Decision on opposition

Opposition No. 2018-700003

Tokyo, Japan
Patentee MITSUBISHI GAS CHEMICAL COMPANY INC.

Tokyo, Japan
Patent Attorney AIHARA, Makoto

Tokyo, Japan
Patent Attorney MATSUKAWA, Mariko

Tokyo, Japan
Opponent SUENARI, Mikio

The case of opposition against the invention "molded product" in Japanese Patent No. 6156150 has resulted in the following decision.

Conclusion

The patent granted for Claims 1 to 7 in Japanese Patent No. 6156150 shall be maintained.

Reasons

No. 1 History of the procedures

Patent No. 6156150 (Number of claims: 7. Hereinafter, referred to as the "Patent") relates to the Patent application (Japanese patent Application No. 2013-549188) based on an international application filed on November 22, 2012 (declaration of priority on December 16, 2011), and the establishment of patent right was registered on June 16, 2017 (the publication date of the Gazette containing the Patent is July 5, 2017).

Thereafter, the opposition to the granted patent for claims 1 to 7 of the Patent was filed on January 5, 2018 by the patent opponent, Mikio SUEANRI (hereinafter, referred to as the "opponent").

No. 2 The Invention of the Patent

The Inventions according to Claims 1 to 7 of the Patent are specified by matters stated in Claims 1 to 7 of the scope of claims attached to the application of the Patent. They are as follows (hereinafter, these inventions are respectively referred to as "Invention 1," and so on. In addition, the specification attached to the application of the Patent is referred to as the "specification").

[Claim 1]

A molded product consisting of a polyamide resin composition containing 55 to 99 parts by mass of (A) an aliphatic polyamide resin and 45 to 1 parts by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol % or more of a dicarboxylic acid structural unit derived

from sebacic acid (provided that the total of (A) and (B) is 100 parts by mass), wherein

the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100 parts by mass).

[Claim 2]

The molded product according to claim 1, wherein the aliphatic polyamide resin (A) is polyamide 6 or polyamide 66.

[Claim 3]

The molded product according to claim 1 or 2, wherein the xylylenediamine is m-xylylenediamine, p-xylylenediamine, or a mixture thereof.

[Claim 4]

The molded product according to any one of claims 1 to 3, wherein the polyamide resin (B) is a poly(m-xylylene sebacamide) resin, a poly(p-xylylene sebacamide) resin, or a poly(m-/p-xylylene sebacamide) resin.

[Claim 5]

The molded product according to any one of claims 1 to 4, wherein a thinnest part of the molded product has a thickness of 0.5 mm or more.

[Claim 6]

The molded product according to any one of claims 1 to 5, wherein the molded product is formed by any one of injection molding, compression molding, vacuum molding, press molding, and direct blow molding.

[Claim 7]

A process for preparing a molded product, comprising molding a polyamide resin composition comprising 50 to 99 parts by mass of (A) an aliphatic polyamide resin and 45 to 1 parts by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid (provided that the total of (A) and (B) is 100 parts by mass), wherein the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100 parts by mass), by any one of injection molding, compression molding, vacuum molding, press molding, and direct blow molding.

No. 3 Summary of the reasons for the patent objection

Inventions 1 to 7 have reasons for revocation as stated in 1 to 3 stated below. The granted patent for claims 1 to 7 of the Patent falls under Article 113 (2) of the Patent Act and should be therefore revoked under the provisions. The following documentary 4. Evidences, Evidence A No. 1 to Evidence A No. 8 (Hereinafter, referred to as A-1 and so on) are submitted as means of proof.

1 Reason 1 for revocation (novelty)

Since Inventions 1, 3, 4, and 7 are inventions described in A-1, the Inventions fall under the provisions of Article 29(1)(iii) of the Patent Act and are unpatentable.

