Trial decision

Invalidation No. 2017-800044

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The case of trial regarding the invalidation of Japanese Patent No. 5077465, entitled "POLARIZED LIGHT IRRADIATION DEVICE FOR OPTICAL ALIGNMENT" between the parties above has resulted in the following trial decision.

Conclusion

The trial of the case was groundless.

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

Reason

No. 1 History of the procedures

The application regarding Patent No. 5077465 is a divisional patent application, which was filed on July 14, 2011 as Japanese Patent Application No. 2011-155510, based on Japanese Patent Application No. 2005-308117 filed on October 24, 2005, and

the establishment of patent right was registered on September 7, 2012.

Against this, a trial for invalidation of the case was demanded by the demandant. The outline of history of the subsequent procedures is as follows.

As of March 31, 2017	Written demand for trial
As of July 14, 2017	Written reply
As of September 25, 2017	Written refutation, Written request for proof
As of November 20, 2017	Notification of joint trial (with Invalidation No. 2017-800043)
As of February 2, 2018	Notification of matters to be examined
As of March 29, 2018	Oral proceedings statement brief (Demandant)
As of March 29, 2018	Oral proceedings statement brief (Demandee)
As of April 12, 2018	Written statement (Demandant)
April 12, 2018	Oral proceeding
As of April 26, 2018	Written statement (Demandee)
As of June 1, 2018	Second written statement (Demandant), Written withdrawal of request for proof
As of June 14, 2018	Notification of joint separation

Hereinafter the record of "the first oral proceeding" is referred to as simply "record".

No. 2 The Invention

The invention according to Claim 1 of the scope of claims of the Patent No. 5077465 (hereinafter referred to as "the Patent") is as follows.

"[Claim 1]

A polarized light irradiation device for optical alignment formed by arranging light irradiation parts in multiple stages along a conveyance direction of an optical alignment film with respect to the optical alignment film linearly conveyed continuously or intermittently, and configured to irradiate the optical alignment film with polarized light from the light irradiation parts arranged in multiple stages for optical alignment,

wherein the light irradiation parts arranged in multiple stages comprise a group of light irradiation units arranged continuously in a direction orthogonal to the conveyance direction of the optical alignment film,

each light irradiation unit includes a lamp having a pair of electrodes facing each other in a glass discharge container, a reflection mirror for reflecting light from the lamp, and polarization means of polarizing the light reflected by the reflection mirror, the lamp being arranged so that a tube axis, which is a line connecting the pair of electrodes, may be parallel to an optical axis of the reflection mirror,

a boundary part is formed between the polarization means arranged in adjacent light irradiation units constituting the light irradiation parts, and

positions of the light irradiation parts arranged in the stages are shifted in a direction orthogonal to the conveyance direction of the optical alignment film so that a boundary part of the polarization means of the light irradiation part in one stage may not overlap boundary parts of the polarization means of the light irradiation parts in other stages, with respect to the conveyance direction of the optical alignment film."

No. 3 The demandant's allegation
1 Object of the demand and Means of proof
The demandant demands the decision, "The patent for the invention described in Claim 1 of the scope of claims of Patent No. 5077465 shall be invalidated. The costs in connection with the trial shall be borne by the demandee" (Object of the demand), alleges the following reasons for invalidation, and submitted Evidences A No. 1 to No. 29 as means of proof.
(Reasons for invalidation)
Since the invention according to Claim 1 of the Patent (hereinafter referred to as "the Invention") could have been easily made by a person skilled in the art before the filing of the application based on an invention publicly known before the filing of the application (hereinafter referred to as "Invention A-1"), the invention published before the filing of the application and described in Evidence A No. 2 (hereinafter referred to as "Invention A-2"), the invention described in Evidence A No. 3 (hereinafter referred to as "Invention A-3"), the invention described in Evidence A No. 4 (hereinafter referred to as "Invention A-4"), and the invention described in Evidence A No. 5 (hereinafter referred to as "Invention A-5"), the demandant should not be granted a patent under the provisions of Article 29(2) of the Patent Act. The patent falls under Article 123(1)(ii) of the Patent Act and should be invalidated.
(Means of proof)
The submitted documents are as follows.
Evidence A No. 1 Printout of a copy from a whiteboard in a meeting entitled "EGIS meeting"
Creation date: March 15, 2005
Creator: The demandant and attendees at the meeting in Sharp Corporation
Evidence A No. 2 Japanese Unexamined Patent Application Publication No. 2004-163881
Evidence A No. 3 Japanese Unexamined Patent Application Publication No. 2004-144884
Evidence A No. 4 Japanese Unexamined Patent Application Publication No. H11-72749
Evidence A No. 5 Japanese Unexamined Patent Application Publication No. 2001-108994
Evidence A No. 6 Newspaper article entitled "V Technology received an order of a new exposure device"
Creation date: February 1, 2006 Creator: NIKKAN KOGYO SHIMBUN, LTD.
Evidence A No. 7 Written statement
Creation date: August 6, 2016 Creator: Sharp Corporation Yoshitaka HIBINO
Evidence A No. 8 DVD
Creation date: August 6, 2016 Creator: Agent of the demandant
Evidence A No. 9 Document entitled "Summary of business negotiations with your company"
Creation date: May 16, 2005 Creator: Mejiro Precision Inc.
Evidence A No. 10 Tokyo District Court 2015(wa) No. 28608 Brief (2) of the case of Patent right infringement injunction
Creation date: March 4, 2016 Creator: Agent of the demandee
Evidence A No. 11 Industrial Property Law (Industrial Property Law) clause

by clause commentary [19th edition] (Article 29 of the Patent Act)
Creation date: December 25, 2012 Creator: Japan Institute for Promoting Invention and Innovation
Evidence A No. 12-1 "Non-disclosure agreement"
Creation date: May 27, 2005
Evidence A No. 12-2 "Agreement"
Creation date: December 27, 2006
Creators of Evidences A No. 12-1 and No. 12-2: Demandant, Sharp Corporation, and Integrated Solutions Corp.
(The above documents were attached to the written demand for trial.)
Evidence A No. 13 Japanese Unexamined Patent Application Publication No. 2004-9595
Evidence A No. 14 Explanatory material on EGIS control (entitled "EGIS-Projection")
Creation date: Around October in 2004 Creator: Integrated Solutions Corp.
Evidence A No. 15 Business material of EGIS machine (entitled "Details about new exposure device invention")
Creation date: June 3, 2005 Creator: Demandant
Evidence A No. 16-1 Estimate specifications of EGIS-ProSp exposure Test device
Creation date: June 10, 2005 Creator: Demandant
Evidence A No. 16-2 Estimate specifications of EGIS-ProSp8 exposure device
Creation date: June 20, 2005 Creator: Demandant
Evidence A No. 16-3 Estimate specifications of EGIS-ProSp exposure device
Creation date: August 11, 2005 Creator: Demandant
Evidence A No. 17 Device drawings of irradiation head (Name "Exposure light source device for alignment film")
Creation date: March 26, 2006 Creator: Demandant
Evidence A No. 18 Document entitled "Minutes of meeting Integrated Solutions Corp."
Creation date: February 25, 2005 Creator: Integrated Solutions Corp.
Evidence A No. 19 Drawings of G8 mass production machine (Name "General assembly drawing")
Creation date: May 3, 2006 Creator: Demandant
Evidence A No. 20 Document entitled "Meeting memo"
Creation date: March 14, 2005 Creator: TSUBACO K I Corporation
Evidence A No. 21 Japanese Unexamined Patent Application Publication No. 2002-350858
(The above documents were attached to the written refutation.)
Evidence A No. 22 Kojien 7th edition
Creation date: January 12, 2018 Creator: Izuru SHINMURA
Evidence A No. 23-1 Printout document of e-mail entitled "About the contract with Sharp Corporation about AEGIS-PI (UV2A Exposure device)"
Creation date: September 27, 2017 Creator: Demandant's employee Yasuhiro NISHIKAWA
Evidence A No. 23-2-1 Printout document of an attachment "memo.pdf" of the above e-mail

Creation date: December 27, 2006 Creator: Demandant, Sharp Corporation, and Integrated Solutions Corp.
Evidence A No. 23-2-2 Printout document of an attachment "NDA.pdf" of the above e-mail
Creation date: May 27, 2005 Creator: Demandant, Sharp Corporation, and Integrated Solutions Corp.
Evidence A No. 23-2-3 Printout document of an attachment "Confirmation screen.docx" of the above e-mail
Creation date: September 27, 2017 Creator: Demandant
Evidence A No. 24 Printout document of e-mail entitled "RE: About the contract with Sharp Corporation about AEGIS-PI (UV2A Exposure device)"
Creation date: December 11, 2017 Creator: Sharp Corporation employee Shigeki TANAKA
(The above documents were attached to the oral proceedings statement brief.)
Evidence A No. 25 Request for starting design of the device
Creation date: September 21, 2005 Creator: Demandant
Evidence A No. 26-1 Order form
Creation date: January 30, 2006 Creator: Sharp Corporation
Evidence A No. 26-2-1 Document including bill, shipping slip, and receipt
Creation date: June 23, 2006 Creator: Demandant
Evidence A No. 26-2-2 Receipt (signed with Sharp Corporation Kameyama new plant development P. T. -E Shigeyuki YAMADA)
Creation date: June 23, 2006 Creator: Sharp Corporation Shigeyuki YAMADA
Evidence A No. 27-1 Brief of infringement suit (9)
Creation date: December 9, 2016 Creator: Demandee
Evidence A No. 27-2 B18 of infringement suit
Creation date: April 4, 2018 Creator: Demandant
(The above documents were attached to the written statement.)
Evidence A No. 28 Brief of defendant of infringement suit (9)
Creation date: August 23, 2016 Creator: Demandant
Evidence A No. 29 Brief of plaintiff of infringement suit (8)
Creation date: November 7, 2016 Creator: Demandee
(The above documents were attached to the second written statement.)

The request for proof for personal evidence (Yoshitaka HIBINO) in the written request for proof as of September 25, 2017 was withdrawn by the written withdrawal submitted on June 1, 2018.

Hereinafter "Evidence A No. x" (x is a number) is referred to as simply "A-x".

2 Concrete allegations of reasons for invalidation
(1) Invention A-1 is a publicly known invention
(This allegation is made in the written demand for trial 7 (5) B. The underlines were added by the body.)
"(A) Invention A-1 had existed before the filing of the application for the Patent

The creation date of the copy from a whiteboard "3/15" is described at the upper left of the Evidence A No. 1 (Description (I)). It is obvious that Evidence A No. 1,

which was created in the meeting at the time of considering introduction of the EGIS machine, was created on March 15 in "2005" (Evidences A No. 7 and No. 8).

Thus, Evidence A No. 1 had obviously existed before the filing of the application for the patent.

(B) Meaning of "publicly known" in Article 29(1)(i)

The description "publicly known" in Article 29 (1)(i) means that an invention exceeded a scope of secret. The invention does not have to be disclosed to many people. Even if the invention is disclosed to a small number of people, when the small number of people do not have a duty of confidentiality, the invention is a "publicly known" invention (Evidence A No. 11).

Invention A-1 was disclosed by the demandant to Sharp Corporation. As described below, since Sharp Corporation does not have a duty of confidentiality based on Evidence A No. 1, Invention A-1 is a "publicly known" invention.

(C) Sharp Corporation does not have a duty of confidentiality for Invention A-1

The demandant and Sharp Corporation signed a non-disclosure agreement in considering introduction of the EGIS machine (Evidence A No. 12). However, the non-disclosure agreement does not allow the demandant to lay Sharp Corporation under a duty of confidentiality for Invention A-1.

Therefore, the preamble of the non-disclosure agreement (Evidence A No. 12) includes the following descriptions.

...

Thus, "this consideration" in the preamble of the non-disclosure agreement means consideration of introduction of the EGIS machine between the defendant and Sharp Corporation, and information and materials disclosed or lent in considering introduction of the EGIS machine are subjected to the non-disclosure agreement.

Articles 3 and 4 of the non-disclosure agreement include the following descriptions.

"Article 3 (Confidential information)

1. The confidential information in this agreement means information and materials disclosed/lent from the other party and falling under any of the following, as well as the contents of the agreement, and the existence of the agreement.

(1) Disclosed or lent documents or articles, such as a sample, which indicate 'confidential'."

"Article 4 (Duty of confidentiality)

1. Party X and Party Y strictly maintain secrecy of confidential information and technical effects, such as know-how, obtained based on the confidential information in the process of the consideration, and must not conduct an act that falls under any of the following without prior approval in writing from the other party.

(1) Disclosure/leakage to a third party

...

(5) Duplication."

... Evidence A No. 1 was disclosed by the demandant to Sharp Corporation in consideration of the EGIS machine, and falls under the "information and materials disclosed from the other party" stipulated in the main paragraph of the same clause, for Sharp Corporation. However, since Evidence A No. 1 does not "indicate 'confidential'", Evidence A No. 1 does not fall under any of (1) to (3) of the same clause. The situation falling under (4) of the same clause also does not exist.

Therefore, since Evidence A No. 1 and information relating to Evidence A No. 1 including Invention A-1 do not fall under the "confidential information" stipulated in the same article, Sharp Corporation does not have a duty of confidentiality stipulated in Article 4(1) of the agreement, for them.

(D) Summary

In light of the above, Invention A-1 was "publicly known" when information relating to Evidence A No. 1 was disclosed from the demandant to Sharp Corporation in the meeting relating to Evidence A No. 1 held between the demandant and Sharp Corporation on March 15, 2005. Therefore, Invention A-1 falls under "an invention publicly known prior to the filing of the patent application".

(2) Regarding the Invention and Invention A-1

A The Invention

(Allegation in the written demand for trial 7 (3))

"The configuration of the Invention is separately described as follows.

H A polarized light irradiation device for optical alignment formed by

B arranging light irradiation parts in multiple stages along a conveyance direction of an optical alignment film

A with respect to the optical alignment film linearly conveyed continuously or intermittently,

C and configured to irradiate the optical alignment film with polarized light from the light irradiation parts arranged in multiple stages for optical alignment,

D1 wherein the light irradiation parts arranged in multiple stages comprise a group of light irradiation units arranged continuously in a direction orthogonal to the conveyance direction of the optical alignment film,

D2 each light irradiation unit includes a lamp having a pair of electrodes facing each other in a glass discharge container,

D3 a reflection mirror for reflecting light from the lamp,

D4 and polarization means of polarizing the light reflected by the reflection mirror,

E the lamp being arranged so that a tube axis, which is a line connecting the pair of electrodes, may be parallel to an optical axis of the reflection mirror,

F a boundary part is formed between the polarization means arranged in adjacent light irradiation units constituting the light irradiation parts, and

G positions of the light irradiation parts arranged in the stages are shifted in a direction orthogonal to the conveyance direction of the optical alignment film so that a boundary part of the polarization means of the light irradiation part in one stage may not overlap boundary parts of the polarization means of the light irradiation parts in other stages, with respect to the conveyance direction of the optical alignment film."

B Invention A-1

By taking into consideration the description in Evidence A-1 and common general technical knowledge at that time, the following configuration can be recognized as Invention A-1 (see the written refutation 6 (2) B (G)).

(Note by the body: In description 2 of A-1, there are, from the top, 5, 4, 4, and 5 "rectangular members including arrows" which form rows. The rows are described as row X1, row Y1, row X2, and row Y2, respectively (see the written refutation 6 (4))).

"<<Invention A-1>>

<Described matter A>
- The EGIS machine in A-1 is an exposure device which emits polarized light for optical alignment.
An optical alignment film is conveyed continuously and linearly along a conveyance direction.
<Described matter B>
- The size of one exposure area in a direction orthogonal to the conveyance direction of the optical alignment film is 300 mm.
- When seen from the conveyance direction of the optical alignment film, exposure areas in the first row and exposure areas in the second row overlap by 50 mm at the left and right ends (staggered pitch is 250 mm).
<Described matter C>
- A lateral size of one polarization element is 300 mm.
<Described matter D>
- The rectangular members included in the descriptions 2 and 3 of A-1 are lamp UNITs.
- One lamp UNIT includes one light source and one polarization element.
- The size of one polarization element in a direction orthogonal to the conveyance direction of the optical alignment film is 300 mm.
<Described matter E>
- In the row X1, row X2, row Y1 and row Y2 in the description 2 of A-1, lamp UNITs are arranged continuously in a direction orthogonal to the conveyance direction of the optical alignment film.
- According to the relation between the row X1 and the row X2, the row X1 and the row X2 are in staggered arrangement in two lines with respect to the conveyance direction of the optical alignment film. When seen from the conveyance direction of the optical alignment film, the exposure areas in the row X1 and the row X2 overlap by 50 mm at the left and right ends.
- According to the relation between the row Y1 and the row Y2, the row Y1 and the row Y2 are in staggered arrangement in two lines with respect to the conveyance direction of the optical alignment film. When seen from the conveyance direction of the optical alignment film, the exposure areas in the row Y1 and the row Y2 overlap by 50 mm at the left and right ends."

(3) Comparison between the Invention and Invention A-1
A Corresponding feature and Different features (see the written refutation 6 (2) C)
(A) Corresponding feature
The Invention and the Invention A-1 are identical with each other in comprising the components A, B, C, D1, F, G, and H.

(B) Different features
a Different Feature D2
The lamp in the Invention "has a pair of electrodes facing each other in a glass discharge container", while it is unclear whether the lamp in Invention A-1 "has a pair of electrodes facing each other in a glass discharge container".

b Different Feature D3
The Invention includes "a reflection mirror for reflecting light from the lamp", while it

is unclear whether Invention A-1 includes "a reflection mirror for reflecting light from the lamp".

c Different Feature D4
The light polarized by the polarization means in the Invention is "the light reflected by the reflection mirror", while it is unclear whether the light polarized by the polarization means in Invention A-1 is "the light reflected by the reflection mirror".

d Different Feature E
In the Invention, "the lamp being arranged so that a tube axis, which is a line connecting the pair of electrodes, may be parallel to an optical axis of the reflection mirror", while it is unclear whether or not Invention A-1 has such a configuration.

Note by the body: The above "Different Feature D2", "Different Feature D3", "Different Feature D4", and "Different Feature E" correspond to "Different Feature 1", "Different Feature 2", "Different Feature 3" and "Different Feature 4" described in the written refutation, respectively.

