

When the peeler unit 10 is closed in a state setting the mount-hold-roller support frame 35 at the first turning position 35A in the upper side shown in FIGS. 5A and 5B, the mount hold roller 24 is set to the mount retaining position 24A at which the mount hold roller 24 is pressed from the upper side of the platen roller 20 while sandwiching the paper 14A. This state is a state that the mount 14a can be transported toward the mount ejecting port 11 via the peeler shaft 23, and is a state in which the peeler that can perform label peeling operation is operable.

[0046]

In contrast, when the peeler unit 10 is closed in a state setting the mount-hold-roller support frame 35 at a second turning position 35B in the lower side shown in FIG. 6(a)-FIG. 6(c), the mount hold roller 24 does not touch the platen roller 20 and is set to the retreat position 24B for retreating to a position in the front side. This state is a state that the mount 14a cannot be ejected toward the mount ejecting port 11 via the peeler shaft 23, and it is a retreat state of the peeler 30 in which label peeling operation is not performed.

[0047]

Accordingly, in the state that the peeler unit 10 is opened as shown in FIG. 2 and 4, when the mount-hold-roller support frame 35 is set to the state having turned from the first turning position 35A to the second turning position 35B and then the peeler unit 10 is closed in this state, the peeler 30 can be switched to the retreat state."

E "[0048]

Next, the structure of each part will be described in detail. The unit frame 31 capable of turning up and down includes a connection part 32 extending in the printer width direction, and right and left arm parts 33 and 34 extending from both ends of the connection part 32 toward the printer rear side bending at right angles. In the anterior end of the arm parts 33 and 34, shaft holes 33a and 34a are formed, the supporting shaft 16 in the side of the printer body is stuck therethrough in a rotatable state, and it is possible for the unit frame 31 to turn up and down centering on the supporting shaft 16. The unit frame 31 is energized in the upper direction (opening direction) at all times by a torsion spring (not shown) attached to the supporting shaft 16.

[0049]

Between the right and left arm parts 33 and 34 of the unit frame 31, the mount-hold-roller support frame 35 is attached in a state capable of turning in the up and down direction. The mount-hold-roller support frame 35 includes a connection part 36 extending in the printer width direction, right and left arm parts 37 and 38 extending from both ends of the connection part 36 toward the printer front side bending at right angles. Under the connection part 36, the mount hold roller 24 is attached in a rotatable state. In the printer-front-end part of the right and left arm parts 37 and 38, columnar supporting shafts 39 and 40 protrude toward the outside in the printer width direction, and these supporting shafts 39 and 40 are attached to the right and left arm parts 33 and 34 of the unit frame 31 in a rotatable state."

F From the above-mentioned A and [FIG. 1] to [FIG. 3], it can be perceived that a part of the peeler unit 10 is exposed from the printer exterior case 2, but almost the entirety

of the peeler unit 10 is provided within the printer exterior case 2.

G From [FIG. 4], it can be perceived that "the peeler shaft 23" is located adjacent to "the platen roller 20."

H From [FIG. 5], it can be perceived that, regarding "the mount hold roller 24," its shaft is fitted to a concave part provided in the lower portion of the connection part 36.

I From [FIG. 5] and [FIG. 6], it can be perceived that "the peeler unit 10" is arranged in proximity to "the platen roller 20."

J From the above-mentioned D and [FIG. 5], it can be perceived that the unit frame 31 of the peeler unit 10 includes the connection part 32 extending in the printer width direction, and the right and left arm parts 33 and 34 extending from both ends of the connection part 32 toward the printer rear side bending at right angles, and, between the arm parts 33 and 34, the mount-hold-roller support frame 35 is attached in a state capable of turning in the up and down direction.

K From the above-mentioned D and [FIG. 1], [FIG. 3], and [FIG. 5], it can be perceived that "the mount-hold-roller support frame 35," "the mount hold roller 24," and "the shaft of the mount hold roller 24" that constitute a part of "the peeler unit 10" are provided within "the printer exterior case 2."

When the statements of the above-mentioned A to J are put together, it is recognized that, in Evidence A No. 1, the following invention is disclosed. (Hereinafter, referred to as "Invention A-1")