2 Reason 2 for revocation (Article 29-2)

Inventions 1 to 7 are inventions described in the description or claim originally attached to the international patent application of A-2 (hereinafter, referred to as "the prior application") filed in a foreign language with the priority date before the priority

date of the Patent (excluding those deemed to have been withdrawn under the provisions of Article 184-4(3) of the Patent Act). In addition, the inventors of the Inventions of the patent application are not identical to the persons who invented the inventions of the prior application. Further, at the priority date of the application of the Patent, the applicant of the Patent was not identical to the applicant of the prior application. Therefore, the applicant for the Patent shall not be entitled to obtain a patent for the Inventions claimed therein (Article 184-13 of the Patent Act).

3 Reason 3 for revokation (inventive step)

Inventions 1 to 7 are unpatentable under the provisions of Article 29(2) of the Patent Act since they could be easily made by a person skilled in the art in view of the inventions described in A-1 and the matters described in A-3 to A-8.

4 Evidences

*A-1: Japanese Unexamined Patent Application Publication No. 2011-105822
*A-2: National Publication of International Patent Application No. 2014-506944
*A-3: U.S. Patent No. 3968071
*A-4: Japanese Patent Laid-Open No. 4-227959
*A-5: Results of performance confirmation test
*A-6: U.S. Patent No. 3553288
*A-7: Japanese Patent Laid-Open No. 6-297660
*A-8: Japanese Patent Laid-Open No. 60-86161

No. 4 Judgment by the body

As stated below, the granted patent for claims 1 to 7 of the Patent cannot be revoked on the grounds stated in the written opposition.

Considering the circumstances, Reasons 1, 3, and 2 for revocation will be examined in this order.

1 Reason 1 for revocation (novelty)

(1) Inventions diclosed in A-1

According to the statements in A-1 (paragraphs [0073], [0076] to [0078], Table 1, and Comparative Example 2), A-1 discloses the following inventions:

"A film of 150 μm in thickness, the film consisting of a thermoplastic resin composition comprising:

70% by mass of polyamide resin (a-2), which is Polyamide 11 (manufactured by ARKEMA, trade name of "Rilsan BESN OTL," a melting point of 188°C, a number average molecular weight of 27,000); and

30% by mass of polyamide resin (a-1-1), which is a polyamide (a melting point of 191°C, a glass transition point of 60°C, a number average molecular weight of 30,000, a relative viscosity of 2.8, a moisture percentage of 0.03%, a terminal amino group concentration of 33 μ equivalent/g, and a terminal carboxyl group concentration of 33 μ equivalent/g) obtained by carrying out a solid-phase polymerization of meta-xylylenediamine (manufactured by Mitsubishi Gas Chemical Co., Ltd.) and sebacic acid (manufactured by Ito Oil Chemicals, Co., Ltd. TA grade) at a mole ratio of 1:1, t, wherein

the composition comprises: 25 parts by mass of a maleic acid-modified ethylene-propylene copolymer (manufactured by Mitsui Chemicals, Inc., trade name "TAFMER

MP0610") as Elastomer (B) component; and 0.6 parts by mass of an alicyclic polycarbodiimide compound (manufactured by Nisshinbo Co., Ltd., trade name "Carbodilite LA-1") as Carbodiimide compound (C) component, provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100 parts by mass." (hereinafter, referred to as the "A-1 Invention 1")

"A method for manufacturing a film of 150 μm in thickness, the method comprising:

