Advisory Opinion

Advisory Opinion No. 2017-600043

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The advisory opinion on the technical scope of a patent invention for Patent No. 5501865 is stated and concluded as follows:

Conclusion

The "Indoor Floor System for Guiding Visually-Handicapped Person" indicated in the drawings and explanatory document of Article A belongs to the technical scope of the invention according to Claim 1 in the scope of claims for patent of Patent No. 5501865.

Reason

No. 1 Object of the demand and history of the procedures

The object of the demand for the advisory opinion of the case is to seek an advisory opinion that the guide path constituted by floor tiles which is indicated in the drawings and explanatory document of Article A attached to the written request for an advisory opinion belongs to the technical scope of the invention described in Claim 1 of Japanese Patent No. 5501865 (hereinafter, referred to as "the Patent Invention").

Regarding the history of the procedures relating to the patent, the application was filed on May 31, 2010 (priority claim: June 3, 2009), the establishment of patent right was registered on March 20, 2014, and then, a request for the advisory opinion was made on October 10, 2017.

No. 2 The Patent Invention

1. Constituent components in the Patent Invention

The Patent Invention, according to descriptions of the patent specification and the drawings, is specified by the matters described in Claim 1 of the scope of claims for patent as follows.

(Note from the body: the constituent components are separately described to which symbols (A) to (E) have been added by the body. Hereinafter, they are referred to as "constituent component (A)" and the like.)

"[Claim 1]

(A) An indoor floor system for guiding visually-handicapped persons where visually-handicapped person guide areas which are distinguishable from the other areas by visually-handicapped persons are laid on a floor so as to form a guide route by the visually-handicapped person guide areas, thereby allowing the visually-handicapped persons to be guided; wherein

(B) the guide route has, at a branching point, a visually-handicapped person warning area where a warning pattern is formed;

(C) the warning pattern is composed of concave portions and convex portions which have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm and have a height difference, with respect to the surface of an area other than the visually-handicapped person guide areas, of equal to or larger than 1 mm and equal to or smaller than 3 mm; either the concave portions or the convex portions form a meshed pattern while the others form dotted pattern; and

(D) the convex portions can be sensed by tracing the warning pattern with a white cane;

(E) thus characterizing the indoor floor system for guiding visually-handicapped persons."

No. 3 Article A

The body specifies and recognizes the configuration of Article A as follows by referring to the drawings and explanatory document of Article A (see Attachment) submitted by the demandant.

1 Description of the drawings and explanatory document of Article A

(1) The explanatory document includes the following description:

A "[FIG. 1] the floor tile 101 on the surface of which a plurality of dot-shaped convex portions 102 for being sensed by visually-handicapped persons are formed is formed of a hard synthetic resin material and constituted by having the flat base plate portion 103 and convex portion 102 integrally formed. The number of convex portions 102 is 5 columns x 5 rows amounting to 25 in total. The base plate portion 103 is a square of 300 mm x 300 mm."

B "[FIG. 2] The thickness of the base plate portion 103 is 2 mm. The convex portion 102 is a circle having a diameter of 15 mm and having a height of 2.5 mm above the surface of the base plate portion. The floor tile 101 is buried at a depth of 2 mm with respect to the circumferential floor surface 201 and the surface 104 of the base plate portion 103 is placed so as to be flush with the circumferential floor surface 201."

C "[FIG. 3] The floor tile 101 is placed indoors such that a plurality of the floor tiles are arranged in a row or in a plurality of rows, constituting a guide path 105 for visually-handicapped persons. The floor tile 101 having a plurality of dotted convex portions 102 is placed at each position indicating a branching point of the guide path 105 (conforming to the braille block in JIS)."

(2) From the drawings of Article A, the following matters can be found.

A When FIG. 1 and FIG. 3 of the drawings of Article A are viewed based on the descriptions of the above (1) A and C, the surface 104 exhibits a meshed pattern and 25 pieces of convex portions 102 form a dotted pattern.

(3) The following can be said according to the above (1), (2), and the drawings of Article A:

A The guide path 105 is a structure for guiding visually-handicapped persons in indoor environments, which is distinguishable from the circumferential floor surface 201 and guides visually-handicapped persons.

B The height difference between the surface 104 and convex portions 102 which are formed on the base plate portion 103 is 2.5 mm and they can be sensed by being traced with a white cane.

