Trial decision

Invalidation No. 2018-800073

Demandant	SEIREN CO. LTD.
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Patent Attorney	NAKAMURA, Satoshi
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Patent Attorney	ARICHIKA, Yasuomi
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The case of a trial for patent invalidation regarding Patent No. 5913755, entitled "SEAT-COVERING MATERIAL, METHOD FOR MANUFACTURING SEAT-COVERING MATERIAL, AND EMBOSSING ROLL" between the parties above has resulted in the following trial decision.

Conclusion

The patent regarding the inventions described in Claims 1, 2, 4, 8, and 9 of Patent No. 5913755 shall be invalidated.

The other demands for trial are groundless.

One sixth of the costs in connection with the trial shall be borne by the Demandant. The remainder shall be borne by the Demandee.

Reason

No. 1 History of procedures

The application regarding Patent No. 5913755 (hereinafter referred to as the "Patent") was an patent application based on an international application filed on November 18, 2014. The patent right was established and registered on April 8, 2016.

The history of the further main procedures is as follows.

June 5, 2018: Demand for trial of the case (regarding Claims 1, 2, 4, 5, 8, and 9) and submission of a written request for inspection (Note by the body: It is understood that the request for inspection thereof was withdrawn as a result of submission of a written request 2 for inspection described below).

September 11, 2018: Submission of a written opinion

October 9, 2018: Question to Demandant

November 9, 2018: Submission of a written reply to the question and a written request 2 for inspection (Demandant)

November 15, 2018: Question to Demandee

December 4, 2018: Submission of a written reply to the question (Demandee)

January 17, 2019: Notification of matters to be examined

February 26, 2019: Submission of an oral proceedings statement brief and Written request for examination of a witness (Demandant)

Submission of an oral proceedings statement brief (Demandee)

March 12, 2019: First oral proceeding and First examination (inspection) of the evidence

May 14, 2019: Submission of a written statement (Demandee)

May 29, 2019: Notification regarding matters to be examined

June 27, 2019: Submission of an oral proceedings statement brief 2 (Demandant and Demandee)

July 11, 2019: Second oral proceeding and second examination of evidence (examination of a witness)

September 13, 2019: Advance notice of trial decision

November 18, 2019: Submission of a written statement (Demandee)

November 28, 2019: Question to Demandant

December 17, 2019: Submission of a written reply (Demandant)

No. 2 Inventions of the case

The inventions regarding Claims 1, 2, 4, 5, 8, and 9 of the Patent (hereinafter referred to as "Invention 1", or the like, and generally referred to as the "Invention") are as specified by the following matters described in Claims 1, 2, 4, 5, 8, and 9 of the scope of claims attached to the application.

"[Claim 1]

A method for manufacturing a seat-covering material,

the method comprising a step of passing an elongated material between a heating embossing roll, which includes a plurality of embossing portions projecting from a base surface, and a heating flat roll so that the elongated material is pressed by the embossing portions, wherein

at least one of the plurality of embossing portions is formed to have a height from the base surface of the heating embossing roll that varies by section, side surfaces formed on both sides of the highest top surface from the base surface are formed to have different shapes, and the elongated material is pressed by the plurality of embossing portions.

[Claim 2]

The method for manufacturing a seat-covering material recited in Claim 1,

wherein the base surface of the heating embossing roll remains out of contact with the elongated material when the elongated material passes between the heating embossing roll and the heating flat roll.

[Claim 4]

The method for manufacturing a seat-covering material recited in any one of Claims 1 to 3,

wherein a bevel is formed in at least a section of each embossing portion.

[Claim 5]

The method for manufacturing a seat-covering material recited in any one of Claims 1 to 3,

wherein each embossing portion includes a bevel that varies in height from the base surface,

the plurality of embossing portions include a group of embossing portions arranged along an imaginary line on the base surface, and

the bevels of adjacent embossing portions in the group of embossing portions are inclined in different orientations with respect to the imaginary line.

[Claim 8]

An embossing roll used to manufacture a seat-covering material,

wherein the embossing roll has a base surface on which a plurality of embossing portions are formed,

the embossing portions have a height from the base surface, and

the height from the base surface of at least one of the embossing portions varies by section, and side surfaces formed on both sides of the highest top surface from the base surface are formed to have different shapes.

[Claim 9]

A seat-covering material having a surface on which a plurality of concave parts are formed,

wherein each of the concave parts has a pair of slopes facing across a bottom surface, and

in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles."

No. 3 Outline of the Demandant's allegation and means of proof

1 Outline of Demandant's allegation

The Demandant demands the decision that the patent of the inventions described in Claims 1, 2, 4, 5, 8, and 9 of Patent No. 5913755 shall be invalidated and the costs in connection with the trial shall be borne by the Demandee. The reasons for patent invalidation are as follows.

(1) Reason for invalidation 1-1(Novelty with respect to Claim 9)

Invention 9 is an invention which falls under Article 29(1)(i) or (ii) of the Patent Act (publicly known/publicly used) in that the Demandant's Exhibit No. 1, the fabric of the design master is an example of a covering material used as a seat-covering material of the "LAFESTA Highway Star", the "LAFESTA Highway Star," which had been sold as of July 2006 at latest, and the fabric of the design master is identical to Invention 9.

(2) Reason for invalidation 1-2 (Novelty with respect to Claim 9)

The present vehicle "LAFESTA" of the Demandant's Exhibit No. 4 was sold in Japan before the filing of the patent application. Since Invention 9 is identical to the seat-covering material arranged in that vehicle "LAFESTA", it is an invention which

falls under Article 29(1)(i) or (ii) of the Patent Act (publicly known/publicly used).

(3) Reason for invalidation 1-3 (Novelty with respect to Claim 9)

Since Invention 9 is an invention described in the publication of the Demandant's Exhibit No. 2, which was distributed before the filing of the patent application, Invention 9 is an invention which falls under Article 29(1)(iii) of the Patent Act.