"A printer with a peeler, wherein,

in the last half of the upper surface of a printer exterior case 2, an opening/closing cover 4 and an openable peeler unit 10 are provided, and at least a mount-hold-roller support frame 35, a mount hold roller 24, and a the shaft of the mount hold roller 24 that constitute the peeler unit 10 are provided within the printer exterior case 2, wherein

a platen roller 20 mounted in the side of the opening/closing cover 4 sandwiches paper 14A provided with a long-shaped mount 14b, and a label 14c stuck on a surface thereof at regular intervals and having a fixed length and width, and, by predetermined force from the rear side of a thermal head 19, the platen roller 20 and the thermal head 19 are pressed to each other,

a peeler shaft 23 mounted on the side of the opening/closing cover 4 is a shaft of a small diameter that bends the paper 14A by 90 degrees or more and guides the paper 14A toward the printer rear side, and is arranged adjacent to the platen roller 20,

the peeler unit 10 includes a unit frame 31 capable of turning up and down centering on a supporting shaft 16 in the side of the printer body and the mount-hold-roller support frame 35 (turning member), and is arranged adjacent to the platen roller 20,

the unit frame 31 includes a connection part 32 extending in the printer width direction and right and left arm parts 33 and 34 extending from both ends of the connection part 32 toward the printer rear side bending at right angles, and, between the arm parts 33 and 34, the mount-hold-roller support frame 35 is provided,

the support frame 35 includes a connection part 36 extending in the printer width direction and right and left arm parts 37 and 38 extending from both ends of the connection part 36 toward the printer front side bending at right angles, and, by the shaft of the mount hold roller 24 being fitted to a concave part provided in the lower part of the connection part 36, the mount hold roller 24 is attached in a rotatable state, and,

to the platen roller 20, the mount hold roller 24 is pressed from upper side in a state capable of corotation."

(3) The invention described in Evidence A No. 2

In Evidence A No. 2 (Japanese Unexamined Patent Application Publication No. H2-14173), there are the following statements.

A "By the other end (6C) of the paper ejection side pinch roller arm (6) that has opened at the same time as that, the one end (12a) is pushed and the paper ejection driven roller arm (12) rotates taking the frame shaft (13) as a supporting point opposing the spring (17), the paper ejection driven roller (11) is pressed to the paper ejection driving roller (10) to sandwich the paper (4), and the paper (4) is ejected in the direction of the arrow by rotation of the paper ejection driving roller (10)." (page 2, the lower right column, line 1-8)

B "In this figure, (24) is a paper ejection driven roller arm that includes a first arm (24A) and a second arm (24B), and, to the first arm (24A), a bearing part (24a) for use in insertion of the frame shaft (13) and a support shaft part (24b) of the other end are integrally molded by synthesis resin. Similarly, to the second arm (24B), a bearing part (24c) for insertion of the support shaft part (24b), a bearing (24d) for insertion of a shaft (11a) of the paper ejection driven roller (11), and an L-shaped stopper (24e) whose tip is latched together with the first arm (24A) to prevent coming off from the support shaft part (24b) are integrally molded from synthetic resin." (page 2, the upper right column, line 19-the lower left column, line 10)

C "In addition, when, to the second arm (24B), the bearing part (24c) for insertion of the support shaft part (24b), the bearing (24d) for insertion of the shaft (11a) of the paper ejection driven roller (11), and the L-shaped stopper (24e) whose tip is latched together with the first arm (24A) have been integrally molded from synthetic resin, two bearings and one snap ring of the conventional mechanism become unnecessary, and, therefore, the number of components of the paper ejection driven roller arm (24) is reduced." (page 2, the lower left column, line 14-the lower right column, line 2)

D The perspective view of essential parts described in FIG. 1 indicating an example of the invention is of a portion in the right side toward the downstream of the transportation direction of a paper, and, in light of the common sense about printing devices, it is obvious that the left side portion exists line-symmetrically with the structure depicted in this perspective view, and since these are linearly symmetric, it is also obvious that each of the second arm (24B), the bearing part (24c) for insertion, and the bearing (24d) for insertion has its symmetrical counterpart laterally.

E In light of the second arms (24B) provided as a lateral pair are of linear symmetry, it is obvious that they are provided in such a way opposite to each other in a direction orthogonal to the transportation direction of a print medium.

F From FIG. 2, it can be perceived that the bearing (24d) for insertion of the shaft (11a) of the paper ejection driven roller (11) is orthogonal to the second arm (24B), and in light of the lateral pair of the bearings (24d) for insertion being linearly symmetric, it is obvious that they extend in directions approaching each other.

G From FIG. 2, each of the bearings (24d) for insertion include a cylindrical portion and a hole disposed inside the cylindrical portion concentrically, and, as stated in the above-mentioned D, they are a lateral pair and are provided opposite to each other. Therefore, it can be said that the extending direction of the cylindrical portion of the

bearing (24d) for insertion is identical with a direction along the axis direction of a hole through which an end of the shaft (11a) of the paper ejection driven roller (11) provided internally is inserted, and thus it can be perceived that it does not have other directions; that is, the extending direction of the bearing (24d) for insertion is linear.

H From FIG. 2, it can be perceived that the cylindrical portions of the bearings (24d) for insertion make both ends of the shaft (11a) of the paper ejection driven roller (11) be inserted therethrough, and support both ends of the shaft (11a) in a covering manner.