(4) Examination of the different features (see the written refutation 6 (3) A to D)
a Different Feature D2
As described in FIG. 1 of A-3 (short-arc discharge lamp 11), FIG. 1 of A-4 (ultrahigh pressure mercury lamp 11), FIG. 3 of A-4 (ultrahigh pressure mercury lamp 11), and FIG. 5 of A-5 (short-arc xenon mercury lamp), a lamp having a glass discharge container and a pair of electrodes, and arranging the pair of electrodes facing each in the glass discharge container were only matters of common general technical knowledge at the time of the filing of the patent application. Thus, the configuration of the Invention relating to the Different Feature D2 could have been easily made by a person skilled in the art based on Invention A-1 and common general technical knowledge.

b Different Feature D3 and Different Feature D4
Especially Inventions A-3 to A-5 of Inventions A-2 to A-5 disclose a configuration of a polarized light irradiation device for optical alignment which irradiates an optical alignment film with polarized light from light irradiation parts, the light irradiation part including a lamp, a reflection mirror for reflecting light from the lamp, and polarization means of polarizing the light reflected by the reflection mirror.

Since Invention A-1 is an invention regarding an exposure device which emits polarized light for optical alignment, Inventions A-1 to A-5 belong to the same technical field, polarized light irradiation device for optical alignment using an alignment film, and are common in the configuration of using polarization means. Thus, there is motivation to apply Inventions A-3 to A-5 to Invention A-1.

The configuration of "arranging a plurality of irradiation heads of the same configuration continuously for irradiating a large substrate which exceeds irradiation range of one irradiation head" was a matter of common general technical knowledge at the time of the filing of the patent application (Japanese Unexamined Patent Application Publication No. 2002-350858 (paragraph [0021] and FIG. 1 (2) in A-20).

Since Invention A-1 is configured to arrange lamp UNITs continuously for irradiating a large substrate, there is motivation to employ Inventions A-3 to A-5 as a

configuration of the lamp UNITs in Invention A-1.

Therefore, the configuration of the Invention relating to the Different Features D3 and D4 could have been easily made by a person skilled in the art based on Inventions A-1 to A-5.

c Different Feature E

Inventions A-3 to A-5 describe a configuration of a polarized light irradiation device for optical alignment which irradiates an optical alignment film with polarized light from light irradiation parts, the light irradiation part including a lamp, a reflection mirror for reflecting light from the lamp, and polarization means of polarizing the light reflected by the reflection mirror, the lamp being arranged so that a tube axis may be parallel to an optical axis of the reflection mirror.

Since Invention A-1 is an invention regarding an exposure device which emits polarized light for optical alignment, Invention A-1 and Inventions A-3 to A-5 belong to the same technical field, polarized light irradiation device for optical alignment using an alignment film, and are common in the configuration of using polarization means. Thus, there is motivation to apply Inventions A-3 to A-5 to Invention A-1.

Even if there is no disclosure about continuous arrangement in Inventions A-3 to A-5, there is no difficulty in "arranging a plurality of irradiation heads of the same configuration continuously for irradiating a large substrate which exceeds irradiation range of one irradiation head".

Since Invention A-1 is an invention configured by arranging lamp UNITs continuously for irradiating a large substrate, there is motivation to employ Inventions A-3 to A-5 as configuration of the lamp UNITs in Invention A-1.

Therefore, the configuration of the Invention relating to Different Feature E could have been easily made by a person skilled in the art based on Invention A-1 and Inventions A-3 to A-5.

d Summary

In light of the above, the configuration of the Invention relating to Different Feature D2, Different Feature D3, Different Feature D4, and Different Feature E could have been easily conceived by a person skilled in the art based on Inventions A-1 to A-5 and the above common general technical knowledge.

Therefore, the Invention is an invention which could have been easily conceived by a person skilled in the art based on Inventions A-1 to A-5.

(5) Conclusion

As described above, since the demandant should not be granted a patent for the Invention under the provisions of Article 29(2) of the Patent Act, the patent of the invention falls under Article 123(1)(ii) of the Patent Act and should be invalidated (see the written demand for trial 7 (6)).

3 Argument against the demandee's allegation and demandant's allegation with regard to the notification of matters to be examined

"<43>" is added to those items related to the invalidation case Invalidation No. 2017-800043, and "<44>" is added to those related to the joint case Invalidation No. 2017-800044. The patent invention relating to <43> is referred to as "Invention <43>" and the patent invention relating to <44> is referred to as "Invention <44>". Evidences

A for <43> and <44> are represented as "A-x", and evidences having different numbers are represented as "<43> A-x <44> A-y", for example.

(1) Allegation regarding that Invention A-1 was a publicly known invention
(see the written refutation 6 (1) A-C)
"A The present case is not covered by the decision of the Tokyo High Court made on December 25 2000 (1999, (Gyo-ke) No. 368) on [Case of structure and method of using 6-roll calender]

The demandee alleges that Invention A-1 was not an invention publicly known before the filing of the patent application, on the basis of the decision of the Tokyo High Court made on December 25 2000 (1999, (Gyo-ke) No. 368) on [Case of structure and method of using 6-roll calender].

However, the [Case of structure and method of using 6-roll calender] is a case in which there is no agreement on confidentiality between the parties. In the present case, the non-disclosure agreement (A-12-1) was made between the parties (the demandant and Sharp Corporation), and matters to be excluded from 'confidential information' are clearly specified. Therefore, the present case is not covered by the past decision of the above case.

Thus, as described in the written demand for trial '(5)', 'B', '(C)', Invention A-1 is excluded from the 'confidential information' in Article 3(1) of the non-disclosure agreement, and Sharp Corporation does not have a duty of confidentiality.

B The reason why there was no indication 'confidential' is that the demandant did not recognize Invention A-1 as having technical value

The demandant did not lay Sharp Corporation under a duty of confidentiality for the contents of Invention A-1 because the demandant did not recognize the configuration of the EGIS machine, like Invention A-1, as having a technical value. Since the configuration of the EGIS machine (staggered arrangement of irradiation heads) had been publicly known in the field of exposure device (FIGS. 1-3 of A-13), the demandant did not recognize the information as having a feature to be disclosed as confidential information.

On the other hand, the demandant recognized EGIS control of the EGIS machine as having a technical value to be made secret. In A-4, the method of the exposure device of EGIS (i.e. control method) is described as a 'new exposure device'. Thus, a sentence indicating that the contents of the material shall not be disclosed to any third party is included in 'Precautions for handling the materials' on the last page of A-14, which describes 'EGIS control', resulting in 'indicating "confidential"' in the above non-disclosure agreement (A-11), to lay Sharp Corporation under a duty of confidentiality.

As described above, the demandant selectively laid Sharp Corporation under a duty of confidentiality for the information and materials disclosed thereto in accordance with the contents thereof. The demandant intentionally did not indicate 'confidential' on Invention A-1 and did not lay Sharp Corporation under a duty of confidentiality for that.

Therefore, it is obvious that Invention A-1 disclosed by the demandant to Sharp Corporation was not subjected to a duty of confidentiality.

The demandant laid other companies under a duty of confidentiality for EGIS control as well. A-15, which is a presentation material when the demandant made a

sales negotiation with a customer of the demandant on June 3, 2005, includes descriptions about EGIS control. 'Confidential information/Copy prohibited' is indicated at the upper right on all pages of A-15, and a sentence indicating that the contents of the material shall not be disclosed to any third party is included in 'Precautions for handling the material' on the last page. Thus, the demandant clearly recognizes that EGIS control is highly confidential technology.

C It is obvious that Invention A-1, which does not indicate 'confidential', is not 'confidential information' also from the circumstances before execution of the non-disclosure agreement.

As is obvious from the specifications in the non-disclosure agreement (A-12-1), the policy of a duty of confidentiality agreed between the demandant and Sharp Corporation decides whether to impose a duty of confidentiality depending on the presence of indication 'confidential'.

Therefore, Sharp Corporation obviously does not have a duty of confidentiality for Invention A-1 having no indication 'confidential'. In fact, an agreement (A-12-2 'Agreement') for the policy for a duty of confidentiality was executed on December 27, 2006.

The demandant disclosed to Sharp Corporation, as described in the above 'B', A-14 regarding EGIS control to be confidential, around October in 2004 before signing the non-disclosure agreement, with the indication 'confidential'. As for the configuration (staggered arrangement of irradiation heads) of the EGIS machine not to be confidential, Invention A-1 was disclosed without indicating 'confidential', on March 15, 2005 before signing the non-disclosure agreement. In this way, even before signing the non-disclosure agreement (A-12-1), the policy to determine whether to impose a duty of confidentiality depending on the presence of indication 'confidential' had been operated.

On May 27, 2005, the non-disclosure agreement (A-12-1) was signed between the parties including Sharp Corporation, and the policy of a duty of confidentiality was agreed upon. The reason why the agreement going back to the beginning of the business negotiations with Sharp Corporation was signed on December 2, 2006, is that the operation conforming to the policy for a duty of confidentiality was confirmed before signing the non-disclosure agreement (A-12-1).

In light of the above, it is clear from the execution of the agreement (A-12-2) that the policy of a duty of confidentiality agreed between the demandant and Sharp Corporation decides whether to impose a duty of confidentiality depending on the presence of indication 'confidential'.

Therefore, Invention A-1 without indication 'confidential' does not fall under the 'confidential information' for which Sharp Corporation has a duty of confidentiality, and falls under an invention publicly known prior to the filing of the patent applications."

D Regarding the written date of execution of the non-disclosure agreement in the main paragraph of the agreement

(Allegation in the oral proceedings statement brief 6 (2) G (B))

"As described in the e-mail (A-24) as of February 11, 2017 from Mr. Tanaka, an employee of Sharp Corporation, to Mr. Nishikawa, an employee of the demandant, that 'We have recognized that the written date of execution is an error in writing after discussion with our legal department' as a reply to the e-mail (A-23-1 and A-23-2-1 to

A-23-2-3) as of September 27, 2017 from Mr. Nishikawa, an employee of the demandant, to Mr. Tanaka, an employee of Sharp Corporation, the error of the date of execution of the original agreement (non-disclosure agreement) of the agreement was confirmed between the demandant and Sharp Corporation.

Therefore, it is obvious that the written date of execution of the original agreement (non-disclosure agreement) of the agreement is an error, and that the agreement is incidental to the non-disclosure agreement."

E Invention A-1 can be derived by referring to common general technical knowledge at that time for A-1
(Allegation in the written refutation 6 (2) A)

"In the finding of 'publicly known invention', the matters which can be derived by a person skilled in the art by referring to common general technical knowledge at that time may also comprise the basis of the finding of 'publicly known invention' ... The configuration of the EGIS machine described in A-1 includes contents which can be recognized concretely and objectively by referring to the maters actually described in A-1, the common view of the attendees at the meeting of A-1, and common general technical knowledge at that time. The configuration of the EGIS machine includes the contents from which the machine can be manufactured to the extent necessary for the comparison with the contents of the Invention .... Therefore, in A-1, Invention A-1 is disclosed as capable of being implemented and having been completed, and the demandee's allegation is wrong."

F Confidentiality
(A) Allegation in the oral proceedings statement brief "6 (2) G (A)"
"Even if confidentiality rules exist between employees of Sharp Corporation and the company for the secret obtained in the course of duties, unless there is a duty of confidentiality with the company (or the employees), information exchanged there is not a secret and does not fall under the 'secret obtained in the course of duties'. This principle applies to the present case. Unless there is a duty of confidentiality between the demandant and Sharp Corporation, Invention A-1 is a 'publicly known invention' as well."

(B) Allegation in the first oral proceeding
"According to my best recollection, I don't remember the fact of leaking the contents of Evidence A No. 1 to any third party other than the parties concerned who should keep confidential information before the filing of the application of the case." (Record Demandant's statement Item 10)

(2) Allegation on Invention A-1
A Regarding that "A-1 is a device for optical alignment"
(A) Allegation in the written refutation 6 (2) B (A)
"The demandee alleges that the 'EGIS machine' in A-1 is not a description about a 'device for manufacturing an optical alignment film', and that there is no description about 'conveying an optical alignment film'.

However, in light of the written statement (A-5) '2.' and '3.' by Mr. Hibino of

Sharp Corporation and the Video (A-6), the attendees at the meeting of A-1 had a common view that the EGIS machine whose introduction Sharp Corporation was considering from the demandant in around 2005 is an 'exposure device which emits polarized light for optical alignment' and is configured so that 'an optical alignment film is conveyed continuously and linearly along a conveyance direction'. This fact was recognized by the demandee involved in the development of the EGIS machine.

A person in charge of the demandee (USHIO INC.) attended the meeting on 'EGIS machine' held on February 25, 2005, which is about one month before the meeting of A-1 (A-18). Consequently, in 2005, the demandee was involved in development of a lamp part of the 'EGIS machine' of the demandant, and attended meetings with Sharp Corporation. The demandant really wonders why the demandee who was in such a position indicates that 'the EGIS machine (of the demandant) is not for an optical alignment film'. ... (omitted) ..."

(B) Allegation in the oral proceedings statement brief "6 (2) A (A)"

The description in the newspaper article is not inconsistent with the fact that "the device described in A-1 is for alignment".

According to the written statement of Mr. Hibino (<43>A-5<44>A-7) and Video (<43>A-6<44>A-8), it is obvious that "the device described in A-1 is for alignment".

(C) Allegation in the written statement 6(1)

In the following description, circled numbers are described as half-width numbers in parenthesis (for example, "(1)").

"(1) The device in A-1 is for optical alignment"

A The demandant alleges, in Demandee's brief p. 11-p. 14, that the device in A-1 is not an exposure device for optical alignment but an exposure device for exposing a circuit pattern or CF pattern of a TFT array on the basis of

(1) the description in A-16 1-3 "(1) Type of substrate" "Linear exposure of display part of TFT or CF substrate",

(2) the description in the description (3) in A-1 "5. Resolution accuracy", and

(3) the descriptions in the description (4) in <43>A-7 "II. φ150 lens projection exposure method for CF", A-14 p. 2 "Patten generator" "Superposed exposure", A-15 p. 6 "Positioning between layers", or the like.

B However, as described in the <43> written statement, the <44> written statement, and the demanant's brief, the device in A-1 is for optical alignment. The written statement of Mr. Hibino (<43>A-5<44>A-7) and Video (<43>A-6<44>A-8) obviously present the point, and the evidences (A-25 to A-27-2) described below prove that more clearly.

The demandee alleges, in the demandee's brief p. 17-p. 19, that the written statement of Mr. Hibino and the contents of the Video are not creditable and are extremely inaccurate. However, Mr. Hibino was a chief of Group B in the new plant development project team of Mie Kameyama production headquarters in Sharp Corporation which was to receive the device of A-1. Thus, he could not falsely recognize the application of the device, and it should be said that the demandee's allegation only makes the accusation against the statements of Mr. Hibino.

As described in "2" of the written statement of Mr. Hibino (<43>A-5<44>A-7),

G8 mass production machine of the EGIS machine of A-1 was introduced to the second Kameyama plant in June in 2006. A-25 is a request form for starting the design from Mr. Kajiyama who is an executive managing director of the demandant, on September 21, 2005, for manufacturing the G8 mass production machine, to MEIKO ELECTRONICS Co., Ltd. which is an outsourcing company of components of the device. The form includes the description "alignment film exposure device for Sharp Corporation", and the specification A-16-2, which is not disputed as "specifications of the device of A-1" is described as "Model number: EGIS-ProSp8.b" "Specifications as of June 20, 2005". According to the description in A-25, the device of A-1 is obviously for optical alignment (the specifications of A-16-1 to A-16-3 are the specifications of the exposure device for optical alignment).

A-26-1 is an order form for G8 mass production machine of the EGIS machine of A-1 received from Sharp Corporation on January 30, 2006. A-26-2-1 and A-26-2-2 are a bill and a receipt prepared when the G8 mass production machine was delivered to Sharp Corporation on June 20, 2006 and the bill for the G8 mass production machine was issued. In these documents, the description "alignment film exposure device" is included. Therefore, from the documents, the device of A-1 is obviously for optical alignment.

On p.5-p.6 of the brief (9) (A-27-1) made by the demandant (plaintiff of infringement suit) of an infringement suit related to the present case (2015(wa) No. 28608 the case of Patent right infringement injunction), the demandee alleges, as for the device described in "Evidence B No. 18" (A-27-2), which is the same as A-1, that the device "is a polarized light irradiation device", the device "is a device for manufacturing a UV2A-type VA liquid crystal panel", and "irradiating in a direction tilted at about 40 degrees with respect to a normal for applying pretilt angle", and "obviously" "having a mask". The demandant really wonders why the demandee who alleged as above alleges that "the EGIS machine (of the demandant) is not for an optical alignment film".

<Brief (9) (A27-1) p. 5-p. 6 (excerpt)>

"It is obvious that the device described in Evidence B No. 18 is a polarized light irradiation device for manufacturing an alignment film to be used in a VA liquid crystal panel by projection of mask patterns, or a device for manufacturing a UV2A-type VA liquid crystal panel in (3), from the descriptions in Evidence B No. 18 and other related Evidences B.

Therefore, according to the Evidence B No. 19 which illustrates an exposure head used in the 'Invention B-18' and Evidence B No. 41, polarized light irradiated on a substrate through a polarization plate is tilted at about 40 degrees with respect to the normal. The reason why is that 'pretilt angle' is applied to alignment of liquid crystal molecules to which no voltage is applied by tilting the direction of molecules on an alignment film.

Two arrows, upward and downward arrows, are described in the figure (figure positioned near 'Lamp life') on the right side on p. 1 and the figure (figure positioned under 'G8' and 'G6 machine in consideration') on the left side on p. 2 of Evidence B No. 18. In light of the description in the last paragraph in p. 4 of Evidence B No. 17 'An area between the first row of lamp UNITs and the second row of lamp UNITs is a generation area of exposure area', the above figures indicate that polarized light is emitted from two directions, and indicate that there are two kinds of pretilt angles of the

liquid molecules. Since liquid molecules having two kinds of pretilt angles do not co-exist in the same area, the 'Invention B-18' is obviously a polarized light irradiation device for manufacturing an alignment film to be used in a multi-domain VA liquid crystal panel having areas divided in accordance with pretilt directions.

The polarized light irradiation device disclosed in Evidence B No. 18 uses a 'mask' for multi-domain alignment to divide the area. For example, according to the figure in p. 2 of Evidence B No. 20, the irradiation device described in Evidence B No. 18 obviously includes a mask, and without question, the irradiation device is a device which applies multi-domain alignment to a VA liquid crystal panel by projecting mask patterns.

In light of the above, 'Invention B-18', which is a polarized light irradiation device for irradiating an alignment film with polarized light obliquely and including a mask arranged in an irradiation part, is a polarized light irradiation device for manufacturing an alignment film to be used in UV2A-type VA liquid crystal panel. The defendant does not dispute this point in the brief (11).