2 Specifications of Article A by the body

(Note from the body: Article A is separately described so as to correspond to the Patent Invention, and configurations (a) to (e) are the symbols that have been added to respective separate descriptions. Hereinafter, they are referred to as "configuration (a)," for example.)

"(a) A structure for guiding visually-handicapped persons in indoor environments that guides visually-handicapped persons, in which a plurality of floor tiles are arranged in a row or in a plurality of rows on a floor in indoor environments and thereby constitute the guide path 105 which is distinguishable from the circumferential floor surface 201; wherein

(b) the guide path 105 has a floor tile 101 arranged at each branching point;

the floor tile 101 is constituted by having a flat base plate portion 103 and a number of convex portions 102 integrally formed, where a surface 104 is formed on the base plate portion 103 and 25 pieces of convex portions 102 in total (5 columns x 5 rows) are formed;

(c) the surface 104 and convex portions 102 formed on the floor tile 101 have a height difference of 2.5 mm between them, the base plate portion 103 of the floor tile 101 has a thickness of 2 mm and is buried to a depth of 2 mm with respect to a circumferential floor surface 201 of the floor tile 101 and is flush with the circumferential floor surface 201; in the buried state, the height difference between the surface of the floor surface 201 and the convex portions 102 is 2.5 mm; and further, the surface 104 exhibits a meshed pattern and 25 pieces of convex portions 102 form a dotted pattern;

(d) the mutual height difference between the surface 104 and convex portions 102 is 2.5 mm, so that they can be sensed by being traced with a white cane;

(e) thus characterizing the structure for guiding visually-handicapped persons in indoor environments."

No. 4 Allegations of the parties

1 The demandant's allegation

The demandant alleges in the written request for advisory opinion that Article A belongs to the technical scope of the Patent Invention of Patent No. 5501865 for the reasons outlined below:

(1) The meaning of the "height difference with respect to the surfaces of an area other than the visually-handicapped person guide areas" in the constituent component C of the Patent Invention

The above term is stated as follows:

A According to the descriptions of the patent specification ([0064] and [0056]), "the surface of the visually-handicapped person warning area (warning floor tile) 3 approximately flush with the other area 2" is either "the concave portions 3a or convex portions 3b" composing the "warning pattern."

B In Claim 1,"the convex portions can be sensed by tracing the warning pattern with a white cane" is described. However, there is no description through the full text

of the scope of claims for patent and the specification that the "boundary line between the visually-handicapped person warning area (warning floor tile) 3 and the other area 2" is sensed with a white cane.

C According to the descriptions of the patent specification ([0047], [0048], and [0049]), there is no step height at the "boundary line between the visually-handicapped person warning area (warning floor tile) 3 and the other area 2"; that is, the "surface of the visually-handicapped person warning area (guide floor tile 3) approximately flush with the other area 2" is the "concave portions 3a"; and therefore, it is the "convex portions 3b" that generate the "height difference with respect to the surface of an area 2 other than the visually-handicapped person guide areas" of the "warning pattern."

D Therefore, the "height difference with respect to the surface of an area other than the visually-handicapped person guide areas" means the "height difference between the surface of the area 2 other than the visually-handicapped person guide areas and the convex portions 3b (the top thereof)."

(2) Comparison between the Patent Invention and Article A

A The "floor tile 101 in the drawings of Article A is placed on the floor surface 201 and a plurality of dotted convex portions 102 are distinguishable from the other areas by visually-handicapped persons, thus visually-handicapped person guide areas are installed" in Article A satisfies the requirement of the "visually-handicapped person guide areas which are distinguishable from the other areas by the visually-handicapped persons are laid on a floor" of the Patent Invention.

B "The guide path 105 is constituted by installing a plurality of the floor tiles 101 indoors such that they are arranged in a row or in a plurality of rows, thereby constituting an indoor floor system for guiding visually-handicapped persons" in Article A satisfies the requirement of the "indoor floor system for guiding visually-handicapped persons where ... form a guide route by the visually-handicapped person guide areas, thereby allowing the visually-handicapped persons to be guided" of the Patent Invention.

C "The floor tile 101 having a plurality of dotted convex portions 102 is placed at each position indicating a branching point of the guide path 105 in compliance with the braille block in JIS" in Article A satisfies the requirement of "the guide route has, at a branching point, a visually-handicapped person warning area where a warning pattern is formed" of the Patent Invention.