When the statements of the above-mentioned A to H are put together, it is recognized that the following invention is disclosed in Evidence A No. 2. (Hereinafter, referred to as "Invention A-2")

"A printing device comprising:

a pair of second arms (24B) provided in such a way opposite to each other in a direction orthogonal to the transportation direction of a print medium;

a pair of bearings (24d) for insertion extending from the pair of second arms (24B) in directions orthogonal to each of the second arms (24B) and approaching each other, the pair of bearings (24d) for insertion being integrally molded with each of the second arms (24B); and

the shaft (11a) of the paper ejection driven roller (11) whose both ends are supported by each of the pair of bearings (24d) for insertion, wherein

the pair of bearings (24d) for insertion make the shaft (11a) of both ends of the paper ejection driven roller (11) be inserted therethrough, and support both ends of the shaft (11a) of the paper ejection driven roller (11) in a covering manner."

3 Judgment by the body

(1) Regarding Patent Invention 1

A Regarding Article 29(1)(i) of the Patent Act

(A) Comparison

Patent Invention 1 and Invention Exhibit A-1 will be compared.

"A pair of members" of the latter corresponds to "roller holder" of the former.

Since it is obvious that "a member having black and green lines extending on the member" of the latter is a member that applies printing on a print medium as viewed from the common general technical knowledge, it corresponds to "print head" of the former.

Since "separation mechanism" of the latter is arranged adjacent to a transportation roller, and the transportation roller is for transporting a print medium when performing printing, it can be said that the latter is provided with a configuration corresponding to "a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed" of the former.

Since there are provided a separation mechanism and a separation bar in the latter, it is obvious that a print medium that composed of a mount (release paper) and a label that is used in the former is used in the latter.

In the latter, "separation bar" is a rod-shaped body, has both ends fixed to an open/close cover, and has a function to bend a mount portion on the occasion of peeling of a print medium.

Then, in light of the meaning of "shaft" as "a rod-shaped portion to be a support for that product" stated in the dictionary, Kojien, "pivotal support (jikushi in Japanese)" of a separation bar of Patent Invention 2 means that both ends of a rod-

shaped body that has a function to make a mount portion bend on the occasion of peeling of a print medium are supported by an open/close cover. Since it is obvious that the separation bar of Invention Exhibit A-1 is also one whose both ends are fixed to the open/close cover, and supported by the open/close cover, it can be said that "separation bar" of the latter has a constitution corresponding to being "pivotally supported by the open/close cover" of the former.

Therefore, the two are identical and different in the following points.

Corresponding features

"A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,

a pair of roller holding portion extending from the pair of supporters in directions orthogonal to each of the supporters and approaching each other, the pair of roller holding portion integrally molded with the supporters, respectively,

a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and

a nip roller pivotally supported by the nip roller shaft in a rotatable state."

Different Feature 1a

A point that, relating the pair of supporters, "a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion" in the former; that is, a connection member in the width direction of the printer is only "nip roller shaft," whereas, it is not so in the latter.

(B) Judgment

Since there is Different Feature 1 between Patent Invention 1 and Invention Exhibit A-1, Patent Invention 1 is not Invention Exhibit A-1.

B Regarding Article 29(2) of the Patent Act

(A) Comparison

aa Patent Invention 1 and Invention A-1 will be compared.

"The printer exterior case 2" of the latter corresponds to "chassis" of the former.

"The opening/closing cover 4" of the latter corresponds to "open/close cover"

of the former.

"The platen roller 20" of the latter corresponds to "transportation roller" of the former.

"The peeler shaft 23" of the latter corresponds to "separation bar" of the former.

"The paper 14A" of the latter corresponds to "print medium" of the former.

"The thermal head 19" of the latter corresponds to "print head" of the former.

"The peeler unit 10" of the latter corresponds to "separation mechanism" of the former.

"The mount-hold-roller support frame 35" of the latter corresponds to "supporter" of the former.

"Concave part" of the latter corresponds to "roller holder" of the former.

"The mount hold roller 24" of the latter corresponds to "nip roller" of the former.

"Shaft of the mount hold roller 24" of the latter corresponds to "nip roller shaft" of the former.

In the last half of the upper surface of the printer exterior case 2 of the latter, there are provided the opening/closing cover 4 and the openable peeler unit 10, and, therefore, it is obvious that an opening is formed in the printer exterior case 2.

"The peeler shaft 23" in the latter is a rod-shaped body, has both ends fixed to the opening/closing cover 4, and has a function to make a mount portion bend on the occasion of peeling a print medium.

Then, in light of the meaning of "shaft" as "a rod-shaped portion to be a support for that product" stated in the dictionary, Kojien, "pivotal support (jikushi in Japanese)" of a separation bar of Patent Invention 1 means that both ends of a rod-shaped body that has a function to make a mount portion bend on the occasion of peeling of a print medium are supported by an open/close cover. Since, it is obvious that the peeler shaft 23 of Invention A-1 is also one whose both ends is fixed to the opening/closing cover 4, and supported by an open/close cover, it can be said that "the peeler shaft 23" of the latter has a constitution corresponding to being "pivotally supported by the open/close cover" of the former.