The demandee was involved in the consideration of the lamp and polarizer (quartz polarizer (A-1 '3. Polarization element' also includes corresponding description)) of the 'EGIS machine' of the demandant, and attended the meeting with Sharp Corporation (A-18), in 2005. As described above, the device of A-1 is obviously for optical alignment. Even if the demandee alleges that 'the EGIS machine whose introduction to Sharp Corporation was considered is not for an optical alignment film', the demandee who attended the meeting with Sharp Corporation should clarify the application of the device to which the lamp and polarizer (quartz polarizer) are to be applied.

In light of the above, the demandee's allegation is not credible at all. According to the recognition of the demandee alleged in the infringement suit related to the present case, it should be said that the demandee only makes allegation of the demandee's brief with the intention of misleading the body. The demandee should strictly never make an allegation for misleading the body of the case.

As repeatedly alleged by the demandant, the device of A-1 is obviously for optical alignment.

C As described above, the device of A-1 is obviously for optical alignment. The following descriptions describe that the demandee's allegations (1) to (4) are wrong and that the demandee's allegations (1) to (4) do not question the fact that 'the device of A-1 is for optical alignment'.

(A) Relating to the counterarguments (1) to (4), general description of EGIS control is as follows.

EGIS control is exposure position control by combining multiple irradiation heads smaller than a substrate size with an image detection unit of a base layer (first layer), which controls exposure positions of each of the irradiation heads that execute exposure of upper layers while reading by the image detection unit a pattern in a first layer on a substrate in real time in order to improve positioning accuracy in exposing a large substrate (Footnote 1 on p. 3 in each of <43> written refutation and <44> written refutation)

Thus, EGIS control can be used in manufacturing not only the device for optical

alignment described in A-1 but also other devices, for example, for pattern exposure of a color filter (CF). Therefore, even if pattern exposure of a color filter (CF) is described as well as EGIS control (for example, the newspaper article (description about the color filter (CF) in <43>A-4<44>A-6), it only describes that EGIS control can be used for pattern exposure of a color filter (CF) and is not inconsistent with the fact that 'the device described in A-1 is for alignment'.

EGIS control can be applied to a projection exposure device as well as a proximity exposure device, such as A-1 (we will describe later that the device of A-1 is a proximity exposure device). Consequently, even if projection exposure is described regarding EGIS control (for example, 'projection exposure' is applied in A-14 and 'projection exposure' is applied in A-15-11 to A-15-15, while 'proximity exposure' is applied in A-15-16 to A-15-18), it only describes that EGIS control can be applied to a projection exposure device and is not inconsistent with the fact that 'the device of A-1 is a proximity exposure device' and 'the device of A-1 is for alignment'.

(B) In light of the above, we will describe that the demandee's allegations (1)-(4) are incorrect.

(1) Regarding the description in A-16-1 to A-16-3 '(1) Type of substrate' 'Linear exposure of display part of TFT or CF substrate'

The structural drawing of thin-film transistor (TFT) liquid crystal is as follows.

According to the structural drawing, the 'optical alignment film' to be irradiated by the device of A-1 is arranged, in the thin-film transistor (TFT) liquid crystal, on (1) the liquid-crystal side of 'display-side substrate (color filter substrate)' and on (2) the liquid-crystal side of 'backlight-side substrate (TFT substrate)'. Optical alignment for optical alignment films of (a) and (b) is conducted after patterning of color filter patterns on (a) the display-side substrate (color filter substrate), and after patterning of TFT circuit patterns on (b) the backlight-side substrate (TFT substrate). The description '(1) Type of substrate' 'TFT or CF substrate' in each of A-16-1 to A-16-3 is for exposure on 'optical alignment films of (a) and (b) arranged on a TFT or CF substrate' (not for forming a circuit pattern of TFT array or CF pattern). Thus, the above descriptions in A-16-1 to A-16-3 are consistent with the fact that 'the device of A-1 is for optical alignment'. Each of A-16-1 to A-16-3 includes '2. Device performance', '(3) Light source', and '(4) Polarization degree'. Considering that the device of A-1 is a device for a thin-film transistor (TFT) liquid crystal, the device is obviously a 'device for optical alignment' which requires polarized light for exposure, and is obviously not a 'device for forming a circuit pattern of TFT array or CF pattern' which does not require polarized light for exposure. As described above, the request form (A-25) to MEIKO ELECTRONICS Co., Ltd. also clearly describes that the 'alignment film exposure device for Sharp Corporation' corresponds to the 'specifications of A16-2'.

<Structural drawing of thin-film transistor (TFT) liquid crystal>

... (omitted) ...

(2) Regarding the description in the description (3) in A-1 '5. Resolution accuracy'

The description '5. Resolution accuracy' in the description (3) in A-1 is a description about 'resolution of camera'. The device of A-1 includes a camera for EGIS control ('Camera' described in '1. Alignment device' in A-1). The 'camera' is used for image detection of a base layer (first layer) for exposure position control in EGIS control. The description in the description (3) in A-1 'lens magnification is

increased to improve resolution' is a description about the 'camera'. In fact, each of 1 and 3 of A-16 includes the description, '3. 5 μm' as 'optical resolution', in '5. Specifications of each part' '(5) Image detection'. This numerical value corresponds to '3.5 μ' described in '5. Resolution accuracy' in the description (3) in A-1. Therefore, the description '5. Resolution accuracy' in the description (3) in A-1 does not question the fact that 'the device of A-1 is for optical alignment'.

(3) Regarding the description 'II. φ150 lens projection exposure method for CF' in <43>A-7<44>A-9

We will describe that the device of A-1 is a proximity exposure device.

This fact is obvious from the description 'proximity exposure (parallel light)' at the upper left on p. 2 of A-1, and the description in each of A-16-1 to A-16-3 '1. Overview', 'proximity-exposure type linear pattern exposure device with EGIS system mounted thereon'.

As shown in the figure (See below; red figures and red lines were added by the demandant.) in A-1 '1. Alignment accuracy', a clearance between the mask and the substrate is called 'Gap', and nothing exists between the mask and the substrate (see A-15 p. 17). This simply indicates that the device of A-1 is a proximity exposure device (A projection exposure device has a projection lens disposed between a mask and a substrate as indicated in A-15 p. 12).

<Figure in A-1 '1. Alignment accuracy'>
... (omitted) ...

The drawing (red figures and red lines were added by the demandant) of the 'exposure light source device for alignment film' in A-14 (Note by the body: A-14 is an error of A-17) is a drawing of a 'light source device', and there is no mask control unit (the mask control unit means, in the drawing in A-15 p. 17 (see below; red figures and red lines were added by the demandant), a unit comprising a Mask, a mounting stage, and a Mask position control unit). If the position of the 'mask' in A-1 is described on the drawing of A-14 (Note by the body: A-14 is an error of A-17), the mask may be arranged in the position described with the red line.
... (omitted) ...

On the other hand, <43>A-7<44>A-9 'II' includes the description 'φ150 lens projection exposure method for CF'. This is a description about a device of 'projection exposure' type literally, and is not a description relating to a device of proximity type (device of A-1). Therefore, 'I' describes the EGIS machine of A-1, while 'II' describes a device not related to the EGIS machine of A-1 (the description not related to the device of A-1 was only described as 'II' because the demandant considered several devices with Mejiro Precision Inc at that time). Thus, the description 'φ150 lens projection exposure method for CF' in <43>A-7<44>A-9 does not question the fact that 'the device of A-1 is for optical alignment'.

(4) Regarding the descriptions in A-14 p. 2 'Patten generator' 'Superposed exposure', and A-15 p. 6 'Positioning between layers'

Descriptions indicated by the demandee are included in A-14 p.2 and A-15 p. 6. Both descriptions are about projection exposure, and do not relate to a device of

proximity exposure type (device of A-1). As described above, even if EGIS control is described with projection exposure type, this is not inconsistent with the fact 'the device of A-1 is for alignment'. Thus, the descriptions in A-14 p. 2 and A-15 p. 6 do not question the fact that 'the device of A-1 is for optical alignment'.

D In light of the above, the device of A-1 is obviously for optical alignment. All of the demandee's allegations in the demandee's brief are incorrect."

(D) Allegation in the second written statement 6 (1) A
"(1) Regarding the matter that 'A-1 is a device for optical alignment'
A Regarding the demandee's written statement p. 15-p. 16 '(g)' (regarding plaintiff's brief (9) for the infringement suit prepared by the demandee (A-27-1))
The demandee alleges in the demandee's written statement p. 15-p. 16 '(g)' that
'However, the demandee has never approved that, in the infringement suit, Evidence A No. 1 in the present case discloses a device for optical alignment.

The demandee, who had taken the procedure for provisional disposition in parallel with the procedure of the suit, alleged in the brief (8) which refutes invalidity, for prompt proceeding, that the contents disclosed in Evidence A No. 1 of the case are not a disclosure about IPS device, on the assumption of the allegation of the demandant (defendant in the infringement suit), but only a disclosure about VA device, and it cannot be a reason for invalidation, in any case.'

And the demandee alleges that 'the demandee has never approved, in the infringement suit, that the matter disclosed in A-1 is a device for optical alignment'. However, this is factually wrong.

According to the procedure of submission of the documents (1) to (3), the demandee recognized that 'A-1 is a VA device', or that 'A-1 is a device for optical alignment', on the basis of its own common technical knowledge, because the demandant did not mention that 'A-1 is a VA device'. Concrete description thereof is as follows.
... (omitted) ..."

(E) Allegation in the second written statement 6 (1) C
"The demandee alleges that item 11 in the demandant's statement of the record is incorrect in the relation with B-3 to B-7 on the grounds of the item 11 in the demandant's statement of the record,
11 Exposure using oblique irradiation light is for optical alignment film, not for TFT circuit pattern or CF pattern.
However, it is unreasonable.

The statement in item 11 in the demandant's statement of the record was made in the oral proceeding, in reference to the description in A-1, of course.

Especially, since the statement was made in reference to the figure of '1. Alignment accuracy' at the upper left on the first page of A-1, or the figure (indicated below) using 'oblique irradiation light', the statement assumes that the target of irradiation is a 'plane'. The figure in the description (2) on the second page of A-1 also includes the descriptions 'thin-film polarized light', 'thin film', and 'quartz', which are descriptions about 'thin film polarization' and 'quartz polarizer' described in '3. Polarization element' on the first page of A-1. The above statement assumes that

'polarized light' is emitted.

Therefore, since the statement in item 11 in the demandant's statement of the record was made in reference to the description in A-1, it is assumed that the 'exposure using oblique irradiation light' in the statement is conducted for a 'plane' using 'polarized light' as irradiation light.

<Figure of '1. alignment accuracy' at the upper left on the first page in A-1> (Left)
<Description 2 on the second page in A-1> (Right) (Red lines and red figures in both figures were added by the demandant) ... (omitted) ...

On the other hand, the devices described in B-3 to B-7 use a wall surface (vertical surface) of a trench or oblique irradiation light for three-dimensional exposure, and do not use oblique irradiation light for exposure of 'plane', nor do they use 'polarized light'.

Since the contents of item 11 of the demandant's statement in the record assume that 'polarized light' is used as irradiation light for a 'plane' even with B-3 to B-7, it cannot be denied that the statement in the item 11 in the demandant's statement in the record is about 'for optical alignment film'. (The interaction between the body and the demandant in the oral proceeding was performed on the matters described in A-1. The demandant is surprised by the behavior of the demandee who indicates inappropriate description of the record based on the evidences (B-3 to B-7) which are far from the matters described in A-1.)"

B Regarding the "mask"

(A) Allegation in written refutation 6 (2) B (B)

"Regarding '(B) Regarding arrangement of mask'

The demandee alleges that Invention A-1 is not disclosed with completed contents because description (6) in A-1 includes the descriptions, 'whether it is included in the lamp UNIT', 'considering the possibility', and 'whether it can be designed or not'. . . . The descriptions 'whether it is included in the lamp UNIT', 'considering the possibility', and 'whether it can be designed or not' in description (6) in A-1 only describe, based on the configuration described above as 'design has been completed', for reducing a design period, whether an exposure area can be formed with 300 mm by using the lamp UNIT of a housing which is same as the configuration described as 'design has been completed'. Thus, the configuration that the exposure area is formed with 300 mm had been decided at that time, and the descriptions only indicate whether the design can be completed in a short time by using the housing whose 'design has been completed' from a standpoint of delivery schedule including design period, even though it can be technically implemented ..."

(B) Allegation in written statement 6 (2)

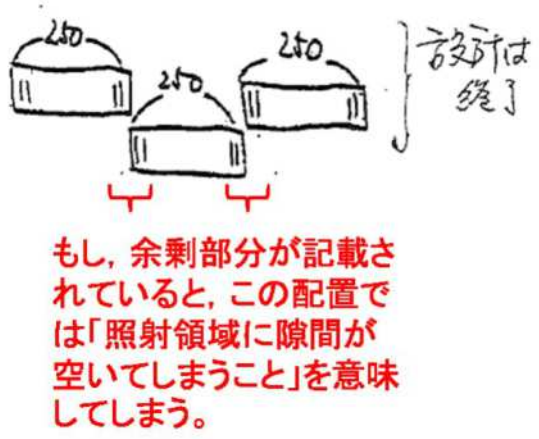
"(2) The presence of overlap in the exposure area (irradiation area) in A-1

The matter 'when seen from the conveyance direction . . . overlap by 50 mm at the left and right ends of the mask' recognized by the body in the notification of matters to be examined is correct.

As described above, the device of A-1 is a proximity exposure device having a very small gap between a mask and a substrate. Therefore, a mask opening forms an exposure area (irradiation area).

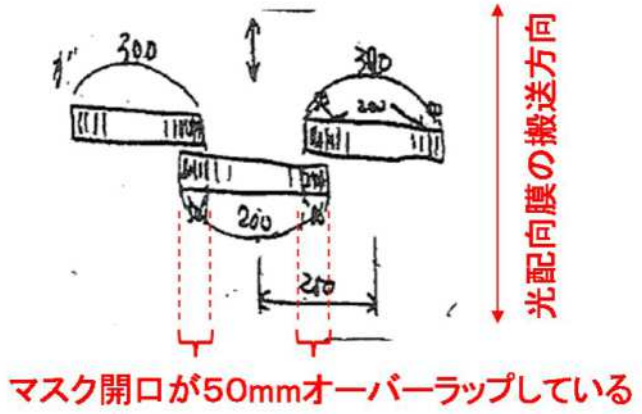
The demandee alleges in the demandee's brief pp. 6-7, p. 13, and p. 20 that the

figure of '2. Mask arrangement' illustrates 'surplus parts outside both ends of the slit', and that the figure does not illustrate an arrangement of a mask opening. However, even if the figure of '2. Mask arrangement' in A-1 illustrates 'surplus parts outside both ends of the slit' as alleged by the demandee, since the figure described as 'design has been completed' (See below. Red figures and red lines were added by the demandant) includes no overlap, the figure shows that 'clearances are formed in the irradiation area' in the 'surplus parts'. Thus, the figure of '2. Mask arrangement' in A-1 cannot be recognized in that manner (Such figure is unreasonable.).



もし、余剰部分が記載されていると、この配置では「照射領域に隙間が開いてしまうこと」を意味してしまう。 If surplus parts are illustrated, this arrangement indicates that 'clearances are formed in the irradiation area'.

Thus, the figure of '2. Mask arrangement' in A-1 illustrates 'arrangement of mask opening'. Therefore, the description (6) (See below. Red figures and red lines were added by the demandant.) described in '2. Mask arrangement' in A-1 also illustrates 'arrangement of mask opening'. Therefore, the description (6) in A-1 indicates that there are overlaps of 50 mm in a mask opening.



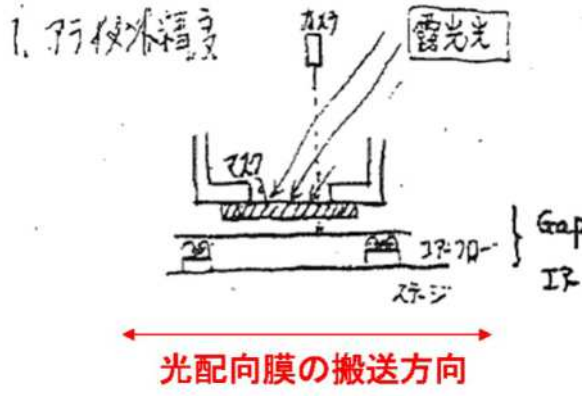
マスク開口が５０ｍｍオーバーラップしている Overlaps of 50 mm in mask

opening
光配向膜の搬送方向　　Conveyance direction of optical alignment film

As described above, in the device of A-1, which is a proximity exposure device, a mask opening forms an exposure area (irradiation area). Therefore, in the exposure area (irradiation area) in the device of A-1, there exist overlaps of 50 mm as recognized by the body.

The demandee makes an allegation in the demandee's brief p. 20-p. 21 about 'support frame/support member of mask' described in '1' of A-1. However, since the support frame/support member of the mask indicates, as is obvious from an irradiation angle of exposure light in the figure of '1' of A-1 (exposure light is emitted from the upper right to the lower left), a support frame/support member arranged in 'a conveyance direction of optical alignment film', the member does not affect 'overlaps of 50 mm in a mask opening' in 'a direction orthogonal to the conveyance direction of the optical alignment film' in the above '2'.

The demandee alleges that there is no description about slits of a mask (the slit is formed in a conveyance direction of an optical alignment film as described in '6' and '4' in each of <43>written refutation and <44>written refutation). However, since the figure of '1' is a 'figure' formed by 'viewing' the mask 'in a direction orthogonal to the conveyance direction of the optical alignment film', or a cross-sectional view along the slit, absence of slits is technically correct (It is impossible to manually illustrate a slit of about 100 μm. The fine 'vertical lines' in the figure of mask opening of '2' indicate slits.)



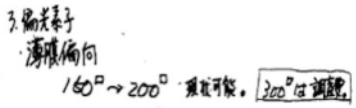
光配向膜の搬送方向　　Conveyance direction of optical alignment film"

C　Regarding polarization element

(A) Allegation in the written refutation 6 (2) B (C)

"(C) '(C) Regarding the presence of polarization element of 300 mm'

The demandee alleges in the description on '3. Polarization element' in A-1 (hereinafter a corresponding description in A-1 is referred to as 'description (7)'), that Invention A-1 is not disclosed with completed contents because the description 'To be investigated' is included. Description (7)



However, according to the contents of 'blue box (2) in Attachment 1' in '4.' of the written statement (A-5) by Mr. Hibino of Sharp Corporation and VIDEO (A-6), it had been decided that the polarization element is formed with about 300 mm (and that the exposure area is formed with 300 mm), and the attendees of the meeting of A-1 shared an understanding about it.

In fact, since the polarization element has a width of 318 mm in the drawing (A-17) of the irradiation head mounted on GB mass production machine, this recognition is not wrong.