(4) Reason for invalidation 1-4 (Inventive step with respect to Claims 1, 2, 4, 5, and 8)

Inventions 1, 4, and 8 could have been easily arrived at by a person skilled in the art on the basis of an invention described in Evidence A No. 27, and at least one of a technology of a seat-covering material arranged in the NISSAN "LAFESTA Highway Star" equipped with a seat-covering material manufactured according to the design master example of the Demandant's Exhibit No. 1, and a technology of a seat-covering material arranged in that vehicle "LAFESTA" of the Demandant's Exhibit No. 4, or a technology described in the Demandant's Exhibit No. 2. Invention 2 could have been easily arrived at by a person skilled in the art on the basis of the invention described in Evidence A No. 27, at least one of a technology of a seat-covering material arranged in the NISSAN "LAFESTA Highway Star" equipped with a seat-covering material manufactured according to the design master example of the Demandant's Exhibit No. 1, and a technology of a seat-covering material arranged in that vehicle "LAFESTA" of the Demandant's Exhibit No. 4, or a technology described in the Demandant's Exhibit No. 2, further, on the basis of a technology described in Evidence A No. 28. Invention 5 could have been easily arrived at by a person skilled in the art on the basis of the invention described in Evidence A No. 27 and a technology described in the Demandant's Exhibit No. 2.

2 Means of proof

(1) Documentary evidences (Titles of evidences may be based on the explanatory list of evidences. The same applies hereinafter.)

Evidence A No. 1	Pictures and drawings of Demandant's Exhibit No. 1 (the design master)
Evidence A No. 2	Meeting minutes for shifting "FORMA" to mass production
Evidence A No. 3	Sample of FORMA approved in-house
Evidence A No. 4	Meeting minutes for shifting "FORMA P1" to

mass production

Evidence A No. 5 Check sheet for initial products

Evidence A No. 6 Notice of new product number

Evidence A No. 7 Standard work chart

Evidence A No. 8 Processing and design for each process [direction] (PS process)

Evidence A No. 9 Processing and design for each process [direction] (RA process)

Evidence A No. 10 Processing and design for each process [direction] (FS process)

Evidence A No. 11 Cover of "364 S-LOT COLOR SPEC", p. 34-p. 38

Evidence A No. 12 FORMA launching delivery and production materials

Evidence A No. 13 Facsimile document "unofficial quantity for July"

Evidence A No. 14 Journal (entry No. B69679)

Evidence A No. 15 Summary table on processing data

Evidence A No. 16 Facsimile document "Subject: Distribution of a list about 'B30 cancelled parts"

Evidence A No. 17 Brochure (Catalogue) of NISSAN "LAFESTA", cover, back cover, p. 40-p. 45, p. 48-p. 51

Evidence A No. 18 Online catalog of NISSAN "LAFESTA" http://history.nissan.co.jp/index.html

Evidence A No. 19 Notary certificate (made on May 330, 2018 by a notary Isao UESAKA)

Evidence A No. 20 Pictures and drawings of Demandant's Exhibit No. 2 (Chair material sample book VOL. 6)

Evidence A No. 21 Online catalog of Upholstery Chair material sample book VOL. 6, cover, table of contents, p. 112, colophon http://www.sangetsu.co.jp/pdfdownload/old/upholstery06/

Evidence A No. 22 News release http://www.sangetsu.co.jp/files/info/6918/6918.pdf

Evidence A No. 23 Product news http://online.ibnewsnet.com/news/file_n/sy2011/sy110517-01.html

Evidence A No. 24 Online catalog of Chair fabric sample bool "2016-2019UP", cover, table of contents, p. 112, colophon http://www.sangetsu.co.jp/digital_book/chair.html

Evidence A No. 25 Pictures of Demandant's Exhibit No. 3 (UP8894)

Evidence A No. 26-1 Document for requesting a sample

Evidence A No. 26-2 Transmittal letter for the sample

Evidence A No. 27 Japanese Unexamined Patent Application Publication No. 2007-276285

Evidence A No. 28 Japanese Unexamined Patent Application Publication No. 2013-59881

Evidence A No. 29 Written statement (created on February 26, 2019 by Kazunori KAWAMURA)

Evidence A No. 30 Warp knitting design document

Evidence A No. 31 Pictures of Demandant's Exhibit No. 1 and Demandant's Exhibit No. 4

Evidence A No. 32 Knitting diagram of PX FORMA

Evidence A No. 33 National Publication of International Patent Application No. H4-505107

Evidence A No. 34 Japanese Unexamined Patent Application Publication No. 2014-70321

Evidence A No. 35 Japanese Unexamined Patent Application Publication No. 2014-184580

Evidence A No. 36 Japanese Unexamined Patent Application Publication No. S63-135236

Evidence A No. 37 Japanese Unexamined Patent Application Publication No. S56-99623

(Hereinafter, the above evidences are referred to as "A-1", or the like.)

(2) Exhibit and witness

Demandant's Exhibit No. 1 Design master

Demandant's Exhibit No. 2 Chair material sample book issued by Sangetsu Corporation "Upholstery Chair sample book VOL. 6"

Demandant's Exhibit No. 4 Vehicle "LAFESTA Highway STAR" (the vehicle identification number: B30-117209) manufactured by NISSAN MOTOR CORPORATION

Notary Kazunori KAWAMURA

No. 4 Outline of the Demandee's allegation and means of proof

1 Outline of the Demandee's allegation

The Demandee demands the the following decision. "The demand for trial of the case was groundless. The costs in connection with the trial shall be borne by the Demandant." As for the grounds, the Demandee alleges that all of the Reasons for invalidation 1-1 to 1-4 alleged by the Demandant are groundless.

2 Means of proof

Evidence B No. 1 Pinsonic quilting (http://www.maruya-tx.co.jp/processing/pinsonic.html)

Evidence B No. 2 Report (made by Masaru KITANO on September 7, 2018)

Evidence B No. 3 Report (made by Daisuke SAWADA on November 13, 2019)

(Hereinafter, the above evidences are referred to as "B-1", or the like.)