Therefore, the two are identical in the following point.

Corresponding features

"A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,
a pair of roller holding portion provided in the pair of supporters,
a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and,
a nip roller."

Then, the two are different in the following points.

Different Feature 1b

A point that, regarding a pair of roller holding portion, it is specified as "a pair of roller holding portion extending from the pair of supporters in directions orthogonal to each of the supporters and approaching each other, the pair of roller holding portion being integrally molded with the supporters, respectively" in the former, whereas, in the latter, it is not so.

Different Feature 2b

A point that, relating to relation between a nip roller shaft and a nip roller, it is "a nip roller pivotally supported by the nip roller shaft in a rotatable state" in the former, whereas, in the latter, its structure is unclear.

Different Feature 3b

A point that, relating to a pair of supporters, it is specified as "a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion" in the former; that is, a connection member in the width direction of the printer is only "nip roller shaft," whereas, it is not so in the latter.

(B) Judgment

In consideration of the case, Different Feature 3b will be discussed below.

The peeler unit 10 of Invention A-1 that corresponds to the separation mechanism of Patent Invention 1 and is provided with the unit frame 31 and the mount-hold-roller support frame 35 will be discussed below.

The unit frame 31 is one that includes the connection part 32 extending in the printer width direction, and right and left arm parts 33 and 34 extending from both ends of this connection part 32 toward the printer rear side bending at right angles, and the connection part 32 extends in the printer width direction.

The mount-hold-roller support frame 35 is one that includes the connection part 36 extending in the printer width direction, and the right and left arm parts 37 and 38 extending from both ends of the connection part 36 toward the printer front side bending at right angles, the connection part 36 is one that extends in the printer width direction, and, further, the mount hold roller 24 is attached under the connection part 36 in a manner extending similarly in the printer width direction.

Therefore, the mount-hold-roller support frame 35 or the peeler unit 10 of the Patent Invention 1 is not one that is being connected only by the shaft of the mount hold roller 24 that corresponds to the nip roller.

Then, relating to the matters specifying the invention of Patent Invention 1 concerning Different Feature 3b, there is no description or suggestion in Demandant's Exhibit No. 1 and each of the other Evidence A, and also there is no reason for making it be a design-related matter in the technical field of a label printer.

In light of statements such as "Also in label printers, many of components of a separation mechanism are constituted of molding products from synthesis resin from the

point of view of cost reduction of the components." in paragraph [0006] of the description attached to the application, "when many of the components of a separation mechanism are configured by molding products of synthesis resin, how to suppress deterioration of the mechanical strength of a synthesis resin component becomes an important problem to be solved" of paragraph [0007], "to provide a technology that can improve the mechanical strength of a separation mechanism" of paragraph [0008], the Patent Invention 1 exerts a remarkable effect that it is possible to improve the mechanical strength of a separation mechanism while reducing the component cost of a separation mechanism thanks to the above-mentioned matters specifying the Invention.

Therefore, without examining the above-mentioned Different Feature 1b and Different Feature 2b, Patent Invention 1 is not an invention that could have been made with ease by a person skilled in the art from Invention A-1.

(A) Comparison

bb Patent Invention 1 and Invention Exhibit A-1 will be compared.

As has been examined in "(1) Regarding Patent Invention 1", "A Regarding Article 29(1)(i) of the Patent Act," Patent Invention 1 and Invention Exhibit A-1 are different only in the following Different Feature 1c, and are identical in the other points. Different Feature 1c

A point that, relating to a pair of supporters, it is specified that "a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is connected only by a nip roller shaft covered with the roller holding portion" in the former; that is, a connection member in the width direction of the printer is only "nip roller shaft," whereas, it is not so in the latter.

(B) Judgment

Different Feature 1c will be discussed below.

Different Feature 1c is the same as the above Different Feature 3b.

Then, as has been examined in the above Different Feature 3b, there is no description or suggestion, relating to the matters specifying the invention of Patent Invention 1 concerning Different Feature 1c, in each of other Evidence A. In addition, there is no reason to make it be a design-related matter in the technical field of a label printer, and, further, Patent Invention 1 is an invention that exerts a remarkable effect due to the matter specifying the invention of Patent Invention 1 concerning Different Feature 1c.

Accordingly, Patent Invention 1 is not an invention that could have been invented with ease by a person skilled in the art from Invention Exhibit A-1.

C Summary

Therefore, Patent Invention 1 is not Invention Exhibit A-1.

The Patent Invention 1 is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 and the well-known art described in Evidence A No. 3-7, as well as from Invention A-1 and the description matters in Evidence A No. 2.

