

Appeal decision

Appeal No. 2018-11249

Kanagawa, Japan

Appellant

NAOI, Akiko

Patent Attorney

KANEKO, Hiroshi

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2016-222113, entitled "COMPOSITION AND LINGUISTIC EXPRESSION LEARNING SHEET" (the application published on May 24, 2018, Japanese Unexamined Patent Application Publication No. 2018-79594) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

1 History of the procedures

Japanese Patent Application No. 2016-222113 according to the case of appeals against an examiner's decision of refusal (hereinafter, referred to as "the application") was filed on November 15, 2016, a notice of reasons for refusal was issued on March 13, 2018, and despite submission of a written opinion on May 13, 2018, an examiner's decision of refusal was issued on May 17, 2018 (hereinafter, referred to as "the examiner's decision").

Dissatisfied with this decision, the appeal against the examiner's decision of refusal was filed on August 20, 2018, along with a written amendment (hereinafter, amendment by the written amendment is referred to as "the Amendment") submitted simultaneously with the request for appeal.

2 The invention according to Claim 1 of the application

The inventions according to Claims 1 to 4 of the application are recognized to be as specified by the matters described in Claims 1 to 4 in the scope of claims after the Amendment, and the description of Claim 1 is as follows.

"A writing and linguistic expression learning sheet comprising:

an assignment display area for displaying an assignment of a composition and a linguistic expression:

a plurality of item guide display areas for displaying composition and linguistic expression items to guide a composition and a linguistic expression, arranged at a periphery of the assignment display area; and

a plurality of entry areas connected to the plurality of item guide display areas, the plurality of item guide display areas including a premise fact guide display area for displaying preliminary facts relating to the assignment, and a conclusion guide display area for displaying a conclusion on the assignment, and

the plurality of item guide display areas arranged on the periphery of the assignment display area in a clockwise direction or a counterclockwise direction from the preliminary fact guide display area to the conclusion guide display area." (Hereinafter, referred to as "the Invention".)

3 Outline of reasons for refusal stated in the examiner's decision

Although the Invention according to Claim 4 before the Amendment corresponds to an invention dependent on the description of Claim 3 dependent on the description of Claim 1, the reasons for refusal stated in the examiner's decision to the invention according to Claim 4 are summarized as follows.

The invention according to Claim 4 does not meet the requirement stipulated in the main paragraph of Article 29 (1) of the Patent Act, and therefore the appellant should not be granted a patent for the invention, in the point that it is not a creation of technical ideas utilizing a law of nature and does not correspond to an invention.

4 Judgment

(1) The meaning of "invention" of Article 2(1) of the Patent Act

Article 2(1) of the Patent Act prescribes that " 'invention' means the highly advanced creation of technical ideas utilizing a law of nature." Then, the main paragraph of Article 29 (1) of the Patent Act stipulates that "those who have made inventions that can be used industrially, ...(Omitted)...can be granted a patent for the invention."

Therefore, it is understood that it should be judged whether or not the invention for which a patent is sought described in claims can be said to be an "invention" stipulated in Article 2(1) of the Patent Act, in light of the technical significance such as

the technical issues assumed, the constitution of the technical means to solve the issues, and the effects derived from the constitution, as a result of the consideration as a whole, based on whether or not it can be said that it falls under "creation of technical ideas utilizing a law of nature." Then, even though some technical ideas are presented there, as described above, is it understood that the invention for which a patent is sought described in claims does not fall under "invention" of Article 2(1) of the Patent Act, if it is mainly directed to human mental activities, decision making, abstract concepts, and artificial arrangements themselves, and it cannot be said that it uses a law of nature in order to solve the problem, in light of the technical significance thereof, as a result of the consideration as a whole. (Intellectual Property High Court judgment on February 24, 2016 (2015, (Gyo-ke) No. 10130), and Intellectual Property High Court judgment on January 22, 2015 (2014, (Gyo-ke) No. 10101))

Then, from the above point of view, the applicability of the Patent to an invention will be judged hereinafter.