D The "plurality of dotted convex portions 102 of the floor tile 101 have a height of 2.5 mm above the surface (concave portions) of the base plate portion 103" in Article A satisfies the requirement of "the warning pattern is composed of concave portions and convex portions which have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm" of the Patent Invention.

E The "plurality of dotted convex portions 102 of the floor tile 101 have a height of 2.5 mm above the circumferential floor surface 201" satisfies the requirement of "the warning pattern is composed of concave portions and convex portions which have a height difference, with respect to the surface of an area other than the visually-handicapped person guide areas, of equal to or larger than 1 mm and equal to or smaller than 3 mm" of the Patent Invention.

F The "plurality of convex portions 102 of the floor tile 101 form a dotted pattern and the surface 104 (concave portions) of the base plate portion 103 other than the convex portions 102 form a meshed pattern" in Article A satisfies the requirement of

"either the concave portions or the convex portions form a meshed pattern while the others form dotted pattern" of the Patent Invention.

G The "plurality of convex portions 102 of the floor tile 101 have a height of 2.5 mm and they can be sensed by being traced with a white cane" in Article A satisfies the requirement of "the convex portions can be sensed by tracing the warning pattern with a white cane" in the Patent Invention.

As described above, Article A satisfies all the constituent components of the Patent Invention, and thus Article A belongs to the technical scope of the Patent Invention.

2 Regarding the Demandee

In the demand for advisory opinion of the case, a demandee is not specified. As to the reason for not being able to specify a demandee, the demandant stated, in the written statement submitted on November 21, 2017, that the request of the advisory opinion was made to demand an advisory opinion about Article A which was implemented by him/herself, and therefore a demandee does not exist.

No. 5 Comparison / Judgment

1 Regarding whether or not the constituent components of the Patent Invention are satisfied

(1) Regarding constituent component (A)

The "guide path 105" which is constituted "by installing a plurality of floor tiles such that they are arranged in a row or in a plurality of rows" on the floor in the configuration (a) of Article A is an area installed so as to guide visually-handicapped persons, and is also an area distinguishable by visually-handicapped persons from the "circumferential floor surface 201" that is a floor surface other than the "guide path 105"; and therefore, the guide path corresponds to the "visually-handicapped person guide areas" which are installed so as to be "distinguishable from the other area by visually-handicapped persons" in the Patent Invention. In addition, the "guide path 105" in the configuration (a) of Article A forms a route for guiding visually-handicapped persons and therefore, it corresponds to the "guide route" in the Patent Invention. Accordingly, the "guide path 105" corresponds to the "guide route" which is constituted such that "visually-handicapped person guide areas which are distinguishable from the other areas by visually-handicapped persons are laid on a floor and a guide route is constituted by the visually-handicapped person guide areas" in the Patent Invention.

Further, the "structure" for guiding visually-handicapped persons in indoor environments in the configuration (a) of Article A corresponds to the "indoor floor system for guiding visually-handicapped persons ... to guide visually-handicapped persons" in the Patent Invention.

Then, the configuration (a) of Article A satisfies the constituent component (A) of the Patent Invention.

(2) Regarding constituent component (B)

The "floor tile 101" arranged at each branching point in the configuration (b) of Article A indicates a branching point to visually-handicapped persons; that is, gives

them a warning; therefore, an area in which the "floor tile 101" is arranged corresponds to the "visually-handicapped person warning area" of the Patent Invention. In addition, the "surface 104" and 25 pieces of "convex portions 102" in the configuration (b) of Article A form a pattern that indicates a branching point to visually-handicapped persons; that is, gives them a warning. Accordingly, the pattern formed by the "surface 104" and 25 pieces of "convex portions 102" in Article A correspond to the "warning pattern" in the Patent Invention.

Then, the configuration (b) of Article A satisfies the constituent component (B) of the Patent Invention.

(3) Regarding constituent component (C)

A Interpretation of the constituent component (C)

(A) Regarding the description of the scope of claims for patent

a It is obvious that the description of the "concave portions and convex portions" that "have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm" of the constituent component (C) specifies that the height difference between the concave portions and concave portions is equal to or larger than 1 mm and equal to or smaller than 3 mm.

b On the other hand, the description of "concave portions and convex portions which have a height difference, with respect to the surface of an area other than the visually-handicapped person guide areas, of equal to or larger than 1 mm and equal to or smaller than 3 mm" of the constituent component (C) can be interpreted at first sight such that a height difference between the surface of an area other than the visually-handicapped person guide areas and the concave portions and convex portions is equal to or larger than 1 mm and equal to or smaller than 3 mm; that is, the height difference at a portion where the area other than the visually-handicapped person guide areas and the visually-handicapped person warning area are in contact with each other is equal to or larger than 1 mm and equal to or smaller than 3 mm, at least specifying the existence of a step difference.