Excerpt from A-17

(Figure is omitted)

The description 'To be investigated' does not mean investigating the presence of a polarization element having a width of 300 mm (there existed a polarization element having a width of 300 mm at that time), but the description is only based on the relation between the configuration of the exposure area to be formed with 300 mm (the schedule in (B)) and procurement cost of the polarization element. Therefore, the description 'To be investigated' does not affect completion of the Invention A-1."

(B) Allegation in the oral proceedings statement brief "6 (2) F"

"Regarding 'Regarding the matter that Invention A-1 employs "polarization element unit"'

The body concludes that when the 'rectangular part including arrow' including 'a Lamp, a polarization element, and a mask' in Invention A-1 is defined as a 'unit', the motivation to define each of polarization elements included in the 'units' spaced discretely as 'polarization element unit' is unclear and there is a limiting configuration for 'polarization element unit'.

The demandant has no objections to the matter that the 'rectangular part including arrow' including 'a Lamp, a polarization element, and a mask' as a 'unit', because one irradiation head is defined as a 'unit'. However, the demandant has the following opinion about the matter that the arrangement of the 'units' (spaced discretely) is not 'unit'.

The description (3) in A-1 includes the following description (red lines and blue dotted-line box are added by the demandant). In the description (3) in A-1, 'five "rectangular parts including an arrow"' at the top stage are collectively described as '1-unit unit' (blue dotted-line box in (1)). The description 'x4 unit' indicates that the 'five "rectangular parts including an arrow"' at the top stage (1) are defined as one 'unit', and that each stage of lower 'four "rectangular parts including an arrow"' (2), 'five "rectangular parts including arrow"' (3), and 'three "rectangular parts including an arrow"' (4) are defined as 'unit'. Therefore, an arrangement of 'units' each corresponding to one irradiation head spaced discretely, or an arrangement of stages including multiple 'rectangular parts including arrow' (each stage of (1) to (4)) can be defined as 'unit'.

Even in the meaning of the 'unit' in the Constituent component B2 of Invention<43>, 'unit' only means 'unit, constituent unit' (A-22 (Kojien 7th edition). Therefore, in each of the stages (1) to (4) of the Invention A-1, it can be said that an arrangement of 'units' each corresponding to one irradiation head (spaced discretely), which is an exchangeable unit, is a 'unit, constituent unit'. Thus, each stage (1) to (4) of the Invention A-1 constitutes the 'unit' in Invention<43>. Polarization elements

included in the stages (1) to (4) of the Invention A-1 also constitute the 'unit'. Therefore, the polarization elements included in the stages (1) to (4) of the Invention A-1 correspond to the 'polarization element unit' in the Constituent component B2. There is no unclear motivation for defining the polarization elements included in the stages (1) to (4) as 'polarization element unit' or no circumstance of limiting that.

D Regarding the lamp UNIT

(A) Allegation in the written refutation 6 (2) B (D)

"(D) (D) Regarding the presence and arrangement position of a light source and a polarization element in the lamp UNIT'

The demandee alleges that a rectangular member included in the descriptions (2) and (3) is not a lamp UNIT, and there is no description about the presence and arrangement position of a light source and a polarization element in the lamp UNIT, and also alleges that the Invention A-1 is not disclosed with completed contents.

However, according the contents of 'green box (3) in Attachment 1' in '4.' of the written statement (A-7) by Mr. Hibino of Sharp Corporation and VIDEO (A-8), the rectangular member included in the descriptions (2) and (3) is a 'lamp UNIT'. The attendees of the meeting of A-1 shared an understanding that one light source is arranged in the left rectangular part, in each 'lamp UNIT', that one polarization element is arranged in the right isosceles triangle, and that the polarization element is arranged with a width of 300 mm in a width direction.

As described in the written demand for trial, the above matter is supported by the description in A-7.

In fact, in the device drawing (A-17) of the irradiation head mounted on G8 mass production machine, one light source is arranged on the left side in the drawing, in each irradiation head (lamp UNIT), one polarization element is arranged on the right side in the drawing, and the polarization element is arranged with a width of 318 mm in a width direction of the irradiation head. Therefore, the above understanding is not incorrect."

(B) Allegation in the written refutation 6 (2) B (E)

"(E) '(E) Regarding arrangement of lamp UNIT'

The demandee alleges that the Invention A-1 is not disclosed with completed contents because the description 'cannot be inserted' is included in the left drawing on p. 2 of A-1.

However, the description 'cannot be inserted' in A-1 does not mention the arrangement of the lamp UNIT, but only indicates the possibility that the whole of the device cannot be arranged vertically and linearly due to the arrangement space in the Sharp Kameyama plant to which the device is to be delivered. A-19 is a structure drawing of the G8 mass production machine delivered to Sharp Corporation presented by the demandant. In the drawing, the whole of the device is not arranged vertically and linearly, but arranged in U-shape.

Therefore, the presence of the above description does not relate to arrangement of the lamp UNIT, and does not affect completion of the Invention A-1."

No. 4 Demandee's allegation

1 Object of the statement and Means of proof

The demandee demands the decision, "The demand for trial of the case was

groundless. The costs in connection with the trial shall be borne by the demandant" (Object of the statement), and alleges that the demandant's allegation is incorrect and there is no reasons for invalidation in the patent invention. The demandee submitted Evidences B No. 1 to No. 7 as means of proof.

(Means of proof)

The submitted documents are as follows.

Evidence B No. 1: The case of Patent right infringement injunction 2015(wa) No. 28608

Defendant's Brief (14)

(The above document was attached to the written statement.)

Evidence B No. 2: Ruling on the case of filing of an objection to a provisional remedy 2016(mo) No. 40031

(The above document was attached to the oral proceedings statement brief.)

Evidence B No. 3: Japanese Unexamined Patent Application Publication No. S56-114326

Evidence B No. 4: Japanese Unexamined Patent Application Publication No. H5-173335

Evidence B No. 5: Japanese Unexamined Patent Application Publication No. 2002-189300

Evidence B No. 6: Japanese Unexamined Patent Application Publication No. H10-154658

Evidence B No. 7: U.S. Patent No. 5668018 Specification

(The above documents were attached to the written statement.)

Hereinafter the "Evidence B No. x" (x is a number) is referred to as simply "B-x".

2 Concrete allegations of the demandee

(1) The matter that "Invention A-1" had not been publicly known before the filing of the patent application

A Allegation in written statement No. 3 (1)

"The demandant alleges that the Invention A-1 was publicly known because Sharp Corporation has no duty of confidentiality for Evidence A No. 1 (Written demand for trial p. 19, l. 16-l. 18).

However, the Supreme Court decision on December 25, 2000 ((H-11 (Gyo-ke) 368) separate volume 170, 22) [Case of structure and method of using 6-roll calender] is as follows.

'Even though the contents of the invention are known by a person having a relationship of maintaining confidentiality for the inventor, it does not fall under "publicly known" stipulated in Article 29(1)(i) of the Patent Act. However, the "relationship of maintaining confidentiality for the inventor" occurs by legal or contractual duty of confidentiality, and it should be said that the relation occurs when confidentiality is required or expected implicitly without any special explicit instruction or request from the inventor, based upon social convention or business practices from around 1983 or 1984. Because even before the revision of former Unfair Competition Prevention Act (Act No. 14 of 1934) based on Act No. 66 of 1990, respecting trade secrets of others was generally natural in commercial transactions. This is more valid between the parties of commercial transactions or between parties having certain other relationships.

Even at that time, acquisition or disclosure of trade secrets of others was considered an illegal act. In actual commercial transactions in which business negotiations often proceeds to an agreement quickly and flexibly, if, each time a product or technology relating to the invention is a point of negotiation, concrete contents of the product or technology relating to the invention cannot be disclosed unless the inventor instructs or requests the other party to maintain confidentiality for each invention and confirms that the other party recognizes it, smooth and quick transaction would be inhibited and it would be contrary to interests of the parties. Especially in the field of production equipment, in business negotiations on a product including a new technology developed between a production and sales company and a customer, the customer is required not to disclose the new technology to the third party, implicitly without any special agreement on confidentiality or explicit instruction or request between the parties. The production and sales company are highly likely to disclose the new technology to the customer with such reliability and expectation. Therefore, in such cases, it should be said that the customer has a relationship of maintaining confidentiality for the manufacturing and sales company for the new technology based upon social convention or business practices.' (Underlines were added by the agent.)

In this case, regarding the contents of Evidence A No. 1, even if Sharp Corporation, which is a receiver of information, has no duty of confidentiality based on the non-disclosure agreement, explicitly 'based on an agreement', on the non-disclosure agreement, due to the absence of defendant's indication 'confidential', it can be recognized that the information relating to the structure of the product newly developed should be kept confidential 'based on social convention or business practices' in Sharp Corporation. It would not be possible that Sharp Corporation makes the contents of Evidence A No. 1 public without permission of the demandant and discloses them to a third party.

The contents of Evidence A No. 1 are, according to the demandant's allegation, a copy from a whiteboard in the meeting between two companies on the device to be delivered by the defendant to Extra-judicial Sharp Corporation. In the meeting on the specifications of a device including a new technology to be delivered to one party, an agreement on confidentiality of a portion corresponding to the structure of the device is executed implicitly between two companies. In such circumstances, if it is required to write an indication 'confidential' on a whiteboard or to make a verbal instruction 'the contents of the meeting are confidential', as indicated in the above decision, smooth and quick transaction would be inhibited and it would be contrary to interests of the parties.

According to the demandant's allegation, Evidence A No. 1, which is made on March 15, 2005, is not included in the validity of contract 'from April 1, 2005 to March 31, 2008', which is specified in Article 12(1) of the non-disclosure agreement, Article A No. 11. Thus, Evidence A No. 1 cannot be information covered by the non-disclosure agreement. The demandant submitted the 'agreement' as a part of Evidence A No. 11 to allege that the period of agreement has been changed to 'from October 1, 2004 to March 31, 2008'. However, the main paragraph of the agreement includes the description 'the agreement is concluded as follows, incidental to the non-disclosure agreement (hereinafter referred to as "original agreement") concluded as of May 23, 2005'. Since the non-disclosure agreement of Evidence A No. 11 was made on May 27, 2005, the agreement of Evidence A No. 11 is not incidental to the non-disclosure agreement of Evidence A No. 11. Thus, the agreement has no effect on the period of

agreement of the non-disclosure agreement.

In light of the above facts, the contents disclosed in Evidence A No. 1 should be kept confidential, and are not evaluated as 'publicly known before the filing of the patent application'".

B Allegation in the oral proceedings statement brief 6. I. (1)

"A Range of precedent

The demandant alleges that the Case of structure and method of using a 6-roll calender is an example of absence of non-disclosure agreement between parties, and is not helpful in this case where the non-disclosure exists. However, the court ruled that ... (omitted) ... and indicates that there is a case where confidentiality should be maintained based on social convention or business practices without an explicit instruction. It is applicable to the technical information disclosed in A-1 having no indication 'confidential'.

B Regarding the recognition of the demandant

The demandant alleges that the reason for the absence of the indication 'confidential' is because the matters described in A-1 were not recognized as having a technical value. ... (omitted) ... It is reasonable to consider that the reason why the demandant did not indicate 'confidential' is not because the technical value was not recognized but because the matters were recognized as important technical matters which would never be disclosed without the indication 'confidential'. The fact that the printout of the matters described on a whiteboard, or the like, includes no indication 'confidential' in this case, is an appropriate action in accordance with the situation, and it should be said that the demandant's allegation cannot be reasonable grounds.

C Regarding the operation of the demandant

The demandant alleges that the matters without indication 'confidential' had not been handled as confidential information since before the non-disclosure agreement was concluded.

However, the fact as grounds of the demandant's allegation is only the fact indicating absence of indication 'confidential' in A-1 disclosed before the non-disclosure agreement was concluded, and does not prove the above operation with other materials. The demandant only repeats the allegation that A-1 is not confidential information due to absence of indication 'confidential', and does not prove the operation before the non-disclosure agreement was concluded.

... (omitted) ...

D Regarding the error in the date of execution of the non-disclosure agreement

In general, information specifying a contract with an agreement includes parties of the contract, a title of the contract, and a date of the contract. Accuracy of this information should be confirmed by the parties carefully. It is impossible that both of the parties do not find the error in the agreement concluded between the parties.

The date of the non-disclosure agreement is written based on western calendar, May 27, 2005, while the date of the original agreement in the agreement is written using the Japanese era name, Heisei 17, May 27. The difference is unnatural.

E Regarding the evidence presented by Mr. Hibino

Whether A-1 is confidential information or not depends on the recognition by

Sharp Corporation. The statement of M. Hibino, who is a former employee, is obviously insufficient and inappropriate.

F Regarding the matter that the contents of the meeting of A-1 should be kept confidential]

According to the description in A-14 p. 12 and A-15 p. 19 'Precautions for handling the materials', the technical information on 'EGIS' was strictly managed by the demandant as extremely highly confidential matters. A-1 is recognized as a copy from a whiteboard, or the like, with main matters written thereon to be shown to all of the attendees so that all of the attendees of the meeting may share the information in the meeting on introduction of the 'EGIS' machine to be designed and produced on the basis of the 'EGIS' technology.

In this meeting, it can be reasonably inferred that A-14 or A-15, or technical materials similar thereto are presented to the attendees, or the contents of the technology are explained in the meeting, and the meeting is held in reference to the description relating to A-1 with a common understanding on the 'EGIS' technology based on the materials or the explanation about the contents of the technology. Therefore, the description of A-1 is formed of fragments of some technical matters, and the configuration and operation of the target device cannot be sufficiently recognized only with the description. However, an understanding of the fundamental 'EGIS' is essential so that all of the attendees of the meeting may correctly understand the matters in the meeting and express their opinions. Considering that the technical matters on 'EGIS' are extremely highly confidential information for the demandant, it would mean that at least basic part of the confidential information was disclosed to the attendees of the meeting. In such kind of meetings, there is no way that attendees are allowed to leak the contents of the meetings to the outside without limitation.

It should be considered that the attendees of the meeting naturally had a duty of confidentiality. The reason for the absence of the indication 'confidential' on A-1 can be understood by the fact that A-1 is not a printed material created to be distributed to the customer or other unspecified range, but a copy from a 'whiteboard' in a meeting."

C Allegation in the written statement 6. I. (2)

"(2) The matter that A-1 includes the description on confidential information on EGIS

... (omitted) ... Therefore, A-1 includes information on 'connected exposure using multi-head', which is confidential information of EGIS also in the description of '2. Mask arrangement'.

C Therefore, it is obvious that A-1, which describes the EGIS machine, includes confidential information. The demandant alleges that there is no duty of confidentiality, for A-1, because of the absence of 'indication "confidential"'. This allegation is incorrect, accordingly."

D Allegation in the written statement 6. I. (3)

"C Therefore, it can be said that, as to whether A-1 was 'publicly known' under the Patent Act, the contents thereof were not 'publicly known' unless there is a fact that the contents described in A-1 had been known or could be known by an unspecified person.

A-1 is a meeting attended by only specific persons involved of Sharp Corporation and V Technology, and is obviously not a meeting where an unspecified

person other than the persons involved freely attends or expresses his or her opinion. Thus, the contents of A-1 do not fall under the 'publicly known invention' under the Patent Act.

In the first oral proceeding held on April 12, 2018, the demandant gave a statement 'According to my best recollection, I don't remember the fact of leaking the contents of Evidence A No. 1 to any third party other than the parties concerned who should keep confidential information before the filing of the application of the case.' (Record Demandant's statement Item 10), and the demandant recognizes that the contents of A-1 had not been known or could not have been known by an unspecified person.

D Therefore, the matters described in A-1 do not fall under 'publicly known invention' under the Patent Act."

E Allegation in the written statement 6. II. (1) (h)

"(h) Regarding the non-disclosure agreement and the agreement

The demandant repeats the allegation 'the contents of A-1 are not confidential based on the non-disclosure agreement and the agreement, because of the absence of indication "confidential",' rather than based on social convention or business practices.

However, according to the demandant's allegation, the meeting of A-1 was held on March 15, 2005, and the non-disclosure agreement of <43>A-11-1<44>A-12-1, with the validity 'from April 1 2005 to March 3, 2008', was concluded on May 27, 2005, which is after the meeting of A-1. The validity of the contract was determined to be retroactive 'from October 1, 2004' on the agreement of <43>A-11-2<44>A-12-2, at the end of the next year, on December 27, 2006.

Therefore, not only at the time of the meeting, but also at the time of the filing of the patent application, on October 24, 2005, the contents disclosed in A-1 were not subjected to the application of the non-disclosure agreement of <43>A-11-1<44>A-12-1.

Consequently, the contents disclosed in A-1 were information which falls under information with no explicit agreement between parties at the time of the filing of the patent application, on October 24, 2005, and a determination should have been made as to whether or not the contents were confidential based on social convention or business practices.

Based on social convention or business practices, information disclosed from the other party in a meeting on a device to be developed newly shall fall under confidential information.

In addition, it can be considered that the fact that Sharp Corporation had considered introduction of the device of the configuration was confidential information for Sharp Corporation, to which the information described in A-1 has been disclosed.

Assuming that the demandant did not disclose the contents of the meeting to any third party other than Sharp Corporation, it is reasonable to consider that the contents disclosed in A-1 were kept confidential at the time of the filing of the patent application, based on social convention.

Therefore, it is obvious that the contents disclosed in A-1 were handled as confidential information and not publicly known at the time of the filing of the patent application."

(2) Regarding the finding of the Invention A-1
A Allegation in the written statement No. 3 (2) B
"(F) Summary

As described above, Evidence A No. 1 is an exposure device for thin film transistor (TFT) liquid crystal, wherein the configuration of a polarized light irradiation device is unclear, and technical matters for implementing at least 'arrangement of the mask', 'presence of a polarization element having a width of 300 mm', 'presence and arrangement position of a light source in the lamp UNIT and polarization element', and 'arrangement of lamp UNITs' are not disclosed or inferred. Therefore, the polarization irradiation device cannot be implemented based on A-1.

Thus, the matters disclosed in A-1 alleged by the demandant are incomplete as an invention, do not fall under the 'publicly known invention' stipulated in Article 29(1)(i) of the Patent Act, and are not considered in a decision as to whether the patent invention satisfies the requirements stipulated in Article 29(2) of the Patent Act."

B Allegation in the oral proceedings statement brief 6. I. (2)
"A ... (omitted) ... A-1 includes no description about the matter that the EGIS machine described in A-1 is an exposure device which emits polarized light for optical alignment.
B ... (omitted) ... A-1 includes the description 'mask arrangement', but does not include the description 'exposure area'. ... (omitted) ....