(2) The descriptions of the specification of the application

The specification and drawings of the application (hereinafter, referred to as "the specification" including the drawings) include the following descriptions.

A "[Technical field]

[0001]

The present invention relates to a composition and linguistic expression learning sheet for learning linguistic expression by composition or conversation.

[Background Art]

[0002]

Among the things that infants and elementary school students learn, composition and linguistic expressions have special characteristics not found in others. Specifically, this means that composition and linguistic expressions do not have a correct answer and are not for outputting that. ...(Omitted)...

[0004]

...(Omitted)... In the assignment of composition, there is no correct answer 'What kind of output should I do?' It is good to express your own ideas, and you are not required to reach a fixed correct answer. For example, for the subject of 'composing things when going to an amusement park', you can write the fact that you enjoyed riding the amusement park, or write that you did not want to go anymore because the haunted house in the amusement park was scary.

[0005]

In addition, it is necessary to properly use the vocabulary for each sentence constituting the composition, but there is no correct answer to 'which word you should use there'. In order to write a composition full of content, it is necessary to verbalize and express what you want to say, based on diverse elements such as color and scene, but there is no right answer in which element to use and which word to select. For example, you can say 'tulips are red' and can say 'tulips are beautiful' about flowers blooming in an amusement park.

[0006]

For this reason, it is thought that a format like a mathematical learning sheet of a format displaying a question and providing a reply column cannot be used as a composition learning sheet as a learning material (increasing writing skill) for learning composition. And the style established as a composition learning sheet was not known. The linguistic expression was similar to the composition.

...(Omitted)...

[Problem to be solved by the invention]

[0011]

It is an object of the present invention to provide a composition and language learning sheet for assisting thought in composition and conversation."

B "[Means for solving the problem]

[0012]

In composition (conversation), it is difficult for elementary school students (hereinafter, it is not limited to this, but means learners in general) to decide what to write (speak) or what order to write (speak). Of course, it is also a matter that elementary school students should learn to prepare a sentence after the content and sequence to write (speak) are determined, but this point is the ability each elementary student has, not the subject of the present invention.

[0013]

Accordingly, there is provided a composition and linguistic expression learning sheet which guides what to write (speak), in what kind of order to write (speak),

[0014]

In composition, in what order to write, there is a widely accepted order. It is writing the general facts (major premises) on the assignment, writing the facts (minor premises) that the writer had experienced, and at the end writing his own argument or impression (conclusion). Therefore, we provide a composition learning sheet for guiding this order about what to write.

[0015]

Elementary school students become skilled in what to write and in what order to write by repeatedly practicing the composition using the composition and linguistic expression learning sheet of the present invention, and will be able to write good compositions without using the composition and linguistic expression learning sheet. (Further, they will also be able to have good conversations by practicing conversations repeatedly.) According to the level of proficiency, it is possible to adjust the guide contents of item guide display areas and the entry content guide display areas described below. Particularly for elementary school students with a high level of proficiency, the entry content guide display area may not be provided.

[0016]

Also, in infants who will learn language elements from now on (hereinafter, it is not limited to this, but means learners in general) and elementary school students with low proficiency level, it is necessary to learn what language elements and words are used to express certain things, in compositions or conversations.

[0017]

Therefore, the composition and linguistic expression learning sheet is provided, which guides which elements to use and which words to choose, and makes infants and elementary school students decide on their own ideas.

[0018]

A writing and linguistic expression learning sheet of the present invention comprises:

- an assignment display area for displaying an assignment of a composition and a linguistic expression:

- a plurality of item guide display areas for displaying composition and linguistic expression items to guide a composition and a linguistic expression, arranged at a periphery of the assignment display area; and

- a plurality of entry areas connected to the plurality of item guide display areas.

[0019]

Here, in the assignment display area and the item guide display areas, assignments and item guides related to one or both of the composition and the linguistic expression can be displayed. You can choose one according to the purpose of education.

