

Trial decision

Invalidation No. 2017-800011

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The decision on the case of the patent invalidation trial between the above parties on Japanese Patent No. 6035579, entitled " INFORMATION for REGISTRATION IDENTIFICATION PROTECTION SEAL", dated August 21, 2017 came with a court decision of revocation of the trial decision (2017 (Gyo-Ke) 10176, rendition of decision on March 28, 2018) at the Intellectual Property High Court, the case was proceeded further, and another trial decision was handed down as follows.

Conclusion

The patent for the inventions according to Claims 1 to 4 of Japanese Patent No. 6035579 shall be invalidated.

The costs in connection with the trial shall be borne by the demandee.

Reason

No. 1 History of the procedures

The application regarding Patent No. 6035579 was filed on January 21, 2016 based on Japanese Utility Model Registration No. 3198127 (Japanese Utility Model Application No. 2015-1677) filed on March 20, 2015 (hereinafter referred to as "Original filing date") under the provisions of Article 46-2(1) of the Patent Act, and the establishment of patent right was registered on November 11, 2016.

The history of the procedures in connection with the demand for invalidation trial of the case is as follows.

January 30, 2017	Submission of Written demand for invalidation trial
April 4, 2017	Submission of Written reply for the trial case
May 29, 2017	Submission of Oral proceedings statement brief (Demandee)
May 31, 2017	Submission of Oral proceedings statement brief (Demandant)
June 14, 2017	Oral proceeding
June 26, 2017	Submission of Written statement (Demandee)
June 28, 2017	Submission of Written statement (Demandant)
August 21, 2017	Trial decision that the demand for trial of the case was groundless (First trial decision)
March 28, 2018	Rendition of a court decision of revocation of the trial decision
June 11, 2018	Advance notice of the trial decision

No response was made to the advance notice of the trial decision by either party within a designated period.

## No. 2 The patent invention

The inventions according to Claims 1 to 4 are as described in Claims 1 to 4 of the scope of claims of the Patent specification. (Hereinafter referred to as "Patent Invention 1" to "Patent Invention 4", respectively. The inventions are generally referred to as "the Patent Invention".)

"[Claim 1]

Information for registration identification protection seal, which cannot be attached repeatedly when once stripped, for concealing/protecting information for registration identification by attaching the seal on a portion where the information is indicated in Information for registration identification notification, configured so that a part in contact with at least information for registration identification in an adhesive layer constituting information for registration identification information for registration identification protection seal may have a non-adhesive region which does not adhere to information for registration identification information for registration identification notification.

[Claim 2]

Information for registration identification information for registration identification protection seal described in Claim 1, characterized in that the non-adhesive region is a rectangular region surrounding the portion where information for registration identification information for registration identification is indicated.

[Claim 3]

Information for registration identification information for registration identification protection seal described in Claim 1, characterized in that the non-adhesive region is an arbitrary polygonal region surrounding the portion where information for registration identification information for registration identification is indicated.

[Claim 4]

Information for registration identification information for registration identification protection seal described in either of Claims 2 and 3, characterized in that the non-adhesive region has a corner portion which is chamfered, e.g., round chamfering."

No. 3 Demandant's allegation and means of proof

The demandant alleges the trial decision, "The patent for the inventions according to Claims 1 to 4 of the scope of claims of Japanese Patent No. 6035579 shall be invalidated. The costs in connection with the trial shall be borne by the demandee."

The gist of the reasons for invalidation is as follows, which allege that the Patent should be invalidated.

1. In Claim 1, the invention specified by including the matters specifying the invention functionally described as "which cannot be attached repeatedly when once stripped" exceeds the scope described in the Detailed Description of the Invention, and thus does not satisfy the requirements stipulated in Article 36(6)(i) of the Patent Act. Thus, the patent falls under the provisions of Article 123(1)(iv) of the Patent Act, and should be invalidated (hereinafter referred to as "Reason for invalidation 1").

2. Patent inventions 1 to 4 could have been easily made by a person skilled in the art before the filing of the application based on the inventions described in Evidence A No. 1 and Evidence A No. 2, or the inventions described in Evidence A No. 1 and Evidence A No. 3. The demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act. Thus, the Patent falls under the provisions of Article 123(1)(ii) of the Patent Act, and should be invalidated (hereinafter referred to as "Reason for invalidation 2").

The means of proof for proving the above reasons for invalidation are as follows.