No. 5 Judgment by the body

In view of the case, the Reason for invalidation 1-2 is examined first.

1 Regarding the Reason for invalidation 1-2

(1) Regarding Demandant's Exhibit No. 4

A Regarding the Demandant's Exhibit No. 4, according to the record of the first examination of evidence, as a result of the inspection, the following facts can be acknowledged.

(A) Front and rear appearances of the Demandant's Exhibit No. 4 are identical with pictures 1 and 4 of A-19. (Record of the first examination of evidence 5. (3) A)

(B) The characters "B30-117209" are engraved on the body frame at the back of the center as viewed from the front of the engine compartment of the Demandant's Exhibit No. 4. (Record of the first examination of evidence 5. (3) B)

(C) The characters "B30-117209" are engraved in the second line of a caution plate arranged at the right back as viewed from the front of the Demandant's Exhibit No. 4. (Record of the first examination of evidence 5. (3) C)

(D) A plurality of concave parts are formed on a surface of a seat-covering material of a seat surface of the second-row seat of the Demandant's Exhibit No. 4, and the concave parts having rectangular bottom surfaces are arranged in multiple rows. (Record of the first examination of evidence 5. (3) D)

(E) Portions between the concave parts formed on the surface of the seat-covering material of the seat surface of the second-row seat of the Demandant's Exhibit No. 4 are raised, thereby forming streaks of convex parts in parallel across the rows of concave parts. (Record of the first examination of evidence 5. (3) E)

(F) The streaks of convex parts formed on the surface of the seat-covering material of the seat surface of the second-row seat of the Demandant's Exhibit No. 4 are repeated so that the width is reduced from the maximum and increased again to the maximum. (Record of the first examination of evidence 5. (3) F)

(G) The surface of the seat-covering material of the seat surface of the second-row seat of the Demandant's Exhibit No. 4 includes 9 convex parts having narrower width formed between two convex parts having the maximum width. (Record of the first examination of evidence 5. (3) G)

(H) The surface of the seat-covering material of the seat surface of the second-row seat of the Demandant's Exhibit No. 4 is formed as an inclined surface where a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface of the concave part, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle. (Record of the first examination of evidence 5. (3) H)

(I) A zipper is arranged at the rear in the left side part of the second-row seat of the Demandant's Exhibit No. 4. (Record of the first examination of evidence 5. (3) Q)

(J) When the zipper arranged at the rear in the left side part of the second-row seat of the Demandant's Exhibit No. 4 is opened, only a part of the seat-covering material can be removed, but the seat-covering material cannot be completely removed. (Record of the first examination of evidence 5. (3) R)

(K) There is no serial number printed on the seat-covering material of the second-row seat of the Demandant's Exhibit Not. 4, and there is no serial number of the seat. (Record of the first examination of evidence 5. (3) S)

(L) There is no evidence of replacement of seat-covering material in the right and left front seats and the second-row seat of the Demandant's Exhibit No. 4. (Record of the first examination of evidence 5. (3) T)

(M) There is no incongruity between door interior materials, seat-covering materials of the left and right front seats, and seat-covering materials of the second- and third-row seats, which are interior materials of the Demandant's Exhibit No. 4, and there is no damage. (Record of the first examination of evidence 5. (3) U)

(N) Comparing wear between the seat-covering materials of the seat surfaces of the left and right front seats and the seat-covering material of the seat surface of the second-row

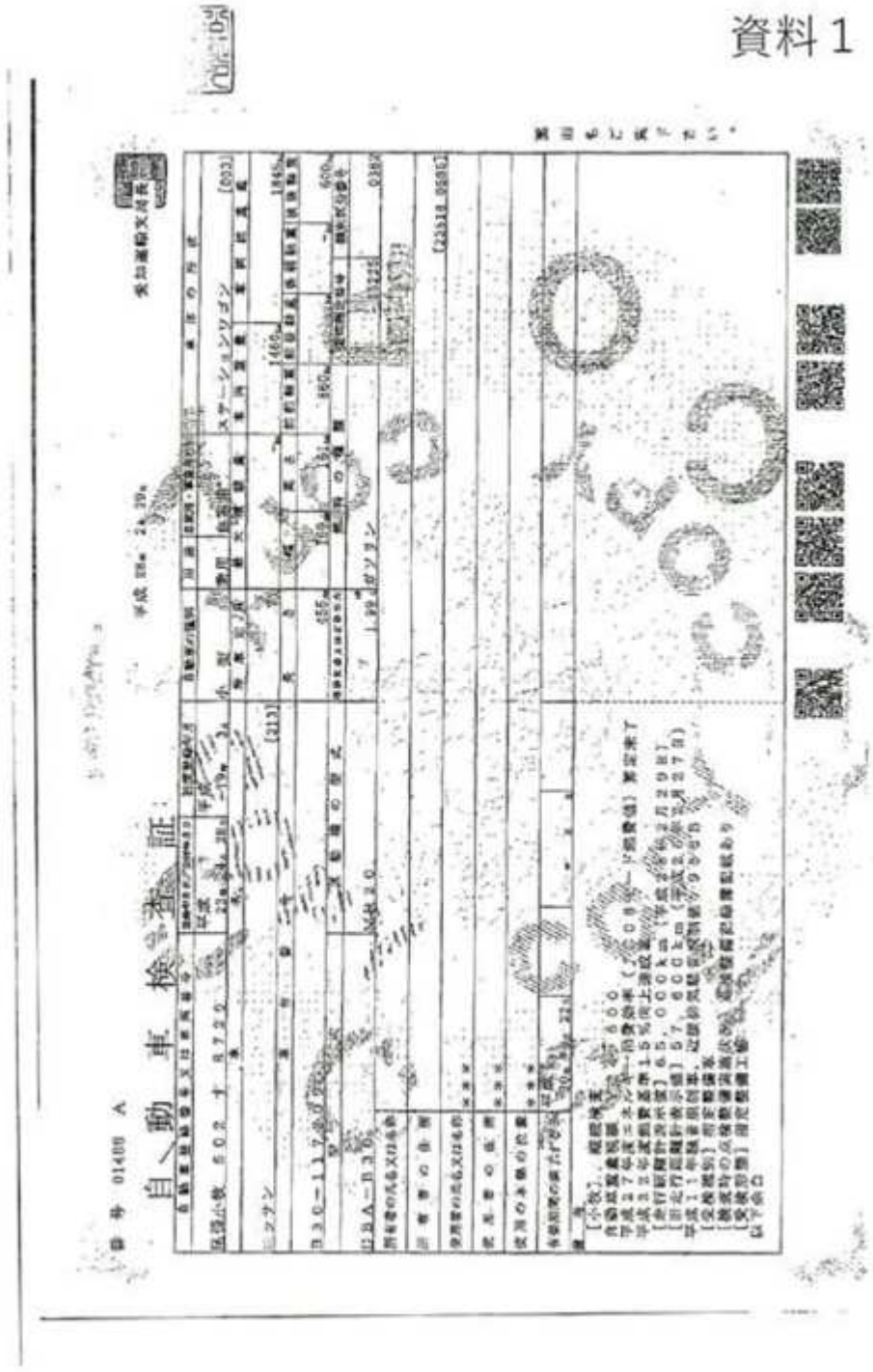
seat of the Demandant's Exhibit No. 4, the seat-covering material of the seat surface of the right front seat (driver's seat) is more worn than the other seat-covering materials. (Record of the first examination of evidence 5. (3) V)