preparing a pellet of a thermoplastic resin composition comprising 70% by mass of polyamide resin (a-2), which is Polyamide 11 (manufactured by ARKEMA, trade name of "Rilsan BESN OTL," a melting point of 188°C., a number average molecular weight of 27,000) and 30% by mass of polyamide resin (a-1-1), which is a polyamide (a melting point of 191°C., a glass transition point of 60°C., a number average molecular weight of 30,000, a relative viscosity of 2.8, a moisture percentage of 0.03%, a terminal amino group concentration of 33 μ equivalent/g, and a terminal carboxyl group concentration of 33 μ equivalent/g) obtained by carrying out a solid-phase polymerization of meta-xylylenediamine (manufactured by Mitsubishi Gas Chemical Co., Ltd.) and sebacic acid (manufactured by Ito Oil Chemicals, Co., Ltd. TA grade) at a mole ratio of 1:1, wherein the composition comprises 25 parts by weight of a maleic acid-modified ethylene-propylene copolymer (manufactured by Mitsui Chemicals, Inc., trade name "TAFMER MP0610") as Elastomer (B) component; and 0.6 parts by weight of an alicyclic polycarbodiimide compound (manufactured by Nisshinbo Co., Ltd., trade name "Carbodilite LA-1") as Carbodiimide compound (C) component, provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100 parts by weight; and

feeding the obtained pellet to a twin-screw extruder equipped with a T-die to melt knead the pellet and extruding a film-like material through the T-die, followed by solidifying the Film-like material on a cooling roll." (hereinafter, referred to as the "A-1 Invention 2").

(2) Regarding Invention 1

A Invention 1 and the A-1 Invention 1 are compared.

The constituent elements "polyamide resin (a-2), which is Polyamide 11 (manufactured by ARKEMA, trade name of "Rilsan BESN OTL," a melting point of 188°C., a number average molecular weight of 27,000," "polyamide resin (a-1-1), which is a polyamide (a melting point of 191°C, a glass transition point of 60°C, a number average molecular weight of 30,000, a relative viscosity of 2.8, a moisture percentage of 0.03%, a terminal amino group concentration of 33 μ equivalent/g, and a terminal carboxyl group concentration of 33 μ equivalent/g) obtained by carrying out a solid-phase polymerization of meta-xylylenediamine (manufactured by Mitsubishi Gas Chemical Co., Ltd.) and sebacic acid (manufactured by Ito Oil Chemicals, Co., Ltd. TA grade) at a mole ratio of 1:1," and "thermoplastic resin composition" in A-1 Invention 1 correspond to the constituent elements "(A) an aliphatic polyamide resin," "(B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," and "polyamide resin composition." in Invention 1, respectively.

Furthermore, A-1 Invention 1 comprises, "provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100% by mass", "70% by mass" of polyamide resin (a-2) and "30% by mass" of polyamide resin (a-1-1). Thus, comprising such

components corresponds to comprising "55 to 99 parts by mass" of polyamide resin (A) and "45 to 1 parts by mass" of polyamide resin (B)" provided that "the total of (A) and (B) is 100 parts by mass" in Invention 1.

In addition, the "molded product" in Invention 1 is common with the "film of 150 μm in thickness" in A-1 Invention 1 in that they are "articles."

Thus, Invention 1 and A-1 Invention 1 are identical in terms of "an article consisting of a polyamide resin composition comprising: 55 to 99 parts by mass of (A) an aliphatic polyamide resin: and 45 to 1 part by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid (provided that the total of (A) and (B) is 100 parts by mass)," but are different from each other in terms of the following features:

*Different Feature 1

In Invention 1, the polyamide resin composition is "a polyamide resin composition containing 60 to 80% by mass of (A) an aliphatic polyamide resin and 20 to 40% by mass of (B) a polyamide resin (provided that the total of (A) and (B) is 100% by mass)." On the hand, in A-1 Invention 1, the resin composition comprises "70% by mass of polyamide resin (a-2)" and "30% by mass of polyamide resin (a-1-1)," provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100% by mass," and comprises "25 parts by mass of a maleic acid-modified ethylene-propylene copolymer (manufactured by Mitsui Chemicals, Inc., trade name "TAFMER MP0610") as Elastomer (B) component; and 0.6 parts by mass of an alicyclic polycarbodiimide compound (manufactured by Nisshinbo Co., Ltd., trade name "Carbodilite LA-1") as Carbodiimide compound (C) component, provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100 parts by mass."