[0020]

According to this feature, it is possible to guide 'what to write' or 'what to say' to a plurality of entry areas connected to the plurality of item guide display areas by the items respectively displayed in the plurality of item guide display areas.

...(Omitted)...

[0023]

In the composition and linguistic expression learning sheet of the present invention, the item guide display area includes a premise fact guide display area for displaying preliminary facts relating to the assignment, and a conclusion guide display area for displaying a conclusion on the assignment,

[0024]

According to this feature, it is possible to guide the user to enter matters relating to the major premise, based on the preliminary facts relating to the assignment displayed in the preliminary fact guide display area, and to guide the user to enter matters relating to the conclusion such as your feelings or your thoughts in the conclusion guide display area; that is, it is possible to guide the entry of the first part and the last part of the composition. This makes it easier for elementary school students to understand the flow from the major premise to the conclusion.

[0025]

In the composition and linguistic expression learning sheet of the present invention, the plurality of item guide display areas are arranged on the periphery of the assignment display area in a clockwise direction or a counterclockwise direction from the preliminary fact guide display area to the conclusion guide display area.

[0026]

According to this feature, it is possible to guide 'in what order to write' by arranging the plurality of item guide display areas."

C "[Advantage of the Invention]

[0031]

According to the composition and linguistic expression learning sheet of the present invention, it is possible to support thinking during composition and conversation, and it is possible to improve the composition and linguistic expression ability of infants and elementary school students.

D "[Brief Description of Drawings]

[0032]

[FIG. 1] FIG. 1 is a diagram showing a composition and linguistic expression learning sheet.

[FIG. 2] FIG. 2 shows a state in which a composition item is entered in the item guide display area and a composition small item is entered in the entry content guide display area of the composition and linguistic expression learning sheet of FIG. 1.

[FIG. 3] FIG. 3 shows a state in which contents are entered in the entry area of the composition and linguistic expression learning sheet of FIG. 2 by elementary school students.

[FIG. 4] FIG. 4 shows a state in which, for the purpose of learning linguistic expression, a teacher enters the linguistic expression item in the item guide display area and the small item of linguistic expression in the entry content guide display area of the composition and linguistic expression learning sheet of FIG. 1.

[FIG. 5] FIG. 5 shows a state in which contents are entered in the entry area of the composition and linguistic expression learning sheet of FIG. 4 by the elementary school student."

E "[Description of Embodiments]

[0033]

Hereinafter, the configuration of the composition and linguistic expression learning sheet of the present invention, and the use in composition learning and linguistic expression learning will be described.

[0034]

(Configuration of Composition and Linguistic expression Learning Sheet)

FIG. 1 shows a composition and linguistic expression learning sheet 10. The composition and linguistic expression learning sheet 10 is configured by printing patterns on a surface of a sheet 9 made of an arbitrary paper material, and, by the patterns, includes an assignment display area 1, a plurality of item guide display areas 2, a plurality of entry content guide display areas 3, and a plurality of entry areas 4. ...(Omitted)...

[0035]

The assignment display area 1 is an area for displaying the assignments of composition and linguistic expression, and is drawn, as an example, in the center of the sheet 9 as a circular area. The shape of the assignment display area 1 is not limited to a circle, but may be any shape such as an ellipse, a rectangle, or the like. The assignment of composition and linguistic expression can be entered, for example, by a

teacher (which is not limited to this, it means a person teaching composition and linguistic expression to elementary school students). ... (Omitted)...

[0036]

The plurality of item guide display areas 2 are areas for displaying items to be composed and language-expressed, and they are drawn, for example, as a circular area with a part thereof overlapped on the periphery of the assignment display area 1. In the present embodiment, a number of the item guide display areas 2 is 4 as an example, but may be an arbitrary number of 2 or more. Further, the shape of the item guide display area 2 is not limited to a circle, but may be an arbitrary shape such as an ellipse or a rectangle. The items to be composed or language-expressed are responsible for guiding the composition and linguistic expression and can be filled out by the teacher or by the elementary school student himself/herself.