B A-19 (Notarial document) was made in order to confirm the shape and structure of the seat-covering material of the vehicle NISSAN "LAFESTA Highway STAR." It can be said that the vehicle is obviously identical to the Demandant's Exhibit No. 4 (There is no argumentation between the parties here). A-19 is as follows.

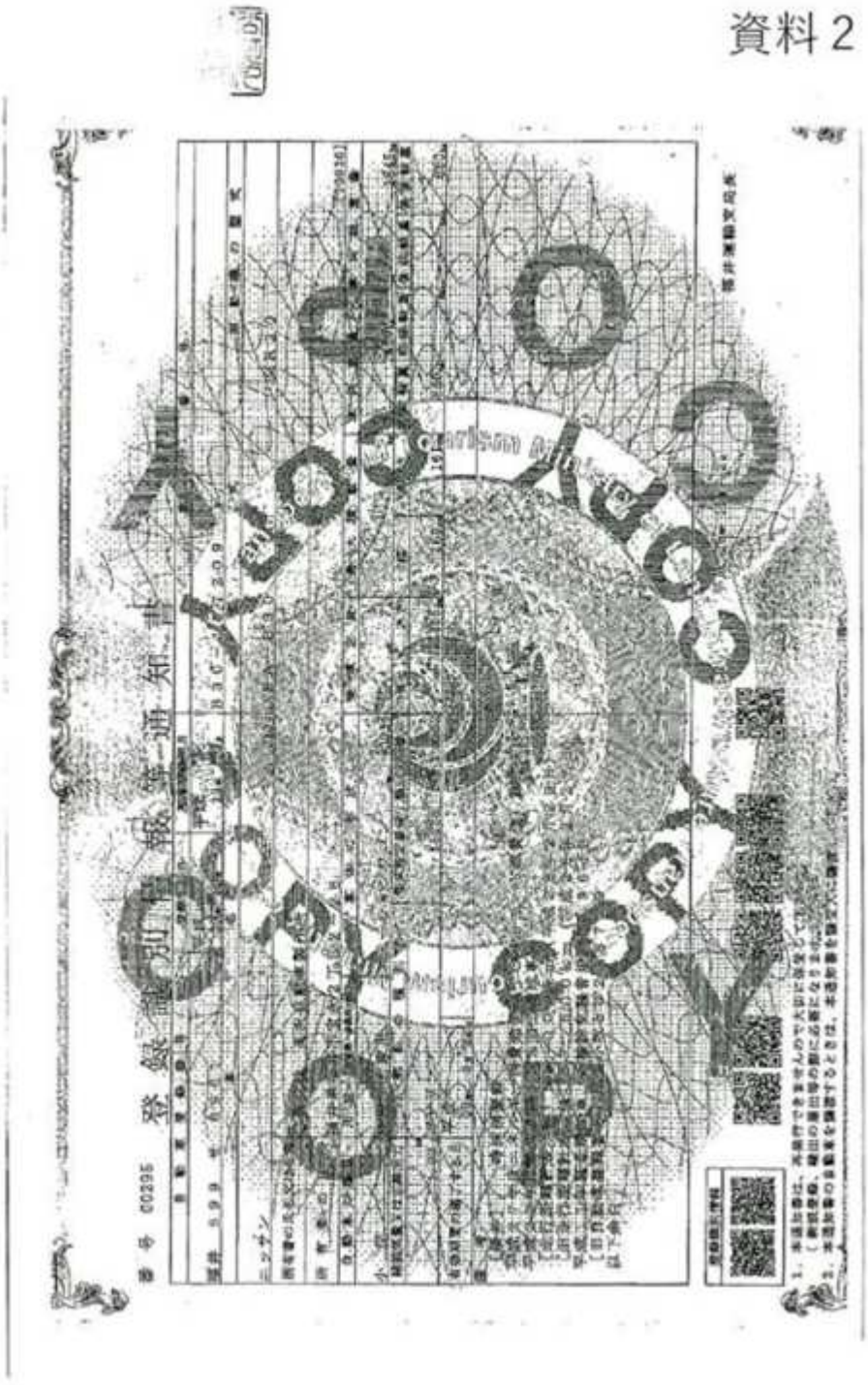
(A) "No. 2 Facts witnessed or confirmed by the notary (1)
1 On May 7, 2018 at 2 p.m., Akihiro NOGATA (hereinafter referred to as 'explainer'), who is Acting Division Manager of the Business Management Division of SEIREN Co., LTD., presented to the notary, in FM Center in SEIREN Research and Development Center, a vehicle (Picture 1) of NISSAN 'LAFESTA Highway STAR', a copy (Material 1) of an automobile inspection certificate of the vehicle dated February 29, 2016, and a notification of registration identification information, etc. (Material 2) dated November 2, 2017.