B Examination of Different Feature 1

(a) As stated in the above A, the polyamide resin composition stated in Invention 1 comprises, provided that "the total of (A) and (B) is 100 parts by mass," "55 to 99 parts by mass of (A) an aliphatic polyamide resin" and "45 to 1 parts by mass of (B) a polyamide resin." However, it does not specify any component other than these polyamide resins.

Invention 1 further specifies that "the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)." Such a specified matter can be recognized to specify the content ratio of polyamide resin (A) and polyamide resin (B), provided that the polyamide resin composition as a whole is 100% by mass. However, it is not limited to the case where "the total of (A) and (B)" is "100% by mass."

Thus, the polyamide resin composition stated in Invention 1 can be recognized to include the case comprising other components in addition to polyamide resin (A) and polyamide resin (B) (in this regard, it agrees with the fact that, in the present specification, other components include "filler (C)" (paragraphs [0036] to [0038]), "carbodiimide compound (D)" (paragraphs [0039] to [0045]), and so on. In such a case, furthermore, considering the contents of other components as well, it is necessary to calculate the percentage of the contents of polyamide resin (A) and polyamide resin (B), respectively, provided that the polyamide resin composition as a whole is 100% by

mass.
(b) The thermoplastic resin composition stated in A-1 Invention comprises Elastomer (B) component and Carbodiimide compound (C) component in addition to polyamide resin (a-2) and polyamide resin (a-1-1).

Here, the percentage of the contents of polyamide resin (a-2) and polyamide resin (a-1-1) can be respectively calculated as follows, provided that the thermoplastic resin composition as a whole is 100% by mass:

$70/(70 + 30 + 25 + 0.6) \times 100 = 55.7\%$ by mass

$30/(70 + 30 + 25 + 0.6) \times 100 = 23.9\%$ by mass

As stated above, the percentage of the content of polyamide resin (A) in Invention 1 is "60 to 80% by mass," while the percentage of the content of polyamide resin (a-2) in A-1 Invention 1 is "55.7% by mass." Thus, they are different in terms of their content percentage.

Then, Different Feature 1 is substantial.

Thus, Invention 1 cannot be said to be the invention stated in A-1.

(3) Regarding Inventions 2 to 6

Inventions 2 to 6 cite Invention 1 directly or indirectly. However, as stated above, Invention 1 cannot be said to be the invention stated in A-1. Thus, in the same way, Inventions 2 to 6 cannot be said to be the invention stated in A-1.

(4) Regarding Invention 7

A In comparison of Invention 7 and A-1 Invention 2, as in the case with the above (2) A, the two are consistent in terms of:

"A process for preparing a molded product, comprising molding a polyamide resin composition containing 55 to 99 parts by mass of (A) an aliphatic polyamide resin and 45 to 1 parts by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid (provided that the total of (A) and (B) is 100 parts by mass)."

However, the two are different from each other in terms of the following feature:

*Different Feature 2

With respect to the polyamide resin composition, Invention 7 states that "the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)," while A-1 Invention 2 states that the polyamide resin composition comprises "70% by mass" of polyamide resin (a-2)" and "30% by mass of polyamide resin (a-1-1)," "provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100% by mass," and comprises "25 parts by mass of a maleic acid-modified ethylene-propylene copolymer (manufactured by Mitsui Chemicals, Inc., trade name "TAFMER MP0610") as Elastomer (B) component; and 0.6 parts by mass of an alicyclic polycarbodiimide compound (manufactured by Nisshinbo Co., Ltd., trade name "Carbodilite LA-1") as Carbodiimide compound (C) component, provided that the total of polyamide resin (a-2) and polyamide resin (a-1-1) is 100 parts by mass."

B Examination of Different Feature 2

Different Feature 2 is similar to Different Feature 1 stated in the above (2) B.

For the same reason as explained for Different Feature 1, Different Feature 2 is substantial.

Thus, Invention 7 cannot be said to be the invention stated in A-1.

(5) Summary

As stated above, any of Inventions 1 to 7 cannot be said to be the invention stated in A-1. Thus, Reason 1 for revocation alleged by the opponent is groundless.

