Decision on Opposition

Opposition No. 2018-700806

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Opponent SUZUKI, Mika

The case of opposition against the invention "IMAGE DISPLAY DEVICE" in Japanese Patent No. 6303265 has resulted in the following decision.

Conclusion

The correction of the Scope of Claims of Japanese Patent No. 6303265 shall be approved as described in the corrected Scope of Claims attached to the written correction request, as for Claims [1 to 4].

The patent for Claims 1 to 4 of Japanese Patent No. 6303265 is to be revoked.

Reason

No. 1 History of the procedures

The history of the procedures of Japanese Patent No. 6303265 (hereinafter, referred to as "the Patent") of the case is as follows.

February 15, 2013 : Filing of Application

March 16, 2018 : Patent Registration (number of claims: 3)

April 4, 2018 : Issuance of publication of examined patent application

October 4, 2018 : Opposition to a granted patent regarding the patent according to Claims 1 to 3 by the opponent, SUZUKI, Mika

Dated November 12, 2018 : Notice of reasons for revocation

January 11, 2019 : Written opinion (patentee) and written correction request

March 13, 2019 : Witten opinion (opponent)

Dated April 16, 2019 : Notice of reasons for revocation (advance notice of decision)

June 18, 2019 : Written opinion (patentee) and written correction request

Also, since the correction was requested by the written correction request dated

June 18, 2019, in accordance with the provisions of Article 120-5(5) of the Patent Act., the body gave the opponent an opportunity to submit a written opinion within a reasonable period by notification dated June 27, 2019; however, the opponent did not submit a written opinion within the period.

No. 2 Suitability of correction

1 Contents of correction

The correction relating to the written correction request dated June 18, 2019 (hereinafter referred to as "the correction of the case") is as follows.

The correction of the case is requested with respect to Claims 1 to 4 after correction constituting a unit of claims.

(1) Correction A

The description of Claim 1

"An image display device comprising:

(4) a base film which is arranged on the viewing side of a polarizer, and on which a transparent conductive layer is laminated; and

(5) a shatterproof film which is arranged on the viewing side of the base film, wherein the shatterproof film is an orientation film having a retardation of less than 3,000 nm, and the base film is an orientation film having a retardation of 3,000 nm or more and 150,000 nm or less."

is corrected to

"An image display device, comprising:

(4) a base film which is arranged on the viewing side of a polarizer, and on which a transparent conductive layer of a touch panel is laminated; and

(5) a shatterproof film which is arranged on the viewing side of the base film,

wherein the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm, and

the base film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees is excluded)."

(2) Correction B

The description of Claim 2

"The image display device according to Claim 1, wherein the base film is arranged such

that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer."
is corrected to
"The image display device according to Claim 1, wherein the base film is arranged such that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±3 degrees or less or 90 degrees ±3 degrees or less is excluded)."

(3) Correction C
The description citing Claim 1 of "The image display device according to Claim 1 or 2, wherein a white light source having the continuous emission spectrum is a white light emitting diode" in Claim 3 is corrected to
"The image display device according to Claim 1, wherein a white light source having the continuous emission spectrum is a white light emitting diode (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±1 degrees or less or 90 degrees ±1 degrees or less is excluded)," and is made to be Claim 3.

(4) Correction D
The description citing Claim 2 of "The image display device according to Claim 1 or 2, wherein a white light source having the continuous emission spectrum is a white light emitting diode" in Claim 3 is corrected to
"The image display device according to Claim 2, wherein a white light source having the continuous emission spectrum is a white light emitting diode (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±10 degrees or less or 90 degrees ±10 degrees or less is excluded)," and is made to be Claim 4.

2 Decision with regard to the requirements for correction
(1) Regarding Correction A
A Purpose of correction
Correction A is composed of the following contents; that is,
(i) "a base film on which a transparent conductive layer is laminated" is limited to "a base film on which a transparent conductive layer of a touch panel is laminated,"
(ii) "a retardation" of "the shatterproof film" that was "less than 3,000 nm" is limited to

"100 nm or more and less than 3,000,"
(iii) a range of "a retardation" of "the base film" that was "3,000 nm or more and 150,000 nm or less is limited to "6,000 nm or more and 150,000 nm or less,"
(iv) the arrangement relation between "an orientation main axis" of "the base film" and "a polarization axis of the polarizer" is limited to that "an orientation main axis" "of the base film" "is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer," and
(v) it is limited such that the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees is excluded" (The underlines are applied by the body, hereinafter the same).

Therefore, Correction A aims at the restriction of the Scope of Claims in accordance with item (i) of the proviso to Article 120-5(2) of the Patent Act.

B Existence or absence of addition of new matter
(A) Regarding A (i) above

In [0012] of the Description, Scope of Claims, or Drawings of the Patent (hereinafter, referred to as "the Description, etc."), it is described that "... the touch panel (6) has a structure in which two transparent conductive films (11, 12) are arranged via a spacer (13). The transparent conductive films (11, 12) are laminates of the base films (11a, 12a) and the transparent conductive layers (11b, 12b) ....".

Therefore, the point of A (i) above is not one that adds new matter.

(B) Regarding A (ii) above

In [0025] of the Description, etc., it is described that "... The lower limit of the retardation of the low retardation oriented film is 50 nm or more, 100 nm or more, 200 nm or more, 300 nm or more, 400 nm or more, or 500 nm or more from the viewpoint that rainbow-like unevenness may occur when it is used alone ....".

Therefore, the point of A (ii) above is not one that adds new matter.

(C) Regarding A (iii) above

In [0022] of the Description, etc., it is described that "...The lower limit of retardation of the high retardation oriented film is preferably 4,500 nm or more, preferably 6,000 nm or more, preferably 8,000 nm or more, preferably 10,000 nm or more....".

Therefore, the point of A (iii) above is not one that adds new matter.

(D) Regarding A (iv) above

In [0017] of the Description, etc., it is described that "The angle formed by the orientation main axis of the high retardation orientation film and the polarization axis of the viewing side polarizer (assuming that the high retardation orientation film and the polarizer are in the same plane) is not particularly limited, but from the viewpoint of reducing rainbow-like unevenness, it is preferably close to 45 degrees. For example, the angle is preferably 45 degrees ±25 degrees or less, preferably 45 degrees ±20 degrees or less. In particular, the angle is preferably 45 degrees ±15 degrees or less, preferably 45 degrees ±10 degrees or less, preferably 45 degrees ±5 degrees or less, preferably 45 degrees ±3 degrees or less, preferably 45 degrees ±2 degrees or less, preferably 45 degrees ±1 degrees or less, preferably 45 degrees from the viewpoint of reducing rainbow-like unevenness when observing the image display device from a diagonal direction through a polarizing film such as sunglasses and reducing the angle dependence of the low retardation orientation film ....".

Therefore, the point of A (iv) above is not one that adds new matter.

(E) Regarding A (v) above

a In [0016] of the Description, etc., it is described that "The angle formed by the orientation main axis of the low retardation orientation film and the polarization axis of the viewing side polarizer (the axis parallel to the vibration direction of the outgoing polarization) (assuming that the low retardation orientation film and the polarizer are coplanar) is not limited" Then, as described in (D) above, in [0017] of the Description, etc., it is described that "the angle formed by the orientation main axis of the high retardation orientation film and the polarization axis of the viewing side polarizer" may be "45 degrees ±10 degrees or less.".

Accordingly, it can be said that the Description, etc. describes that when "the angle formed by the orientation main axis of the high retardation orientation film and the polarization axis of the viewing side polarizer" is "45 degrees ±10 degrees or less," the angle formed by the orientation main axis of the low retardation orientation film and orientation main axis of the high retardation orientation film is not limited

b In addition, in [0114] and [0115] and FIGS. 2 to 4 of the Description, etc., it is recognized that it is described that as Test Example 2, when the angle formed by the high retardation orientation film and the polarization axis of the viewing side polarizer is close to 45 degrees, even if the angle formed by the orientation main axis of the low retardation orientation film and the polarization axis of the viewing side polarizer is made to be any

angle from 0 degree to 90 degrees, rainbow-like unevenness is suppressed and excellent visibility can be obtained.

Then, although in the above description, the expression focusing on "the angle formed by the orientation main axis of the low retardation orientation film and the polarization axis of the viewing side polarizer" is given, this can be re-expressed by focusing on "the angle formed by the orientation main axis of the low retardation orientation film and orientation main axis of the high retardation orientation film," and thus, it can be said that when the angle formed by the high retardation orientation film and the polarization axis of the viewing side polarizer is close to 45 degrees, even if the angle formed by the orientation main axis of the low retardation orientation film and the orientation main axis of the high retardation orientation film is made to be any angle from 0 degree to 90 degrees, rainbow-like unevenness is suppressed and excellent visibility can be obtained.

c Considering a and b above comprehensively, as described in A (v) above, it is reasonable to understand that no new technical matter is introduced by "excluding the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees".