写真１

写真１　Picture 1



資料１　Material 1



資料２　Material 2

...

3 The notary confirmed the vehicle identification number 'B30-117209' engraved on the body frame at the back of the center as viewed from the front of the engine

compartment of the vehicle (Picture 2), and the model code 'DBA-B30' of the vehicle and the vehicle identification number 'B30-117209' engraved in the caution plate arranged at the right back as viewed from the front (Picture 3)."

(B) "7 The notary confirmed the following facts about the shape and structure of the seat-covering material of the case arranged in 'the LAFESTA'.

(1) Regarding the shape of the concave part of the seat-covering material of the case

As shown in the Picture 7, Picture 8, and FIG. 1, concave parts having rectangular bottom surfaces are arranged in multiple rows on the seat-covering material of the case.

写真７

写真７　Picture 7

写真８

写真８　Picture 8

図１，２

図１

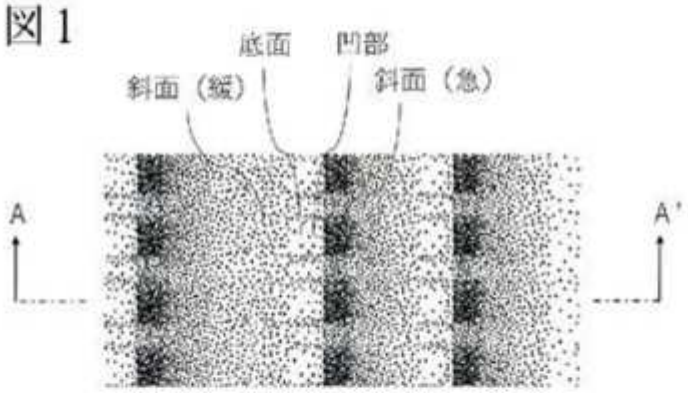


図２

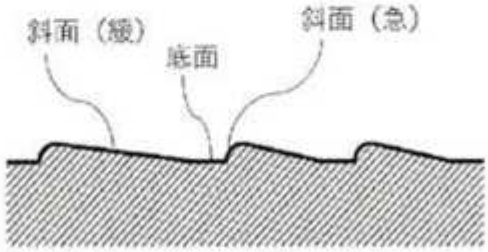


図１，２　FIGS. 1 and 2
図１　FIG. 1
底面　Bottom surface
凹部　Concave part
斜面（緩）　Slope (gentle)
斜面（急）　Slope (steep)
図２　FIG. 2

Tomoyo KODAMA (hereinafter referred to as 'experimenter'), who is in charge of intellectual property in the Business Management Division of SEIREN Co., LTD.,

cut out three parts (8 cm long and 9 cm wide) indicated by white color label tape, in Picture 7, with numbers from 1 to 3, in a part of the seat-covering material of the case attached on the seat located at the second row of the three-row seat of 'the LAFESTA' (Picture 9, Picture 10), and gave the seat-covering materials 1 to 3 of the case to the notary.

写真 9

写真９　Picture 9

写真１０

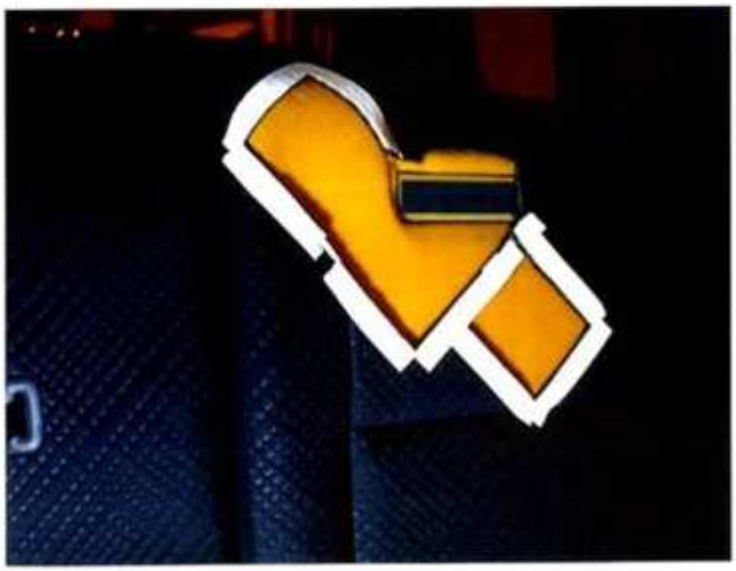


写真１０　　Picture 10

The notary, the explainer, the experimenter, and others moved to the chemistry laboratory 5 in the Research and Development Center from the FM Center where the present vehicle "LAFESTA" had been parked. Then, the notary handed the cut-off of the seat-covering materials 1 to 3 of the case to the experimenter in the laboratory.

The experimenter cut with scissors the seat-covering material 3 of the three

materials into pieces of 1.5 cm long and 9 cm wide (Picture 11), as a measurement sample.

写真１１

写真１１　　Picture 11

The experimenter affixed the measurement sample on a microtube stand

(manufactured by AS ONE Corporation) with double-sided tape, took a picture of a cross section in a direction orthogonal to the longitudinal direction of a concave part, and exported the picture to the microscope "VHX-200 manufactured by KEYENCE CORPORATION."

The experimenter enlarged the imported image in 4.0x times (Picture 12), pointed out the bottom and slopes of the concave parts with red lines, and assigned numbers from No. 1 to No. 8 to vertexes of angles formed by the bottom and the slopes of the concave parts (Picture 13).