As stated above, therefore, the granted patent for claims 1 to 7 of the Patent cannot be revoked for Reason 1 for revocation.

2 Reason 3 for revocation (inventive step)

(1) Regarding Invention 1

A In comparison of Invention 1 and the A-1 Invention 1, they coincide with each other in terms of the statement in the above 1 (2) A, and differ from each other at least in Different Feature 1.

B Examination of Different Feature 1

Invention 1 relates to a molded product consisting of a polyamide resin composition. According to the statements in the present specification (paragraphs [0003], [0009], [0010], [0012], and [0085] as well as Examples 1 to 7 and Comparative Examples 1 to 4), as a polyamide resin composition constituting the molded product, the use of a polyamide resin composition comprising "(A) an aliphatic polyamide resin" and "(B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid" at their respective predetermined content percentagepecified by Invention 1 can provide a molded product with excellent balanced properties of chemical resistance, water absorption, crystallinity, and dimensional stability while keeping excellent mechanical properties and so on inherent to aliphatic polyamide.

On the other hand, none of A-1 and A-3 to A-8 states such a matter at all. In addition, it cannot be said that it is a matter of common general technical knowledge.

Thus, it cannot be said that a person skilled in the art could easily conceive of the use of a thermoplastic resin composition in which the content percentage of polyamide resin (a-2) is "60 to 80% by mass" and the content percentage of polyamide resin (a-1-1) is "20 to 40% by mass" as a thermoplastic resin composition in A-1 Invention 1, provided that the thermoplastic resin composition as a whole is 100% by mass. As stated above, Invention 1 can provide a molded product with excellent balanced properties of chemical resistance, water absorption, crystallinity, and dimensional stability while keeping excellent mechanical properties and so on inherent to aliphatic polyamide. Specifically, Invention 1 can exert a prominent effect of providing such a molded product that exceeds the prediction of a person skilled in the art.

Therefore, Invention 1 could not be easily invented by a person skilled in the art on the basis of the invention stated in A-1 and matters stated in A-3 to A-8.

(2) Regarding Inventions 2 to 6

Inventions 2 to 6 cite Invention 1 directly or indirectly. However, as stated in the above (1), Invention 1 cannot be said to be an invention easily made by a person skilled in the art on the basis of the inventions stated in A-1 and matters stated in A3 to

A8. Similarly, therefore, it cannot be said that Inventions 2 to 6 could be easily made by a person skilled in the art on the basis of the inventions stated in A-1 and matters stated in A3 to A8.

(3) Regarding Invention 7

A In comparison of Invention 7 and A-1 Invention 2, they coincide with each other in terms of the statement in the above 1 (4) A, and differ from each other at least in Different Feature 2.

B Examination of Different Feature 2

Different Feature 2 is similar to Different Feature 1 stated in the above (1) B. For the same reason as Different Feature 1, it cannot be said that a person skilled in the art could easily conceive of the use of a thermoplastic resin composition in which the content percentage of polyamide resin (a-2) is "60 to 80% by mass" and the content percentage of polyamide resin (a-1-1) is "20 to 40% by mass" as a thermoplastic resin composition in A-1 Invention 2, provided that the thermoplastic resin composition as a whole is 100% by mass. As in the case with Invention 1, therefore, Invention 7 can exert a prominent effect that exceeds the prediction of a person skilled in the art.

Therefore, it cannot be said that Invention 7 could be easily made by a person skilled in the art on the basis of the invention stated in A-1 and matters stated in A-3 to A-8.

(4) Summary

As stated above, any of Inventions 1 to 7 cannot be said to be an invention that could be easily made by a person skilled in the art on the basis of the invention stated in A-1 and matters stated in A-3 to A-8. Thus, Reason 3 for revocation alleged by the opponent is groundless.

As stated above, therefore, the granted patent for claims 1 to 7 of the Patent cannot be revoked for Reason 3 for revocation.