Therefore, A-1 does not describe a relationship between the exposure area and the mask, and only illustrates mask arrangement in which mask ends overlap each other. However, the design of this arrangement has not been completed, and possibility thereof also was not confirmed.

... (omitted) ... Therefore, A-1 does not illustrate overlap of 'exposure area'.
C ... (omitted) ... A-1 does not describe where and for what the polarizer is used at all and does not also describe the arrangement thereof. As for the quartz polarizer, only '(plan)' is described and there is no description about the configuration thereof. ... (omitted) ...
D ... (omitted) ... It is groundless in A-1, that one light source and one polarizer are arranged in one lamp UNIT. A-1 does not include such description. ... (omitted) ...
E Described matter E

A-1 does not disclose a configuration of lamp UNITs continuously arranged in a direction orthogonal to the conveyance direction of the optical alignment film. Since A-1 does not describe an optical alignment film, there cannot be the description 'the conveyance direction of the optical alignment film'.

As for overlap of the ends in the exposure area, A-1 does not describe an exposure area, and the design of the overlap of ends of the mask has not been completed, and the possibility thereof was not confirmed, as described in the 'Described matter B'."

C Allegation in the oral proceedings statement brief 6. III. (1)
"B Description of mask
... (omitted) ... There is no description about 'exposure area' in A-1. According to the description about '1. Alignment accuracy' in A-1, the member indicated as 'mask' shown with a hatched cross section has an end partially overlapping a frame member, which is recognized as a support frame. Ordinarily, this figure shows that an end of the mask overlapping the frame member is an area where exposure light does not pass. ...

(omitted) ...

C Polarization element with a width of 300 mm ... (omitted) ...

D Regarding light source and polarization element in lamp UNIT ... (omitted) ...

E Arrangement of lamp UNIT ... (omitted) ..."

(3) Regarding comparison between Patent invention and Invention A-1

A Allegation in the oral proceeding statement brief 6. I. (3) B

Due to the same reason as described above regarding <43>Invention, there is no description or indication of Components A, B, C, F, G and H in A-1. The "group of light irradiation units arranged continuously" in the Component D1 is, as described below in association with Matter to be examined 2, configured to "form an irradiation area where illuminance is low but continuous irradiation is performed immediately below a boundary part of polarization elements". However, the Component D1 is not described in A-1.

A-1 does not describe a configuration of the lamp "having a pair of electrodes facing each other in a glass discharge container" (Component D2). Therefore, the Component E is also not indicated.

(4) The matter that the Patent invention is not easily conceived

A Allegation in the written statement No. 3 (3)

Evidence A No. 1 does not disclose technical matters which are established as an invention. It is difficult for Extra-judicial Sharp Corporation having a duty of confidentiality to conceive of the Patent invention even by combining the Inventions A-2 to A-5 with 'Invention A-1', because the matters disclosed or inferred in Evidence A No. 1, which were not publicly known but even if the 'Invention A-1' were publicly known, disclose almost none of the configuration of the Patent invention.

...

The demandant alleges in the written demand for trial p. 34 l. 3-l. 7 and p. 34 l. 20-l. 24 that there is a motivation to apply the Inventions A-2 to A-5 to 'Invention A-1' because all of 'Invention A-1' and Inventions A-2 to A-5 belong to the technical field, polarized light irradiation device for optical alignment, and include polarization means.

However, as described in (2) B (A), 'Invention A-1' is not a polarized light irradiation device for optical alignment, and belongs to a different technical field.

Even if the 'Invention A-1' includes a polarization element, there is no description about usage thereof. The fact that the presence of polarization means is common in the inventions while it is unclear whether or not the usage is common, cannot motivate combination of the inventions.

As described in D (C) and (D), Inventions A-4 and A-5 do not include polarization means.

As described in D (A) to (D), Inventions A-2 to A-5 disclose only means of illuminating the whole of the substrate in the width direction. The 'lamp UNIT' in 'Invention A-1' only irradiates a part of the substrate in the width direction. Therefore, since irradiation areas are different, the irradiation means of Inventions A-2 to A-5 cannot be applied to the lamp UNIT in 'Invention A-1'.

Thus, it is not easy to apply Inventions A-2 to A-5 to 'Invention A-1'".

B Allegation in the oral proceedings statement brief 6. I. (4) C
"The demandant's allegation on easy conceivability is based on the interpretation that the exposure device described in A-1 is for an optical alignment film for liquid crystal display. As described above, the interpretation is groundless and incorrect.

Therefore, the demandant' s allegation is incorrect in the assumption."
"As described above, A-1 does not describe the Components A, B, C, F, G, and H. A-1 does not also describe a 'group of light irradiation units arranged continuously' in the Component D1. A-2 does not describe a configuration of the lamp 'having a pair of electrodes facing each other in a glass discharge container'. Therefore, A-2 does not describe the Configurations D2 and E.

Evidences A submitted by the demandant do not describe configurations thereof."

(5) The matter that the device described in A-1 is not for optical alignment
A Allegation in the oral proceedings statement brief 6. II. (1)
"F As described above, not only in A-1 but also in all of 1-3 of A-14, A-15, and A-16, there is no description of 'optical alignment film'. Even euphemistic indication of 'optical alignment film' cannot be found. In such situations, it is only an arbitrary interpretation not based on reasonable grounds to find 'optical alignment film' from the description of A-1. Therefore, the demandant's allegation is obviously incorrect."

B Allegation in the written statement "6. 1. (I)"
"B The demandant alleges that 'Exposure using oblique irradiation light is for optical alignment film, not for TFT circuit pattern or CF pattern' (the first oral proceedings record Demandant's statement Item 11) based on 'oblique irradiation' described in the figure of '1. Alignment accuracy' in A-1, as grounds for the allegation that the device described in A-1 is for optical alignment. However, this allegation of the demandant is not true and misleads the body. There are many cases as described below where exposure light is irradiated in an oblique direction in an exposure device not for optical alignment film.
(1) Japanese Unexamined Patent Application Publication No. S56-114326 (Evidence B No. 3)
... (omitted) ...
(2) Japanese Unexamined Patent Application Publication No. H5-173335 (Evidence B No. 4
... (omitted) ...
(3) Japanese Unexamined Patent Application Publication No. 2002-189300 (Evidence B No. 5)
... (omitted) ...
(4) Japanese Unexamined Patent Application Publication No. H10-154658 (Evidence B No. 6)
... (omitted) ...
(5) U.S. Patent No. 5668018 (Evidence B No. 7)
... (omitted) ..."

"F Therefore, according to the contents of the description in A-1 which does not mention optical alignment at all, it cannot be considered that 'optical alignment' came up

for discussion in the meeting relating to A-1, and it is reasonable to interpret that the meeting was on the unrelated EGIS machine. Accordingly, the statement by Mr. Hibino includes false recognition, or A-17 is not a design drawing on the G8 mass production machine of the EGIS machine for optical alignment. Since at least the light source unit was in the planning stage if A-17 is a drawing on the EGIS machine for optical alignment, it can be said an irradiation device for optical alignment had not been planned at the time of the meeting of A-1."

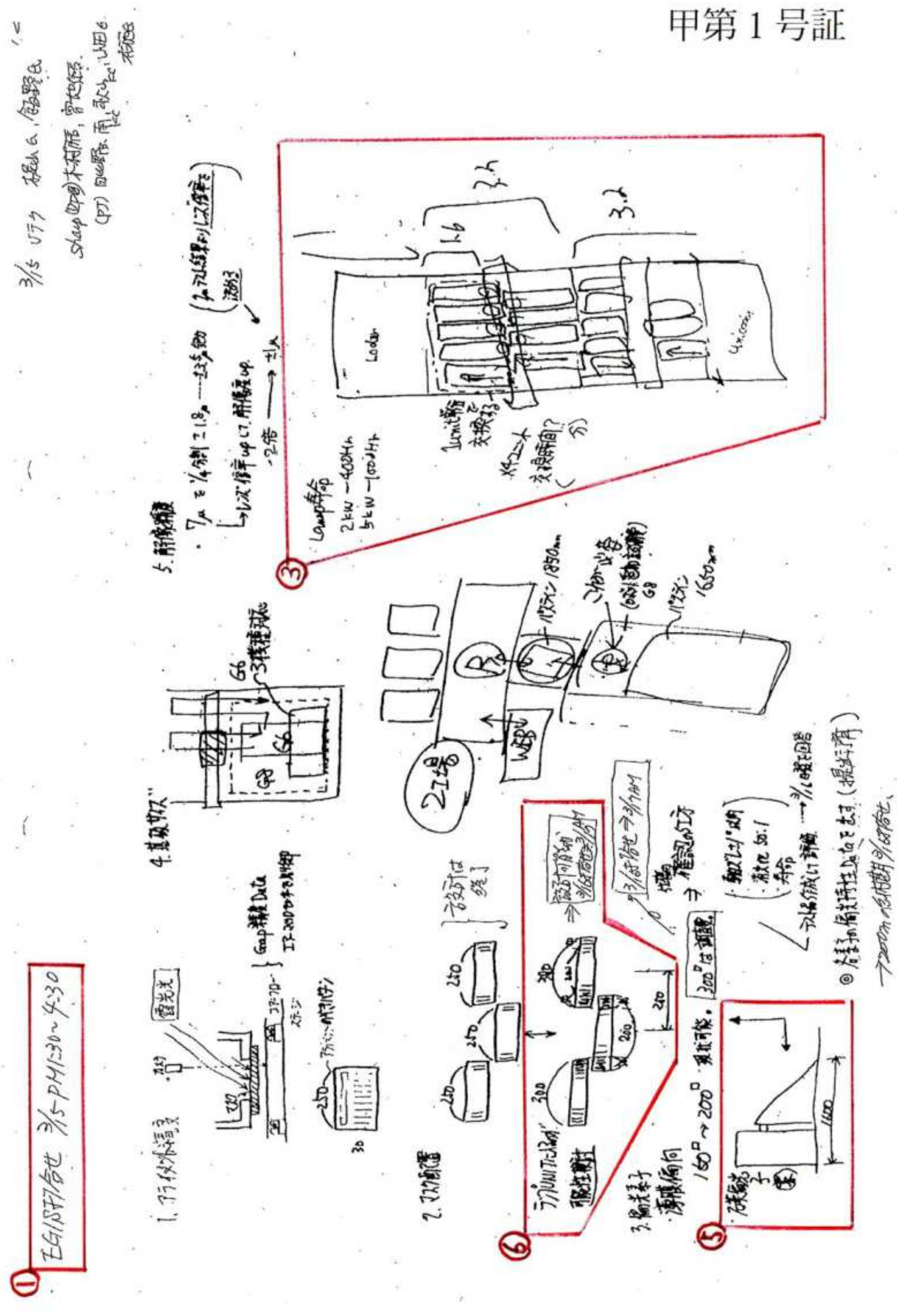
C Allegation in the written statement 6. II. (1)
"Therefore, the allegation suggesting that the demandee had completely recognized that Evidence A No. 1 in this case disclosed a device for optical alignment absolutely cannot be accepted, based on the description of brief (9) in the infringement suit. Even though the demandee did not allege as a case in chief that Evidence A No. 1 in this case did not disclose a device for optical alignment in the infringement suit, it is not true that the demandee recognized the disclosure."

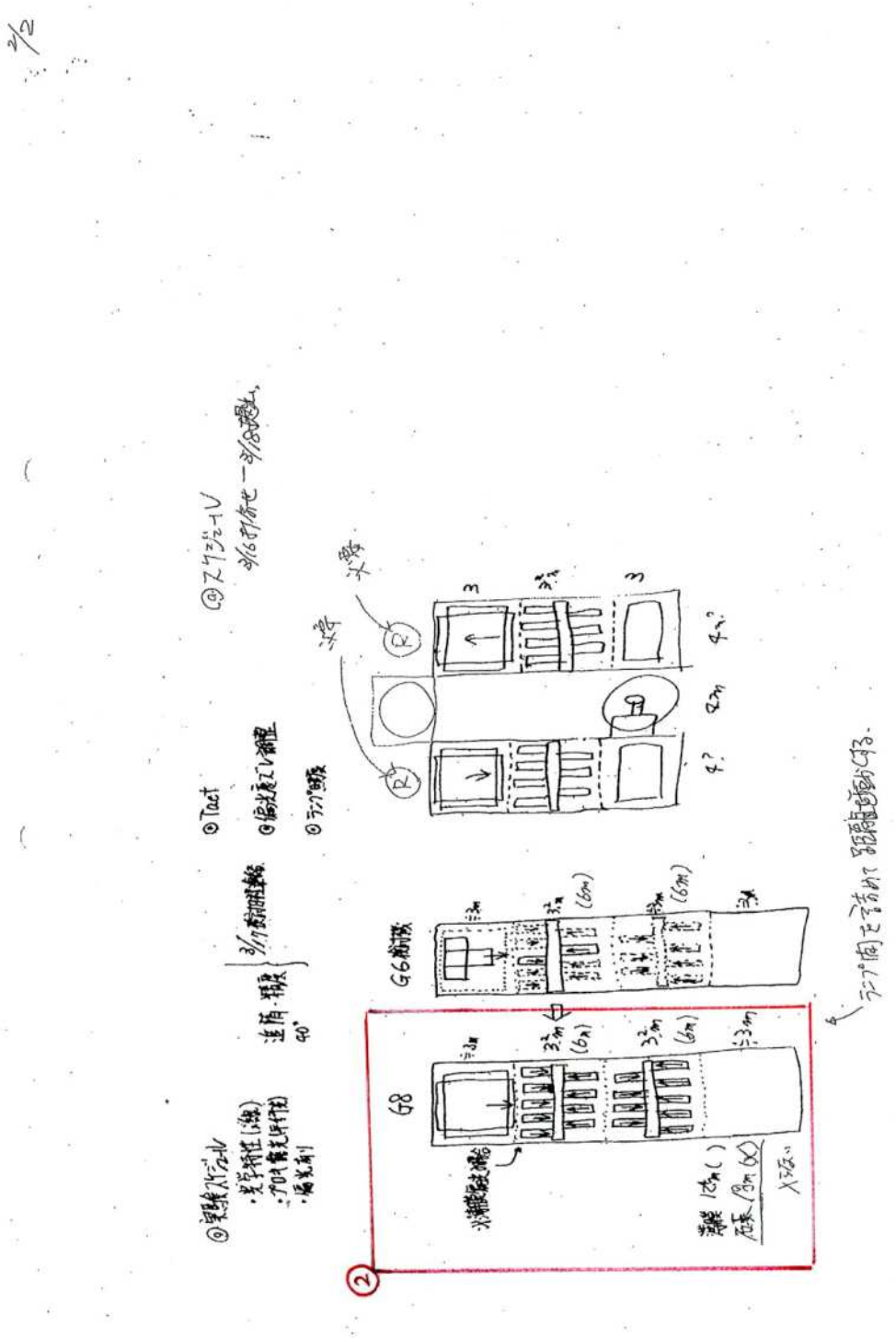
No. 5 Regarding the proof
1 Regarding Evidences A No. 1 to No. 29 submitted by the demandant
(1) A-1

A-1 describes the following matters.

A-1 with numbers and boxes added by the body for indicating descriptions is as follows. The descriptions 1-3, 5 and 6 indicating descriptions correspond to "Description x" (x is a circled number) indicating descriptions in A-1 described in the written demand for trial. "Description 4" described in the written demand for trial ("4" is circled), which is not included in A-1 (see the description in the written refutation p. 15 ll. 1 and 2 "'Description 4' specified in A-1 of the written demand for trial is not a matter described in A-1 but a matter described in A-20") and it is not related to the matters described in A-1, the number and box corresponding to "Description 4" is not included in the following A-1.

甲第１号証





(2) A-2

A Matters described in A-2

A-2 describes the following matters. The underlines were added by the body.

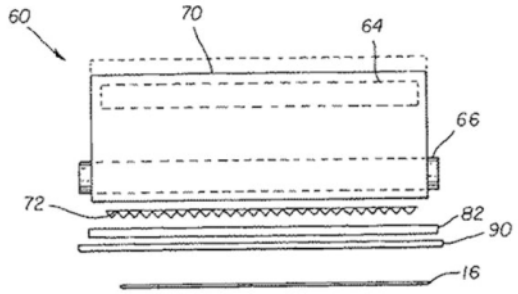
"[0053]

[Example]
The present description is directed in particular to elements forming part of, or cooperating more directly with, apparatus in accordance with the invention. It is to be understood that elements not specifically shown or described may take various forms well known to those skilled in the art.
(Processing system)
Referring to FIG. 1, there is shown a processing apparatus 10 for a preferred embodiment of the present invention for processing a source roll 12 of transparent substrate, fed as a web 16 represented as moving from left to right in FIG. 1, to provide a finished goods roll 14. In the preferred embodiment, the finished goods roll 14 is a liquid crystal display compensation film, fabricated as the web 16 built up from multiple layers of material, with the components shown in FIG. 2. These materials are linear photo-polymerization media (LPP) and liquid crystal polymer media (LCP).
[0054]
Referring now to both FIGS. 1 and 2, a clear substrate layer 18 is provided on the source roll 12. In a preferred embodiment, the clear substrate layer 18 is made of triacetyl cellulose. An LPP1 layer 22 is added at an LPP1 layer application station 30. A first irradiation station 20a treats the LPP1 layer 22 to provide a predetermined molecular arrangement, crosslinking polymers to obtain optical alignment with a preferred tilt angle. Then, an LCP1 layer 24 is affixed to the treated LPP1 layer 22 at an LCP1 layer application station 32. A first curing station 40a cures the LCP1 layer 24 on top of the LPP1 layer 22. Next, an LPP2 layer 26 is applied at an LPP2 layer application station 34. Similarly, the LPP2 layer 26 is treated at a second irradiation station 20b to provide alignment that, in the plane of the web 16, is orthogonal to the molecular arrangement provided to the LPP1 layer 22. Finally, an LCP2 layer 28 is applied at an LCP2 layer application station 36 and cured at a second curing station 40b. The manufactured compensation film is then wound onto the finished goods roll 14."
"[0060]
...
(Apparatus for Irradiation)
Referring to FIG. 4, there is shown an irradiation apparatus 60 as used, with variations, within the irradiation stations 20a and 20b to apply UV light over an irradiation zone onto the web 16. The irradiation apparatus 60 comprises a hood assembly 70 that generates and directs source radiation across the full width of the web 16, and a light conditioning assembly 74 for controlling light divergence, for directing light with the desired incident angle, and for polarizing this source radiation. Within the hood assembly 70, a light source 64 provides source radiation at the preferred wavelength and power levels. ..."