Furthermore, Patent Invention 1 is not one that could have been invented with ease by a person skilled in the art from Invention Exhibit A-1, and, in particular, it is not an invention that could have been invented with ease by a person skilled in the art from

Invention Exhibit A-1 and the well-known art described in Evidence A No. 3-7, as well as from Invention Exhibit A-1 and the description matters in Evidence A No. 2.

(2) Regarding Patent Invention 2

A Regarding Article 29(1)(i) of the Patent Act

(A) Comparison

Patent Invention 2 and Invention Exhibit A-1 will be compared.

"A pair of members" of the latter corresponds to "roller holding portion" of the former.

Since it is obvious that "a member having black and green lines extending on the member" of the latter is a member that applies printing on a print medium as viewed from the common general technical knowledge, it corresponds to "print head" of the former.

Since "separation mechanism" of the latter is arranged adjacent to a transportation roller, and the transportation roller is for transporting a print medium when performing printing, it can be said that the latter is provided with a configuration corresponding to "a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed" of the former.

Since there are provided a separation mechanism and a separation bar in the latter, it is obvious that a print medium that is used in the former and is composed of a mount (release paper) and a label is used in the latter.

In the latter, "separation bar" is a rod-shaped body, and has both ends fixed to an open/close cover, and has a function to bend a mount portion on the occasion of peeling of a print medium.

Then, in light of the meaning of "shaft" as "a rod-shaped portion to be a support for that product" stated in the dictionary, Kojien, "pivotal support (jikushi in Japanese)" of a separation bar of Patent Invention 2 means that both ends of a rod-shaped body that has a function to make a mount portion bend on the occasion of peeling of a print medium are supported by an open/close cover. Since, it is obvious that a separation bar of Invention Exhibit A-1 is also one whose both ends are fixed to the open/close cover, and supported by the open/close cover, it can be said that "separation bar" of the latter has a constitution corresponding to being "pivotally supported by the open/close cover" of the former.

Therefore, the two are identical in the following points, and there is no difference between them.

Corresponding features

"A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein
the separation mechanism includes
a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,
a pair of roller holding portion extending only from opposite end faces of the pair of supporters in only a direction orthogonal to the end face of each of the supporters and approaching each other, the pair of roller holding portion being integrally molded with the supporters, respectively,
a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and
a nip roller pivotally supported by the nip roller shaft in a rotatable state, wherein
the pair of roller holding portion make both ends of the nip roller shaft be inserted into the roller holding portion, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered."

(B) Judgment

There is no difference between Patent Invention 2 and Invention Exhibit A-1, and Patent Invention 2 is Invention Exhibit A-1.

B Regarding Article 29(2) of the Patent Act

(A) Comparison

Patent Invention 2 and Invention A-1 will be compared.

"The printer exterior case 2" of the latter corresponds to "chassis" of the former.

"The opening/closing cover 4" of the latter corresponds to "open/close cover" of the former.

"The platen roller 20" of the latter corresponds to "transportation roller" of the former.

"The peeler shaft 23" of the latter corresponds to "separation bar" of the former.

"The paper 14A" of the latter corresponds to "print medium" of the former.

"The peeler unit 10" of the latter corresponds to "separation mechanism" of the former.

"The mount-hold-roller support frame 35" of the latter corresponds to "supporter" of the former.

"A concave part" of the latter corresponds to "roller holder" of the former.

"The mount hold roller 24" of the latter corresponds to "nip roller" of the former.

"The shaft of the mount hold roller 24" of the latter corresponds to "nip roller shaft" of the former.

In the last half of the upper surface the printer exterior case 2 of the latter, there are provided the opening/closing cover 4 and the openable peeler unit 10, and thus it is obvious that an opening is formed in the printer exterior case 2.

"The peeler shaft 23" in the latter is a rod-shaped body, has both ends fixed to the opening/closing cover 4, and has a function to make a mount portion bend on the

occasion of peeling a print medium.

Then, in light of the meaning of "shaft" as "a rod-shaped portion to be a support for that product" stated in the dictionary, Kojien, "pivotal support (jikushi in Japanese)" of a separation bar of Patent Invention 2 means that both ends of a rod-shaped body that has a function to make a mount portion bend on the occasion of peeling of a print medium are supported by an open/close cover. Since, it is obvious that the peeler shaft 23 of Invention A-1 is also one whose both ends is fixed to the opening/closing cover 4, and supported by an open/close cover, it can be said that "the peeler shaft 23" of the latter has a constitution corresponding to being "pivotaly supported by the open/close cover" of the former.

From the above, the two are identical and different in the following points.