写真１２

写真１２　　Picture 12

写真１３

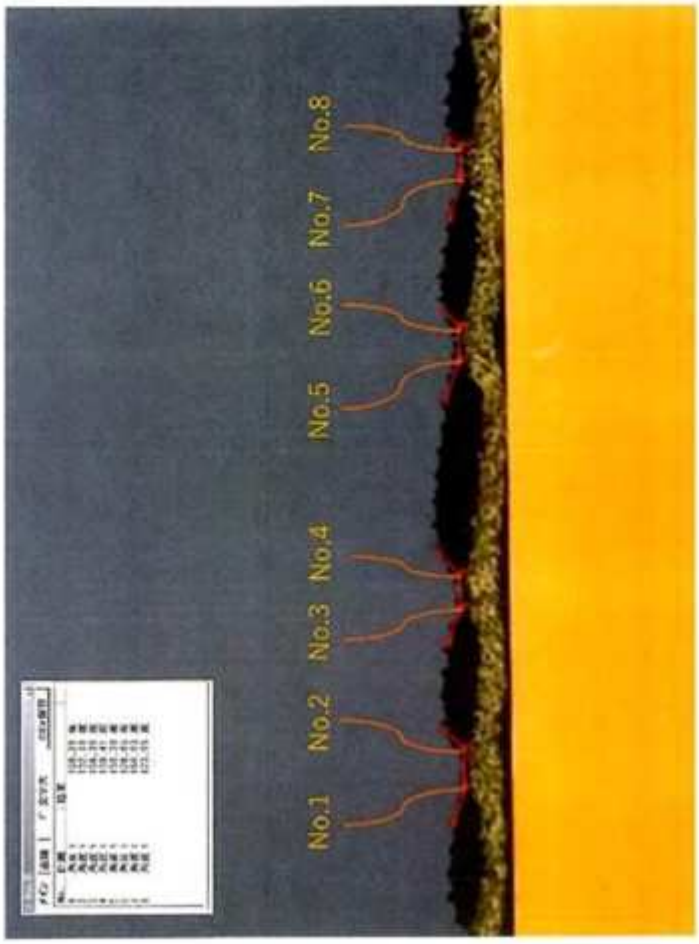


写真１３　　Picture 13

Angles (interior angles) formed by the bottom and the slopes were measured by a measurement tool 'Angle 1' equipped in the microscope, and tilt angles (exterior angles) were determined from measurement values.

Generally, angles representing inclination are indicated by 90 degrees or less; however, since all of the obtained measurement values exceeded 90 degrees, the

measurement values were subtracted from 180 degrees. The results are as shown in the following 'Angle measurement table'.

Angle measurement table

	Angle formed by bottom surface and slope (Interior angle)	Tilt angle (Exterior angle)
No. 1	159.28 degrees	20.72 degrees
No. 2	132.18 degrees	47.82 degrees
No. 3	156.38 degrees	23.62 degrees
No. 4	139.41 degrees	40.59 degrees
No. 5	158.38 degrees	21.62 degrees
No. 6	128.85 degrees	51.15 degrees
No. 7	160.93 degrees	19.07 degrees
No. 8	123.95 degrees	56.05 degrees

As shown in the above angle measurement table, the notary confirmed that the slopes (Nos. 2, 4, 6, 8) of the pairs of slopes facing across bottom of the concave parts have larger tilt angles (exterior angles) than the other angles (Nos. 1, 3, 5, 7).

A cross-sectional shape in the direction orthogonal to the longitudinal direction (vertical direction in FIG. 1) of the concave part of the seat-covering material is formed, as shown in the Pictures 12, 13 and FIGS. 1 and 2, so that one slope (Slope (steep)) of a pair of slopes facing across a bottom surface of a concave part rises at a large angle with respect to the bottom surface, while the other slope (Slope (gentle)) is gradual. The shape and structure of the seat-covering material of the case have the following constitutions (A) to (C).

(A) The seat-covering material has a surface on which a plurality of concave parts are formed.

(B) Each of the concave parts has a pair of slopes facing across a bottom surface.

(C) In at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles."

(C) "(2) Regarding overall appearance characteristics of the seat-covering material in the seat

The notary, the explainer, the experimenter, and others moved again to the FM Center where 'the LAFESTA' of Picture 1 had been parked.

The notary confirmed, as shown in Picture 7, that the concave parts arranged on

a surface of a backrest of the seat are arranged so that long sides of the bottom surface are aligned from the upper right toward the lower left as viewed from the front, and so that the short sides of the bottom surface are aligned from the upper left toward the lower right as viewed from the front.

As described above, the concave part arranged on a surface of a backrest of one seat has a pair of slopes with different tilts facing across a bottom surface in a direction orthogonal to the longitudinal direction of the concave part.

On the surface of the backrest of the seat, pairs of slopes with different tilts are formed in multiple rows from the upper right toward the lower left as viewed from the front. The slopes formed gently, whose area is relatively large, were visually emphasized.

8 In order to clarify that the seat-covering material of the case arranged in 'the LAFESTA' had not been replaced from the start until now, the explainer presented, to the notary, the brochure of 'LAFESTA' (Materials 5 and 6) and online catalog (Material 7).

資料５　Material 5

資料６　Material 6

資料７　Material 7

(1) Regarding the brochure

The notary received an explanation from the explainer that the brochure of 'LAFESTA' was issued 'about July in 2006', and confirmed the description, 'as of July, 2006', in a lower column in the back cover of the online catalog (Material 5).

The notary received an explanation from the explainer that the image of the interior of 'LAFESTA' captured from the side shown in p. 40-p. 41 of the catalog of Material 6 is an image of the interior of 'LAFESTA Highway STAR', and confirmed the description, 'Photo: Highway STAR', in the lower column on p. 40.

The notary compared the seat-covering material in the image shown in Material 6 with the seat-covering material of the case arranged in the vehicle of 'the LAFESTA' (Picture 7, Picture 8), and confirmed that they have similar appearance characteristics."