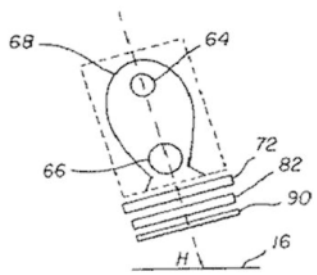
"[0066]
Referring to the front view of FIG. 6a and the corresponding side view of FIG. 6b, there is shown the configuration of irradiation apparatus 60 for the 0-degree configuration used within a first irradiation station 20a. With respect to the view of FIG. 6a, the movement direction of the web 16 is out from the page. Referring to the corresponding side view of FIG. 6b, the irradiation apparatus 60 is tilted at an angle H relative to the surface of the web 16. This tilt could be obtained by tilting the irradiation apparatus 60 or by routing the web 16 at an oblique angle relative to the

irradiation apparatus 60. This arrangement provides exposure light at the optimum incident angle for obtaining 0-degree alignment. A reflector 68 is positioned along the length of the light source 64, collecting and redirecting light emitted from the light source 64."
"[0071]
The combined effect of controlling angular divergence in the travel direction of the web 16 and across the web 16 constrains the angular extent of the light cone from any point on the light source 64 to a polarizer 90. With a narrower range of incident light angles, improved performance of the polarizer 90 is obtained. However, it is significant to note that, due to the performance characteristics of the polarizer 90 in the preferred embodiment, it is not required that light from light source 64 be collimated."

【図６ａ】



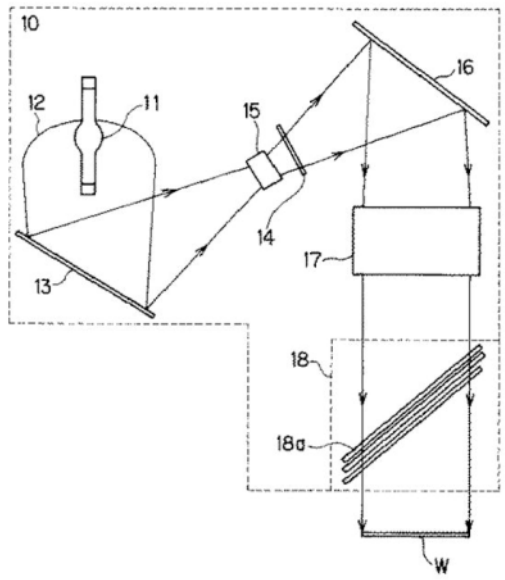
【図６ｂ】



【図６ａ】 [FIG. 6a]
【図６ｂ】 [FIG. 6b]

(3) A-3
A Matters described in A-3
A-3 submitted by the demandant describes the following matters. The underlines were added by the body.
"[0001]
[Field of the Invention]
This invention relates to a polarized light irradiation device for optical orientation which irradiates an alignment film of a liquid crystal display panel or an alignment layer of a viewing angle compensation film using an ultraviolet curing liquid crystal (hereinafter referred to as a liquid crystal alignment film) with polarized light."
"[0005]
FIG. 1 illustrates a schematic diagram of a conventional optical alignment polarized light irradiation device.
The conventional optical alignment polarized light irradiation device 10 comprises a short-arc discharge lamp 11 which emits light of a wide range including ultraviolet rays, such as an ultrahigh pressure mercury lamp or a metal halide lamp, an elliptical condensing mirror 12, a first plane mirror 13, an integrator lens 15, a shutter 14, a second plane mirror 16, a collimator lens 17, and a polarization element 18.
The polarization element 18 is formed by arranging glass plates 18a in parallel at intervals, and arranging the glass plates 18a at Brewster's angle (which is an optical incident angle where reflection coefficient of P-polarized light is zero) with respect to

parallel light emitted by the collimator lens 17.
[0006]
The light including ultraviolet rays emitted by the short-arc discharge lamp 11 is condensed by the elliptical condensing mirror 12 and reflected by the first reflection mirror 13, then enters the integrator lens 15.
The light exiting from the integrator lens 15 is reflected by the second plane mirror 16 and formed into parallel light in the collimator lens 17, then enters the polarization element 18.
When the parallel light enters the polarization element 18, a P-polarization component (hereinafter referred to as P-polarized light) passes through the glass plates and an S-polarization component (hereinafter referred to as S-polarized light) is reflected.
A workpiece W, such as a liquid crystal alignment film, is irradiated with P-polarized light which has been emitted from the optical alignment polarized light irradiation device 10 via the polarization element."
【図１】



【図１】 [FIG. 1]

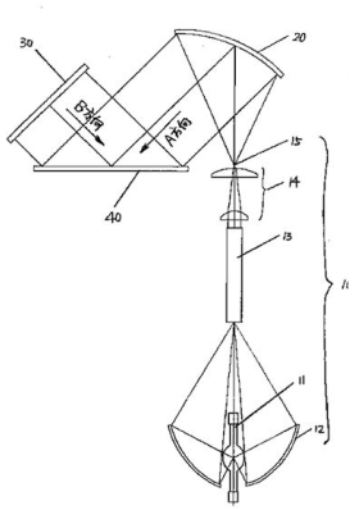
(4) A-4
A Matters described in A-4
A-4 submitted by the demandant describes the following matters. The underlines were added by the body.
"[0002]
[Conventional Art] As a method of aligning liquid crystal molecules on a substrate surface in parallel, a rubbing technique is often used for mechanically rubbing a substrate with cloth in one direction. However, the rubbing alignment generally uses cloth which generates waste materials, and generates static electricity. Recently, focus is placed on a method of aligning liquid crystal molecules using light, so-called photo-orientation. Unless liquid crystal molecules, which are used as display elements, are given a pretilt angle, disclination occurs due to reverse tilt, and contrast of liquid crystal display elements may be reduced due to leakage or scattering of light. Therefore, in

conventional photo-orientation, a glass substrate coated with polyimide is irradiated with polarized light obliquely to form an alignment film. FIG. 3 shows a configuration of an irradiation optical system used in the above case, which comprises a light source 10, light paralleling means 20, and a polarization element 50, and is configured to obliquely irradiate a liquid crystal molecule alignment substrate 40 with polarized light emitted from the light paralleling means 20."

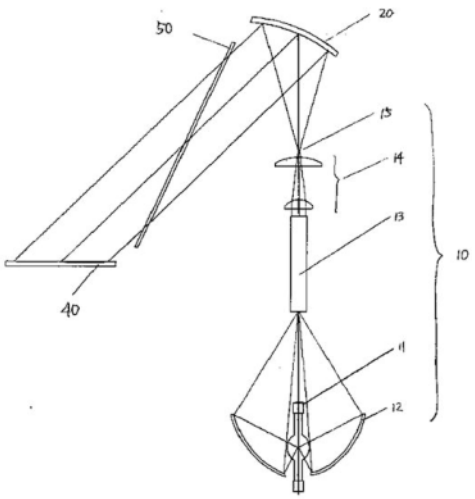
"[0005]

[Embodiments of the Invention] FIG. 1 illustrates the embodiments of the invention. 10 is a light source. 20 is light paralleling means 20. 30 is a plane mirror. 40 is a liquid crystal alignment substrate (hereinafter referred to as 'substrate') formed by coating a glass with polyimide. The light source 10 comprises an ultrahigh pressure mercury lamp 11, an elliptical mirror 12, a rod 13, and a lens 14, to form a secondary light source. ..."

【図１】



【図３】



【図１】 [FIG. 1]

【図３】 [FIG. 3]

(5) A-5

A Matters described in A-5

A-5 submitted by the demandant describes the following matters. The underlines were added by the body.

"[0001]

[Field of the Invention] The present invention relates to a liquid crystal display device having alignment films holding a liquid crystal layer and to a manufacturing method thereof, to an alignment apparatus which applies predetermined alignment to the alignment film, and to an alignment processing method."

"[0053] Next, the alignment method which is the main process of the embodiment in the method for manufacturing liquid crystal display devices is described. ... After an insulation film 14 is deposited in a layer on the surface of the transparent glass substrate 11, a color filter 17 and pixel electrodes 15 are successively formed. The color filter 17 and a common electrode 18 are successively layered on the transparent glass substrate 12.

[0054] Alignment films 16a, 16b are formed on the surfaces of the transparent glass substrates 11, 12, respectively. Alignment processing described below is applied to the film by use of the alignment apparatus shown in FIG. 5.
[0055] The alignment apparatus includes a light source 31 to irradiate non-polarized ultraviolet light, a mirror 32, and a holder 33 for supporting the transparent glass substrate 11 (12) with the alignment film 16a (16b) formed thereon. The holder 33 supports the transparent glass substrate 11 (12) at an incline with respect to the optical axis of the ultraviolet light. The parallel ultraviolet light from the light source 31 is incident at an angle of $\theta = 45$ degrees with respect to the surface of the alignment film 16a (16b) (or at a specified angle less than 45 degrees).
[0056] The light source 31 is a short-arc xenon mercury lamp, includes a parabolic reflector 3104a, and exposes nearly parallel non-polarized ultraviolet light. The spectral distribution of the ultraviolet light wavelengths has a peak near 250 nm. In this spectral distribution, the wavelength components at and above 300 nm have been recognized not to contribute to appearance of the pretilt angle. Ultraviolet light having a wavelength no more than 280 nm is suited for effectively producing the pretilt angle. The P-waves and S-waves for the polarized ultraviolet light to be irradiated can have the state with more P-waves than S-waves or the state with only P-waves."

(6) A-6

A-6 is a newspaper article entitled, "V Technology received an order of a new exposure device", and describes the following matters.
"V Technology revealed on the 31st that the company had received an order of one thin film transistor (TFT) liquid crystal exposure device for 8th generation line from a domestic leading liquid crystal manufacturer. The exposure device 'EGIS' scan-exposes an exposure unit with small masks arranged thereon while moving/aligning at a close distance of 100 micrometers from a substrate, thereby significantly reducing mask costs."

(7) A-7

A-7, which is a written statement by Yoshitaka HIBINO who is temporarily transferred from Sharp Corporation and is serving as vice president of NCPD (China production company) a panel production company which is a subsidiary in China owned by Sharp Corporation, describes progress of introduction of an exposure device which irradiates polarized light for optical alignment, in 2005. The following descriptions are also included.
"4. Regarding Attached Document 1

Attached Document 1 of this document is described.

Attached Document 1 is a record of information written on a whiteboard at the meeting on March 15, 2005 on the EGIS machine held between Sharp Corporation and V Technology."

(8) A-8

A-8 is a DVD which contains an interview with Yoshitaka HIBINO talking about the same contents as A-7.

(9) A-9

A-9 is a document ('05(H17)/May/16) from Mr. Akita of Mejiro Precision Inc to Mr. Watanabe of V Technology entitled "Summary of business negotiations with your company", and describes the following matters.
"I. Proximity exposure for EGIS (Sp6)"
"A key point is overlap width of exposure area. It relates to arrangement pitches of facing 2 lamp houses with 8 devices, each lamp having 4 devices. Since an overlap of 50 mm is required in the longitudinal direction for an exposure area of 250 mm, 400 mm or less is required for lamp house width. A polarization element is supplied from V Technology."

(10) A-10

A-10 is a Tokyo District Court 2015(wa) No. 28608 Brief (1) of the case of Patent right infringement injunction created by an agent of the demandee, and describes the following matters.
"(2) The light irradiation part in the Patent invention

... (omitted) ... The "boundary part" in the Patent invention means, as described in [0010] of the Patent specification, reducing illuminance and deteriorating illuminance distribution, and it is obvious also from the description in [0019] described based on FIG. 3 and FIG. 4." (p. 3 l. 21-p. 4 l. 9)

(11) A-11

A-11 is clause by clause commentary on the Industrial Property Law (Industrial Property Law) [19th edition] (Article 29 of the Patent Act), and describes the following matters.
"3<Public>

... (omitted) ... (A) "Public" does not necessarily mean many people. Thus, even if a matter is known only by a very few people who have no duty of confidentiality, the matter should be considered to be 'public'.
(B) The fact that a matter is known by many people does not necessarily mean that the matter is public. Thus, if the person corresponds to a member of the Patent Office or an employee of a plant who has a duty of confidentiality, the matter is not public." (p. 81 the third line from the left to p. 82 the third line from the right)

(12) A-12-1

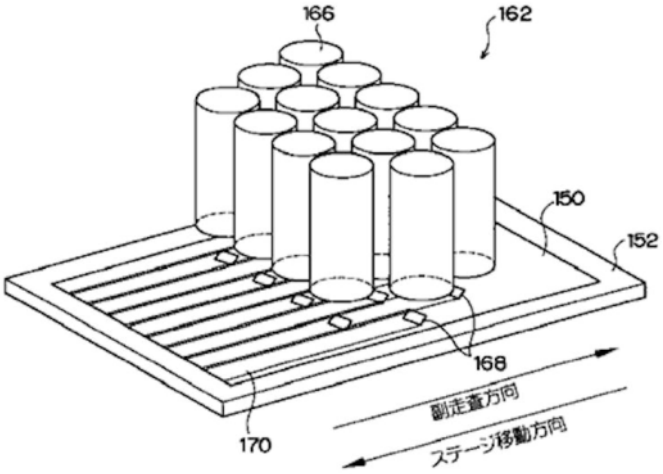
A-12-1 is a "non-disclosure agreement" concluded on May 27, 2005 between the plaintiff V Technology, Sharp Corporation, and Integrated Solutions Corp., and describes the following matters. The underlines were added by the body.
"Article 3 (Confidential information)
1. The confidential information in this agreement means information and materials disclosed/lent from the other party and falling under any of the following, as well as the contents of the agreement, and the existence of the agreement.
(1) Disclosed or lent documents or articles, such as a sample, which indicate 'confidential'."
"Article 4 (Duty of confidentiality)
1. Party X and Party Y strictly maintain secrecy of confidential information and technical effects, such as know-how, obtained based on the confidential information in the process of the consideration, and must not conduct an act that falls under any of the

following without prior approval in writing from the other party.
(1) Disclosure/leakage to any third party."
"Article 12 (Validity of contract)
The validity of the contract is from April 1, 2005 to March 31, 2008. This period can be modified by agreement with a document of the Parties X and Y."

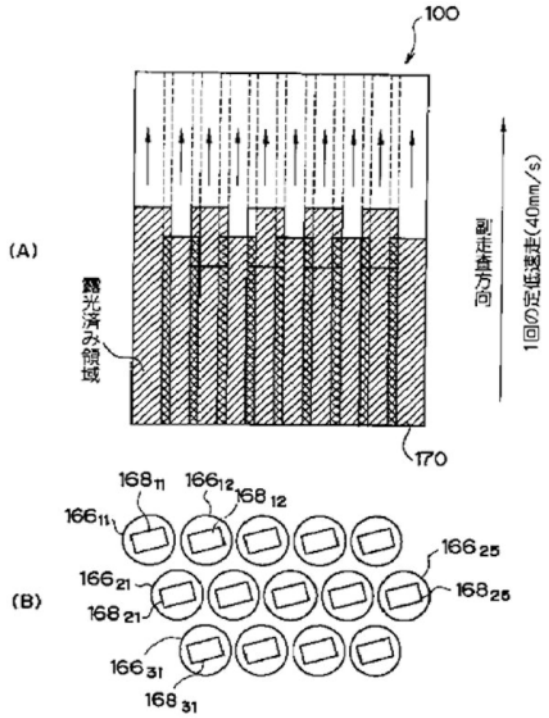
(13) A-12-2
A-12-2 is an "Agreement" (concluded on December 27, 2006) incidental to the non-disclosure agreement (hereinafter referred to as "original contract") concluded as of May 23, 2005 between the plaintiff V Technology, Sharp Corporation, and Integrated Solutions Corp., and describes the following matters. The underlines were added by the body.
"The original contract Article 12(1) is modified as follows.
'The validity of the contract is from October 1, 2004 to March 31, 2008. This period can be modified by agreement with a document of the Parties X and Y.'"

(14) A-13
A-13 describes the following matters. The underlines were added by the body.
"[0020]
The scanner 162 includes, as shown in FIG. 2 and FIG. 3(B), a plurality of (e.g. 14) exposure heads 16 arranged in a substantial matrix of m×n (e.g. 3×5). In this example, four exposure heads 166 are arranged in the third column due to the relationship with a width of a photosensitive material 150. Each of the exposure heads arranged in the n-th row of the m-th column is represented by an exposure head 166 mn."
"[0022]
As shown in FIG. 3(A) and (B), the exposure heads arranged in a line in the columns are shifted by a predetermined distance (natural-number times a long side of an exposure area; the natural number is 2 in this case) in the arrangement direction so that each of band-like exposed areas 170 may partially overlap an adjacent exposed area 170. A portion which cannot be exposed between an exposure area 16811 and an exposure area 16812 in the first column, can be exposed by an exposure area 16821 in the second column and an exposure area 16831 in the third column."

FIG. 2 and FIG. 3 are as follows.



副走査方向　　Sub-scanning direction
ステージ移動方向　　Stage moving direction

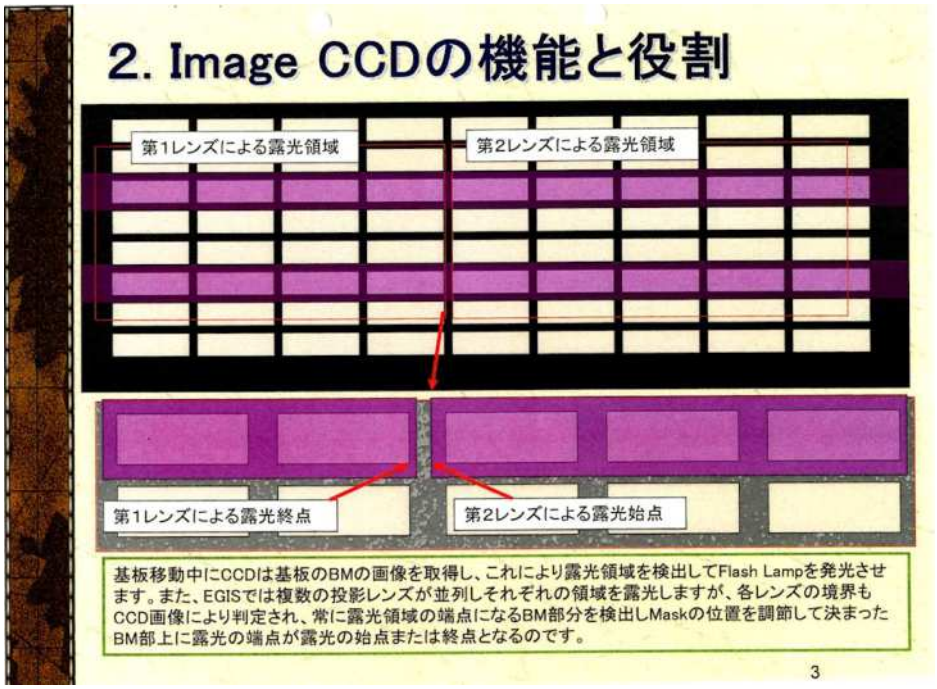


露光済み領域　　Exposed area
副走査方向　　Sub-scanning direction
１回の定低速走　　One constant low-speed travel

(15) A-14

A-14 is an explanatory material To Sharp Corporation on EGIS control (entitled "EGIS-Projection") prepared by Integrated Solutions Corp., and includes the description "EGIS-Projection Projection Exposure system Guided by Image Sensor" on p. 1 and a basic concept of the device on p. 2.