[0037]

The plurality of item guide display areas 2 include at least a preliminary fact guide display area 2a and a conclusion guide display area 2b.

[0038]

The preliminary fact guide display area 2a is an area for displaying the preliminary fact concerning the assignment, and is arranged at the upper right of the assignment display area 1.

[0039]

The conclusion guide display area 2b is an area for displaying the conclusion on the task and is arranged at the upper left of the task display area 1.

[0040]

The other item guide display areas 2 are arranged in the clockwise direction on the periphery of the assignment display area from the preliminary fact guide display area 2a to the conclusion guide display area 2b in accordance with the order to be written. By arranging the plurality of item guide display areas 2, it is possible to guide elementary school students about 'in what order to write (or express)'. The position of the item guide display areas 2 may be counterclockwise from the preliminary fact guide display area 2a to the conclusion guide display area 2b.

[0041]

With the above, it is possible to guide elementary school student to enter matters related to the general facts (major premise) on the assignment, based on the preliminary fact concerning the assignment displayed in the preliminary fact guide display area, and by the conclusion guide display area, it is possible to guide elementary school students to enter matters relating to the what they feel or thought about (conclusion). It is

possible to guide the entry matters relating to the conclusion such as their feelings or thoughts. That is, it is possible to guide the entry of the first part and the last part of the composition and the linguistic expression.

[0042]

Further, with the other item guide display area 2, it is possible to guide a flow of composition (explanation) from the major premise to the conclusion. That is, it is possible to guide elementary school students about 'what kind of things to write in what order'.

[0043]

As a whole of the above, it is possible to guide things to write (or express) and their flow in composition and linguistic expression in an easy-to-understand manner.

[0044]

The plurality of entry content guide display areas 3 are areas for displaying small items of composition and linguistic expression, and are arranged on the outside of the plurality of item guide display areas 2, especially around a curve connecting the plurality of item guide display areas 2 and the plurality of entry areas 4. The number, arrangement, shape, etc. of the entry content guide display areas 3 and the entry areas 4 are arbitrary. However, it is preferable that the entry content guide display areas 3 and the entry areas 4 are made to correspond one-to-one or one-to-many, and the matters to be entered in the entry areas 4 are guided by the entry content guide display areas 3.

[0045]

Particularly, for elementary school students who cannot imagine 'what to write (or what to express)', the entry content guide display areas 3 are responsible for the role to guide contents to be entered in the plurality of entry areas 4 described later corresponding to the items displayed in the plurality of item guide display areas 2.

[0046]

The plurality of entry areas 4 are areas for describing contents of composition and linguistic expression, each is linked to any one of the plurality of item guide display areas 2, and each is arranged on an outer peripheral side of the plurality of item guide display areas 2 so that when viewed from the assignment display area 1, they are on the outside of the plurality of entry guide display areas 3, in a clockwise direction. Elementary school students are guided by the items displayed in the plurality of item guide display areas 2 and the small items respectively displayed in the plurality of entry content guide display areas 3, and can enter 'what to compose (language express)' in the plurality of entry areas."

F "[0049]

(Utilization in Composition Learning)

The usage method of the composition and linguistic expression learning sheet 10 will be described with reference to FIGS. 2 and 3.

[0050]

Firstly, an assignment of a composition is decided by a teacher or an elementary school student himself. Here, it is assumed that the teacher has decided that 'having a living thing' as the assignment of the composition.

[0051]

Next, the item to be written is entered in the item guide display area 2 by the teacher. As shown in FIG. 2, the teacher enters the preliminary fact concerning the assignment 'a living thing which I had' in the preliminary fact guide display area 2a, a conclusion to the assignment 'what I thought' in the conclusion guide display area 2b, and items connecting the preliminary fact and the conclusion 'feeling of having' and 'state of a living thing' in the other item guide display areas 2. Further, if the elementary school student is proficient in composition, the item may be determined by himself/herself and may be entered in the item guide display area 2.