(2) Invention of Demandant's Exhibit No. 4

From the facts ((1) A) found by inspecting the Demandant's Exhibit No. 4 and the description of A-19 ((1) B) on the same object as the Demandant's Exhibit No. 4, the following invention (hereinafter referred to as "Invention of Demandant's Exhibit No. 4") can be recognized for the vehicle of the Demandant's Exhibit No. 4.

"A seat-covering material attached to a backrest of the second-row seat of a vehicle of 'LAFESTA Highway STAR' (vehicle identification number: B30-117209) manufactured by NISSAN MOTOR CORPORATION, having a surface on which a plurality of concave parts are arranged, wherein

the surface is formed as an inclined surface where a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface of the concave part, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle."

(3) Judgment on Reason for invalidation 1-2

A Comparison between Invention 9 and Invention of Demandant's Exhibit No. 4

Invention 9 and the Invention of Demandant's Exhibit No. 4 are compared below.

The "surface on which a plurality of concave parts are arranged" in the Invention of Demandant's Exhibit No. 4, relating to a seat-covering material, corresponds to the "surface on which a plurality of concave parts are formed" in Invention 9.

The description in the Invention of Demandant's Exhibit No. 4, "a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface of the concave part, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle", regarding a shape of a concave part on a surface, corresponds to the description in Invention 9, "has a pair of slopes facing across a bottom surface, and in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles". The shape exists in the plurality of concave parts. Thus, it can be said that the each of the plurality of concave parts has the shape of the concave part even in the Invention of Demandant's Exhibit No. 4.

Accordingly, there is no difference between Invention 9 and the Invention of Demandant's Exhibit No. 4.

B Regarding the time when the Invention of Demandant's Exhibit No. 4 was publicly known or publicly used

The automobile inspection certificate (Material 1 of A-19) created on February

29, 2016 obviously relating to the vehicle of the Demandant's Exhibit No. 4 ("LAFESTA Highway STAR" (vehicle identification number B30-117209) manufactured by NISSAN MOTOR CORPORATION) includes the following information: "March 2007" as "Date of initial registration", "April 28 2011" as "Date of registration/Date of issuance", and "[Value indicated by old odometer] 57,600 km (February 27 2014)" in the remark's column. Thus, it can be recognized that the vehicle of Demandant's Exhibit No. 4 had traveled 57,600 km before February 27, 2014, which is prior to the filing of the application of the Patent.

Accordingly, it can be said that the vehicle had been known to unspecified persons with secrets revealed (publicly known) before February 27, 2014, which is prior to the filing of the application of the Patent, or that the vehicle had been publicly used by implementation (use).

As a result of the inspection on the Demandant's Exhibit No. 4, from the facts found (1(1) A (M) to (O)), it can be said that the seat-covering material attached to the backrest of the second-row seat of the vehicle of "LAFESTA Highway STAR" (vehicle identification number B30-117209) manufactured by NISSAN MOTOR CORPORATION had not been replaced from the initial registration until now. Thus, it can be said that the Invention of Demandant's Exhibit No. 4 had also been publicly known/publicly used before the filing of the application.

C Summary

In light of the above, it is judged that Invention 9 is an invention which falls under the provisions of Article 29(1)(i) or (ii) of the Patent Act.

Therefore, there are grounds for Reason for invalidation 1-2.

2 Regarding Reason for invalidation 1-1

(1) Regarding evidence

A Regarding Demandant's Exhibit No. 1

Regarding the Demandant's Exhibit No. 1, according to the record of the first examination of evidence, as a result of the inspection, the following facts can be acknowledged.

(A) The design master of the Demandant's Exhibit Not. 1 is formed by stapling a black fabric on a mat. (Record of the first examination of evidence 5. (2) A)

(B) On the mat, the following information are shown: "FG88" in "COLOR CODE",

"364" in "Model GRAIN CODE", "SEAT CLOTH" in "PARTH NAME", and "LOT: NZ1895-3" in "REMARK". (Record of the first examination of evidence 5. (2) B)

(C) "To NISSAN MOTOR CORPORATION" is shown in an upper part of the mat. In the column "RECEIVED STAMP", "NISSAN MOTOR" is shown in an upper part, "Color design" is shown in a lower part, and "'04. 12. 02" is shown in a horizontal direction in a central part across which a round stamp indicating "received" is put vertically. (Record of the first examination of evidence 5. (2) C)

(D) The fabric has a plurality of concave parts formed on the surface. The concave part having rectangular bottom surfaces are arranged in multiple rows. (Record of the first examination of evidence 5. (2) D)

(E) Portions between the concave parts formed on the surface of the fabric are raised, thereby forming streaks of convex parts in parallel across the rows of concave parts. (Record of the first examination of evidence 5. (2) E)

(F) The streaks of convex parts formed on the surface of the fabric are arranged so that the width is reduced from the maximum and increased again to the maximum. (Record of the first examination of evidence 5. (2) F)

(G) The surface of the fabric includes 9 convex parts having narrower width formed between two convex parts having the maximum width. (Record of the first examination of evidence 5. (2) G)

(H) The surface of the fabric is formed as an inclined surface where a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle. (Record of the first examination of evidence 5. (2) H)

(I) The fabric is viewed with different stereoscopic effects depending on viewing angles. (Record of the first examination of evidence 5. (2) I)

(J) The fabric has a three-dimensional knitting pattern formed by connecting an outer material and a liner with connecting yarn. (Record of the first examination of evidence 5. (2) J)

(K) The fabric has a thickness of 1 mm in the concave part, and a thickness of 2-4 mm in the convex part. (Record of the first examination of evidence 5. (2) K)

(L) On all over the back surface of the fabric, elliptic holes having a short-side diameter of about 1 mm and a long-side diameter of 1-2 mm are arranged in a staggered manner. The intervals of the holes are about 8 mm in the long-side diameter direction and about 5 mm in the short-side diameter direction. (Record of the first examination of evidence 5. (2) L)