Therefore, the point of A (v) above is not one that adds new matter.

(F) Summary

Therefore, Correction A falls under the provisions of Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

C Existence or absence of substantial expansion and change of the Scope of Claims

In light of A and B above, Correction A falls under the provisions of Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

D Summary of Correction A

Accordingly, Correction A meets the correction requirements.

(2) Regarding Correction B

A Purpose of correction

Correction B limits that "however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base

film is 0 degree ±3 degrees or less or 90 degrees ±3 degrees or less is excluded".

Therefore, Correction B aims at the restriction of the Scope of Claims in accordance with item (i) of the proviso to Article 120-5(2) of the Patent Act.

B Existence or absence of addition of new matter

The same argument as (1) B (E) above is established.

Therefore, Correction B falls under the provisions of Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

C Existence or absence of substantial expansion and change of the Scope of Claims

In light of A and B above, Correction B falls under the provisions of Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

D Summary of Correction B

Accordingly, Correction B meets the correction requirements.

(3) Regarding Correction C

A Purpose of correction

Correction C is composed of the following contents; that is,

(i) Claim 3 that cites the recitations of Claims 1 and 2, is changed to one that does not cite the recitation of Claim 2, and

(ii) it is limited that "however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±1 degrees or less or 90 degrees ±1 degrees or less is excluded".

Therefore, the purpose of (i) is to dissolve a citation relation prescribed in item (iv) of the proviso to Article 120-5 (2) of the Patent Act., and (ii) aims at the restriction of the Scope of Claims in accordance with item (i) of the proviso to Article 120-5(2) of the Patent Act.

B Existence or absence of addition of new matter

(A) Regarding A (i) above

The correction mentioned above is merely the dissolution of a citation relation, and thus no new technical matter is introduced by that.

(B) Regarding A (ii) above

The same argument as (1) B (E) above is established.

(C) Summary

Therefore, Correction C falls under the provisions of Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

C Existence or absence of substantial expansion and change of the Scope of Claims

In light of A and B above, Correction C falls under the provisions of Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

D Summary of Correction C

Accordingly, Correction C meets the correction requirements.

(4) Regarding Correction D

A Purpose of correction

Correction C is composed of the following contents; that is,

(i) Claim 3 that cites the recitations of Claims 1 and 2 is changed to one that does not cite the recitation of Claim 1, and

(ii) "however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±10 degrees or less or 90 degrees ±10 degrees or less is excluded".

Therefore, the purpose of (i) is to dissolve a citation relation prescribed in item (iv) of the proviso to Article 120-5 (2) of the Patent Act, and (ii) aims at the restriction of the Scope of Claims in accordance with item (i) of the proviso to Article 120-5(2) of the Patent Act.

B Existence or absence of addition of new matter

(A) Regarding A (i) above

The correction mentioned above is merely the dissolution of a citation relation, and thus no new technical matter is introduced by that.

(B) Regarding A (ii) above

The same argument as (1) B (E) above is established.

(C) Summary

Therefore, Correction D falls under the provisions of Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

C Existence or absence of substantial expansion and change of the Scope of Claims

In light of A and B above, Correction D falls under the provisions of Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

D Summary of Correction D

Accordingly, Correction D meets the correction requirements.

3 Summary of suitability of the correction

As described above, the correction of the case meets the correction requirements.

Therefore, the correction of the Scope of Claims shall be approved as the corrected Scope of Claims attached to the written correction request, as for Claims [1 to 4] after correction.

No. 3 Recognition of the Invention

Since the correction of the case is approved as described in No. 2, the inventions according to Claims 1 to 9 after the correction of the case (hereinafter, respectively referred to as "Inventions 1" to "Invention 4," and such inventions are collectively referred to as "the Invention") are as specified by the following matters described in Claims 1 to 4 of the corrected Scope of Claims.

[Invention 1]

An image display device comprising:

(1) a white light source having a continuous emission spectrum;

(2) an image display cell;

(3) a polarizer arranged on the viewing side of the image display cell;

(4) a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated; and

(5) a shatterproof film arranged on the viewing side of the base film,

wherein the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm, and

the base film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees is excluded).

[Invention 2]
The image display device according to Claim 1, wherein the base film is arranged such that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±3 degrees or less or 90 degrees ±3 degrees or less is excluded).

[Invention 3]
The image display device according to Claim 1, wherein a white light source having the continuous emission spectrum is a white light emitting diode (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±1 degrees or less or 90 degrees ±1 degrees or less is excluded).

[Invention 4]
The image display device according to Claim 2, wherein a white light source having the continuous emission spectrum is a white light emitting diode (however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±10 degrees or less or 90 degrees ±10 degrees or less is excluded).

No. 4 Reasons for revocation described in the notification of reasons for revocation (advance notice of decision)
1 Outline of reasons for revocation
(1) Introduction
The gist of the reasons for revocation (relating to advance notice of decision, hereinafter referred to as "the First Correction") notified to the patentee by the body as of April 16, 2019 with respect to the patent according to Claims 1 to 3 after correction by the written correction request dated January 11, 2019 is as described in (2) and (3) mentioned below.

Here, claims after the First Correction are as follows.

[Claim 1]

An image display device comprising:

(1) a white light source having a continuous emission spectrum;

(2) an image display cell;

(3) a polarizer arranged on the viewing side of the image display cell;

(4) a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated; and

(5) a shatterproof film arranged on the viewing side of the base film,

wherein the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm, and

the base film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±25 degrees or less with respect to a polarization axis of the polarizer (however, the case where the orientation main axis of the shatterproof film and the orientation main axis of the base film are parallel or vertical to each other is excluded).

[Claim 2]

The image display device according to Claim 1, wherein the base film is arranged such that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer.

[Claim 3]

The image display device according to Claim 1 or Claim 2, wherein a white light source having the continuous emission spectrum is a white light emitting diode.

(2) Violation of requirements for clarity

Although the inventions according to Claims 1 to 3 after the First Correction include the specifying matter "(however, the case where the orientation main axis of the shatterproof film and the orientation main axis of the base film are parallel or vertical to each other is excluded)," according to the specifying matter, regarding an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film, it is not clear which angle has been specified.

Therefore, the inventions according to Claims 1 to 3 were made against a patent application which does not meet the requirement stipulated in Article 36(6)(ii) of the

Patent Act.

(3) Lack of inventive step

The inventions according to Claim 1 to 3 after the First Correction could have been easily made by a person skilled in the art based on the inventions described in the following Cited Document 1, Cited Document 2, and well-known arts, and thus the patent according to Claims 1 to 3 violates the provisions of Article 29(2) of the Patent Act.

Japanese Patent No. 5051328 (A-5, hereinafter, referred to as "Cited Document 1")

Japanese Unexamined Patent Application Publication No. 2011-107198 (A-1, hereinafter, referred to as "Cited Document 2")

Japanese Unexamined Patent Application Publication No. 2008-276729 (Document C cited on Page 23 of the written opposition and well-known example)

Japanese Unexamined Patent Application Publication No. 2013-20130 (Document D cited on Page 23 of the written opposition and well-known example)

Japanese Unexamined Patent Application Publication No. 2011-168652 (Document E cited on Page 23 of the written opposition and well-known example)

Japanese Unexamined Patent Application Publication No. 2011-167914 (Document cited on Page 25 of the written opposition of Opposition No. 2018-700805 and well-known example)

Japanese Unexamined Patent Application Publication No. 2008-192620 (A-2 and well-known example)

Japanese Unexamined Patent Application Publication No. 2010-244059 (A-6 of Opposition No. 2018-700805 and well-known example)

Japanese Unexamined Patent Application Publication No. 2004-170875 (Document cited on Page 24 of the written opposition and well-known example)

Japanese Unexamined Patent Application Publication No. 2012-214026 (Document cited on Page 24 of the written opposition and well-known example)

2 Determination on requirements for clarity

According to the correction of the case, the specifying matter "(however, the case where the orientation main axis of the shatterproof film and the orientation main axis of the base film are parallel or vertical to each other is excluded)" does not exist.

Then, among the specifying matters of the Invention, nothing else unclear is found.

Therefore, the description of the Invention meets the requirement of Article

36(6)(ii) of the Patent Act.

The reasons for revocation were dissolved

3 Determination on inventive step

The body determines that Invention 1 to Invention 4 are lacking in inventive step, on the basis of reasons for revocation of lack of inventive step relating to 1 (3) above, as follows.