(Means of proof)

[Documents]

Evidence A No. 1: Japanese Unexamined Patent Application Publication No. 2007-52379

Evidence A No. 2: Japanese Unexamined Patent Application Publication No. 2010-260184

Evidence A No. 3: Microfilm of Japanese Utility Model Application No. S61-189006 (Japanese Unexamined Utility Model Application Publication No. S63-92774)

(The above documents were submitted attached to the written demand for invalidation trial.)

Evidence A No. 4: Japanese Unexamined Patent Application Publication No. 2005-250328

Evidence A No. 5: Japanese Unexamined Patent Application Publication No. 2002-351329

(The above documents were submitted attached to the oral proceedings statement brief as of May 31, 2017.)

Evidence A No. 6: Ministry of Justice, Handling of incomplete stripping of seal of information for registration identification notification (Important announcement), searched on June 25, 2017, <URL: <http://www.moj.go.jp/MINJI/minji195.html>>

Evidence A No. 7: Bulletin NAGANO No. 178, Association of Real-Estate Surveyors of Nagano Prefecture, April 20, 2010, Cover, p. 1, p. 26, p. 33

Evidence A No. 8: About blinding seal of information for registration identification notification, Japan Federation of Shiho-Shoshi Lawyer's Associations Executive Director Mikio SATOMURA, September 10, 2009

Evidence A No. 9: - I had the following incident happen to me - (Livedoor head office)

(The above documents were submitted attached to the written statement as of June 26, 2017.)

The demandee approves establishment of Evidences A No. 1 to No. 5.

No. 4 Demandee's allegation and means of proof

The demandee alleges the trial decision, "The demand for trial of the case was groundless. The costs in connection with the trial shall be borne by the demandant."

The demandee alleges as outlined below with respect to the demandant's allegation, and alleges that there is no reason for invalidating the Patent.

1. Regarding the Reason for Invalidation 1

The matters specifying the invention in Claim 1, "which cannot be attached repeatedly when once stripped" are matters which had been well known before the filing of the application for the Patent, and are described in the detailed description of the invention.

2. Regarding the Reason for Invalidation 2

None of Evidences A No. 1 to No. 3 describes the matters specifying the invention of the Patent Invention, "a part in contact with at least information for registration identification information for registration identification in an adhesive layer constituting information for registration identification information for registration identification protection seal may have a non-adhesive region which does not adhere to information for registration identification information for registration identification notification". A person skilled in the art could not easily conceive of the matter.

The means of proof for arguing against the above reasons for invalidation are as follows. (Means of proof)

[Documents]

Evidence B No. 1: Japanese Unexamined Patent Application Publication No. 2008-40797

Evidence B No. 2: Japanese Unexamined Patent Application Publication No. 2009-244476

Evidence B No. 3: Japanese Unexamined Patent Application Publication No. 2002-55618

Evidence B No. 4: Microfilm of Japanese Utility Model Application No. H1-72721 (Japanese Unexamined Utility Model Application Publication No. H3-12279)

Evidence B No. 5: Japanese Unexamined Patent Application Publication No. 2009-69393

Evidence B No. 6: Microfilm of Japanese Utility Model Application No. S57-176313 (Japanese Unexamined Utility Model Application Publication No. S58-120077)

Evidence B No. 7: Picture taken around the use situation of Information for registration identification protection seal in use

(The above documents were submitted attached to the written reply for the trial case.)

The demandant approves establishment of the Evidences B No. 1 to No. 7.

No. 5 Matters mainly described in the Evidences A

1. Evidence A No. 1

Evidence A No. 1 discloses the following matters (The underlines were added by the body; the same applies hereafter).

(1) "[Claim 1]

Information for registration identification protection seal for concealing information for registration identification, which is non-restickable once a blinding seal keeping information for registration identification information for registration identification secret is stripped from Information for registration identification notification when information for registration identification information for registration identification notification is issued from the Legal Affairs Bureau comprising, on its surface:

a first region for a person who sticks information for registration identification information for registration identification protection seal to information for registration identification information for registration identification notification to set his or her seal or signature thereon and;

a second region for a person who strips information for registration identification information for registration identification protection seal from information for registration identification notification to set his or her seal or signature thereon.

In light of the disclosed matters in (1), it is recognized that Evidence A No. A indicates the following invention (hereinafter referred to as "Invention Evidence A-1").