Corresponding features

"A label printer, comprising:

a chassis including an opening formed in one face of the chassis;

an open/close cover attached to the chassis in a state capable of being opened and closed;

a transportation roller that is pivotally supported by the open/close cover in a state capable of rotating, and transports a print medium;

a separation bar pivotally supported by the open/close cover and placed adjacent to the transportation roller;

a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium; and

a separation mechanism that is arranged in proximity to the transportation roller when printing on the print medium is performed, wherein

the separation mechanism includes

a pair of supporters provided in such a way opposite to each other in a direction orthogonal to a transportation direction of the print medium,

a pair of roller holding portion provided in the pair of supporters,

a nip roller shaft having both ends respectively supported by the pair of roller holding portion; and

a nip roller."

Different Feature 1d

A point that, a pair of roller holding portion of the former are "extending only from opposite end faces of the pair of supporters in only a direction orthogonal to the end face of each of the supporters and approaching each other," whereas, in the latter, it is unclear whether it has such constitution.

Different Feature 2d

A point that a pair of roller holding portion of the former is "integrally molded with the supporters," whereas, in the latter, it is unclear whether it has such constitution.

Different Feature 3d

A point that, regarding relation between a nip roller shaft and a nip roller, it is specified as "a nip roller pivotally supported by the nip roller shaft in a rotatable state" in the former, whereas, in the latter, it is unclear what kind of structure it has.

Different Feature 4d

A point that, relating to a pair of roller holding portion, it is specified in the former as "makes both ends of the nip roller shaft be inserted into the roller holding

portion, and support the nip roller shaft in such a way that both ends of the nip roller shaft are covered," whereas, in the latter, it is unclear that it has such constitution or not.

(B) Judgment

Regarding Different Features 1d-4d

As examined in "(1) The invention of Demandant's Exhibit No. 1" of "2 Statements of Demandant's Exhibit and Evidence A," all of Different Features 1d-4d are constitutions included in Invention Exhibit A-1.

Here, both of Invention A-1 and Invention Exhibit A-1 belong to the technical field of a label printer as same as that of Patent Invention 2, there is no technical difficulty in particular in applying the matters specifying the invention of Patent Invention 2 concerning Different Features 1d-4d included in Invention Exhibit A-1 to Invention A-1, and there is no particular effects exerted as a result of application of these.

Therefore, the matters specifying the invention of Patent Invention 2 concerning Different Features 1d-4d could have easily been derived by a person skilled in the art from Invention A-1 and Invention Exhibit A-1.

In addition, an effect exerted by the matters specifying the invention of Patent Invention 2 as a whole is of a degree that can be predicted by a person skilled in the art from Invention A-1 and Invention Exhibit A-1.

Consequently, Patent Invention 2 is an invention that could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1.

C Summary

Accordingly, Patent Invention 2 is Invention Exhibit A-1.

Patent Invention 2 is an invention that could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1.

(3) Regarding Patent Invention 3

A Regarding Article 29(2) of the Patent Act

Patent Invention 3 refers to Patent Invention 1 directly.

Then, since Patent Invention 1 is not Invention Exhibit A-1, and is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1, Patent Invention 3 that limits Patent Invention 1 by adding new matters specifying the invention is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 either.

(4) Regarding Patent Invention 4

A Regarding Article 29(1)(i) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 4 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1," Patent Invention 4 that includes all the matters specifying the invention of Patent Invention 1 is not Invention Exhibit A-1 either.

B Regarding Article 29(2) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 4 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1, and is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1," Patent Invention 4 that limits Patent Invention 1 by adding new matters specifying the invention is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 either.

C Regarding Article 36(6)(ii) of the Patent Act

By the request for correction dated Nov. 6, 2017, the correction of "the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft and the nip roller" has been made.

By the above-mentioned correction, it was made clear that at least which members of the separation mechanism constituting the separation mechanism are provided within a chassis, and, therefore, the reasons for rescission was dissolved.

D Summary

Accordingly, Patent Invention 4 is not Invention Exhibit A-1.

Patent Invention 4 is not an invention that could have been invented by a person skilled in the art with ease from Invention A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 and the description matters of Evidence A No. 2.

Patent Invention 4 is not an invention that could have been invented by a person skilled in the art with ease from Invention Exhibit A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention Exhibit A-1 and the description matters of Evidence A No. 2.

There is no deficiency in description in Patent Invention 4 either.

(5) Regarding Patent Invention 5

A Regarding Article 29(1)(i) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 5 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1," Patent Invention 5 that includes all the matters specifying the invention of Patent Invention 1 is not Invention Exhibit A-1 either.

B Regarding Article 29(2) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 5 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1, and is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1", Patent

Invention 5 that limits Patent Invention 1 by adding new matters specifying the invention is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 either.

C Summary

Therefore, Patent Invention 5 is not Invention Exhibit A-1.

Patent Invention 5 is not an invention that could have been invented by a person skilled in the art with ease from Invention A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 and the description matters of Evidence A No. 2.

Patent Invention 5 is not an invention that could have been invented by a person skilled in the art with ease from Invention Exhibit A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention Exhibit A-1 and the description matters of Evidence A No. 2.