(1) Recognition of described matters of Cited Documents

A Regarding Cited Document 1

(A) Cited Document 1 (Japanese Patent No. 5051328) describes the following matters.

a "[Scope of Claims]"

"An optical layered body comprising: a primer layer on a polyester base, and formed on a hard coat layer formed on the primer layer,

wherein the polyester base has a retardation of not less than 8,000 nm, and a difference (nx−ny) of 0.07 to 0.20 between a refractive index (nx) in a slow axis direction that is a high refractive index direction and a refractive index (ny) of a fast axis direction that is orthogonal to the slow axis direction,

a refractive index (np) of the primer layer, the refractive index (nx) in the slow axis direction of the polyester base, and the refractive index (ny) in the fast axis direction of the polyester base have a relationship of ny<np<nx, and

a refractive index (nh) of the hard coat layer, the refractive index (nx) in the slow axis direction of the polyester base, and the refractive index (ny) in the fast axis direction of the polyester base have a relationship of ny<nh<nx." ([Claim 1])

b "[Background Art]"

"An image display device such as a liquid crystal display (LCD), a plasma display (PDP), an electroluminescent display (OELD or IELD), a field emission display (FED), a touch panel, and an electronic paper, has an optical layered body including a polarizer provided on a display screen side of an image display panel, and functions such as an antireflective property and a hard coating property on the topmost surface." ([0002])

c "FIG. 1 is a sectional view schematically showing an example of the optical layered body of the present invention. As shown in FIG. 1, in the optical layered body 10 of the present invention, a primer layer 12 is formed on a polyester base material 11, and a hard coat layer 13 is formed on the primer layer 12.

In the optical layered body of the present invention having such a configuration, the polyester base material has a retardation of 8,000 nm or more. When the retardation is less than 8,000 nm, rainbow-like unevenness occurs in a display image of a liquid crystal display device using the optical layered body of the present invention. On the other hand, although the upper limit of the retardation of the polyester base material is not particularly limited, it is preferably about 30,000 nm. If it exceeds 30,000 nm, no further improvement in the effect of improving the rainbow-like unevenness of the display image is observed, and the film thickness is considerably increased, which is not preferable. The retardation of the polyester base material is preferably 10,000 to 20,000 nm from the viewpoints of preventing rainbow-like unevenness and reducing the film thickness." ([0015])

d "In the polarizing plate of the present invention using such an optical layered body of the present invention, the optical layered body is preferably arranged so that an angle formed by a slow axis of the polyester base material and an absorption axis of a polarizing element (a polarizing element disposed on the viewing side of the liquid crystal cell) described later is 0°±30° or 90°±30°. When the angle between the slow axis of the polyester base material and the absorption axis of the polarizing plate is in the above range, there can be achieved extremely high suppression of rainbow-like unevenness occurring in the display image of the liquid crystal display device using the polarizing plate of the present invention. The reason for this is not clear, but it is considered to be as follows. That is, in an environment without external light or fluorescent light (hereinafter, such an environment is also referred to as "a dark place"), regardless of the angle formed by the slow axis of the polyester base material of the optical layered body and the absorption axis of the polarizing plate of the present invention, the occurrence of rainbow-like unevenness can be suppressed. However, in an environment with external light or fluorescent light (hereinafter, such an environment is also referred to as "a bright place"), since the external light and the fluorescent light are not only those having a continuous wide spectrum, unless the angle formed by the slow axis of the polyester base material and the absorption axis of the polarizing element is set to be within the above-mentioned range, rainbow-like unevenness will occur and the display quality will be deteriorated. Further, since the light of the backlight transmitted through the color filter in the liquid crystal display device is not limited to the one having a continuous wide spectrum, unless the angle formed by the slow axis of the polyester base material and the absorption axis of the polarizing element is set to be within the above-mentioned range, it is presumed that rainbow-like unevenness will occur and the display quality will be

deteriorated." ([0086])

"The present invention is also an image display device comprising the above optical layered body or the above polarizing plate. Examples of the image display device include an LCD, a PDP, an FED, an ELD (organic EL, inorganic EL), a CRT, a touch panel, electronic paper, a tablet PC, and the like." ([0087])

"The LCD includes a transmissive display body, and a light source device that illuminates the transmissive display body from the back side. When the image display device of the present invention is an LCD, the optical display device of the present invention or the polarizing plate of the present invention is formed on the surface of the transmissive display member." ([0088])

"When the present invention is a liquid crystal display device having the above optical layered body, the light source of the light source device is irradiated from the lower side (base material side) of the optical layered body. In addition, in an STN type liquid crystal display device, a retardation plate may be inserted between a liquid crystal display element and a polarizing plate. An adhesive layer may be provided between the respective layers of the liquid crystal display device if necessary." ([0089])

"The PDP includes a front glass substrate and a rear glass substrate that faces the front glass substrate and is arranged with a discharge gas sealed therein. When the image display device of the present invention is a PDP, it also includes the above-mentioned optical layered body on the surface of the above surface glass substrate or its front plate (glass substrate or film substrate)." ([0090])

"Other image display devices include an ELD device that deposits a light-emitting body such as zinc sulfide or a diamine substance, which emits light when a voltage is applied, on a glass substrate, and controls the voltage applied to the substrate to perform display, or an image display device that such as a CRT that converts an electric signal into light and generates an image visible to humans. In this case, the above-mentioned optical layered body is provided on the surface of each display device mentioned above or the surface of its front plate." ([0091])

"In any case, the optical layered body of the present invention can be used for display on televisions, computers, and the like. In particular, it can be suitably used for the surface of high-definition image displays such as liquid crystal panels, PDPs, ELDs, touch panels, and electronic papers."([0092]),

"Especially, the optical layered body of the present invention can be preferably used for a touch panel. A touch panel using such an optical layered body of the present invention is also one aspect of the present invention.

That is, the touch panel of the present invention is a touch panel using the optical layered

body of the present invention, in which an invisible electrode is provided on the surface of the hard coat layer of the optical layered body opposite to the primer layer side.
Here, generally, for the touch panel, an optical touch panel, an ultrasonic type, a capacitive touch panel, a resistive film type touch panel, and the like are known, depending on the position detection method.
In the resistive film type touch panel, a transparent conductive film and a glass with a transparent conductor layer are arranged to face each other via a spacer, and a current is passed through the transparent conductive film to measure a voltage in the glass with a transparent conductor layer. On the other hand, a capacitive touch panel has a basic structure that has a transparent conductive layer on a base material, is characterized by having no moving parts, and has high durability and high transmittance, so that it is applied to liquid crystal displays, mobile phones, in-vehicle displays, and the like.
In the above touch panel, the transparent conductor layer may be patterned. However, when the transparent conductor layer is patterned, in the pattern portion and the non-patterned portion, since a material forming the transparent conductor layer generally has a high refractive index, differences such as differences in refractive index between the pattern portion and the non-patterned portion are clarified, and the pattern portion is visible from the display screen, which not only impairs the appearance as a display but also reduces the visibility of the display screen.
In particular, in a capacitive touch panel, the transparent conductor layer is used on the incident surface side, so its influence is strong, and an invisible electrode is desired, in which the pattern cannot be seen from the display screen, even when the transparent conductor layer is patterned."([0093])
"Incidentally, the invisible electrode is an electrode in a state in which an optical functional layer for making the electrode pattern of the transparent conductor layer invisible from the display screen side is laminated, and as its configuration, there is mentioned a configuration on which a high refractive index layer, a low refractive index layer, and a transparent conductor layer are laminated in this order. The invisible electrode having such a configuration can be invisible by combining the refractive index and the film thickness of the high refractive index layer and the low refractive index layer in the range described below, and the transparent conductor layer is laminated on the surface on the display screen side of the hard coat layer described above so as to be the outermost surface.
The touch panel of the present invention is provided with the above-mentioned invisible electrode, and is particularly preferably a capacitive touch panel." ([0094])
"Further, when the optical layered body of the present invention has a configuration in

which a primer layer and a hard coat layer are formed on both surfaces of a polyester substrate, in the touch panel of the present invention, the invisible electrode is provided on the surface on the side opposite to the primer layer side of at least one hard layer of the optical layered body. A touch panel having such a structure is also one aspect of the present invention.

FIG. 3 is a sectional view schematically showing an example of the touch panel of the present invention.

In a touch panel 30 of the present invention shown in FIG. 3, in the optical layered body of the present invention, primer layers 32 are formed on both surfaces of a polyester base material 31, and hard coat layers 33 are respectively formed on the polyester base material 31 side and the opposite side surface of the primer layer 32. In addition, such an optical layered body of the present invention is laminated in two layers via an adhesive layer 300 (hereinafter, the optical layered body on the display screen side is referred to as the upper optical layered body, and the other optical layered body is referred to as the lower optical layered body). Further, an invisible electrode 34 is laminated on the surface of the hard coat layer 33 on the display screen side in each of the upper optical layered body and the lower optical layered body. In the invisible electrode 34, a high refractive index layer 35, a low refractive index layer 36, and a transparent conductor layer 37 are laminated in this order from the hard coat layer 33 side.

In such a touch panel 30 of the present invention, the invisible electrode 34 of the lower optical layered body and the hard coat layer 33 on the side opposite to the display screen side of the upper optical layered body are laminated via the adhesive layer 300.