"Information for registration identification protection seal for concealing information for registration identification, which is non-restickable once a blinding seal keeping information for registration identification secret is stripped from Information for registration identification notification when information for registration identification notification is issued from the Legal Affairs Bureau."

2. Evidence A No. 2

Evidence A No. 2 discloses the following matters.

(1) "[Claim 1]

An information concealing recording sheet comprising:

a first sheet having a duplicate-recording region in which information is duplicate-recorded on an upper surface;

a second sheet which is bonded to the first sheet at the peripheral edges of the duplicate-recording region, covers the duplicate-recording region, and conceals the information recorded on the duplicate-recording region of the first sheet by forming a top surface corresponding to the duplicate-recording region on a non-duplicate-recording surface, and of which a section corresponding to the duplicate-recording region is formed in a removable removing region; and

a third sheet 3 which is separably laminated on the first sheet and the second sheet, and includes an information recording region for recording the information to be duplicate-recorded on the duplicate-recording region at a section corresponding to the duplicate-recording region of the first sheet."

(2) "[0022]

Therefore, the second sheet 2 is sized and shaped to cover at least the duplicate-recording region 21 and a pasting region around it, and includes an adhesive layer 24 which is formed in the peripheral part on its back, to stick to the first sheet 1 in the pasting region 22. The adhesive layer 24 uses an adhesive having adhesive power so that a sheet is not easy to strip, while not allowing stripping and re-sticking, and the sheet may be broken by forced stripping.

[0023]

In the second sheet 2, a perforation 25 is formed in a circular shape, as a cut line for easy cutting, inside a band-shaped region where the adhesive layer 24 is formed corresponding to the pasting region 22. The inside of the perforation 25 is formed as the removable removing region 26. The second sheet 2 has a surface, which is a top face, formed in the non-duplicate-recording surface, and is opaque so as to hide the information duplicate-recorded on the duplicate-recording region 21 of the first sheet 1 laminated below. As necessary, on the top face and/or the rear face, a land pattern, or the like, can be printed for preventing the duplicate-recorded information from being read."

(3) "[0038]

Therefore, in viewing information concealed by the first sheet 1, the duplicate-recording region 21 is exposed by stripping and removing the removing region 26 of the second sheet 2 by cutting along the perforation 25, thereby allowing the duplicate-recorded information to be viewed. Since the second sheet 2 is then cut along the perforation 25, the second sheet cannot stick to the first sheet 1 again. Information leakage is prevented, accordingly.

In light of the disclosed matters in (1) to (3), it is recognized that Evidence A No. 2 indicates the following invention.

"An information concealing recording sheet comprising:

a first sheet having a duplicate-recording region in which information is duplicate-recorded on an upper surface;

a second sheet which is bonded to the first sheet at the peripheral edges of the duplicate-recording region, covers the duplicate-recording region, and conceals the information recorded on the duplicate-recording region of the first sheet by forming a top surface corresponding to the duplicate-recording region on a non-duplicate-recording surface, and of which a section corresponding to the duplicate-recording region is formed in a removable removing region; and

a third sheet 3 which is separably laminated on the first sheet and the second sheet, and includes an information recording region for recording the information to be duplicate-recorded on the duplicate-recording region at a section corresponding to the duplicate-recording region of the first sheet,

wherein the second sheet is sized and shaped to cover at least the duplicate-recording region and a pasting region around it, and includes an adhesive layer which is formed in the peripheral part on its back, to stick to the first sheet in the pasting region,

in the second sheet, perforation is formed in a circular shape, as a cut line for easy cutting, inside a band-shaped region where the adhesive layer is formed corresponding to the pasting region, the inside of the perforation is formed as the removable removing region,

in viewing information concealed by the first sheet, the duplicate-recording region is exposed by stripping and removing the removing region of the second sheet by cutting along the perforation, thereby allowing the duplicate-recorded information to be viewed, and since the second sheet is cut along the perforation, the second sheet cannot stick to the first sheet again, resulting in preventing information leakage."

### 3. Evidence A No. 3

Evidence A No. 3 discloses the following matters.