The following matters are described on p. 3.



基板移動中にＣＣＤは基板のＢＭの画像を取得し、これにより露光領域を検出してＦｌａｓｈ　Ｌａｍｐを発行させます。また、ＥＧＩＳでは複数の投影レンズが並列しそれぞれの領域を露光しますが、各レンズの境界もＣＣＤ画像により判定され、常に露光領域の端点になるＢＭ部分を検出しＭａｓｋの位置を調節して決まったＢＭ部上に露光の端点が露光の始点または終点となるのです。

"The CCD acquires BM image of a substrate while moving the substrate, and detects an exposure area to emit a Flash Lamp. In EGIS, multiple projection lenses are arranged in parallel to expose each of areas. A boundary of the lenses is determined by a CCD image. The BM part which is an end point of an exposure area is always detected to adjust the position of a Mask. The determined end point of exposure on the BM serves as a start or end point."

"Precautions for handling the materials" is attached on the last page of the material, and describe the following material.
"The following points are confirmed for presenting the material from the patent holder Miyoshi ITO, an agent Shigeto SUGIMOTO, and Integrated Solutions Corp. (in preparation for registration) (hereinafter referred to as Party A) to your company (hereinafter referred to as Party Y).

Party Y understands that contents of the material including confidential information and the presentation itself of the material are confidential information, may not disclose or leak the confidential information including negotiations based on the presentation of the material to any third party without advance written approval from the Party X, and may not use the information for a purpose other than the purpose of consideration (hereinafter referred to as the Purpose) as to whether to license the patent provided by the Party X and related inventions/technical knowhow within the scope indicated in the material, even for its own benefit.
Party Y manages the confidential information with the care of a good manager in order

to comply with the duty of confidentiality."　(Main clause l. 1-l. 8)

(Note by the body: A-15 includes the indication "Confidential information/Copy prohibited" at the upper right on all pages, while A-14 does not include the indication "Confidential information/Copy prohibited" on any page.)

(16) A-15

A-15 is a business material of the EGIS machine (entitled "Details about new exposure device invention EGIS Exposure system Guided by Image Sensor" (see p. 1)), and describes the following matters.

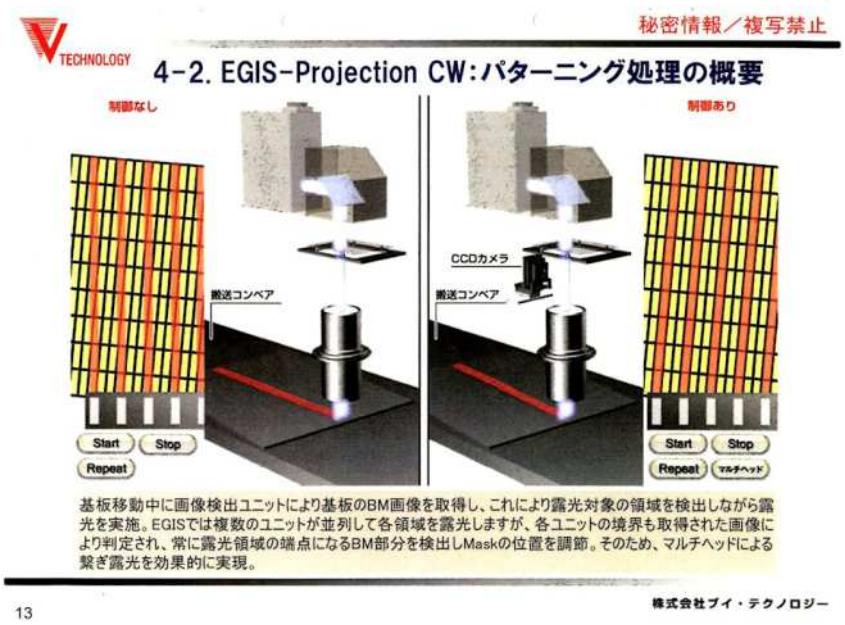
"3. Outline of EGIS processing-1

...

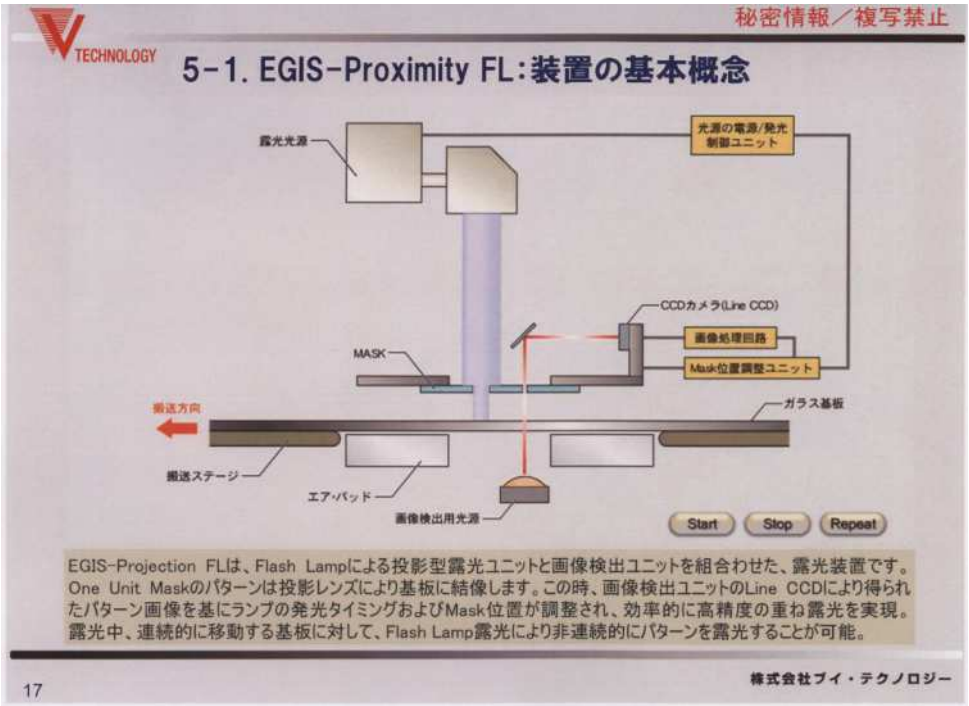
- Efficiently implement connected exposure using multi-head

Absolute accuracy for the whole of the substrate and application of a large-size mask are not required.　Running cost can be significantly reduced."　(p. 9)

The following matters are described on p. 13.



基板移動中に画像検出ユニットにより基板のＢＭ画像を取得し、これにより露光対象の領域を検出しながら露光を実施。ＥＧＩＳでは複数のユニットが並列して各領域を露光しますが、各ユニットの境界も取得された画像により判定され、常に露光領域の端点になるＢＭ部分を検出しＭａｓｋの位置を調節。そのため、マルチヘッドによる繋ぎ露光を効果的に実現。　"The image detection unit acquires a BM image of a substrate while moving the substrate, thereby implementing exposure while detecting an exposure area to be exposed.　In EGIS, multiple units are arranged in parallel to expose each of the areas.　A boundary of the units is determined by the acquired image.　The BM part which is an end point of an exposure area is always detected to adjust the position of a Mask.　Connected exposure using multi-head can be effectively implemented, accordingly."



ＥＧＩＳ－Ｐｒｏｊｅｃｔｉｏｎ ＦＬは、Ｆｌａｓｈ Ｌａｍｐによる投影型露光ユニットと画像検出ユニットを組合わせた、露光装置です。Ｏｎｅ Ｕｎｉｔ Ｍａｓｋのパターンは投影レンズにより基板に結像します。この時、画像検出ユニットのＬｉｎｅ ＣＣＤにより得られたパターン画像を基にランプの発光タイミングおよびＭａｓｋ位置が調整され、効率的に高精度の重ね露光を実現。露光中、連続的に移動する基板に対して、Ｆｌａｓｈ Ｌａｍｐ露光により非連続的にパターンを露光することが可能。 "EGIS-Projection FL is an exposure device formed by combining a projection exposure unit using a Flash Lamp with an image detection unit. A pattern of One Unit Mask is imaged on a substrate by a projection lens. On the basis of a pattern image obtained by a Line CCD of the image detection unit, emission timing of the lamp and the Mask position are adjusted, thereby implementing high-accuracy superposed exposure efficiently. During exposure, a continuously moving substrate can be pattern-exposed intermittently by Flash Lamp exposure."

(p. 17)

(Note by the body: A-15 includes the indication "Confidential information/Copy prohibited" at the upper right on all pages, and "Precautions for handling the materials" is attached on the last page of the material as in the case of A-14.)

(17) A-16-1

A-16-1 is estimate specifications of the EGIS-ProSp exposure Test device created on June 10, 2005 by V Technology, and describes the following matters.

"1. Summary

This device is a proximity-exposure linear-pattern exposure device with the

EGIS system mounted thereon. The device has exposure wavelength of 300 nm to 320 nm, and a beam incident angle of 40 degrees."
"2. Device performance
...
(3) Light source ... (4) Polarization degree Extinction ratio 10:1 or larger P-polarization (6) Beam incident angle 40 degrees plus or minus one degree with respect to a basic normal
...
(5) Mask ... (4) Overlap 45 mm at both ends of an exposure area of 250 mm"
(p. 2)

(18) A-16-2

A-16-2 is estimate specifications of the EGIS-ProSp8 exposure device created on June 20, 2005 by V Technology, and describes the following matters.
"Dear Sharp Corporation
Estimate specifications of EGIS-ProSp8 exposure device
Model EGIS-ProSp. b
Revised edition June 20, 2005
V Technology Co., ltd."
"1. Summary

This device is a proximity-exposure linear-pattern exposure device with the EGIS system mounted thereon. The device has an exposure wavelength of 300 nm to 320 nm, and a beam incident angle of 40 degrees."
"2. Device performance
...
(3) Light source ... (4) Polarization degree Extinction ratio 10:1 or larger P-polarization (6) Beam incident angle 40 degrees plus or minus one degree with respect to a basic normal
...
(5) Mask ... (4) Overlap 45 mm at both ends of an exposure area of 250 mm"
(p. 2)

(19) A-16-3

A-16-3 is estimate specifications of EGIS-ProSp exposure device created on August 11, 2005 by V Technology, and describes the following matters.
"1. Summary

This device is a proximity-exposure linear-pattern exposure device with the EGIS system mounted thereon. The device has an exposure wavelength of 280 nm to 320 nm, and a beam incident angle of 40 degrees."
"2. Device performance
...
(3) Light source ... (4) Polarization degree Extinction ratio 10:1 or larger P-polarization (6) Beam incident angle 40 degrees plus or minus one degree with respect to a basic normal
...
(5) Mask ... (4) Overlap 45 mm at both ends of an exposure area of 250 mm"
(p. 2)

(20) A-17

A-17 is a "Product name Light source unit conceptual diagram" created on March 26, 2006, and describes "Model Exposure light source device for alignment film" together with device drawings of an irradiation head.

(21) A-18

A-18 is a document entitled "Minutes of meeting of Integrated Solutions Corp." created on February 25, 2005, and describes the following matters.
"Date: February 25, 2005
Place: Meeting room at the other end (We visited)
The other end: Sharp Corporation
Group D: Mr. Minami, Group D: Mr. Fuse, Group B: Mr. Yamada
Our company: Mr. Kajiyama, Mr. Iino, USHIO INC.: Mr. Kawamura were present
- Before USHIO INC.: Mr. Kawamura, the specifications of the EGIS machine to be applied to a new process (cell process) were confirmed."

(22) A-19

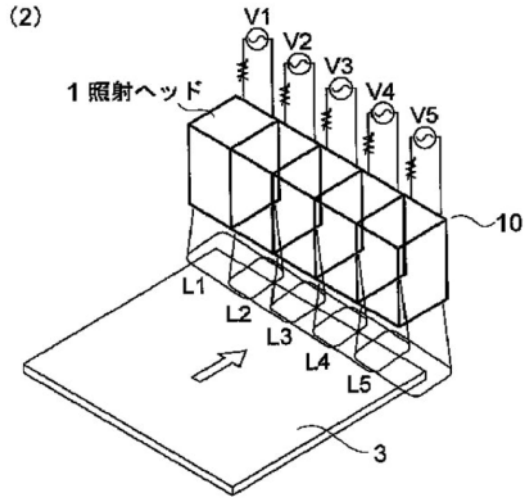
A-19 describes a drawing of Name "General assembly drawing". "06. 05. 03" is written in the date field.

(23) A-20

A-20 is a document entitled "Meeting memo" created on March 14, 2005 by TSUBACO K I Corporation, and describes the following matters.
"Title Meeting on the specifications of exposure device"

(24) A-21

A-21 describes the following matters.
"[0021] FIG. 1(2) illustrates irradiating a large substrate 3 which exceeds an irradiation range of one irradiation head. In this case, a plurality of irradiation heads 1 are continuously arranged. Specifically, multiple irradiation heads 1 corresponding to one side of the large substrate 3 are arranged above the large substrate 3. The reason is that the irradiation heads 1 may completely irradiate one side of the large substrate 3. In this embodiment, as shown in FIG. 1(2), five irradiation heads 1 are arranged."



１ 照射ヘッド　1 Irradiation head

(25) A-22

A-22 is Kojien 7th edition, and describes the following matters.
"[Unit] (1) unit, constituent unit" (p. 2999, the fourth paragraph)

(26) A-23-1, A-23-2-1, A-23-2-2, A-23-2-3, and A-24

The e-mail (A-24) as of December 11, 2017 from Mr. Tanaka, an employee of Sharp Corporation to Mr. Nishikawa, an employee of the demandant, which is a reply to the e-mails (A-23-1 and A-23-2-1 to A-23-2-3) as of September 27, 2017 from Mr. Nishikawa, an employee of the demandant to Mr. Tanaka, an employee of Sharp Corporation, includes the description "We have recognized that the written date of execution is an error in writing after discussion with our legal department".

(27) A-25

A-25 is a request for starting design of the device created on September 21, 2005 by the demandant to MEIKO ELECTRONICS Co., Ltd., and describes the following matters.
"We request your company to start designing the alignment film exposure device for Sharp Corporation as described below. Thank you for your attention to this matter."
"1. Device to be designed: Light-distribution film exposure device for Sharp Corporation
- Model number: EGIS-ProSp8.b
- Required specifications were specified in the specifications as of June 20, 2005 and at the meetings with your company."
"2. Scheduled design completion: The end of October in 2005"
(Note by the body: The above "light-distribution film" is recognized as an error of "alignment film".)

(28) A-26-1, A-26-2-1, and A-26-2-2

They are documents created between Sharp Corporation and the demandant. A-26-1 is an order form. A-26-2-1 is a document including a bill, shipping slip, and receipt. A-26-2 is a receipt (signed with "Sharp Corporation Kameyama new plant

development P. T. -E Shigeyuki YAMADA"). Each of the documents includes the description "alignment film exposure device" as product number and product name.

(29) A-27-1, A-27-2

A-27-1 is a brief (9) of 2015(wa) No. 28608, the case of Patent right infringement injunction created by the agent of the demandee. A-27-2 is Evidence B No. 18 (corresponding to A-1) attached to A-27-1.

A-27-1 describes the following matters on p. 5.

"(2) Regarding VA in 'Invention B-18'

It is obvious that the device described in Evidence B No. 18 is a polarized light irradiation device for manufacturing an alignment film to be used in a VA liquid crystal panel with a mask pattern, or a device for manufacturing the UV2A-type VA liquid crystal panel of the above (3), from the descriptions in Evidence B No. 18 and other related Evidences B."

(30) A-28

A-28 is a brief (9) of 2015(wa) No. 28608, the case of Patent right infringement injunction created by the agent of the demandant, and describes the following matters. The underlines were added by the body.

"No. 3 Reason for invalidation 5

The Patent invention, which could have been easily conceived by a person skilled in the art based on Invention B-18, the technical matters (hereinafter referred to as 'Technical matter B-2' described in B-2 (Japanese Unexamined Patent Application Publication No. 2004-163881) and the technical matters (hereinafter referred to as 'Technical matters B-8) described in B-8 (Japanese Unexamined Patent Application Publication No. 2004-144884) (Article 29(2) of the Patent Act), should be invalidated by the trial for patent invalidation (Article 123(1)(ii) of the Patent Act). The plaintiff should not enforce the right to the defendant."

(31) A-29

A-29 is a brief (8) of 2015(wa) No. 28608, the case of Patent right infringement injunction created by the agent of the demandee, and describes the following matters. The underlines were added by the body. "Evidence B No. 18" in the following description corresponds to "A-1" of the present case.

A "No. 1 Regarding a difference between VA liquid crystal and IPS liquid crystal

1 Summary

The new reasons for invalidation and defense alleged by the defendant seem to use, as main citation, documents or knowledge relating to the technologies not about the 'WGIS-IPS' machine in this case, or a device for IPS liquid crystal, but about a device for VA liquid crystal called 'EGIS machine' at that time.

Although the defendant did not describe the details about a technical difference between a device for VA liquid crystal and a device for IPS liquid crystal, the VA liquid crystal and IPS liquid crystal have a significant difference in alignment of liquid crystal molecules when no voltage is applied.

Due to the difference in alignment of liquid crystal molecules, there is a remarkable difference between VA liquid crystal and IPS liquid crystal also in a polarized light irradiation device which applies alignment to an alignment film formed

on a substrate of a liquid crystal panel." (p. 2 l. 2 to l. 13)
(Note by the body: The "main citation" corresponds to "Invention B-18" described in B-28.)

B "(4) Comparison

The defendant alleges that the G8 mass production machine which implements a prior invention includes components corresponding to A-C, E, B1, and B3 of the constituent components of the Patent invention. However, the defendant's allegation is incorrect, as described below.

A Components corresponding to Component B1 are not included

(A) According to the defendant's allegation, the G8 mass production machine is configured by arranging two rows of lamp UNITs so that gaps between polarization elements of the lamp units in each row may not overlap gaps between polarization elements of the lamp UNITs in other rows in the conveyance direction of the optical alignment film. As shown in FIG. 7, exposure areas in each row are alternately set as exposure areas where the alignment film is exposed via a mask and non-exposure areas where the alignment film is not exposed, in the width direction.