(6) Regarding Patent Invention 6

A Regarding Article 29(1)(i) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 6 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1," Patent Invention 6 that includes all the matters specifying the invention of Patent Invention 1 is not Invention Exhibit A-1 either.

B Regarding Article 29(2) of the Patent Act

By the correction according to the request for correction dated Nov. 6, 2017, Patent Invention 6 has been corrected to one that refers to Patent Invention 1 directly or indirectly, and does not cite Patent Invention 2.

Since Patent Invention 1 is not Invention Exhibit A-1, and is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 as examined in "(1) Regarding Patent Invention 1," Patent Invention 6 that limits Patent Invention 1 by adding new matters specifying the invention is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 or Invention Exhibit A-1 either.

C Regarding Article 36(6)(ii) of the Patent Act

By the request for correction dated Nov. 6, 2017, correction to "the roller holder includes a thick wall part provided along an extending direction of the nip roller shaft, and wherein the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporary adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by arranging the separation mechanism close to the transportation roller" was made.

By the above-mentioned correction, the reasons for rescission has been dissolved because, after defining about what kind of mode the separation issue mode is, it was specified what positional relationship the transportation roller, the separation bar

and the nip roller have on the occasion of separation issue mode, and, in addition, the protrusion direction of the thick wall part of the roller holder was made clear.

D Summary

Accordingly, Patent Invention 6 is not Invention Exhibit A-1.

Patent Invention 6 is not an invention that could have been invented by a person skilled in the art with ease from Invention A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention A-1 and the description matters of Evidence A No. 2.

Patent Invention 6 is not an invention that could have been invented by a person skilled in the art with ease from Invention Exhibit A-1, and, in particular, is not an invention that could have been invented with ease by a person skilled in the art from Invention Exhibit A-1 and the description matters of Evidence A No. 2.

There is no deficiency in description in Patent Invention 6 either.

(7) Regarding Patent Invention 8

A Regarding Article 29(1)(i) of the Patent Act

Patent Invention 8 limits Patent Invention 2 by adding the matter specifying the invention that "the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft, and the nip roller," and the added matter specifying the invention is described in Invention Exhibit A-1.

Then, as examined in "(2) Regarding Patent Invention 2," Patent Invention 2 is Invention Exhibit A-1, and there is no difference between these.

Accordingly, Patent Invention 8 is not different from Invention Exhibit A-1 either, and Patent Invention 8 is Invention Exhibit A-1.

B Regarding Article 29(2) of the Patent Act

Patent Invention 8 is an invention that limits Patent Invention 2 by adding the matter specifying the invention that "the separation mechanism is provided within the chassis at least the pair of roller holding portion, the nip roller shaft, and the nip roller."

The matter specifying the invention that has been added will be discussed below.

The added matter specifying the invention is described in Invention Exhibit A-1.

In Invention A-1, "the mount-hold-roller support frame 35," "the mount hold roller 24," and "shaft of the mount hold roller 24" are provided within "the printer exterior case 2," and this corresponds to the matter that "supporter," "nip roller," and "nip roller shaft" of Patent Invention 8 are provided within "chassis."

Therefore, this means that the matter specifying the Invention that has been added is described also in Invention Exhibit A-1 and Invention A-1.

Then, as examined in "(2) Regarding Patent Invention 2," Patent Invention 2 is an invention that could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1.

Therefore, also Patent Invention 8 is an invention that could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1.

C Summary

Accordingly, Patent Invention 8 is Invention Exhibit A-1, and could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1.

(8) Regarding Patent Invention 9

A Regarding Article 29(1)(i) of the Patent Act

Patent Invention 9 is one that limits Patent Invention 2 by adding the matter specifying the invention that "the supporters are made of a first resin, and the nip roller is made of a second resin different from the first resin," and the added matter specifying the invention is described in Invention Exhibit A-1.

Then, as examined in "(2) Regarding Patent Invention 2," Patent Invention 2 is Invention Exhibit A-1, and there is no difference between these.

Accordingly, Patent Invention 9 is not different from Invention Exhibit A-1 either, and Patent Invention 9 is Invention Exhibit A-1.

(9) Regarding Patent Invention 10

A Regarding Patent Act Article 36(6)(ii)

By the request for correction dated Nov. 6, 2017, correction to "the roller holder includes a thick wall part provided along an extending direction of the nip roller shaft, and wherein the thick wall part has a shape protruding in a direction opposite to a direction in which the separation bar is located when performing printing in a separation issue mode for issuing the print medium temporarily adhered to a mount in such a way that the print medium is peeled off from the mount using the separation bar and the nip roller by arranging the separation mechanism close to the transportation roller" was made.

By the above-mentioned correction, the reasons for rescission have been dissolved because, after defining about what kind of mode the separation issue mode is, it was specified what positional relationship the transportation roller, the separation bar, and the nip roller have on the occasion of separation issue mode, and, in addition, the protrusion direction of the thick wall part of the roller holder was made clear.