(1) "A secret protection sheet including a sheet body having a non-transparent part covering an information display part of an object mounted so as to be hidden, and configured by forming a separable print layer on the sheet body around the information display part and laminating a pressure-sensitive adhesive layer for bonding the sheet body on the print layer to the object mounted." (p. 1 l.5-1.11)

(2) "Once the sheet body 4 is stripped from the object mounted 1, as shown in FIG. 3C and FIG. 2, the print layer 7 can be stripped from the sheet body 4 and at least a part of the print layer 7 is transferred onto the adhesive layer 8 without following the stripped sheet body 4, because the print layer 7 is bonded by the pressure-sensitive adhesive layer 8. Therefore, the sheet body 4 is not bonded to the stripped print layer 7 but separated in trying to bond the sheet body 4 to the object mounted 4 again, and restoration is impossible." (p. 6 l.10-l.19)

According to FIGS. 1 and 2 of Evidence A No. 3, since the laminate of the print layer and the pressure-sensitive adhesive layer is located around the information display part, a rectangular region is formed inside of it.

In light of the above (1), (2), and matters disclosed in FIGS. 1 and 2, it is recognized that Evidence A No. 3 indicates the following invention (hereinafter referred to as "Invention Evidence A-3").

"A secret protection sheet including a sheet body having a non-transparent part covering an information display part of an object mounted so as to be hidden, and configured by forming a separable print layer on the sheet body around the information display part and laminating a pressure-sensitive adhesive layer for bonding the sheet body on the print layer to the object mounted,

wherein, since the laminate of the print layer and the pressure-sensitive adhesive layer is located around the information display part, a rectangular region is formed inside of it,

once the sheet body is stripped from the object mounted, the print layer can be stripped from the sheet body and at least a part of the print layer is transferred onto the adhesive layer without following the stripped sheet body because the print layer is bonded by the pressure-sensitive adhesive layer, and the sheet body is not bonded to the stripped print layer but separated in trying to bond the sheet body to the object mounted again, and restoration is impossible.

No. 6 Judgment by the body

1. Regarding the Reason for Invalidation 1

(1) Regarding the matters described in the detailed description of the invention of the Patent specification

A. "[Technical field]

[0001]

This invention relates to Information for registration identification protection seal for protecting information for registration identification.

[Background Art]

[0002]

Information for registration identification of real estate is a 12-digit code formed by combining Arabic numbers and other codes, issued in substitution for a registration certificate. Information for registration identification is assigned for each real estate property and applicant who is a registered person, and is notified only to the applicant who is the registered person. Information for registration identification is considered to serve as a PIN for a registry office to verify a provider of the information as the registered person. Consequently, registration application for a real estate owner can be filed with a 12-digit code of information for registration identification. It is necessary to carefully keep and manage information for registration identification so as prevent stealing by a third party.

[0003]

Today, information for registration identification is notified by Information for registration identification notification.

FIG. 7 is a sample of Information for registration identification notification 700. Information for registration identification 710 formed of a 12-digit code 720 and a QR code 730 is indicated in a lower part of information for registration identification notification 700. Information for registration identification notification 700 is issued to an applicant with a blinding seal 740 stuck to information for registration identification 710 (hereinafter 'seal system'). The blinding seal 740 cannot be attached repeatedly when once stripped, thereby concealing/protecting information for registration identification 710. In the future, information for registration identification notification is to be modified from the seal system to a folding system shown in FIG. 8 (folding a folding part 840 located at the bottom of a A4 sheet (information for registration identification notification 800) to cover information for registration identification 810 so as to hide a portion where information for registration identification 810 is indicated, and gluing the edge parts thereof).

[0004]

In confirming information for registration identification, in the seal system, the blinding seal 740 is stripped to read information for registration identification 110. In the folding system, the folding part 840 is cut and stripped along perforation formed in the folded part, to confirm information for registration identification 810. In both systems, once information for registration identification is confirmed, information for

registration identification cannot be concealed/protected again, and the information may be stolen by a third party. Information for registration identification protection seal is proposed for concealing/protecting information for registration identification by sticking to the portion where information for registration identification is indicated in information for registration identification notification in the above state. Information for registration identification protection seal is also non-restickable when once stripped.