Further, the invisible electrode 34 laminated on the opposite side to the primer layer 32 side of the hard coat layer 33 of the upper optical layered body is provided with a cover glass 39 via an adhesive layer 38, and the cover glass 39 configures the outermost surface."([0095])

e "(Evaluation of rainbow-like unevenness)

The optical layered bodies produced in embodiments and comparative examples were arranged on an observer side polarizing element of a liquid crystal monitor (FLATORON IPS226V (manufactured by LG Electronics Japan)) to produce a liquid crystal display device. Further, the slow axis of the polyester base material and the absorption axis of the polarizing element on the observer side of the liquid crystal monitor were arranged so that the angle formed between them was 0°.

Then, in a dark place and a bright place (illumination around the liquid crystal monitor: 400 lux), the display image is visually observed from the front and oblique directions

(about 50 degrees), and the displayed image is observed through polarized sunglasses, and the presence or absence of rainbow-like unevenness was evaluated according to the following criteria. Observation through polarized sunglasses is a much stricter evaluation method than visual observation. The observation was performed by 10 evaluators, and the evaluation assigned by the largest number of evaluators was taken as the observation result.
◎: Rainbow-like unevenness is not observed through the polarized sunglasses.
○: Rainbow-like unevenness is observed through polarized sunglasses, but it is thin and no rainbow-like unevenness is visually observed, there is no problem in actual use.
△: Rainbow-like unevenness is observed through the polarized sunglasses and visually observed to be very thin.
×: Rainbow-like unevenness is strongly observed through the polarized sunglasses and visually observed."([0136])

(B) According to (A) above, it is recognized that Cited Document 1 describes the following invention (hereinafter, referred to as "Cited Invention 1"). Also, the described parts and the like used for setting the recognition of the Cited Invention are shown in brackets for reference (the same shall apply hereinafter).
"A device equipped with a touch panel applied to a liquid crystal display ([0093]),
wherein the touch panel has a polyester base material 31 on which a transparent conductor layer 37 is laminated ([0095]), and a cover glass 39 which configures the outermost surface ([0095]), and
wherein the polyester base material has a retardation of 8,000 nm or more, and the upper limit of the retardation is about 30,000 nm, and if it exceeds 30,000 nm, no further improvement in the effect of improving the rainbow-like unevenness of a display image is observed, and the film thickness is considerably increased, which is not preferable ([0015])."

B Regarding Cited Document 2
(A) Cited Document 2 (Japanese Unexamined Patent Application Publication No. 2011-107198) describes the following matters.
a "[Scope of Claims]"
"A method of improving the visibility of a liquid crystal display, comprising:
in a liquid crystal display device having at least a backlight light source, a liquid crystal cell, and a polarizing plate disposed on the viewing side of the liquid crystal cell,
using a white light emitting diode as the backlight light source; and

arranging a polymer film having a retardation of 3,000 to 30,000 nm on the viewing side of the polarizing plate so that an angle formed by an absorption axis of the polarizing plate and a slow axis of the polymer film is about 45 degrees." ([Claim 1])

b "The present invention is characterized in that a polymer film having a retardation in a specific range is arranged on the viewing side of the polarizing plate. The present inventor has focused on the envelope shape of the interference color spectrum by the transmitted light that has passed through the birefringent body, and has conceived the idea of the present invention. That is, the inventor has found that the visibility is remarkably improved by making the emission spectrum of the light source and the envelope shape of the interference color spectrum due to the transmitted light transmitted through the birefringent body similar to each other, and thus the present invention has been achieved. Specifically, the effect that the visibility is improved by the configuration of the present invention is based on the following technical idea." ([0020]),
"When a polymer film having birefringence is arranged between two orthogonal polarizing plates, the linearly polarized light emitted from the polarizing plate is disturbed when passing through the polymer film, and light is transmitted. The transmitted light shows an interference color peculiar to the retardation which is the product of the birefringence and the thickness of the polymer film. In the present invention, a white LED having a continuous emission spectrum is used as a light source. Therefore, by controlling within a specific retardation range that can be achieved also by the polymer film, the envelope shape of the spectrum of the transmitted light showing the interference color can be approximated to the emission spectrum of the light source. The present invention has thus been made to improve visibility. (See FIG. 3)" ([0021]),
"In order to achieve the above effects, the polymer film used in the present invention must have a retardation of 3,000 to 30,000 nm. If the retardation is less than 3,000 nm, a strong interference color is exhibited when the screen is observed through a polarizing plate such as sunglasses, so that the envelope shape is different from the emission spectrum of the light source, and good visibility cannot be secured. The preferred lower limit of retardation is 4,500 nm, the more preferred lower limit is 6,000 nm, the still more preferred lower limit is 8,000 nm, and the still more preferred lower limit is 10,000 nm." ([0022]).
"On the other hand, the upper limit of retardation is 30,000 nm. Even if a polymer film having a retardation of more than that is used, further improvement effect of visibility is not substantially obtained, and the thickness of the film becomes considerably thick, so that the handling property as an industrial material is deteriorated, which is not

preferable." ([0023])
"The retardation of the present invention can be obtained by measuring the refractive index and thickness in the biaxial directions, or by using a commercially available automatic birefringence measuring device such as KOBRA-21ADH (Oji Scientific Instruments Co., Ltd.)." ([0024])
"Since the present invention uses a white LED having a wide emission spectrum as a light source, by setting the retardation of the polymer film in the above range, the envelope shape of the spectrum of transmitted light can be approximated to the emission spectrum of the light source with a relatively simple configuration. That is, in the prior art, since a light source having a discontinuous emission spectrum is used, visibility cannot be improved unless a birefringent body having extremely high retardation (above 100,000 nm) is used. However, utilizing the property of the white LED light source having a continuous emission spectrum, the unique effect of improving the visibility with a relatively simple configuration as described above is exhibited." ([0025])
"The polymer film used in the present invention is disposed on the viewing side of the polarizing plate so that the angle formed by the absorption axis of the polarizing plate and the slow axis of the polymer film on the viewing side of the polarizing plate is about 45 degrees. As a method of disposing the polymer film on the viewing side of the polarizing plate, the polymer film may be directly laminated on the outermost layer of the polarizing plate, or may be disposed via another transparent member. Further, a polymer film may be installed and bonded on the outermost surface on the viewing side of the liquid crystal display device. When disposing the polymer film directly or via another transparent member, it is also a preferred embodiment to use a polymer film provided with an adhesive layer." ([0026])
"When arranging the polymer film, it is desirable that the angle formed by the absorption axis of the polarizing plate and the slow axis of the polymer film is approximately 45 degrees. This makes it possible to obtain high transmitted light regardless of the angle of the polarizing plate such as sunglasses. The above-mentioned angle does not need to be strictly 45 degrees, and may be appropriately adjusted as needed so long as it does not impair the effects of the present invention. The preferable range of the angle is 30 to 60 degrees, and the more preferable range is 40 to 50 degrees." ([0027])

c "The polymer film in the present invention may perform surface treatment; that is corona discharge treatment (in air, in nitrogen, in carbon dioxide gas, etc.) or easy-adhesion treatment to a film surface by a known method, for the purpose of improving adhesion, water resistance, chemical resistance, etc. with a layer formed on the film such

as a pressure-sensitive adhesive layer, a release layer, and an antistatic layer. For the easy-adhesion treatment, various known methods can be used, and there is preferably adopted a method of applying various known easy-adhesive agents to the film during the film production process or after uniaxially or biaxially stretching."([0034])

(B) According to (A) above, it is recognized that Cited Document 2 describes the following technical matter.

"When a polymer film having birefringence is arranged between two orthogonal polarizing plates, the linearly polarized light emitted from the polarizing plate is disturbed when passing through the polymer film, and light is transmitted ([0021]),

the transmitted light shows an interference color peculiar to the retardation which is the product of the birefringence and the thickness of the polymer film ([0021]),

then, if a white LED having a continuous emission spectrum is used as a light source, by controlling within a specific retardation range that can be achieved also by the polymer film, the envelope shape of the spectrum of the transmitted light showing the interference color can be approximated to the emission spectrum of the light source to improve visibility ([0021]),

in view of the fact that the polymer film does not exhibit a strong interference color and ensures good visibility, it must have a retardation of 3,000 nm or more, and the more preferred lower limit is 6,000 nm ([0022]),

when arranging the polymer film, it is desirable that the angle formed by the absorption axis of the polarizing plate and the slow axis of the polymer film is approximately 45 degrees, and this makes it possible to obtain high transmitted light regardless of the angle of the polarizing plate such as sunglasses ([0027]), and

the above-mentioned angle does not need to be strictly 45 degrees, and may be appropriately adjusted as needed so long as it does not impair the effects of the present invention, and the preferable range of the angle is 30 to 60 degrees, and the more preferable range is 40 to 50 degrees. ([0027])"

(C) Furthermore, according to (A) above, it is recognized that Cited Document describes the following invention (hereinafter, referred to as "Cited Invention 2").