[0052]

Depending on the writing skill of elementary school students, it may be possible to fill in the entry areas 4 only by looking at the display in the item guide display areas 2. The case where the composition skill of elementary school students is not necessarily high, and the teacher further guides using the entry content guide display area 3 is shown below.

[0053]

A small item of the composition is entered in one of the entry content guide display areas 3 by the teacher. The teacher decides the small items to guide the content to be entered in the entry area 4 corresponding to the item displayed in each of the item guide display areas 2, and enter that in the entry content guide display area 3. For example, as shown in FIG. 2, in correspondence with the preliminary fact 'having a living thing' displayed in the preliminary fact guide display area 2a, the small items 'kinds,' 'from when' 'start,' and 'a name' are entered, and in correspondence with the item guide display area 2 'feeling of having,' the small items 'good thing' and 'what was tough' are entered. Then, in correspondence with the item guide display area 2 'a state of a living thing,' the small items 'usually' and 'when giving food' are entered, and with regard to the conclusion guide display area 2b 'what I thought,' 'reason' and 'I thought that...' are selected, and entered in the entry content guide display areas 3. Further, if

the elementary school student is proficient in composition, small items may be determined by himself/herself, may be entered in the entry content guide display areas 3.

[0054]

Next, the contents of the composition are written in the entry areas 4 by the elementary school student. The elementary school student refers to the items respectively displayed in the item guide display areas 2 and the small items respectively displayed in the entry content guide display areas 3, and enters 'what to write' in the entry areas 4. For example, as shown in FIG. 3, 'a beetle' is entered with regard to the preliminary fact 'having a living thing' of the preliminary fact guide display area 2a and the small item 'kinds' of the entry content guide display area 3, 'May' is entered with regard to the small item 'when,' and with regard to the other small items, what to think about is entered in the respective entry areas 4.

...(Omitted)...

[0057]

Finally, referring to the contents entered in the entry areas 4 of the composition learning sheet 10 by the elementary school student, the composition is made. For example, the elementary school students can easily write the following composition. 'I have a beetle. I got a larva from school and started keeping it, in May. I named it 'Kabuto-kun'. Kabuto-kun grew up well and became a beetle. I am glad. He eats cucumbers but not eggplants, so it was hard to choose bait. Kabuto-kun is usually quiet in a basket. When I feed him, he moves well and eats a lot. I wanted Kabuto-kun to grow up in good health in the future. This is because if Kabuto-kun grows up, I will be glad.'"

G "[0058]

(Utilization in Linguistic expression Learning)

A usage method in linguistic expression learning rather than composition learning will be described with reference to FIGS. 4 and 5.

[0059]

First, an assignment of linguistic expression is decided by a teacher or by an infant/elementary school student himself/herself. Here, it is assumed that the teacher has decided 'beetle' as the assignment of the linguistic expression.

[0060]

Next, the item to be language-expressed is entered in the item guide display area 2 by the teacher. As shown in FIG. 2, the teacher enters the preliminary fact concerning the assignment 'beetle' in the assignment display area 1, and the items to be

language-expressed 'color/shape,' 'friend,' and 'where/when' in the item guide display areas 2.

[0061]

Depending on the linguistic expression ability of the infant/elementary school student, it may be possible to fill in the entry areas 4 by looking at only the display in the item guide display areas 2. Hereinafter, the linguistic expression ability of the infant and elementary school student is not necessarily high, and the case where the teacher further guides using the entry content guide display areas 3 is shown.

[0062]

A small item of the linguistic expression is entered in the entry content guide display area 3 by the teacher. The teacher decides to guide the content to be entered in the entry area 4 corresponding to the item displayed in each of the item guide display areas 2 and enters it in the entry content guide display area 3....(Omitted)...

[0063]

Next, the infant/elementary school student enters the contents of the linguistic expression in the entry area 4. The infant/elementary school student enters 'how to express' in the entry area 4 by referring to the items respectively displayed in the items guide display areas 2 and the small items respectively displayed in the entry content guide display areas 3."