However, it cannot be said, just from the above description of the constituent component (C), that such an interpretation as described above is reasonable, because it can be seen that the "height difference with respect to the surface of areas other than..." does not explicitly specify which surface is different in height with respect to the surface of the other area. In addition, if such an interpretation as described above is made, the range of the height difference (the upper and lower limits) is identical to the range (the upper and lower limits) of the "mutual height difference) and therefore, it can also be said that there is a contradiction between these ranges (for example, if a concave portion as a portion contacting the other area is set at a higher position by 1 mm with respect to the area other than the visually-handicapped person guide area, the height difference of a convex portion with respect to the surface of area other than the visually-handicapped person guide area is to be equal to or smaller than 3 mm and therefore, a mutual height difference between the concave portion and convex portion cannot exceed 2 mm).

Accordingly, the description of "the warning pattern is" "concave portions and convex portions which have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm" of the constituent component C can be construed as being unclear; and therefore, the following examination will be conducted about how

the "height difference with respect to the area other than the visually-handicapped person guide areas" (hereinafter, referred to as "the height difference of the case") relating to the warning pattern is understood in the light of the description of the specifications of the patent.

(B) Regarding the meaning of the height difference of the case which can be understood from the description of the patent specification

a Visually-handicapped person warning area and visually-handicapped person guide area

The height difference of the case relates to a warning pattern, and this warning pattern is formed in a visually-handicapped person warning area. Paragraph [0064] of the patent specification describes that the warning floor tile is formed with the same thickness (height) as that of the guide floor tile and a warning pattern instead of a guide pattern is formed thereon. Therefore, in understanding the meaning of the height difference of the case, reference should be made to not only the description of the "visually-handicapped person warning area" but also the description of the "visually-handicapped person guide area" where the guide pattern is formed.

Then, the specific descriptions of the "visually-handicapped person warning area" and "visually-handicapped person guide area" in the patent specification of the case will be examined first.

The patent specification includes: the description of "In this visually-handicapped person warning area 3, a warning pattern is formed" (paragraph [0063]); the description of "the warning pattern is composed of concave portions 3a and convex portions 3b having a mutual height difference of equal to or smaller than 3 mm, as shown in FIG. 4 to FIG. 6" (paragraph [0068]); and the description of the visually-handicapped person warning area 3 where the concave portions 3a and convex portions 3b are formed, in FIG. 4 to FIG. 18. Accordingly, it can be said that the warning pattern is formed in the visually-handicapped person warning area and the warning pattern is composed of the concave portions and convex portions. As described above, the concave portions and convex portions are formed in the visually-handicapped person warning area, and therefore, it can be said that two surfaces having different heights (hereinafter, a surface including a portion contacting the area other than the visually-handicapped person guide areas is referred to as the "reference surface" and a surface having a height different from that of the reference surface is referred to as the "step difference surface") are formed in the visually-handicapped person warning area.

In addition, the patent specification of the case describes "The visually-handicapped person warning area 3 can be constituted by a rubber or synthetic resin warning floor tile (warning block). The warning floor tile is formed with the same material as that of the guide floor tile constituting the visually-handicapped person guide area 1 or with a different material, and with the same thickness (height) as that of the guide floor tile; and a warning pattern is formed instead of a guide pattern." (paragraph [0064]); indicating that the visually-handicapped person warning area 3 is constituted by the warning floor tile (warning block) and the warning floor tile is formed with the same thickness (height) as that of the guide floor tile constituting the visually-handicapped person guide area 1. In view of this, it can be said that two surfaces having different heights (hereinafter, a surface including a portion contacting the area other than the visually-handicapped person guide areas is referred to as the "reference surface" and a surface having a height different from that of the reference

surface is referred to as the "step difference surface") are also formed in the visually-handicapped person guide areas.

b Regarding the step difference between the surface of an area other than the visually-handicapped person guide areas and the visually-handicapped person warning area

Then, since it can be said the height difference of the case indicates a relationship between the surface of an area other than the visually-handicapped person guide areas and the visually-handicapped person warning area, a relationship between them in the patent specification will be examined.