[0005]

FIG. 9 shows a conventional information for registration identification protection seal 900. By attaching, via an adhesive layer 920, information for registration identification protection seal 900 on the portion where information for registration identification 710 is indicated after stripping the blinding seal 740 of information for registration identification notification 700 shown in FIG. 7, information for registration identification 710 can be concealed/protected. Information for registration identification protection seal 900 is formed of a protection seal layer 910 and the adhesive layer 920. The adhesive layer 920 is configured so that a portion corresponding to the protection seal layer 910 is different in property from a portion stuck to information for registration identification notification 700. Adhesive power of the portion corresponding to the protection seal layer 910 is very weak. When information for registration identification protection seal 900 is stripped, only the protection seal layer 910 is stripped, and the adhesive layer 920 remains in information for registration identification notification 700. Since the adhesive power between the adhesive layer 920 and the protection seal layer 910 is weak, the protection seal layer 910 cannot be stuck repeatedly.

[Summary of Invention]

[Problem to be solved by the invention]

[0006]

Information for registration identification is used several times by a judicial scrivener, bank, or the like. In each case, information for registration identification 710 is confirmed by stripping information for registration identification protection seal 900, then a new information for registration identification protection seal 900 is stuck to the portion where information for registration identification 710 is indicated in information for registration identification notification 700, to thereby conceal/protect information for registration identification 710. FIG. 10 schematically illustrates a cross section of the portion where information for registration identification 710 is indicated in information for registration identification notification 700 after repeatedly

sticking and stripping information for registration identification protection seal 900. As shown in FIG. 10, several adhesive layers 910 are accumulated. When the adhesive layer 910 is colored or low in transparency, information for registration identification 710 may be difficult to read due to the accumulated multiple adhesive layers 910.

[0007]

This invention is devised to overcome the conventional disadvantages, and aims to provide Information for registration identification protection seal which effectively conceals/protects information for registration identification indicated in Information for registration identification notification, while preventing information for registration identification from being rendered unreadable."

B. "[0011]

Embodiments of information for registration identification protection seal relating to this invention are described in detail below with figures. An example shows a folding type information for registration identification notification. FIG. 1 is a front view and a bottom view of one example of Information for registration identification protection seal. FIG. 2 illustrates how to stick Information for registration identification protection seal to a portion where information for registration identification is indicated in Information for registration identification notification. FIG. 3 illustrates a state of Information for registration identification notification from which Information for registration identification protection seal has been stripped. FIG. 4 is a cross sectional view of a portion where information for registration identification is indicated in Information for registration identification notification after new information for registration identification protection seals are stuck and stripped repeatedly. As shown in FIG. 1, information for registration identification protection seal 100 comprises a protection seal layer 110 and an adhesive layer 120. As shown in the bottom view at the bottom of FIG. 1, a rectangular non-adhesive region 130 is formed inside the adhesive layer 120. In this embodiment, no adhesive exists in the non-adhesive region 130.

[0013]

Information for registration identification 210 is used several times by a judicial scrivener, bank, or the like. In each case, information for registration identification 210 is confirmed by stripping information for registration identification protection seal 100, then a new information for registration identification protection seal 100 is stuck to the portion where information for registration identification 210 is indicated in information for registration identification notification 200, to thereby

conceal/protect information for registration identification 210. FIG. 3 shows a state of Information for registration identification notification 200 from which Information for registration identification protection seal 100 has been stripped. The adhesive layer 120 of information for registration identification protection seal 1 is configured so that adhesive power is weak on the side of the protection seal layer 110 and strong on the side of information for registration identification notification 200 to be stuck. Thus, when information for registration identification protection seal 100 is stripped, the adhesive layer 120 is transferred to information for registration identification notification 200, and only the protection seal layer 110 is stripped. The transferred adhesive layer 120 never overlaps information for registration identification 210. The protection seal layer 110 of information for registration identification protection seal 100 once stripped is non-restickable, thereby preventing theft of information for registration identification 210 by a third party.

[0014]

The above operation may be repeated due to multiple uses of information for registration identification 210, and adhesive layers 120 are accumulated as shown in FIG. 4. However, no adhesive layer 120 is accumulated on information for registration identification 210. Thus, even if the adhesive layer 120 is colored or formed of a low-transparency material, information for registration identification 210 will never be unreadable."

## (2) Judgment

According to the description in "A." in the detailed description of the invention of the Patent Specification, the problem to be solved by the Patent Invention is "to provide Information for registration identification protection seal which effectively conceals/protects information for registration identification indicated in Information for registration identification notification, while preventing information for registration identification from being rendered unreadable even after repeatedly stripping information for registration identification protection seal."

As means for solving the above problem, according to the description in "B." of the detailed description of the invention of the Patent Specification, a configuration of "arranging a non-adhesive region which does not adhere to information for registration identification notification, inside an adhesive layer, so that the adhesive layer constituting Information for registration identification protection seal may not be accumulated on information for registration identification" is employed.