"A liquid crystal display device comprising:

a backlight light source made from a white LED having a continuous emission spectrum ([0025], Claim 1);

a liquid crystal cell (Claim 1);

a polarizing plate disposed on the viewing side of the liquid crystal cell (Claim 1);

and

a polymer film arranged on the viewing side of the polarizing plate and having a retardation of 3,000 to 30,000 nm, a preferred lower limit of the retardation being 6,000 nm (Claim 1, [0022]),

wherein the polymer film has an antistatic layer ([0034]), and

an angle formed by an absorption axis of the polarizing plate and a slow axis of the polymer film is about 45 degrees (Claim 1)."

(2) Lack of inventive step of Invention 1

A Comparison of Invention 1 and Cited Invention 1

(A) Regarding the specifying matter "a white light source having a continuous emission spectrum" of Invention 1

a Since Cited Invention 1 is "a device equipped with a touch panel applied to a liquid crystal display" and has "the effect of improving the rainbow-like unevenness of a display image," it is obvious that it is equipped with "a white light source" of Invention 1.

b However, Cited Invention 1 does not describe that the "white light source" "has a continuous emission spectrum."

(B) Regarding the specifying matter "an image display cell" of Invention 1

a Since Cited Invention 1 is equipped with "a liquid crystal display," it is obvious that it is equipped with "an image display cell" of Invention 1.

b Therefore, Cited Invention 1 is equipped with the specifying matter "an image display cell" of Invention 1.

(C) Regarding the specifying matter "a polarizer arranged on the viewing side of the image display cell" of Invention 1

a Since Cited Invention 1 is equipped with "a liquid crystal display," it is obvious that it is equipped with "a polarizer arranged on the viewing side of the image display cell" of Invention 1.

b Therefore, Cited Invention 1 is equipped with the specifying matter "a polarizer arranged on the viewing side of the image display cell" of Invention 1.

(D) Regarding the specifying matters that "a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated" and "the base film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer" of Invention 1

a "A touch panel" of Cited Invention 1 corresponds to "a touch panel" of Invention 1.

b It is obvious that "a touch panel" of Cited Invention 1 is "arranged on the viewing side of the polarizer" as described in Invention 1.

c "A polyester base material 31 on which a transparent conductor layer 37 is laminated" of "a touch panel" of Cited Invention 1 corresponds to "a base film on which a transparent conductive layer of a touch panel is laminated" of Invention 1.

d Since "a polyester base material 31 on which a transparent conductor layer 37 is laminated" of "a touch panel" of Cited Invention 1 "has a retardation of 8,000 nm or more, and the upper limit of the retardation is about 30,000 nm," it can be said that it is "an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less" (hereinafter, "an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less" is referred to as "a high retardation orientation film").

e Therefore, Cited Invention 1 is equipped with the specifying matter that "a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated" and "the base film" is a high retardation orientation film of Invention 1.

However, it is not specified that "a polyester base material 31" (high retardation orientation film) of Cited Invention 1 "is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer".

(E) Regarding the specifying matters that "a shatterproof film arranged on the viewing side of the base film," "the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm" (hereinafter, an orientation film having a retardation of 100 nm or more and less than 3,000 nm is referred to as "a low retardation

orientation film"), and "(however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees, is excluded)" of Invention 1

Cited Invention 1 is not equipped with the above-mentioned specifying matters of Invention 1.

(F) Regarding the specifying matter "an image display device" of Invention 1

"A device equipped with a touch panel applied to a liquid crystal display" of Cited Invention 1 corresponds to "an image display device" of Invention 1.

B Recognition of corresponding feature and different features

According to A above, Invention 1 and Cited Invention 1 correspond in the point that

"An image display device comprising:
a white light source;
an image display cell;
a polarizer arranged on the viewing side of the image display cell; and
a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated,
wherein the base film is a high retardation orientation film," and
differ in the following points.

[Different Feature 1]

Regarding "a while light source," Invention 1 "has a continuous emission spectrum", whereas Cited Invention 1 does not make such a specification.

[Different Feature 2]

Regarding a base film that is a high retardation orientation film, in Invention 1, "an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer," whereas Cited Invention 1 does not make such a specification.

[Different Feature 3]

Invention 1 has "a shatterproof film arranged on the viewing side of the base film," "the shatterproof film" is a low retardation orientation film, and "the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis

of the base film is 0 degree or 90 degrees, is excluded," whereas Cited Invention 1 is not equipped with a shatterproof film.

C Judgment of Different Feature 1

(A) In [0086] of Cited Document 1, it is described that "... in an environment without external light or fluorescent light (hereinafter, such an environment is also referred to as "a dark place"), regardless of the angle formed by the slow axis of the polyester base material of the optical layered body and the absorption axis of the polarizing plate of the present invention, the occurrence of rainbow-like unevenness can be suppressed. However, in an environment with external light or fluorescent light (hereinafter, such an environment is also referred to as "a bright place"), since the external light and the fluorescent light are not only those having a continuous wide spectrum, unless the angle formed by the slow axis of the polyester base material and the absorption axis of the polarizing element is set to be within the above-mentioned range, rainbow-like unevenness will occur and the display quality will be deteriorated ...".

Therefore, it can be said that it has been suggested in Cited Document 1 that a light source (backlight) that should be provided on "a liquid crystal display" of Cited Invention 1 has a continuous wide spectrum that is different from external light or fluorescent light.

(B) Further, Cited Invention 1, as described in [0007] of Cited Document 1, by using a polyester film having a somewhat high retardation value as the light-transmitting base material of an optical layered body, as compared with the case using having a light-transmitting base material made of a conventional polyester film, the problem of rainbow-like unevenness can be improved.

Then, it can be said that Cited Invention 1 is based on the principle of solving a problem similar to the technical matter described in Cited Document 2 ((1) B (B) above).

(C) According to (A) and (B) above, it can be said that a person skilled in the art adopts a light source having a continuous emission spectrum, even in relation to a white light source of Cited Invention 1, or adopts a white LED having a continuous emission spectrum, similarly to the technical matter described in Cited Document 2.

Therefore, taking the description of Cited Document 1 and the technical matter described in Cited Document 2 into consideration, Different Feature 1 is not exceptional.

D Judgment of Different Feature 2

(A) In [0086] of Cited Document 1, although it is described that "it is preferably arranged so that an angle formed by a slow axis of the polyester base material and an absorption axis of a polarizing element (a polarizing element disposed on the viewing side of the liquid crystal cell) described later is 0°±30° or 90°±30°," the description merely said that "it is preferable" that the angle is 0°±30° or 90°±30° (Hereinafter, "0°±30° or 90°±30°" is referred to as "a specified range angle value"). Furthermore, in the same paragraph, it is described that "... in an environment without external light or fluorescent light ..., regardless of the angle formed by the slow axis of the polyester base material of the optical layered body and the absorption axis of the polarizing plate of the present invention, the occurrence of rainbow-like unevenness can be suppressed."

According to such a description of Cited Document 1, it is understood that any angle (hereinafter, referred to as "an angle of the case") formed by the slow axis of the polyester base material and the absorption axis of the polarizing plate (on the viewing side included in "a liquid crystal display") is not excluded in Cited Invention 1.

(B) Also, in [0136] of Cited Document 1, regarding the structure relating to embodiments and comparative examples, it is described that rainbow-like unevenness is evaluated by performing observation through the polarized sunglasses, so that it is recognized that the observation through the polarized sunglasses is also expected, in Cited Invention 1.

(C) On the other hand, the technical matter described in Cited Document 2 ((1) B (B) above) is that an angle formed by an absorption axis of the polarizing plate and a slow axis of the polymer film having high retardation is about 45 degrees, so as to obtain high transmitted light regardless of the angle of the polarizing plate such as sunglasses.

Then, it can be said that an angle formed by an absorption axis of the polarizing plate and a slow axis of the polymer film having high retardation corresponds to the angle of the case.

(D) Then, in Cited Invention 1, it could have been easily conceived by a person skilled in the art to adopt an angle of "about 45 degrees" like the technical matter described in Cited Document 2 to the angle of the case, so as to obtain high transmitted light regardless of the angle of the polarizing plate of the polarized sunglasses in the observation through the polarized sunglasses.

E Judgment of Different Feature 3

(A) Although Cited Invention 1 has "a cover glass 39" on "the outermost surface," it could

have been easily conceived by a person skilled in the art to provide a shatterproof film made of polyester and the like.

Because a touch panel in which a shatterproof film made of polyester and the like is bonded on a surface of a glass plate is a well-known art (hereinafter, referred to as "Well-known Art 1") (if necessary, for example, [0037], [0030] etc. of Japanese Unexamined Patent Application Publication No. 2008-276729, [0005] etc. of Japanese Unexamined Patent Application Publication No. 2013-20130, and [0011], [0012] etc. of Japanese Unexamined Patent Application Publication No. 2011-168652), if such a shatterproof film is provided on "a cover glass 39" on "the outermost surface" of Cited Invention 1, it is natural to provide it on the viewing side of the "cover glass 39".