(a) The patent specification describes "In an indoor floor system for guiding visually-handicapped persons, the surface of the visually-handicapped person guide area (guide floor tile) 1 is almost flush with an area 2 other than the visually-handicapped person guide areas; for example, an area formed by carpet tiles." (paragraph [0056]); indicating a configuration in which there is no step difference between the surface of an area 2 other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person guide area.

Here, in the light of both the above configuration in which there is no step difference between the surface of an area 2 other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person guide areas and the feature indicated by the above a in which the warning floor tile (warning block) constituting the visually-handicapped person warning area 3 is formed with the same thickness (height) as that of the guide floor tile constituting the visually-handicapped person guide area 1, it can be said that the patent specification indicates the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person warning areas.

On the other hand, the patent specification does not provide an explicit description of the existence of a step difference between the surface of an area other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person warning area; and at least there is no description from which there can be found a technical significance of providing a step difference of equal to or more than 1 mm between the surface of an area other than the visually-handicapped person guides area and the reference surface of the visually-handicapped person warning area.

In addition, the patent specification describes that in travelling of wheelchair users, strollers, etc., the existence of projections causes inconvenience as "However, as described above, the 'braille blocks' are likely to cause the risk of stumbling, and in the travel of a wheelchair user, stroller, etc. discomfort due to rattling in passing the protrusions is pointed out. That is, the 'braille block' has a specification of being recognizable by not only a white cane but also sole feeling, and thus has projections of about 5 mm. Such a movement support by concaves and convexes is inconvenient for wheelchair users, elderly persons, stroller users, portable medical oxygen cylinder users, cane users, etc." (paragraph [0023]). Also from this, it can be said that it is not intended to provide a step difference between the surface of an area other than the visually-handicapped person guide areas which is a travel path and the reference surface of the visually-handicapped person warning area.

Accordingly, it can be said that the patent specification describes only the

configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person warning area.

(b) As described in the above (a), the patent specification describes only the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide area and the reference surface of the visually-handicapped person warning area, and therefore, it can be understood although not quite satisfactorily that the height difference of the case is thought of on the premise of that configuration. Then, it is obvious that in order to solve the problem of a contradiction between the range of the height difference of the case and the range of the "mutual height difference" which is described in the above (A), regarding the problem in which the height difference of the case mentioned in the above (A) does not explicitly specify which surface is different in height with respect to the surface of the other area, the above "which surface" has only to be interpreted as a step difference surface of the visually-handicapped person warning area. Further, the height difference of the case is a concept about the visually-handicapped person warning area; however, the concept of the "height difference with respect to the surface of an area other than the visually-handicapped person guide area" for the visually-handicapped person guide area which exists in the patent specification can also be interpreted in a similar way.

The above interpretation can be supported also from the following points: that is, when such an interpretation is made, the range of a mutual height difference (a height difference between the reference surface and step difference surface) (here, the terms "reference surface" and "step difference surface" are used in the meaning of collectively calling both the visually-handicapped person guide area and visually-handicapped person warning area) and the range of a height difference between the surface of an area other than the visually-handicapped person guide area and the step difference surface of the visually-handicapped person warning area are identical. Further, in the patent specification, the following descriptions are actually provided: "this guide pattern, as shown in FIG. 2 (a) and (b), is composed of concave portions and convex portions 1a which have a mutual height difference of equal to or smaller than 3 mm and have a height difference with respect to the surface of an area other than the visually-handicapped person guide areas of equal to or smaller than 3 mm." (paragraph [0059]), "The concave portions 3a and convex portions 3b in the warning pattern may have, as shown in the examples described later, a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 2 mm and a height difference with respect to the surface of an area other than the visually-handicapped person guide areas of equal to or larger 1 mm and equal to or smaller than 2 mm." (paragraph [0073]); "When dots in the dotted pattern of the warning pattern are staggered, the concave portions 3a and convex portions 3b may have, as shown in the examples described later, a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 1.5 mm and a height difference with respect to the surface of an area other than the visually-handicapped person guide areas of equal to or larger than 1 mm and equal to or smaller than 1.5 mm." (paragraph [0080]). Also, in each of the above descriptions, the range of the mutual height difference (height difference between the reference surface and step difference surface) and the range of the height difference between the surface of an area other than the visually-handicapped person guide areas and the step difference surface are identical; and therefore, it can be said that the above interpretation is

consistent with the description of the patent specification.