Meanwhile, the Patent Invention specifies, as means for solving the above problem, that "a part in contact with at least information for registration identification in an adhesive layer constituting information for registration identification protection seal may have a non-adhesive region which does not adhere to information for registration identification notification".

In light of the above, it can be said that the means for solving the problem of the Patent Invention substantially corresponds to the means for solving the problem described in the detailed description of the invention of the Patent Specification.

The matter specifying the invention in the Patent Invention, "which cannot be attached repeatedly when once stripped", is a matter that was well-known by a person skilled in the art before the filing of the original application of the Patent Invention, as is obvious from the description in "A.", for example.

Therefore, the description of Claim 1 falls within a range such that a person skilled in the art can acknowledge that the problems of the invention can be solved by the Detailed Description of the Invention, and falls under the provisions of Article 36(6)(i) of the Patent Act.

### (3) Summary

Therefore, since the Patent Invention is an invention described in the Detailed Description of the Invention, the patent regarding the Patent Invention cannot be invalidated by the Reason for Invalidation 1.

## 2. Regarding the Reason for Invalidation 2

### (1) Regarding Patent Invention 1

#### A. Comparison

Patent Invention 1 and Invention Evidence A-1 are compared below.

The "information for registration identification notification" in the latter corresponds to the "information for registration identification notification" in the former, according to the structure, function, and operation thereof. The "information for registration identification" corresponds to the "registration identification", the "'blinding seal' and 'information for registration identification protection seal'" correspond to the "information for registration identification protection seal", in the same manner.

Information for registration identification protection seal in the latter is for concealing information for registration identification after stripped from information for registration identification notification, and is non-restickable when once stripped.

Therefore, it can be said that the above information for registration identification protection seal is for concealing/protecting information for registration identification by attaching the seal on a portion where the information is indicated in Information for registration identification notification, cannot be attached repeatedly when once stripped, and includes an adhesive layer.

Therefore, the above inventions are identical with each other in the following points.

"Information for registration identification protection seal, which cannot be attached repeatedly when once stripped, for concealing/protecting information for registration identification by attaching the seal on a portion where the information is indicated in Information for registration identification notification, information for registration identification protection seal having an adhesive layer constituting information for registration identification protection seal."

The different features as follows.

[Different Feature 1]

In Patent Invention 1, "a part in contact with at least information for registration identification in an adhesive layer has a non-adhesive region which does not adhere to information for registration identification notification". On the other hand, in the Invention Evidence A-1, it is unclear whether the adhesive layer is formed entirely or partially on the sheet.

## B. Judgment

Different Feature 1 is examined below.

Invention Evidence A-3 is examined first.

Invention Evidence A-3 is as described in "No. 5 3.". The "object mounted" in Invention Evidence A-3 has an information display part to be hidden. Thus, the "object mounted" in Invention Evidence A-3 and the "information for registration identification notification" in Patent invention 1 have the same concept, "(secret) information notification."

Since the "information display part" in Invention Evidence A-3 is hidden by a sheet body, it can be said that the "information display part" has "secret information indicated thereon".

The "sheet body" in Invention Evidence A-3 includes a non-transparent part covering an information display part of an object mounted so as to be hidden, and is configured by forming a separable print layer on the sheet body around the information display part and laminating a pressure-sensitive adhesive layer for bonding the sheet

body on the print layer to the object mounted. Once the sheet body is stripped from the object mounted, the print layer can be stripped from the sheet body and at least a part of the print layer is transferred onto the adhesive layer without following the stripped sheet body, because the print layer is bonded by the pressure-sensitive adhesive layer, and the sheet body is not bonded to the stripped print layer but is separated in trying to bond the sheet body to the object mounted again, and restoration is impossible. Therefore, the "sheet body" in Invention Evidence A-3 and the "information for registration identification protection seal" in Patent Invention 1 have the same concept, "secret information protection seal". The "sheet body (secret information protection seal)" in Invention Evidence A-3 is considered to "include a print layer and a pressure-sensitive adhesive layer, which are to be stuck to an object mounted ((secret) information notification) and arranged in portions corresponding to the circumference of an information display part, while arranging no pressure-sensitive layer in a portion (region) corresponding to secret information indicated in the information display part of the sheet body."