(B) Then, the point that as the shatterproof film provided at that time, a low retardation orientation film ("an orientation film having a retardation of 100 nm or more and less than 3,000 nm") is used and "the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees, is excluded" is not exceptional as follows, in light of the technical significance of Cited Invention 1.

a According to the description of [0015] of Cited Document 1, it is recognized that the technical significance of Cited Invention 1 is to adopt a means in which "a polyester base material" "has a retardation of 8,000 or nm" for solving a problem of rainbow-like unevenness.

Then, in Cited Invention 1, since "the upper limit of the retardation" "of the polyester base material" "is about 30,000 nm, and if it exceeds 30,000 nm, no further improvement in the effect of improving the rainbow-like unevenness of a display image is observed," it is understood that the effect of improving the rainbow-like unevenness can be improved as the retardation of "the polyester base material" is increased until the upper limit of 30,000 nm.

b On the other hand, the shatterproof film relating to Well-known Art 1 is made from polyester and the like, and thus is generally extended from a viewpoint of ensuring strength and the like (if necessary, for example, [0030] of Japanese Unexamined Patent Application Publication No. 2011-167914, [0002] of Japanese Unexamined Patent Application Publication No. 2008-192620 (A-2), and [0040] of Japanese Unexamined Patent Application Publication No. 2010-244059).

Then, a person skilled in the art will of course recognize that the shatterproof film is generally an oriented film and also has a retardation effect. Further, it is recognized

that a film having a retardation value of 100 nm or more to 3,000 nm normally exists (If necessary, see for example, [0003] of Japanese Unexamined Patent Application Publication No. 2004-170875, and [0002] and Table 1 of [0068] of Japanese Unexamined Patent Application Publication No. 2012-214026.).

c As described in a above, in Cited Invention 1, the effect of improving the rainbow-like unevenness can be improved as the retardation of "the polyester base material" is increased until the upper limit of 30,000 nm. Although the shatterproof film relating to Well-known Art 1 is arranged (disposed later) on the viewing side of "the polyester base material," this means that the arrangement of the shatterproof film is carried out after improving the rainbow-like unevenness.

In that case, a person skilled in the art can make a relationship between the orientation main axis of "the polyester base material" of Cited Invention 1 and the orientation main axis of the shatterproof film disposed later than that, not only parallel, but have an appropriate angle within a range that can improve the rainbow-like unevenness. Namely, regarding the relationship, it is desired that the shatterproof film does not hinder the effect of improving rainbow-like unevenness obtained from the retardation action of "the polyester base material," and from this viewpoint, it can be said that the generally parallel layout of the orientation main axes of the two is the most desirable. However, as described above, in Cited Invention 1, considering the case where the retardation of "the polyester base material" is increased with the upper limit of 30,000 nm, the effect of improving rainbow-like unevenness of "the polyester base material" has been improved thereby, so that it is obvious that the effect of improving rainbow-like unevenness still sufficiently exists even if the shatterproof film is disposed later while the orientation main axes of the two are slightly shifted from generally parallel. Accordingly, a person skilled in the art can recognize that the relationship of the orientation main axes of the two is not limited to being generally parallel, and may be appropriately set within a range in which rainbow-like unevenness can be improved.

Further, it is obvious that the range that can be appropriately set as the relationship between the orientation main axes of the two becomes larger as the retardation of "the polyester base material" of Cited Invention 1 is larger.

d According to c above, a person skilled in the art can recognize that a normally existing film may be adopted as the shatterproof film that is disposed later on "the polyester substrate" of Cited Invention 1.

This is because, even if a normally existing film is adopted as the shatterproof film,

the above-mentioned argument c is similarly established.

e Based on c and d above, specifically examining, since the minimum value of the retardation of "the polyester base material" of Cited invention 1 is 8,000 nm, it is understood that the effect of improving rainbow-like unevenness still sufficiently exists even if the retardation is about 10,000 nm or slightly over and the arrangement of the orientation main axis of the normally existing shatterproof film (disposed later) is shifted 90 degrees from generally parallel (namely, becomes generally vertical).

f From the above, in Cited Invention 1, it should be said that it is a matter that a person skilled in the art could appropriately conceived to use a low retardation orientation film (a retardation orientation film having a retardation of 100 nm or more and less than 3,000 nm) as a shatterproof film disposed later, while increasing the retardation of "the polyester base material" with the upper limit of 30,000 nm, and to use it by excluding "the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees."

(C) Therefore, Different Feature 3 is not particularly difficult, on the basis of Cited Invention 1, the descriptions of Cited Document 1, Well-known Art 1, and technical common sense.

F Regarding the effect of Invention 1

The effect of Invention 1 could be predicted by a person skilled in the art on the basis of Cited Invention 1, the description of Cited Document, the technical matter described in Cited Document 2, Well-known Art 1, and technical common sense.

G Regarding the allegation of the patentee

(A) The patentee, regarding the judgment of Different Feature 2, alleges that the angle of the case is not set close to 45 degrees, and alleges various thing as grounds therefor, so that the following points will be examined.

a The patentee alleges that since in [0008] of Cited Document 1, it is described that "the purpose of to provide an image display device that ... can highly suppress the occurrence of rainbow-like unevenness and interference fringes in the display image of the liquid crystal display device" and in [0086] of Cited Document 1, it is described that "there can be achieved extremely high suppression of rainbow-like unevenness occurring in the display image of the liquid crystal display device" by arranging the optical layered

body so that an angle formed by a slow axis of the polyester base material and an absorption axis of a polarizing element is 0°±30° or 90°±30°, Cited Document 1 makes the angle of the case 0°±30° or 90°±30° (Hereinafter, "0°±30° or 90°±30°" is referred to as "the specified range angle value") as a condition for solving a problem (the written opinion dated 18 June, 2019 (submitted by the patentee, hereinafter, the written opinion is simply referred to as "the written argument") Page 8, Lines 3 to 17).

However, as explained in D (A) above, [0086] of Cited Document 1 merely states that the specified range angle value is "preferable" for the angle of the case. Then, this is consistent with Claim 1 described in Cited Document 1 not specifying that the angle of the case is the specified range angle value.

Accordingly, it cannot be said that technical ideas described in Cited Document 1 makes it essential to set the angle of the case to the specified range angle value.

The allegation of the patentee is unreasonable.

b The patentee alleges that although [0086] of Cited Document 1 describes that the angle of the case can be any angle in a dark place, since a liquid crystal display device is virtually never used only in a dark place, and it is usually used in a bright place with external light or fluorescent light, a person skilled in the art should naturally design the liquid crystal display device assuming that it will be used in a bright place, and therefore, the description of [0086] of Cited Document 1 teaches that the angle of the case should be a specified range angle value in order to highly suppress the occurrence of rainbow-like unevenness (the written opinion, Page 8, Line 10 from the bottom to Page 9, Line 3).

Here, the description of [0086] of Cited Document will be described again as follows.

"That is, in an environment without external light or fluorescent light (hereinafter, such an environment is also referred to as 'a dark place'), regardless of the angle formed by the slow axis of the polyester base material of the optical layered body and the absorption axis of the polarizing plate of the present invention, the occurrence of rainbow-like unevenness can be suppressed. However, in an environment with external light or fluorescent light (hereinafter, such an environment is also referred to as 'a bright place'), since the external light and the fluorescent light are not only those having a continuous wide spectrum, unless the angle formed by the slow axis of the polyester base material and the absorption axis of the polarizing element is set to be within the above-mentioned range, rainbow-like unevenness will occur and the display quality will be deteriorated. Further, since the light of the backlight transmitted through the color filter in the liquid crystal display device is not limited to the one having a continuous wide spectrum, unless

the angle formed by the slow axis of the polyester base material and the absorption axis of the polarizing element is set to be within the above-mentioned range (Note by the body: 'the above-mentioned range' is a specified angle range value.), it is presumed that rainbow-like unevenness will occur and the display quality will be deteriorated".

(a) However, as explained in a above, the technical ideas described in Cited Document 1 do not make it essential to set the angle of the case to the specified range angle value.

(b) Also, it is understood that the description of [0086] of Cited Document 1 does not exclude that the angle of the case is set to a value other than the specified angle range value in the liquid crystal display device that is expected to be used also in a bright place as follows.

The liquid crystal display device is usually used in a bright place, which is exactly what the patentee alleges. Therefore, it is reasonable to understand the description of [0086] of Cited Document 1 by assuming a liquid crystal display device that is expected to be used also in a bright place.

Then, it is understood that the description describes a situation that occurs when the liquid crystal display device that is expected to be used also in a bright place is designed without considering the influence of external light or fluorescent light. That is, it is understood that the description describes that if the liquid crystal display device that is expected to be used also in a bright place is designed without considering the influence of external light or fluorescent light, although it is possible to prevent rainbow-like unevenness originating from the light of backlight, it is not possible to prevent rainbow-like unevenness originating from the light of external light or fluorescent light unless the angle of the case is set to a specified angle range value.