(c) According to the above (b), it is reasonable to construe that the patent specification intends, as the height difference of the case, at least the "height difference" with the step difference surface of the visually-handicapped person warning area "with respect to the surface of an area other than the visually-handicapped person guide areas" based on the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person warning area.

Such an interpretation of the height difference of the case allows the problem which is presented in the above (A) b to be solved and further, allows conformance to the configuration described in the patent specification which is presented in the above (a).

(C) Summary

Based on the above (B), it can be said that the expression of the constituent component (C), "warning pattern is" "concave portions and convex portions which ... have a height difference with respect to the surface of an area other than the visually-handicapped person guide area is equal to or larger than 1 mm and equal to or smaller than 3 mm," should not be interpreted as the above (A) b but it should be interpreted such that the "concave portions and convex portions" of "the warning pattern" include at least the constitution of having the "height difference" of "equal to or larger than 1 mm and equal to or smaller than 3 mm" of the step difference surface of the visually-handicapped person warning area "with respect to the surface of an area other than the visually-handicapped person guide area" based on the premise of the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide area and the reference surface of the visually-handicapped person warning area.

B Regarding sufficiency

(A) Regarding the sufficiency of "the warning pattern is composed of concave portions and convex portions which have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm and have a height difference with respect to the surface of an area other than the visually-handicapped person guide area equal to or larger than 1 mm and equal to or smaller than 3 mm" of the constituent component (C)

a Article A is such that "the floor tile 101 is constituted by having a flat base plate portion 103 and a number of convex portions 102 integrally formed, where a surface 104 is formed on the base plate portion 103 and 25 pieces of convex portions 102 in total (5 columns x 5 rows) are formed" (configuration (b)), and therefore, it can be said that the surface of the "floor tile 101" of Article A consists of the "convex portions" and "concave portions."

In addition, as described in the above (2), the pattern formed by the "surface 104" and 25 pieces of "convex portions 102" in Article A corresponds to the "warning pattern" in the Patent Invention.

Accordingly, the configuration of "the surface 104 and convex portions 102 formed on the floor tile 101" in the configuration (c) of Article A corresponds to the configuration in which "the warning pattern" "is composed of concave portions and convex portions" in the constituent component C of the Patent Invention.

b It can be said that the "mutual height difference" of the "surface 104 and convex portions 102" in the configuration (c) of Article A corresponds to the "mutual height difference" of the "concave portions and convex portions" in the constituent component C of the Patent Invention in the light of a correspondence relationship described in the above a.

In addition, "2.5 mm" is within the range of "equal to or larger than 1 mm and equal to or smaller than 3 mm."

Then, the feature of "the surface 104 and convex portions 102 ... have a mutual height difference of 2.5 mm" in the configuration (c) of Article A satisfies the requirement that the "concave portions and convex portions" "have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm."

c It can be said that: the "circumferential floor surface 201 of the floor tile 101" is an area distinguished from the "guide path 105" that is an area installed for guiding visually-handicapped persons, as described in the above (1) and accordingly, it corresponds to the "surface of an area other than the visually-handicapped person guide areas" of the Patent Invention; in addition, a surface that "is flush with the surface of the circumferential floor surface 201" of "the base plate portion 103 of the floor tile 101" (that is, "the surface 104") corresponds to the "concave portions" that has a "height difference" with the "convex portions" in the Patent Invention; and further, the state in which two floor surfaces are "flush" with each other means the two floor surfaces have no step difference between them and are positioned at the same height and accordingly, "the base plate portion 103 of the floor tile 101 has a thickness of 2 mm and is buried to a depth of 2 mm with respect to a circumferential floor surface 201 of the floor tile 101 and is flush with the surface of the circumferential floor surface 201; in the buried state, the height difference between the surface of the floor surface 201 and the convex portions 102" in the configuration (c) of Article A, corresponds to the "height difference" of the step difference surface of the visually-handicapped person warning areas "with respect to the surface of an area other than the visually-handicapped person guide areas" based on the premise of the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide area and the reference surface of the visually-handicapped person warning area which relates to the constituent component C of the Patent Invention interpreted in the above A (C).

In addition, "2.5 mm" is within the range of "equal to or larger than 1 mm and equal to or smaller than 3 mm."