3 Reason 2 for revocation (Article 29-2)

(1) The invention stated in the prior specification

According to the statements in the prior specification (claims 1, 8, and 15, paragraphs [0004], [0024], [0026], [0029], and [0030], and Table 1 in A-2), the prior specification is recognized as one that states the following inventions:

"A fuel part comprising a polyamide composition comprising an aliphatic polyamide as a first polyamide, wherein the polyamide composition further comprises, as a second polyamide, polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of at least 0.01 wt%, based on the total amount of polyamides in the composition." (hereinafter, referred to as "Prior Invention 1")

"A plaque obtained by injection-molding a polyamide composition, wherein the polyamide composition comprises polyamide-6 in an amount of 99 wt% or 98 wt% and polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of 1 wt% or 2 wt%, based on the total amount of polyamides in the composition." (hereinafter, referred to as "Prior Invention 2")

"A method for producing a fuel part by injection-molding or blow-molding a polyamide composition comprising an aliphatic polyamide as a first polyamide, wherein polyamide composition further comprises, as a second polyamide, polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of at least 0.01 wt%, based on the total amount of polyamides in the composition." (hereinafter, referred to as "Prior Invention 3")

"A method for producing a plaque by injection-molding a polyamide composition wherein the polyamide composition comprises polyamide-6 in an amount of 99 wt% or 98 wt% and polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of 1 wt% or 2 wt%, based on the total amount of polyamides in the composition." (hereinafter, referred to as "Prior Invention 4")

(2) Regarding Invention 1

A Invention 1 and Prior Invention 1 are compared.

The statements of "an aliphatic polyamide as a first polyamide," "polyamide-PXD10 (poly(p-xylylene sebacamide)" "as a second polyamide," "a polyamide composition," and "a fuel part" in Prior Invention 1 correspond to the statements of "(A) an aliphatic polyamide resin," "(B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," "a polyamide resin composition," and "a molded product" in Invention 1, respectively.

Thus, Invention 1 and Prior Invention 1 coincide with each other in terms of the follows:

"A molded product consisting of a polyamide resin composition, wherein the polyamide resin composition comprises (A) an aliphatic polyamide resin and (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," but are different from each other in terms of the following feature:

*Different Feature 3

In Invention 1, the content percentage of polyamide resin (A) and polyamide resin (B) are "50 to 99 parts by mass" and "45 to 1 parts by mass," respectively, provided that "the total of (A) and (B) is 100 parts by mass."

Furthermore, the polyamide resin composition is a polyamide resin composition, "wherein the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)." In Prior Invention 1, on the other hand, the polyamide resin composition further comprises "polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of at least 0.01 wt%, based on the total amount of polyamides in the composition."

B Examination of Different Feature 3

(a) The polyamide composition stated in Prior Invention 1 comprises a first polyamide (aliphatic polyamide) and a second polyamide (polyamide-PXD10). The content percentage of these polyamides are based on the total amount of polyamides in the composition.

In the prior specification, the lower limit value of the content percentage of the

first polyamide is stated as "50 wt%" in claim 11. In addition, various numerical values are stated in paragraph [0014]. With respect to the upper limit value, "90 wt%" is stated in claim 12. In addition, various numerical values are stated in paragraph [0015]. In the prior specification, furthermore, the lower limit value of the content percentage of the second polyamide is stated in claims 2 to 5 as "0.5 wt%," "5 wt%," "10 wt%," and "20 wt%." In addition, various numerical values are stated in paragraphs [0009] and [0017]. With respect to the upper limit value, "90 wt%" and "80 wt%" are stated in claims 6 and 7. In addition, various numerical values are stated in paragraphs [0009], [0010] and [0017].