As described above, in manufacturing a VA liquid crystal substrate with multi-domain alignment, liquid crystal molecules having two kinds of pretilt angles are arranged alternately in the width direction of the substrate. As shown in FIG. 6, via the mask, the first irradiation is performed in one direction in only one area, while preventing the other area from being irradiated, and the second irradiation is performed from another direction in only the other area. As shown in FIG. 7, in an exposure area, exposed portions and non-exposed portions are alternately formed in parallel stripes in the width direction of the substrate. In fact, in Evidence B No. 18 p. 2, arrows for the first and second rows having different vertical directions are described in a rectangular region corresponding to irradiation heads which are in staggered arrangement. The arrows indicate the necessity of irradiation in two directions.

Exposure via a mask means transferring stripe patterns of the mask onto an alignment film. An illumination needs to focus on the mask for transferring the stripe patterns to the alignment film. It is very difficult to focus on a wide area with one optical system. For example, it is impossible to set a linear wide area as an exposure area. Thus, in a VA liquid crystal manufacturing device to transfer stripe patterns of a mask onto an alignment film, it is essential to set a non-exposure area between exposure areas.

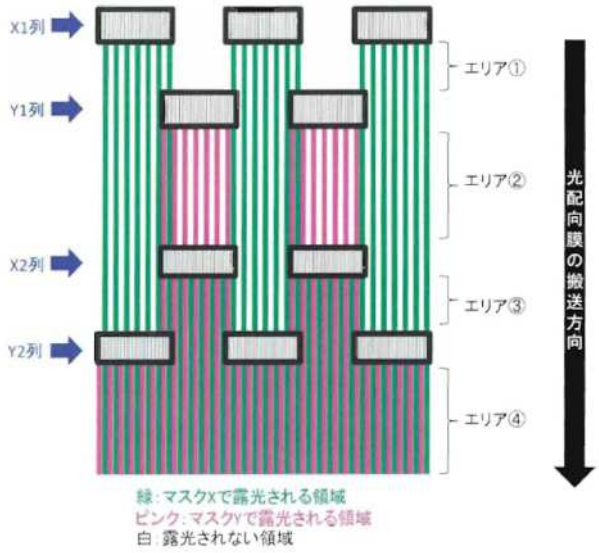
Therefore, in the G8 mass production machine, which is a device for VA liquid crystal that needs irradiation in two directions via a mask, not only are exposed portions and non-exposed portions set alternately in parallel stripes in an exposure area, but also a non-exposure area is necessarily set between masks.

As described above, in the G8 mass production machine, an area to be irradiated with polarized light includes a "non-exposure area" set in a gap between polarization elements of a lamp UNIT and an "exposure area" where an exposed portion and non-exposed portion are set in parallel stripes by an opening formed in a mask. It is essential that a 'non-exposure area' and an 'exposure area' exist in one irradiation, by the nature of the device." (p. 31 l. 19-p. 33 l. 11)

2 Regarding B1-B7 submitted by the demandee

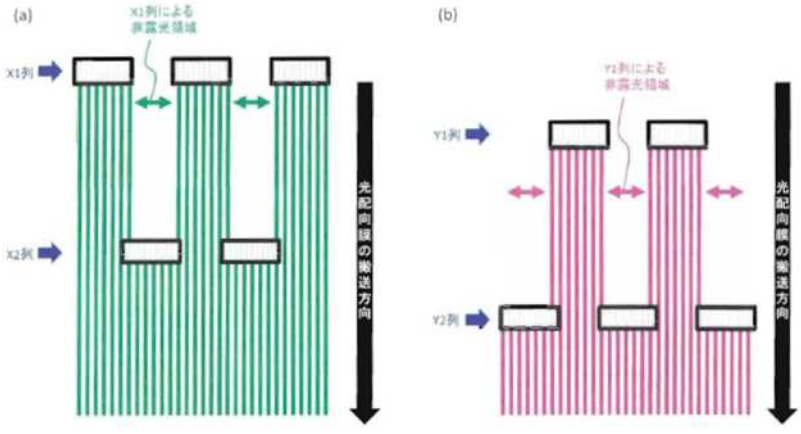
(1) B-1: Defendant's brief (14) of the case of Patent right infringement injunction 2015(wa) No. 28608

B1 was created on February 1, 2017 by the demandee. Reference drawings 4 and 5 illustrate that the irradiation area of the row X1 and the row X2 is different from the irradiation area of the row Y1 and the row Y2.



【参考図４】各ランプＵＮＩＴによる「露光される領域」と「露光されない領域」の関係図

【参考図４】各ランプＵＮＩＴによる「露光される領域」と「露光されない領域」の関係図 [Reference drawing 4] Relationship between "Exposed area" and "Non-exposed area" by the lamp UNITs



【参考図５】各マスクによる照射のみを抜き出した図

【参考図５】各マスクによる照射のみを抜き出した図 [Reference drawing 5] Figure formed by extracting only irradiations by the masks

(2) B-2: Ruling on the case of filing of an objection to a provisional remedy 2016(mo) No. 40031

B-2 describes the following matters.

"(D) Thus, even if it is recognized that Invention B-18 falls under a publicly known invention in Japan before the filing of the application of the patent, it cannot be said that a person skilled in the art could have easily conceived of the configuration of the Invention (Article 29(2) of the Patent Act)." (p. 35 l. 14-l. 16)

(3) B-3: Japanese Unexamined Patent Application Publication No. S56-114326

B-3 describes the following matters.

"This invention provides a mask alignment exposure device which can execute exposure on a wall surface having a substantially vertical surface with respect to a semiconductor substrate in place of the above-mentioned mask alignment exposure device." (p. 2, the fourth line from the upper left column to the last line)

"A mask glass plate 8 is irradiated with exposure light from a lamp house 22 held at an angle of θ." (p. 3 upper right column l. 1-l. 3)

(4) B-4: Japanese Unexamined Patent Application Publication No. H5-173335

B-4 describes the following matters. The underlines were added by the body.

"[0006] An object of the invention is to implement an exposure method on a photoresist or the like in manufacturing a wiring body having a three-dimensional structure, which obtains sufficient exposure effect with one exposure."

"[0008]

[Means for solving the problem] The invention provides an exposure method on a photoresist or the like, which obtains a sufficient exposure effect with one exposure, and allows for easy management and maintenance of a light source, configured to prepare a plurality of exposure beams for implementing the exposure method on a photoresist or the like, in manufacturing a wiring body having a three-dimensional structure, and irradiating an exposure surface with the beams at different angles from different positions."

(5) B-5: Japanese Unexamined Patent Application Publication No. 2002-189300

B-5 describes the following matters. The underlines were added by the body.

"[0008] The significant feature of the device of this embodiment is that a three-dimensional surface of an object W can be irradiated with light simultaneously. Specifically, in this embodiment, three light sources and optical systems 12, 22, 32 are used. The three optical systems 12, 22, 32 are configured to irradiate the object W with parallel light along optical axes 10, 20, 30 in directions which are different from each other, in a plane perpendicular to the surface of the object W to be exposed."

(6) B-6: Japanese Unexamined Patent Application Publication No. H10-154658

B-6 describes the following matters. The underlines were added by the body.

"[0009]

[Means for solving the problem] The problem of the invention is solved as follows.

(1) A proximity exposure device having a light irradiation unit for emitting light including UV rays, a mask, a mask stage for holding the mask, a workpiece, and a work stage for holding the workpiece, comprises a mechanism for inclining the light irradiation unit so that the workpiece may be irradiated with the light from the light irradiation unit obliquely. As described above, the mechanism for inclining the light

irradiation unit is arranged to irradiate the workpiece with light obliquely, thereby irradiating step parts or the like of the workpiece with light obliquely, and effectively irradiating a stepped workpiece or other workpieces to be irradiated obliquely."

(7) B-7: U.S. Patent No. 5668018 Specification

B-7 describes the following matters. The underlines were added by the body.

"ABSTRACT

A device and method are described for defining a region on a wall of a semiconductor structure, such as a sidewall of a trench formed in a semiconductor substrate. The method includes the steps of forming a vertical structure above the semiconductor structure and spaced parallel to the wall; providing within the vertical structure an area of one of transparence, reflection or refraction; and projecting light at a given angle to the wall, wherein only a portion of the light passes the vertical structure via the area provided therein to impinge upon the wall of the semiconductor structure, and thereby define the region on the wall. As an alternative, the area can comprise an aperture in the vertical structure such that the vertical structure can be employed as a mask to direct selective ion implantation of the wall."

No. 6 Judgment by the body

1 Regarding the matter as to whether or not the Invention A-1 is an "invention publicly known before the filing of the application"

(1) The creation dates of A-1 and the evidences regarding maintenance of confidentiality and the filing date of the application of the patent are as follows.

A Around October in 2004

A-14 (Explanatory material on EGIS control (entitled "EGIS-Projection") by Integrated Solutions Corp. to Sharp Corporation

(Note by the body: All pages include no indication "confidential information". A page for "Precautions for handling the materials" which describe maintenance of confidentiality is attached to the last page.)

B March 15, 2005

A-1 (Printout of a copy from a whiteboard in a meeting entitled "EGIS meeting")

(Note by the body: No indication "confidential information" is included.)

C May 27, 2005

A-12-1 (Non-disclosure agreement)

(Note by the body: The contract is valid from April 1, 2005 to March 31, 2008.)

D June 3, 2005

A-15 (Business material entitled "Details about new exposure device invention 'EGIS'" by V Technology Co., ltd.)

(Note by the body: Indication "Confidential information/Copy prohibited" indicating confidential information is written at the upper right of all pages. A page for "Precautions for handling the materials" which describes maintenance of confidentiality is attached to the last page.)

E October 24, 2005

Filing of the application of the patent

F December 27, 2006
A-12-2 (Agreement)
(Note by the body: The valid period of A-12-1 is modified to "from October 1, 2004 to March 31, 2018.")

(2) Judgment as to whether or not the Invention A-1 is a "publicly known invention"

The demandant alleges in the oral proceeding that "According to my best recollection, I don't remember the fact of leaking the contents of Evidence A No. 1 to any third party other than the parties concerned who should keep confidential information before the filing of the application of the case" (see Record Demandant's statement Item 10).

As described in (1), since the contract of A-12-1 (Non-disclosure agreement) is valid from April 1, 2005 to March 31, 2008, the "printout of a copy from a whiteboard in a meeting entitled 'EGIS meeting'" (A-1) created on March 15, 2005 is not a material created within the validity of contract of A-12-1 (Non-disclosure agreement).

As described in (1), the valid period of A-12-1 (Non-disclosure agreement) was modified to "from October 1, 2004 to March 31, 2018" by A12-2 (Agreement) created on December 27, 2006. The Patent application was filed on October 24, 2005, which is prior to the creation date of A-12-2 (Agreement). Thus, even if the modification of the validity of contract by A-12-2 (Agreement) is taken into consideration, A-1 is not a material created within the validity of contract of A-12-1 (Non-disclosure agreement) at the time of the filing of the Patent application.

Therefore, A-1 is a material which is beyond the scope of the effects of contract of A-12-1 (Non-disclosure agreement) concluded between the parties at the time of the filing of the Patent application.

Thus, as for maintenance of secrecy, A-1 is treated "based upon social convention or business practices" in the same way.

According to the demandant's allegation, "A-1 was created in the meeting at the time of considering introduction of the EGIS machine" and is "a printout of a copy from a whiteboard in a meeting entitled 'EGIS meeting'" "The demandant disclosed A-1 Invention to Sharp Corporation" (See "No. 3 2 (1)". See the written demand for trial 7 (5) B (A) (B).).

Comparing A-1 with A-15 regarding "EGIS", it is alleged that the EGIS described in A-1 is an exposure device for alignment film, while there is no clear description that the EGIS described in A-15 is an exposure device for alignment film. Even though there is a doubt that the EGIS described in A-1 and the EGIS described in A-15 indicate the same exposure device, both are "EGIS", or they are identical in the point of being an "Exposure system Guided by Image Sensor".

EGIS is specified as a new exposure device invention, as described in A-15 (Business material of the EGIS machine by V Technology (entitled "Details about new exposure device invention").

Thus, it can be said that the "EGIS meeting" with which A-1 was created is a meeting on the specifications of EGIS which is a new exposure device, and it is business negotiations on a product including a newly developed technology. In such

cases, it is natural that the employees of Sharp Corporation who attended the meeting are required not to disclose the specifications on EGIS, which is a new exposure device, to a third party, implicitly without any special agreement on confidentiality or explicit instruction or request between the parties "based upon social convention or business practices".

Therefore, it can be said that the employees of Sharp Corporation who attended the meeting are the persons who have a duty of confidentiality on the specification of EGIS which is a new exposure device (see the decision of the Tokyo High Court made on December 25 2000 (1999, (Gyo-ke) No. 368) on [Case of structure and method of using 6-roll calender]).

Thus, it cannot be said that an invention (Invention A-1) known by a person who has a duty of confidentiality through A-1 which is a printout of a copy from a whiteboard in a meeting entitled "EGIS meeting" is a "publicly known invention" stipulated in Article 29(1)(i) of the Patent Act.

(3) Regarding the demandant's allegation

A As described in "No. 3 3 (1) B", the demandant alleges that "The reason why the demandant did not lay Sharp Corporation under a duty of confidentiality for the contents of the Invention A-1 is that the demandant did not recognize the configuration of EGIS machine, like the case of Invention A-1, as having technical value. Since the configuration of the EGIS machine (irradiation heads in staggered arrangement) had been publicly known in the field of exposure device (FIGS. 1-3 of A-13), the demandant did not recognize that the configuration should be disclosed as confidential information."

However, even if each of the technologies had been publicly known, technologies to be employed in the configuration of "EGIS" which is a new exposure device were considered in the meeting entitled "EGIS meeting", and a material of a printout (A-1) of a copy from a whiteboard in the meeting was created and disclosed to persons who have a duty of confidentiality. The whole of the technical information constituting EGIS disclosed to the persons who have a duty of confidentiality is information to be kept confidential, and it is not publicly known. Even if publicly known technical information is included in the technical information described in A-1, the allegation that the whole of the technical information constituting "EGIS" which is a new exposure device described in the material of the printout (A-1) of a copy from a whiteboard in the meeting does not fall under the confidential information is groundless.

B The demandant alleges that "the demandant selectively laid Sharp Corporation under a duty of confidentiality for the information and materials disclosed thereto in accordance with the contents thereof. The demandant intentionally did not indicate 'confidential' on the Invention A-1 and did not lay Sharp Corporation under a duty of confidentiality for that" (see "No. 3 3 (1) B), and that "even before signing the non-disclosure agreement (A-12-1), the policy to determine whether to impose a duty of confidentiality depending on the presence of indication 'confidential' had been operated" (see "No. 3 3 (1) C").

Regarding A-14 (Explanatory material on EGIS control (entitled "EGIS-Projection") prepared by Integrated Solutions Corp., for Sharp Corporation) created around October in 2004, which is prior to the conclusion of the non-disclosure

agreement (A-12-1), the demandant alleges that "a sentence indicating that the contents of the material shall not be disclosed to the third party is included in 'Precautions for handling the materials' on the last page of A-14, which describes EGIS control, resulting in 'indicating "confidential"' in the above non-disclosure agreement (A-12-1), to lay Sharp Corporation under a duty of confidentiality" (see "No. 3 3 (1) B").

However, in A-14, a page of "Precautions for handling the materials" which describes maintenance of secrecy is added on the last page, while the indication "confidential information", for example "Confidential information/Copy prohibited" indicated at the upper right on each page of A-15, is not included in any page of the material which was to be kept confidential by Sharp Corporation.

For example,

The indication "Confidential information/Copy prohibited" is indicated at the upper right on p. 13 of A-15, and there is the following description,

"The image detection unit acquires a BM image of a substrate while moving the substrate, thereby implementing exposure while detecting an area to be exposed. In EGIS, multiple units are arranged in parallel to expose each of the areas. A boundary of the units is determined by the acquired image. The BM part which is an end point of an exposure area is always detected to adjust the position of the Mask. Connected exposure using multi-head can be effectively implemented, accordingly."

On p. 3 of A-14, the description

"The CCD acquires a BM image of a substrate while moving the substrate, and detects an exposure area to emit a Flash Lamp. In EGIS, multiple projection lenses are arranged in parallel to expose each of areas. A boundary of the lenses is determined by the CCD image. The BM part which is an end point of an exposure area is always detected to adjust the position of the Mask. The determined end point of exposure on the BM serves as a start or end point", is included, which is not specified by the description "Confidential information/Copy prohibited" indicated at the upper right on the page of A-15.

The above descriptions have the same contents on control of EGIS, and are treated as "Confidential information". However, there is a difference in the operation regarding the presence of indication "Confidential information/Copy prohibited" between A-14, which is a material created before conclusion of the non-disclosure agreement (A-12-1), and A-15, which is a material created after the conclusion.

In light of the above, since the indication "confidential" is not indicated on a page in A-14 which corresponds to a page in A-15 including the contents which are treated as "confidential information", it cannot be said that the policy to determine whether to impose a duty of confidentiality depending on the presence of indication "confidential" had been strictly operated before the conclusion of the non-disclosure agreement (A-12-1).

Since A-1, which is a material created before conclusion of the non-disclosure agreement, (A-12-1) is a material created when the operation based on the "presence of indication 'confidential'" is not strictly executed, it cannot be said that A-1 is a material for which whether or not a duty of confidentiality is to be imposed is based on the "presence of indication 'confidential'".

Thus, the demandant's allegation that "The demandant intentionally did not indicate 'confidential' in the Invention A-1 and did not lay Sharp Corporation under a duty of confidentiality for that" cannot be accepted, because there is no other evidence

which specifies the presence of agreement on a duty of confidentiality between the parties before the conclusion of the non-disclosure agreement (A-12-1).

(4) Summary

As described above, even considering the demandant's allegation in (3), it cannot be said that the Invention A-1 is an "invention publicly known before the filing of the application".

2 Examination on inventive step

The reasons for invalidation alleged by the demandant are that the Invention could have been easily made by a person skilled in the art based on an invention publicly known before the filing of the application (Invention A-1) and Inventions 2 to 5, on the assumption that the Invention A-1 was an invention publicly known before the filing of the application. However, as described in "No. 6 1", since the Invention A-1 is not an "invention publicly known before the filing of the application", the reasons for invalidation alleged by the demandant are groundless.

No. 7 Closing

Thus, the allegation and the means of proof of the demandant cannot invalidate the patent for the Invention.

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

January 29, 2019

Chief administrative judge: ONDA, Haruka
Administrative judge: MORI, Ryosuke
Administrative judge: KONDO, Yukihiro