However, in the liquid crystal display device that is expected to be used also in a bright place, if it is possible to prevent rainbow-like unevenness originating from the light of the backlight, even if it is not possible to prevent rainbow-like unevenness originating from the light of external light or fluorescent light, it is meaningful. Thus, it is understood that the description does not exclude the case where the liquid crystal display device that is expected to be used also in a bright place is set outside the specified angle range.

Against this, it is understood that the theory alleged by the patentee is, in essence, the fact that the liquid crystal display devices are divided into those that are used only in a dark place and those that are expected to be used also in a bright place, and that since

the former does not exist in practice, the description of [0086] is limited to those corresponding to the latter (that is, the description mentions only that the angle of the case is set to a specified range angle value regarding the liquid crystal display device that is expected to be used also in a bright place.). However, as described above, since the liquid crystal display device is usually used in a bright place, as alleged by the patentee, it should not be considered appropriate to understand the liquid crystal display devices by being divided into those that are used only in a dark place and those that are expected to be used also in a bright place, when understanding the description.

(c) Thus, the description of Cited Document 1 does not exclude the case where the liquid crystal display device that is expected to be used also in a bright place is set outside the specified angle range value. Then, by setting the angle of the case outside the specified angle range value in Cited Invention 1, even if it is not possible to prevent rainbow-like unevenness originating from the light of external light or fluorescent light, if it is possible to prevent rainbow-like unevenness originating from the light of the backlight, if another purpose can be achieved instead, it can be said that the setting can be appropriately performed by a person skilled in the art as a matter of choice. Then, the fact that another purpose exists and that it can be achieved is as explained in D (C) and (D) above.

The allegation of the patentee is unreasonable.

c The patentee alleges that although [0086] of Cited Document 1 describes that the angle of the case can be any angle in a dark place, since polarized sunglasses are never used in a dark place, the description does not assume polarized sunglasses (the written opinion, Page 9, Lines 4 to 13).

However, as explained in b above, the description does not exclude the case where the angle of the case is set outside the specified angle range value and the liquid crystal display device is used in a bright place.

The allegation of the patentee is unreasonable.

d The patentee alleges that since the polarized sunglasses are merely used as an evaluation means for the occurrence of rainbow-like unevenness in [0136] of Cited Document 1, it cannot be said that the observation through the polarized sunglasses is not expected in Cited Document 1 (the written opinion, Page 9, Line 14 to 19, Page 9, Line 4 to 2 from the bottom).

However, the setting of evaluation means is meaningless unless it is done based on reality. Then, it should be considered that the use of polarized sunglasses as the

evaluation means for the occurrence of rainbow-like unevenness in Cited Document 1 may be because the polarized sunglasses can be actually used.

The allegation of the patentee is unreasonable.

e The patentee alleges that since in the evaluation of rainbow-like unevenness of [0136] of Cited Document 1, the angle of the case is set to 0° regardless of whether the observation is through polarized sunglasses or in a dark place, even if the observation through the polarized sunglasses is expected in Cited Document 1, the angle of the case is not made to be 45 degrees (the written opinion, Page 9, Lines 19 to Page 10, Line 2).

However, the description of Cited Document 1 is merely an example. Further, Cited Document 1 does not evaluate the viewpoint such as the technical matter described in Cited Document 2; that is, the viewpoint whether or not the polarized sunglasses can obtain high transmitted light at any angle. Therefore, in [0136] of Cited Document 1, the fact that the angle of the case is set to 0° does not influence the above-mentioned judgment.

(B) The patentee alleges that regarding the judgment of Different Feature 3, in Invention 1, 0 degree (an angle that becomes 0 degree by rounding off) is excluded from the angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film, and even if there is a motivation to make the best state (parallel), shifting from the best state and the motivation to reach it are not described or suggested in Cited Document 1 (the written opinion, Page 10, Lines 5 to 5 from the bottom).

However, it is as examined in E (B) above.

H Summary of Invention 1

As described above, Invention 1 could have been easily invented by a person skilled in the art, on the basis of Cited Invention 1, the description of Cited Document 1, the technical matter described in Cited Document 2, Well-known art, and the technical common sense.

(3) Lack of inventive step of Invention 2

A Comparison of Invention 2 and Cited Invention 1, and recognition of corresponding feature and different features

Invention 2 differs from Invention 1 in the following points that

(i) the angle of "the orientation main axis of 'the base film' with respect to the polarization axis of the polarizer" is limited from "45 degrees ±10 degrees or less" to "45 degrees,"

and
(ii) an angle excluded from "an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film" is expanded from "0 degree or 90 degrees" to "0 degree ±3 degrees or less or 90 degrees ±3 degrees or less".

Therefore, Invention 2 and Cited Invention 1 correspond and differ in the corresponding feature and differ in Different Feature 1 which are similar to (2) B above, and differ in the following points.

[Different Feature 4]

Regarding a base film that is a high retardation orientation film, in Invention 2, it "is arranged such that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer," whereas Cited Invention 1 does not make such a specification.

[Different Feature 5]

Invention 2 has "a shatterproof film arranged on the viewing side of the base film," "the shatterproof film" is a low retardation orientation film, and "the case where the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±3 degrees or less or 90 degrees ±3 degrees or less" is excluded, whereas Cited Invention 1 is not equipped with the shatterproof film.

B Judgment of Different Feature 4

For the same reason as (2) D above (Judgment of Different Feature 2), Different Feature 4 is not exceptional.

C Judgment of Different Feature 5

For the same reason as (2) E above (Judgment of Different Feature 3), Different Feature 5 is not exceptional.

D Summary of Invention 2

Therefore, also considering (2) C above (Judgment of Different Feature 1), Invention 2 could have been easily invented by a person skilled in the art on the basis of Cited Invention 1, the description of Cited Document 1, the technical matter described in Cited Document 2, Well-known Art 1, and the technical common sense.

(4) Lack of inventive step of Invention 3

A Comparison of Invention 3 and Cited Invention 1, and recognition of corresponding feature and different features

Invention 3 differs from Invention 1 in the following points that

(i) it is limited that "a white light source having the continuous emission spectrum is a white light emitting diode," and

(ii) an angle excluded from "an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film" is expanded from "0 degree or 90 degrees" to "0 degree ±1 degrees or less or 90 degrees ±1 degrees or less".

Therefore, Invention 3 and Cited Invention 1 correspond and differ in the corresponding feature, and Different Feature 1 and Different Feature 2 which are similar to (2) B above, and differ in the following points.

[Different Feature 6]

In Invention 3, "a white light source having the continuous emission spectrum is a white light emitting diode," whereas Cited Invention 1 does not make such a specification.

[Different Feature 7]

Invention 3 has "a shatterproof film arranged on the viewing side of the base film," "the shatterproof film" is a low retardation orientation film, and "the case where the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±1 degrees or less or 90 degrees ±1 degrees or less" is excluded, whereas Cited Invention 1 is not equipped with the shatterproof film.

C Judgment of Different Feature 6

For the same reason as (2) C above (Judgment of Different Feature 1), Different Feature 6 is not exceptional.

D Judgment of Different Feature 7

For the same reason as (2) E above (Judgment of Different Feature 3), Different Feature 7 is not exceptional.

E Summary of Invention 3

Therefore, also considering (2) C above (Judgment of Different Feature 1) and D (Judgment of Different Feature 2), Invention 3 could have been easily invented by a person skilled in the art on the basis of Cited Invention 1, the description of Cited Document 1, the technical matter described in Cited Document 2, Well-known Art 1, and the technical common sense.

(5) Lack of inventive step of Invention 4

A Comparison of Invention 4 and Cited Invention 1, and recognition of corresponding feature and different features

Invention 4 differs from Invention 1 in the following points that

(i) it is limited that "a white light source having the continuous emission spectrum is a white light emitting diode,"

(i) the angle of "the orientation main axis of 'the base film' with respect to the polarization axis of the polarizer" is limited from "45 degrees ±10 degrees or less" to "45 degrees," and

(iii) an angle excluded from "an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film" is expanded from "0 degree or 90 degrees" to "0 degree ±10 degrees or less or 90 degrees ±10 degrees or less".

Therefore, Invention 4 and Cited Invention 1 correspond and differ in the corresponding feature and Different Feature 1 which are similar to (2) B above, and differ in the following points.

[Different Feature 8]

In Invention 4, "a white light source having the continuous emission spectrum is a white light emitting diode," whereas Cited Invention 1 does not make such a specification.

[Different Feature 9]

Regarding a base film that is a high retardation orientation film, in Invention 4, it "is arranged such that an orientation main axis thereof is 45 degrees with respect to a polarization axis of the polarizer," whereas Cited Invention 1 does not make such a specification.