H "[0065]

As described in detail above, the composition and linguistic expression learning sheet 10 has the assignment display area 1 for displaying the assignment of composition and linguistic expression, the plurality of item guide display areas 2 for displaying composition and linguistic expression items to guide a composition and a linguistic expression, arranged at the periphery of the assignment display area 1; the plurality of entry content guide display areas 3 for displaying the small items guiding the contents to be entered in the plurality of entry areas 4; and the plurality of entry areas connected to the plurality of item guide display areas 2. By the items respectively displayed in the plurality of item guide display areas 2 and the small items respectively displayed in the plurality of entry content guide display areas 3, it is possible to guide 'what to write' and 'how to write' to elementary school students who cannot think of 'what to write' in the composition and infants and elementary school students learning language elements from now on, and it is possible to write a composition with reference to the contents of the entry area 4 guided and entered. As a result, elementary school students can write compositions without major difficulty. Repetition of this will improve writing skill.

I "[FIG. 1]



10

わたしは _____

なまえ _____

おもいました。

しゅい

もつから

はじまり

なまえ

2(2b)

2(2a)

2

2

1

3

4

いきものを かったこと

かっている きもち

えさを あげると

ふだん

いきものの ようず

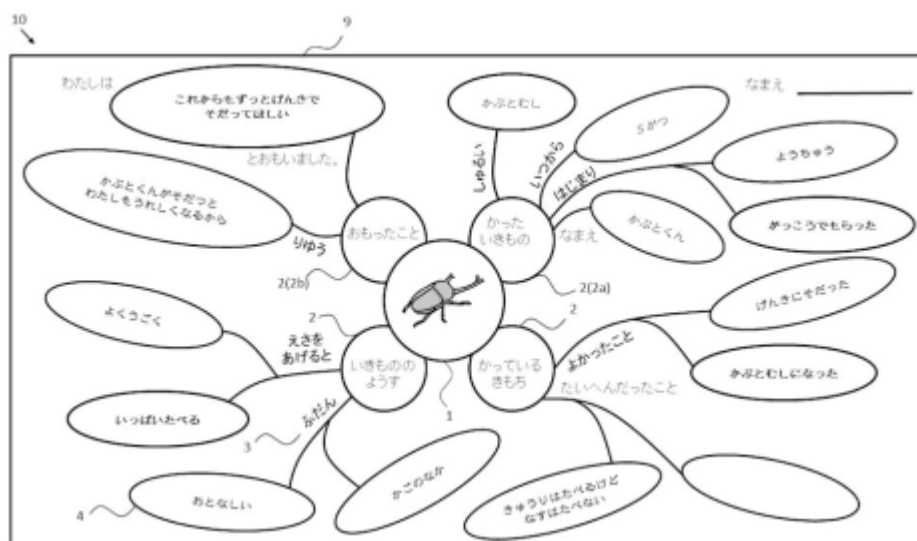
おもったこと

りゆう

I

とおもいました。	Thought
りゆう	Reason
いきもののようす	State of a living thing
えさをあげると	When I feed
ふだん	Usually
かっているきもち	Feeling of having
よかったこと	Good thing
たいへんだったこと	What was tough
かったいきもの	A living thing which I have
しゅるい	Kinds
いつから	From when
はじまり	Start