Then, the feature of "the base plate portion 103 of the floor tile 101 has a thickness of 2 mm and is buried to a depth of 2 mm with respect to a circumferential floor surface 201 of the floor tile 101 and is flush with the surface of the circumferential floor surface 201; in the buried state, the height difference between the surface of the floor surface 201 and the convex portions 102 is 2.5 mm," in the configuration (c) of Article A satisfies the requirement that the "height difference" of the step difference surface of the visually-handicapped person warning area "with respect to the surface of an area other than the visually-handicapped person guide areas" based on the premise of the configuration in which there is no step difference between the surface of an area other than the visually-handicapped person guide areas and the reference surface of the visually-handicapped person warning area is equal to or larger than 1 mm and equal to or smaller than 3 mm" which relates to the constituent component C of the Patent

Invention interpreted in the above A(C).

d As described above, the feature of "the surface 104 and convex portions 102 formed on the floor tile 101 have a mutual height difference of 2.5 mm between them, the base plate portion 103 of the floor tile 101 has a thickness of 2 mm and is buried to a depth of 2 mm with respect to a circumferential floor surface 201 of the floor tile 101 and is flush with the surface of the circumferential floor surface 201; in the buried state, the height difference between the surface of the floor surface 201 and the convex portions 102 is 2.5 mm" in the configuration (c) of Article A satisfies the requirement of "the warning pattern is composed of concave portions and convex portions which have a mutual height difference of equal to or larger than 1 mm and equal to or smaller than 3 mm and have a height difference with respect to the surface of an area other than the visually-handicapped person guide area equal to or larger than 1 mm and equal to or smaller than 3 mm" in the constituent component C of the Patent Invention.

(B) Regarding the sufficiency of "either the concave portions or the convex portions form a meshed pattern while the others form dotted pattern" in the constituent component (C)

As described in the above (A) a, the "surface 104" forming a "meshed pattern" in the configuration (c) of Article A corresponds to the "concave portions" forming a "meshed pattern" in the Patent Invention; similarly, the 25 pieces of "convex portions 102" correspond to the "convex portions" forming a "dotted pattern." Then, the feature of "the surface 104 forms a meshed pattern and 25 pieces of convex portions 102 form a dotted pattern" in the configuration (c) of Article A satisfies the requirement of "either the concave portions or the convex portions form a meshed pattern while the others form dotted pattern" in the constituent component (C) of the Patent Invention.

(C) Therefore, the configuration (c) of Article A satisfies the constituent component (C) of the Patent Invention.

(4) Regarding constituent component (D)

The pattern formed on the floor tile 101 in the configuration (d) of Article A can be sensed by being traced with a white cane and therefore, the configuration (d) of Article A satisfies the constituent component (D) of the Patent Invention.

(5) Regarding constituent component (E)

The "structure" for guiding visually-handicapped persons in indoor environments in the configuration (e) of Article A corresponds to the "indoor floor system for guiding visually-handicapped persons ... to guide visually-handicapped persons" in the Patent Invention.

Then, the configuration (e) of Article A satisfies the constituent component (E) of the Patent Invention.

2 Summary

Therefore, Article A satisfies the constituent component (A), constituent component (B), constituent component (C), constituent component (D), and constituent component (E).

No. 6 Closing

As described above, Article A satisfies all the constituent components of the

Patent Invention and thus, Article A belongs to the technical scope of the Patent Invention.

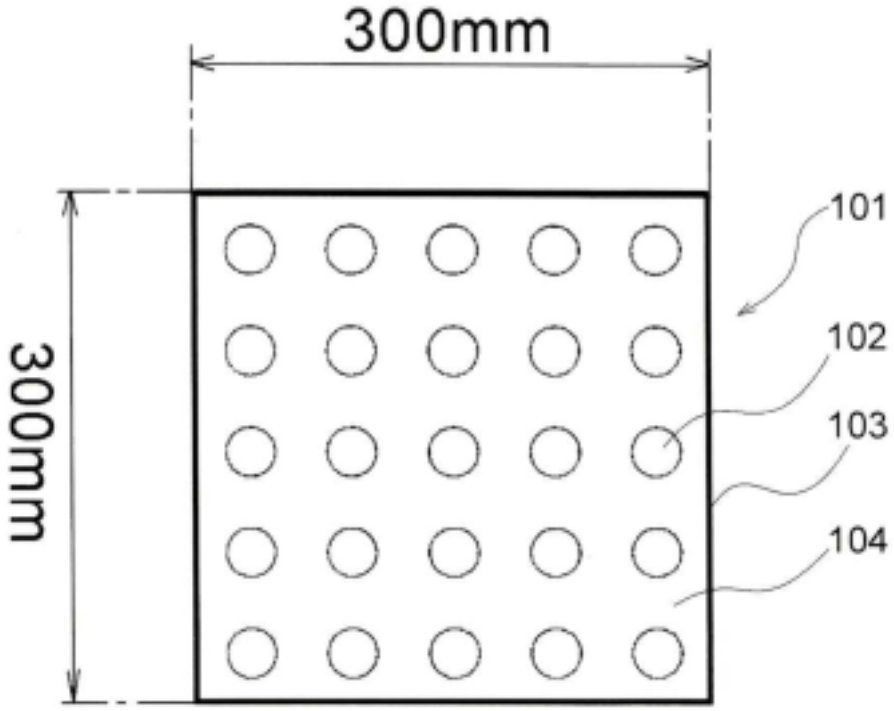
Therefore, the advisory opinion shall be made as described in the conclusion.