However, these statements merely enumerate a large number of numerical values that may possibly be taken as the lower limit value and the upper limit value of the content percentage of the first polyamide and the second polyamide. Even though the prior specification includes such statements, it cannot be immediately recognized that, in the prior art specification, "55 to 99 parts by mass" and "45 to 1 parts by mass" are stated as the content percentage of the first and second polyamides, respectively, on the premise that "the total is 100 parts by mass." (Indeed, in the prior specification, the content percentage of the first polyamide (polyamide-6) and the second polyamide (polyamide-PXD 10) as specific examples (Examples, Table 1) are "99 wt% or 98 wt %" and "1 wt% or 2 wt%" are merely stated). Similarly, furthermore, the prior specification cannot be said to state that the content percentage of the first and second polyamides are "60 to 80% by mass" and "20 to 40% by mass," respectively, provided that the polyamide composition as a whole is 100% by mass.

As stated above, Different Feature 3 is substantia.

(b) Furthermore, there is no evidence that Different Feature 3 can be regarded as a very minor difference in the means for solving the problem (i.e., addition, conversion, deletion of well-known conventional means, which does not produce a new effect). It cannot be said that Invention 1 and Prior Invention 1 are substantially identical.

(c) Thus, it cannot be said that Invention 1 coincides with the invention stated in the prior art specification.

C Invention 1 and Prior Invention 2 are compared.

"Polyamide-6," "polyamide-PXD10 (poly(p-xylylene sebacamide)," "a polyamide composition," and "a plaque" stated in Prior Invention 2 correspond to "(A) an aliphatic polyamide resin," "(B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," "a polyamide resin composition," and "a molded product." stated in Invention 1.

In addition, the polyamide composition stated in Prior Invention 2 contains polyamide-6 in an amount of "99 wt% or 98 wt%" and polyamide-PXD 10 in amount of "1 wt% or 2 wt%" based on the total amount of polyamide in the composition, but does not contain other polyamides. Thus, these expressions respectively correspond to comprising "(A) a polyamide resin" in an amount of "55 to 90 parts by mass" and "a polyamide resin (B)" in an amount of "45 to 1 parts by mass" in Invention 1.

Thus, Invention 1 and Prior Invention 2 coincide with each other in terms of:

"A molded product consisting of a polyamide resin composition comprising 55 to 99 parts by mass of (A) an aliphatic polyamide resin and 45 to 1 parts by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from

xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid (provided that the total of (A) and (B) is 100 parts by mass)," but are different from each other in terms of the following feature::
*Different feature 4

In Invention 1, the polyamide resin composition comprises "the polyamide resin composition consists of 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)." On the other hand, Prior Invention 2 does not specify the content percentage of polyamide-6 and polyamide-PXD10, provided that the polyamide resin composition as a whole is 100% by mass.

D Examination of Different Feature 4

(a) The polyamide composition stated in Prior Invention 2 only comprises polyamide-6 and polyamide-PXD10. Thus, it is evident that the content percentage of polyamide-6 and polyamide-PXD10 are "99 wt% or 98 wt%" and "1 wt% or 2 wt%," respectively, provided that the polyamide resin composition as a whole is 100% by mass.

Then, the content percentage of polyamide resin (A) and polyamide resin (B) in Invention 1 are "60 to 80% by mass" and "20 to 40% by mass," respectively, while the content percentage of polyamide-6 and polyamide-PXD10 in Prior Invention 2 are "99 wt% or 98 wt%" and "1 wt% or 2 wt%," respectively. Thus, they are different from each other in terms of the content percentage.

Then, Different Feature 4 is substantial.

(b) Furthermore, there is no evidence that Different Feature 4 can be regarded as a very minor difference in the means for solving the problem (i.e., addition, conversion, deletion of well-known conventional means, which does not produce a new effect). It cannot be said that Invention 1 and Prior Invention 2 are substantially identical.

(c) Thus, it cannot be said that Invention 1 coincides with the invention stated in the prior art specification.