No. 4 Regarding reasons for opposition to the grant of a patent that have not been adopted in the notice of reasons for revocation

(1) Regarding claim 1

The statements of claim 1 that is Patent Invention 1 are as shown in the above-mentioned "No. 3 Judgment by the body" "(1) Inventions according to claims after the correction."

The patent opponent alleges that the statements of claim 1 have been made in violation of the provisions of Article 36(2)(i) or (ii) of the Patent Act in the following points, and thus the patent shall be revoked.

A It is unclear what degree of a close range "adjacent" in "a separation bar placed adjacent to the transportation roller" indicates.

B In "a print head disposed within the chassis, the print head being arranged in such a way opposite to the transportation roller on the occasion of closure of the open/close cover and applying printing to the print medium," it is unclear what range of the chassis is indicated.

C It is unclear what degree of a close range "arranged in proximity to" in "a separation mechanism that is arranged in proximity to the transportation roller" is.

D The definition of "supporter" is not described, and thus there are some fears of including supporters other than the ones described in the detailed description of the invention.

E "Holding" and "supporting" in "a nip roller shaft respectively supported by the pair of roller holding portion" are unclear, and thus this statement is unclear. Furthermore, due to this, it is unclear whether "roller of a roller holder" and "nip roller" indicate an identical object.

F "A nip roller pivotally supported by the nip roller shaft in a rotatable state" is unclear. Furthermore, in a similar fashion, "a transportation roller that is pivotally supported, and transports a print medium" is unclear.

G Distinction of the terms, "holding," "supporting," and "pivotal supporting" is unclear.

However,

regarding A, it is obvious that it is a neighborhood meaning a degree within which the separation bar can achieve its function in light of common general technical knowledge, and, therefore, it cannot be said that it is unclear.

Regarding B, it is specified clearly that, after satisfying the positional relationship between "transportation roller" and "print head" that "transportation roller" and "print head applying printing to the print medium" are arranged in such a way opposite to each other on the occasion of closure of the open/close cover, "print head" exists "within the chassis," and, therefore, it cannot be said that it is unclear.

Regarding C, it is obvious that, in light of the common general technical knowledge, it is an adjacent arrangement to the transportation roller meaning a degree within which "separation mechanism" can achieve its function, and thus it cannot be said that it is unclear.

Regarding D, it has been defined that "separation mechanism" in claim 1 has "(a pair of) supporters," "(a pair of) roller holding portion," "nip roller shaft," and "nip roller."

Then, relating to "(a pair of) supporters," it has been defined "that they are orthogonal to the roller holding portion," "that the roller holding portion are integrally molded," and "that a side of each of the pair of supporters corresponding to a side in which the nip roller is provided is being connected only by a nip roller shaft covered with the roller holding portion," and, therefore, it is obvious that the supporters do not groundlessly include ones other than the ones described in the detailed description of the invention.

Regarding E, although there is an expression as "roller holding portion" in claim 1, the term "holding" is not being described independently, and it cannot be said that it is unclear that a member named "roller holder" performs "supporting." In addition, since, in claim 1, the roller holding portion support the nip roller shaft and the nip roller is pivotally supported by the nip roller shaft, it is obvious that a roller supported by the roller holding portion is the nip roller.

Regarding F, both the nip roller and the transportation roller are supported for the purpose of rotating, and this is nothing but "pivotal support," it cannot be said to be unclear.

Regarding G, in claim 1, each of the terms are used properly in a clear fashion,

these cannot be said to be unclear.

Accordingly, the allegation of the patent opponent is groundless.

No. 5 Closing

As above, the inventions according to claims 2, 8, and 9 are invention Exhibit A No. 1, and, therefore, the patents related to claims 2, 8, and 9 violate the provisions of Article 29(1)(i) of the Patent Act.

Since the inventions according to claims 2 and 8 are inventions that could have been invented by a person skilled in the art with ease from Invention A-1 and Invention Exhibit A-1, the patents related to claims 2 and 8 were made in violation of the provisions of Article 29(2) of the Patent Act.

Accordingly, the patents according to claims 2, 8, and 9 of the case fall under Article 113(2) or (4) of the Patent Act, and should be invalidated.

In addition, the patents according to claims 1, 3-6, and 10 cannot be revoked by the grounds for an opposition against grant of a patent described in the a written opposition against grant of a patent. Furthermore, other reasons for revoking the patents according to claims 1, 3-6, and 10 have not been discovered.

Since the patent according to claim 7 was eliminated by the correction, there is no claim to be a subject of the opposition to the granted patent made by the patent opponent with respect to the Patent claim 7.

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

Jun. 6, 2018

Chief administrative judge:	KUROSE, Masakazu
Administrative judge:	MORITSUGU, Ken
Administrative judge:	YOSHIMURA, Hisashi