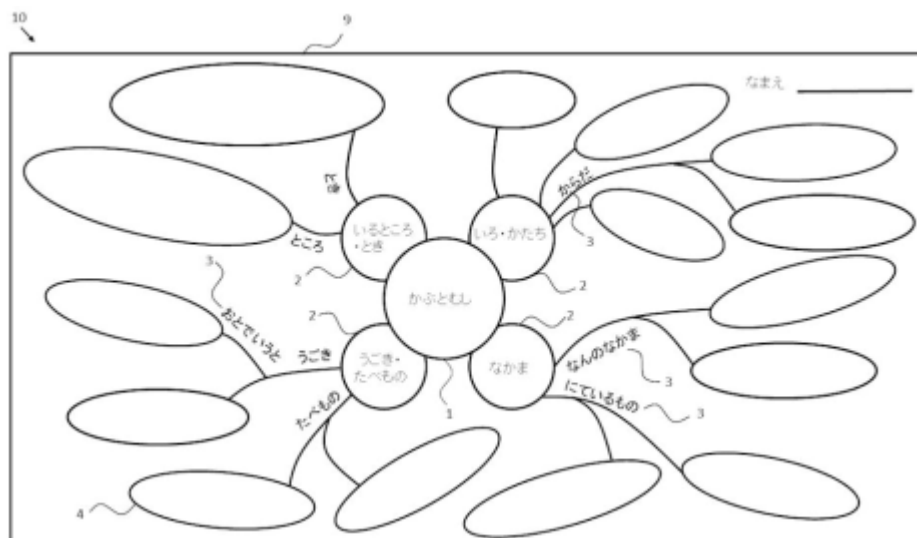
[FIG. 3]



なまえ	Name
おもったこと	What I thought
わたしは これからもずっとげんきでそだってほしい とおもいました。	I wanted Kabuto-kun to grow up in good health in the future.
りゆう	Reason
かぶとくんがそだつとわたしもうれしくなるから	This is because if Kabuto-kun grows up, I will be glad
いきもののようす	State of a living thing
えさをあげると	When I feed

よくうごく	Moves well
いっぱい食べる	Eats a lot
ふだん	Usually
おとなしい	Quiet
かごのなか	In a basket
かっているきもち	Feeling of having
よかったこと	Good thing
げんきにそだった	Grew up well
かぶとむしになった	Became a beetle
たいへんだったこと	What was tough
きゅうりは食べるけどなすはたべない	Eats cucumbers but not eggplants
かったいきもの	A living thing which I have
しゅるい	Kinds
かぶとむし	Beetle
いつから	From when
5がつ	May
はじまり	Start
ようちゅう	Larva
がっこうでもらった	Got from school
かぶとくん	Kabuto-kun

[FIG. 4]



なまえ
かぶとむし

Name
Beetle

いるところ・とき	Where/when
とき	When
ところ	Where
うごき・たべもの	Movement/food
うごき	Movement
おとでいうと	If explaining in sound
たべもの	Food
なかま	Friend
なんのなかま	What kinds of friends
にているもの	Similar thing
いろ・かたち	Color/shape
からだ	Body

"

(3) Regarding the technical significance of the Invention

A According to the descriptions of the specification pointed out in (2) above, among the things that young children and elementary school students (hereinafter, referred to as "the learners") learn, composition and linguistic expressions have special characteristics not found in others in the point that they do not have a correct answer and are not for outputting that. For this reason, the fact that a format like a mathematical learning sheet of a format displaying a question and providing a reply column cannot be used as a learning material for learning composition and linguistic expression, is recognized as "premised technical significance" of the Invention ([0002] and [0006]).

Then, the Invention, in order to solve the "premised technical significance" and make a composition and linguistic expression learning sheet for assisting thought in composition and conversation ([0001]), adopts, as "the constitution of technical means for solving the problem to be solved", the constitution of "A writing and linguistic expression learning sheet comprising:

an assignment display area for displaying an assignment of a composition and a linguistic expression: a plurality of item guide display areas for displaying composition and linguistic expression items to guide a composition and a linguistic expression, arranged at a periphery of the assignment display area; and a plurality of entry areas connected to the plurality of item guide display areas, the plurality of item guide display areas including a premise fact guide display area for displaying preliminary facts

relating to the assignment, and a conclusion guide display area for displaying a conclusion on the assignment, and the plurality of item guide display areas arranged on the periphery of the assignment display area in a clockwise direction or a counterclockwise direction from the preliminary fact guide display area to the conclusion guide display areas" (Claim 1).