In light of the above, it can be said that Invention Evidence A-3 shows "a secret information protection seal including a print layer and a pressure-sensitive adhesive layer, which are to be stuck to a (secret) information notification and arranged in the circumference, while arranging no pressure-sensitive layer in a portion (region) corresponding to secret information indicated in an information display part of the (secret) information notification."

A motivation to apply Invention Evidence A-3 to Invention Evidence A-1 is examined below. The court decision is as follows:

"The problem in Information for registration identification protection seal in that adhesive layers are accumulated due to repeatedly sticking and stripping information for registration identification protection seal to/from Information for registration identification notification, resulting in difficulty reading information for registration identification, is caused necessarily when information for registration identification protection seal is repeatedly stuck and stripped to/from information for registration identification notification, and it is recognized as inevitable by consumers of information for registration identification protection seal. In fact, on September 30, 2009, which is more than 5 years prior to the filing date of the original application, it had been recognized by a judicial scrivener who is a consumer of information for registration identification protection seal (A-9). Manufacturers and venders of information for registration identification protection seal would develop a product in response to a demand of a consumer. Thus, it can be said that the above problem had

been well-known by a person skilled in the art before the filing date of the original application.

It is recognized that a person skilled in the art in the technical field of information for registration identification protection seal faced with the problem would make efforts to prevent an adhesive layer from sticking to information for registration identification in order to prevent characters (information for registration identification) under a film layer (adhesive layer) from being obscure. Invention A-3 and Invention A-1 belong the same technical field, secret information protection seal, and are identical with each other in detecting leakage of secret information by making the seal non-restickable.

Therefore, it can be said that there is a motivation to apply Invention A-3 to Invention A-1.

Applying Invention A-3 to Invention A-1 prevents the adhesive layer from sticking onto information for registration identification, thereby solving the problem. Accordingly, it is recognized that a person skilled in the art could have easily conceived of applying Invention A-3, in Invention A-1, to implement the configuration relating to the different feature." (Written court decision p. 30 "B Motivation to apply Invention A-3 to Invention A-1")

(The above "Invention A-1" and "Invention A-3" indicate "Invention Evidence A-1" and "Invention Evidence A-3" in the trial decision, respectively.)

The above decision binds the body under the provision of Article No. 33(1) of the Administrative Case Litigation Act.

Therefore, a person skilled in the art could have easily conceived of applying Invention Evidence A-3 to Invention Evidence A-1 to implement the matters specifying the invention of Patent Invention 1 relating to the above Different Feature 1.

### C. Summary

Accordingly, since Patent Invention 1 could have been easily conceived by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3, the demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act. Thus, the patent regarding Patent Invention 1 should be invalidated.

## (2) Regarding Patent Invention 2

### A. Comparison

Patent Invention 2 is to add a limitation that "a rectangular region surrounding the portion where information for registration identification is indicated" to the "non-adhesive region" which is a matter specifying the invention of Patent Invention 1.

As a result of comparing Patent Invention 2 and Invention Evidence A-1, according to the examination in "2. (1) A.", there is the following different feature in addition to the above Different Feature 1, and there is no other different feature between them.

[Different Feature 2]

The non-adhesive region in Patent Invention 2 is "a rectangular region surrounding a portion where information for registration identification is indicated", while Invention Evidence A-1 does not include such specification.

## B. Judgment

The above Different Feature 1 is as examined in "2. (1) B.".

The Different Feature 2 is examined below.

Invention Evidence A-3 is as described in "No. 5 3.". The "laminate of the print layer and the pressure-sensitive adhesive layer" in Invention Evidence A-3 is located around the information display part to form a rectangular region inside thereof. Thus, it can be said that "a portion (region) where a pressure-sensitive adhesive layer does not exist is a rectangular region surrounding a portion where secret information is described".

Accordingly, Invention Evidence A-3 shows that "a portion (region) where a pressure-sensitive adhesive layer does not exist is a rectangular region surrounding a portion where secret information is described".

As examined in "2. (1) B.", a person skilled in the art could have easily conceived of applying Invention Evidence A-3 to Invention Evidence A-1. Therefore, a person skilled in the art could have easily conceived of applying Invention Evidence A-3 to Invention Evidence A-1 to implement the matters specifying the invention of Patent Invention 2 relating to Different Feature 2.

The effects to be produced by the whole of the matters specifying the invention of Patent Invention 2 are also within the scope which can be predicted by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3.