December 26, 2017

Chief administrative judge: ONO, Chuetsu
Administrative judge: NISHIDA, Hidehiko
Administrative judge: INOUE, Hiroyuki

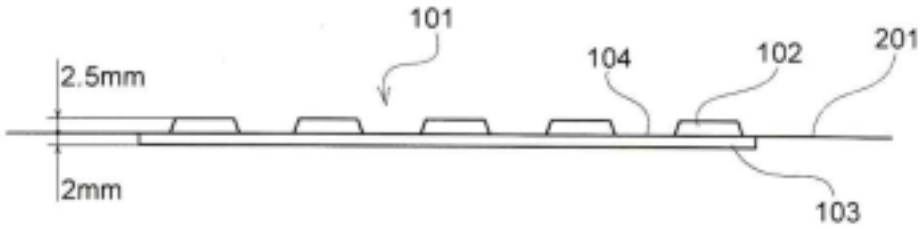
Drawings and explanatory document of Article A

[FIG. 1]



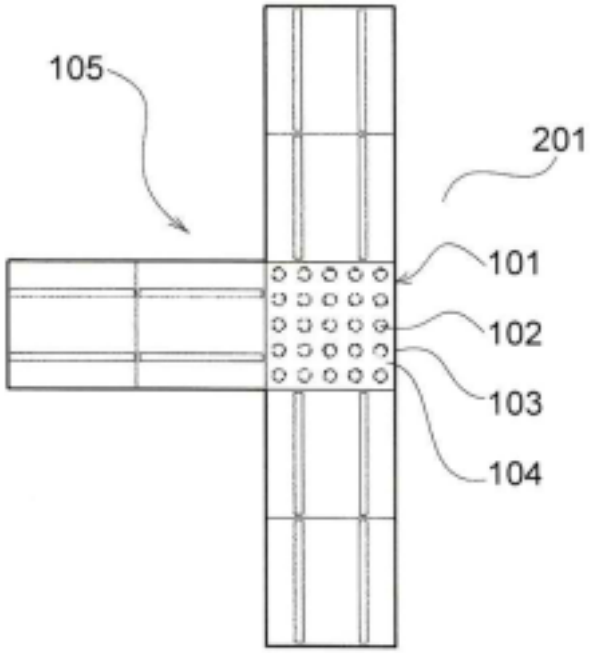
[FIG. 1] The floor tile 101 on the surface of which a plurality of dotted convex portions 102 for being sensed by visually-handicapped persons are formed is made of a hard synthetic resin material and is constituted by having the flat base plate portion 103 and convex portions 102 integrally formed. The number of convex portions 102 is 5 columns x 5 rows amounting to 25 in total. The base plate portion 103 is a square of 300 mm x 300 mm.

[FIG. 2]



[FIG. 2] The thickness of the base plate portion 103 is 2 mm. The convex portion 102 is a circle having a diameter of 15 mm and having a height of 2.5 mm above the surface of the base plate portion. The floor tile 101 is buried to a depth of 2 mm with respect to the circumferential floor surface 201 and the surface 104 of the base plate portion 103 is placed so as to be flush with the circumferential floor surface 201."

[FIG. 3]



[FIG. 3] The floor tile 101 is installed indoors such that a plurality of the floor tiles are arranged in a row or in a plurality of rows, constituting a guide path 105 for visually-handicapped persons. The floor tile 101 having a plurality of dotted convex portions 102 is placed at each position indicating a branching point of the guide path 105 (conforming to the braille block in JIS).