[Different Feature 10]

Invention 4 has "a shatterproof film arranged on the viewing side of the base film," "the shatterproof film" is a low retardation orientation film, and "the case where the case

where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree ±10 degrees or less or 90 degrees ±10 degrees or less" is excluded, whereas Cited Invention 1 is not equipped with the shatterproof film.

C Judgment of Different Feature 8

For the same reason as (4) C above (Judgment of Different Feature 6), Different Feature 8 is not exceptional.

D Judgment of Different Feature 9

For the same reason as (2) D above (Judgment of Different Feature 2), Different Feature 9 is not exceptional.

E Judgment of Different Feature 10

For the same reason as (2) E above (Judgment of Different Feature 3), Different Feature 10 is not exceptional.

F Summary of Invention 4

Therefore, also considering (2) C above (Judgment of Different Feature 1), Invention 4 could have been easily invented by a person skilled in the art on the basis of Cited Invention 1, the description of Cited Document 1, the technical matter described in Cited Document 2, Well-known Art 1, and the technical common sense.

(6) Summary of judgment regarding inventive step

Therefore, Invention 1 and Invention 2 are lacking in inventive step, on the basis of Cited Invention, the description of Cited Document 1, the technical matter described in Cited Document 2, Well-known Art 1, and the technical common sense.

4 Summary reasons for revocation described in the notification of reasons for revocation (advance notice of decision)

As described above, Inventions 1 to 4 should be revoked due to the reasons for revocation described in the notification of reasons for revocation (advance notice of decision).

No. 5 Regarding reasons for opposition to the grant of a patent that have not been adopted in the notice of reasons for revocation (advance notice of decision)

1 Inventive step based on Cited Invention 2

(1) Regarding Invention 1

A Comparison of Invention 1 and Cited Invention 2

(A) Regarding the specifying matter "a white light source having a continuous emission spectrum" of Invention 1

"A backlight light source made from a white LED having a continuous emission spectrum" of Cited Invention 2 corresponds to "a white light source having a continuous emission spectrum" of Invention 1.

(B) Regarding the specifying matter "an image display cell" of Invention 1

"A liquid crystal cell" of Cited Invention 2 corresponds to "an image display cell" of Invention 1.

(C) Regarding the specifying matter "a polarizer arranged on the viewing side of the image display cell" of Invention 1

"A polarizing plate disposed on the viewing side of the liquid crystal cell" of Cited Invention 2 corresponds to "a polarizer arranged on the viewing side of the image display cell" of Invention 1.

(D) Regarding the specifying matters that "a base film arranged on the viewing side of the polarizer, and on which a transparent conductive layer of a touch panel is laminated" and "the base film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer" of Invention 1

"A polymer film" of Cited Invention 1 has "a retardation of 3,000 to 30,000 nm, a preferred lower limit of the retardation being 6,000 nm". Then, in Cited Invention 2, "an angle formed by an absorption axis of the polarizing plate and a slow axis of the polymer film is about 45 degrees".

Then, "a polymer film" of Cited Invention 2 and "a base film" of Invention 1 are common in that they are high retardation orientation films. Cited Invention 2 is equipped with a high retardation orientation film "arranged on the viewing side of the polarizer" of Invention 1 and the specifying matter that the high retardation orientation film "is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the base film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer."

However, "a polymer film" (high retardation orientation film) of Cited Invention 2 is not "a base film which is arranged on the viewing side of a polarizer, and on which a transparent conductive layer is laminated," but is "a polymer film" "having an antistatic layer".

(E) Regarding the specifying with "a shatterproof film arranged on the viewing side of the base film" and "the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm," of Invention 1

Cited Invention 2 is not equipped with the specifying matter of Invention 1

(F) Regarding the specifying matter "(however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees, is excluded)" of Invention 1

Cited Invention 2 is not equipped with the specifying matter of Invention 1

B Recognition of corresponding feature and different features

According to A above, Invention 1 and Cited Invention 2 correspond in the point that

"An image display device comprising:
a white light source having a continuous emission spectrum;
an image display cell;
a polarizer arranged on the viewing side of the image display cell; and
a high retardation orientation film arranged on the viewing side of the polarizer,
wherein the high retardation orientation film is an orientation film having a retardation of 6,000 nm or more and 150,000 nm or less, and the high retardation orientation film is arranged such that an orientation main axis thereof is 45 degrees ±10 degrees or less with respect to a polarization axis of the polarizer,"
and differ in the following points.

[Different Feature 1]

Regarding a high retardation orientation film, in Invention 1, it is "a base film on which a transparent conductive layer is laminated," whereas in Invention 2, it is "a polymer film" "having an antistatic layer".

[Different Feature 2]

Invention 1 has "a shatterproof film arranged on the viewing side of the base film,"

"the shatterproof film is an orientation film having a retardation of 100 nm or more and less than 3,000 nm," and "however, the case where an angle formed by the orientation main axis of the shatterproof film and the orientation main axis of the base film is 0 degree or 90 degrees, is excluded," whereas Cited Invention 2 is not so.

C Judgment of Different Feature 1

(A) It cannot said that "an antistatic layer" of the high retardation orientation film of Cited Invention 2 is the same as "a transparent conductive layer of a touch panel" in the configuration relating to Different Feature 1, and there is no motivation to replace it in this way.

(B) Against this, the opponent alleges that "a transparent conductive layer of a touch panel" of Invention 1 includes an antistatic layer arranged on a back surface of the touch panel that is not involved in detecting the touched position, on Pages 2 to 3 of the written opinion dated March 13, 2019.

However, the word "a transparent conductive layer of a touch panel" is not usually understood to mean an antistatic layer that is arranged on the back surface of the touch panel that is not involved in detecting the touched position, and there is no description in the Description, etc. that provides the basis for such an interpretation.

The allegation of the opponent is unreasonable.

D Summary regarding Invention 1

As described above, without examining Different Feature 2, Invention 1 could not have been easily invented by a person skilled in the art on the basis of Cited Invention 2.

(2) Regarding Inventions 2 to 4

Also, Inventions 2 to 4 are equipped with the configuration relating to Different Feature 1 similarly to Invention 2. Therefore, for the same reason as (1) C above, Invention 2 could not have been easily invented by a person skilled in the art on the basis of Cited Invention 2.

(3) Summary regarding inventive step based on Cited Invention 2

Therefore, the patent according to Inventions 1 to 4 cannot be revoked by the reasons of the opposition.

2 Supporting requirement

(1) Part 1

A The opponent alleges that since the inventions according to Claims 1 to 3 of the patent invention do not specify retardation difference between the base film and the shatterproof film and the relationship of directions of the orientation main axis of the base film and the orientation main axis of the scattering film, depending on the retardation difference or direction, the overall retardation value may be a halfway value and the problem may not be solved (the written opposition, Page 36, Line 13 to Page 37, Line 2).

B However, with the correction of the case, it was specified that the minimum value of retardation of the base film is 6,000 nm, so that it was revealed that the difference between the retardation of the base film and the retardation of the shatterproof film was at least 3,000 nm.

Therefore, it cannot be said that the Invention cannot solve a problem.

(2) Part 2

The opponent alleges that the inventions according to Claims 1 to 3 of the patent invention only specify that the retardation of the base film is less than 3,000 nm, and do not limit the lower limit value, so that it includes a structure that does not cause the problem of the deterioration in visibility due to an interference color (rainbow-like unevenness) even when the base film is used alone (the written opposition, Page 37, Lines 3 to the last line).

However, the Invention (after the correction of the case) specifies that the lower limit value of the retardation of the base film is 100 nm.

Therefore, the Invention does not include the structure that does not cause the problem of the deterioration in visibility due to the interference color (rainbow-like unevenness).

(3) Summary of supporting requirement

Therefore, the description of the Invention meets the requirement of Article 36(6)(i) of the Patent Act.

The allegation of the opponent cannot be accepted.

3 Requirements for clarity

The opponent alleges that although the inventions according to Claims 1 to 3 of the patent invention specify the retardations of the base film and the shatterproof film, it is unclear what wavelength these retardations mean (the written opposition, Page 38,

Lines 1 to 3 from the bottom).

However, since "a refractive index" necessary for specifying the retardation is usually measured by the wavelength of sodium D line (589.3 nm), which is technical common sense, regarding the retardation, unless otherwise specified, it is appropriate to interpret it as that measured with the sodium D line.

Accordingly, the description of the Invention is clear, and meets the requirement of Article 36(6)(ii) of the Patent Act.

The allegation of the opponent cannot be accepted.

No. 6 Closing

As described above, the patent relating to Invention 1 to Invention 4 has been granted in violation of the provision of Article 29(2) of the Patent Act.

Thus, the patent relating to Invention 1 to Invention 4 falls under Article 113(2) of the Patent Act, and should be invalidated.

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

October 28, 2019

Chief administrative judge: SEGAWA, Katsuhisa
Administrative judge: YAMAMURA, Hiroshi
Administrative judge: HOSHINO, Koichi