Then, since the items displayed in the plurality of item guide display areas in "the constitution of technical means for solving the problem to be solved" guide the learner in "what to write" or "what to say" in the plurality of entry areas connected to the plurality of item guide display areas ([0018] and [0020]), the preliminary fact displayed in the preliminary fact guide display area in "the constitution of technical means for solving the problem to be solved" guides the learners to enter the matter concerning a major preposition, the conclusion displayed in the conclusion guide display area in "the constitution of technical means for solving the problem to be solved" guides the learners to enter the matters concerning the conclusion such as your feelings or your thoughts ([0023] and [0024]), the arrangement of the plurality of item guide display areas arranged in a clockwise direction or a counterclockwise direction from the preliminary fact guide display area to the conclusion guide display area in "the constitution of technical means for solving the problem to be solved" guides the learners "in what order" to write or speak ([0025] and [0026]), it is recognized that the Invention has "the effects and the like to be led from technical means" capable of improving the composition and linguistic expression ability of the learners ([0031]).

B Then, it can be said that the technical significance of the Invention is exclusively directed to mental activities itself, in the manner of "the preliminary fact" "the conclusion," and the other "composition and linguistic expression items" recognized as characters, which are respectively displayed in "the preliminary fact guide display area," "the conclusion guide display area," and the other "item guide display area" provided in a medium "the composition and language learning sheet" and "the order" recognized as the arrangement of the plurality of item guide display areas, are presented to the person who is the learner to make the learner enter the corresponding contents in "the entry area" connected to each of "the composition and linguistic expression items," thereby allowing the learner to learn the contents of writing or speaking in the composition or linguistic expression and the order thereof.

(4) Regarding applicability of the Patent

As described in (3) above, in light of the technical significance of the Invention examined on the basis of the premised technical significance of the Intention, the constitution of technical means for solving the problem to be solved, the effects and the like to be led from the constitution and the like, the Invention, by its nature, is exclusively directed to mental activities of a human itself, and it cannot be said to be a law of nature or one utilizing a law of nature. Therefore, it should be said that it does not fall under "a creation of technical ideas utilizing a law of nature" as a whole.

According to the above, the Invention does not fall under "invention" of Article 2(1) of the Patent Act.

(5) Appellant's allegation

In the written demand for appeal, the appellant alleges that "the features of the Invention are accompanied with the effects utilizing a law of nature in the point that with the item guide display areas 'arranged in a clockwise direction or a counterclockwise direction' from the preliminary fact guide display area to the conclusion guide display area, the item guide display areas are arranged along the flow along which the learner should think, making it easier to see, and entry in the entry areas connected to the item guide display areas is facilitated, so that it falls under invention in the main paragraph of Article 29 (1) of the Patent Act (see Court decision 2002 (Wa) No. 5502 No. 4 1 (2) B Paragraph 3)."

However, even if it can be said that it is accompanied with the effects utilizing a law of nature in the point that with the item guide display areas 'arranged in a clockwise direction or a counterclockwise direction' from the preliminary fact guide display area to the conclusion guide display area, the item guide display areas are arranged along the flow along which the learner should think, making it easier to see, and entry in the entry areas connected to the item guide display areas is facilitated, as described in (4) above, the Invention, by its nature, is exclusively directed to mental activities of a human itself, and it cannot be said to be a law of nature or one utilizing a law of nature. Therefore, it does not fall under "a creation of technical ideas utilizing a law of nature" as a whole.

Hence, the appellant's allegation cannot be accepted.

(6) Summary

As described above, the Invention does not fall under "invention" of Article 2(1) of the Patent Act, and thus does not meet the requirement stipulated in the main paragraph of Article 29 (1) of the Patent Act.

5 Closing

The Invention does not meet the requirement stipulated in the main paragraph of Article 29 (1) of the Patent Act, and therefore, without examining inventions relating to other claims, the appellant should not be granted a patent for the present application.

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

May 31, 2019

Chief administrative judge: OZAKI, Atsushi

Administrative judge: SHIMIZU, Yasushi

Administrative judge: FUJIMOTO, Yoshihito