(3) Regarding Inventions 2 to 6

Inventions 2 to 6 cite Invention 1 directly or indirectly. However, as stated in the above (2), Invention 1 cannot be said to be an invention identical to the invention stated in the prior specification. Similarly, therefore, it cannot be said that Inventions 2 to 6 are identical to the invention stated in the prior specification.

(4) Regarding Invention 7

A In comparison of Invention 7 and Prior Invention 3, as in the case with the above (2) A, the two of them coincide with each other in terms of:

"A process for preparing a molded product, comprising injection-molding a polyamide resin composition containing (A) an aliphatic polyamide resin and (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," but are different from each other in terms of the following feature:
*Different Feature 5

In Invention 7, the content percentage of polyamide resin (A) and polyamide resin (B) are "55 to 99 parts by mass" and "45 to 1 parts by mass," respectively, provided that "the total of (A) and (B) is 100 parts by mass." Furthermore, in

Invention 7, the polyamide resin composition comprises "the polyamide resin composition consists of 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)." In Prior Invention 3, on the other hand, the polyamide resin composition further comprises "polyamide-PXD10 (poly(p-xylylene sebacamide)) in an amount of at least 0.01 wt%, based on the total amount of polyamides in the composition."

B Examination of Different Feature 5

Different Feature 5 is similar to Different Feature 3 stated in the above (2) B. For the same reason as Different Feature 3, Different Feature 5 is substantial.

Furthermore, there is no evidence that Different Feature 5 can be regarded as a very minor difference in the means for solving the problem (i.e., addition, conversion, deletion of well-known conventional means, which does not produce a new effect). It cannot be said that Invention 7 and Prior Invention 3 are substantially identical.

Thus, it cannot be said that Invention 7 coincides with the invention stated in the prior specification.

C In comparison of Invention 7 and Prior Invention 4, as in the case with the above (2) C, the two are consistent in terms of:
"A process for preparing a molded product, comprising injection-molding a polyamide resin composition containing 55 to 99 parts by mass of (A) an aliphatic polyamide resin and 45 to 1 parts by mass of (B) a polyamide resin including 70 mol% or more of a diamine structural unit derived from xylylenediamine and 50 mol% or more of a dicarboxylic acid structural unit derived from sebacic acid," but are different from each other in terms of the following feature::
*Different Feature 6

Furthermore, in Invention 7, the polyamide resin composition is a polyamide resin composition, "wherein the polyamide resin composition comprises 60 to 80% by mass of the polyamide resin (A) and 20 to 40% by mass of the polyamide resin (B) (provided that the total of (A) and (B) does not exceed 100% by mass)." In Prior Invention 4, on the other hand, Prior Invention 4 does not specify the content percentage of polyamide-6 and polyamide-PXD10, provided that the polyamide resin composition as a whole is 100% by mass.

D Examination of Different Feature 6

Different Feature 6 is similar to Different Feature 4 stated in the above (2) D. For the same reason as Different Feature 4, Different Feature 6 is substantial.

Furthermore, there is no evidence that Different Feature 6 can be regarded as a very minor difference in the means for solving the problem (i.e., addition, conversion, deletion of well-known conventional means, which does not produce a new effect). It cannot be said that Invention 7 and Prior Invention 4 are substantially identical.

Thus, it cannot be said that Invention 7 coincides with the invention stated in the prior art specification.

(5) Summary

As stated above, any of Inventions 1 to 7 cannot be said to be the invention

stated in the prior specification. Thus, Reason 2 for revocation alleged by the opponent is groundless.

As stated above, therefore, the granted patent for claims 1 to 7 of the Patent cannot be revoked for Reason 2 for revocation.

No. 5 Closing

As stated above, the patent granted for claims 1 to 7 of the Patent cannot be revoked on the reasons for the opposition to the granted patent, which are stated in the written opposition.

With respect to the granted patent for claims 1 to 7 of the Patent, no other reasons for revocation are found.

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

April 20, 2018

Chief administrative judge: OKAZAKI, Miho
Administrative judge: INOUE, Takeshi
Administrative judge: FUCHINO, Ruka