## C. Summary

Accordingly, since Patent invention 2 could have been easily conceived by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3, the demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act. Thus, the patent regarding Patent Invention 2 should be invalidated.

### (3) Regarding the Patent Invention 3

#### A. Comparison

Patent Invention 3 is to add a limitation that "an arbitrary polygonal region surrounding the portion where information for registration identification is indicated" to the "non-adhesive region" which is a matter specifying the invention of Patent Invention 1.

As a result of comparing Patent Invention 3 and Invention Evidence A-1, according to the examination in "2. (1) A.", there is the following different feature in addition to the above Different Feature 1, and there is no other different feature between them.

[Different Feature 3]

The non-adhesive region in Patent Invention 3 is "an arbitrary polygonal region surrounding a portion where information for registration identification is indicated", while Invention Evidence A-1 does not include such specification.

#### B. Judgment

Different Feature 1 is as examined in "2. (1) B."

Different Feature 3 is examined below.

Invention Evidence A-3 is as described in "No. 5 3.". The "laminated region of the print layer and the pressure-sensitive adhesive layer" in Invention Evidence A-3 is located around the information display part to form a rectangular region inside thereof. Since a rectangular region is a polygonal region, it can be said that "a portion (region) where a pressure-sensitive adhesive layer does not exist is a polygonal region surrounding a portion where secret information is described".

Accordingly, Invention Evidence A-3 shows that "a portion (region) where a pressure-sensitive adhesive layer does not exist is an arbitrary polygonal region surrounding a portion where secret information is described".

As examined in "2. (1) B.", a person skilled in the art could have easily conceived of applying Invention Evidence A-3 to Invention Evidence A-1. Therefore, a person skilled in the art could have easily conceived of applying Invention Evidence

A-3 to Invention Evidence A-1 to implement the matters specifying the invention of Patent Invention 3 relating to Different Feature 3.

The effects to be produced by the whole of the matters specifying the invention of Patent Invention 3 are also within the scope which can be predicted by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3.

### C. Summary

Accordingly, since Patent Invention 3 could have been easily conceived by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3, the demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act. Thus, the patent regarding Patent Invention 3 should be invalidated.

### (4) Regarding Patent Invention 4

#### A. Comparison

Patent Invention 4 is to add a limitation that "a corner portion is chamfered, e.g., round chamfering" to the "non-adhesive region" which is a matter specifying the invention of Patent Invention 2 or 3.

As a result of comparing Patent Invention 4 and Invention Evidence A-1, according to the examination in "2. (1) A.", "2. (2) A." and "2. (3) A.", there is the following different feature in addition to the above Different Feature 1, or one of Different Feature 2 and Different Feature 3, and there is no other different feature between them.

[Different Feature 4]

The non-adhesive region in Patent Invention 4 has "a corner portion which is chamfered, e.g., round chamfering", while Invention Evidence A-1 does not include such specification.

#### B. Judgment

Different Features 1 to 3 are as examined in "2. (1) B.", "2. (2) B." and "2. (3) B".

Different Feature 4 is examined below.

As examined in "2. (1) B.", a person skilled in the art could have easily conceived of applying Invention Evidence A-3 to Invention Evidence A-1. It is recognized that there is no particular technical significance about the matter specifying the invention relating to Different Feature 4 of Patent Invention 4. Thus, the

configuration of chamfering, e.g., round-chamfering, a part of a corner of a non-adhesive region is a design matter which can be appropriately implemented by a person skilled in the art.

The effects to be produced by the whole of the matters specifying the invention of Patent Invention 4 are also within the scope which can be predicted by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3.

### C. Summary

Accordingly, since Patent Invention 4 could have been easily conceived by a person skilled in the art based on Invention Evidence A-1 and Invention Evidence A-3, the demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act. Thus, the patent regarding Patent Invention 4 should be invalidated.

### No. 7 Closing

In light of the above, the patent regarding Patent Inventions 1 to 4 should be invalidated.

The costs in connection with the trial shall be borne by the demandee under the provisions of Article 61 of the Code of Civil Procedure which is applied mutatis mutandis in the provisions of Article 169(2) of the Patent Act.

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

September 25, 2018

Chief administrative judge: MORITSUGU, Ken  
Administrative judge: ARAI, Ryuichi  
Administrative judge: HATAI, Junichi