B　Regarding A-2

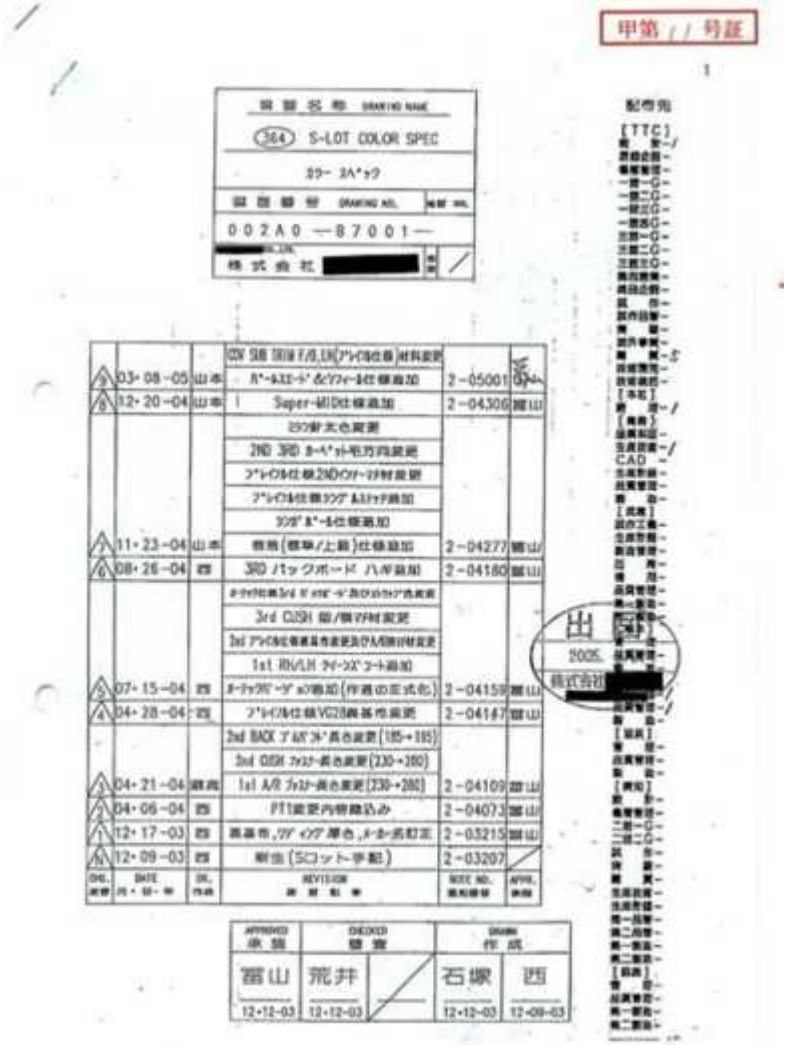
A-2 is as below, including the following information: "Meeting minutes on FORMA mass production" shown in the upper left, "May 23, 2005 (Mon)", "Manufacturer NISSAN", "Part number FORMA", "Model C-MPV 364 LAFESTA(S-MID)", "Color number FG88 (Black)", "Distribution SEIREN (FORMA)-...- NISSAN KYUSHU", and "Decision ... Formal approval: No. NZ1895-3".

甲第２号証　　Evidence A No. 2

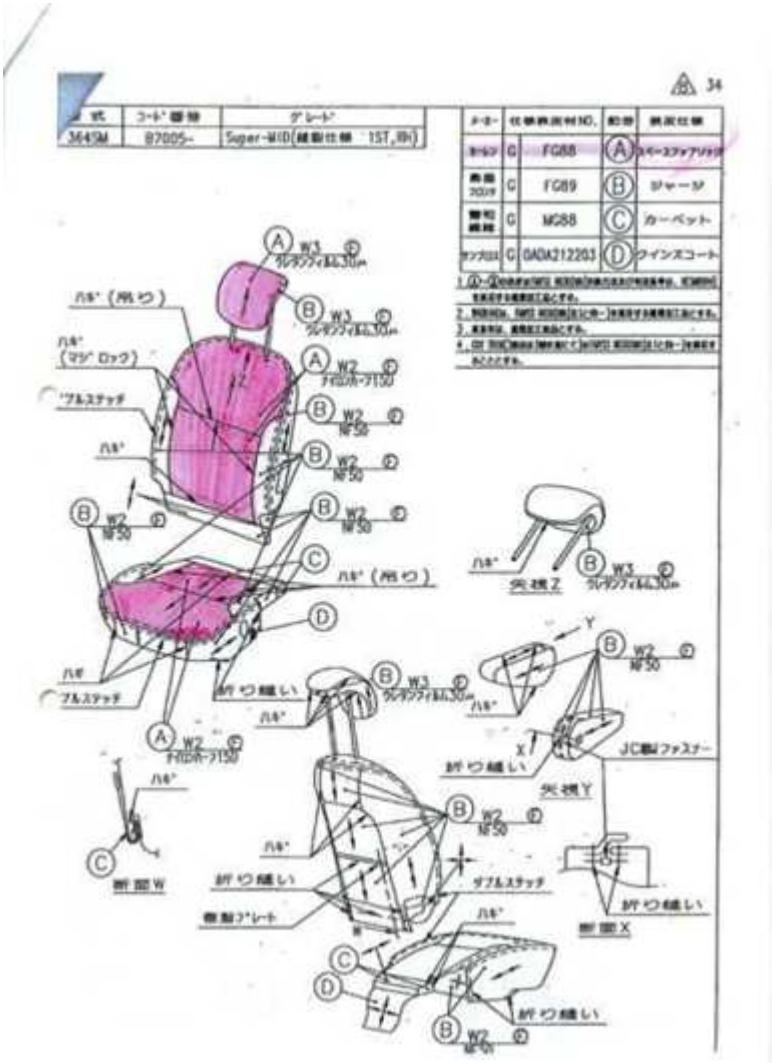
C　Regarding A-11

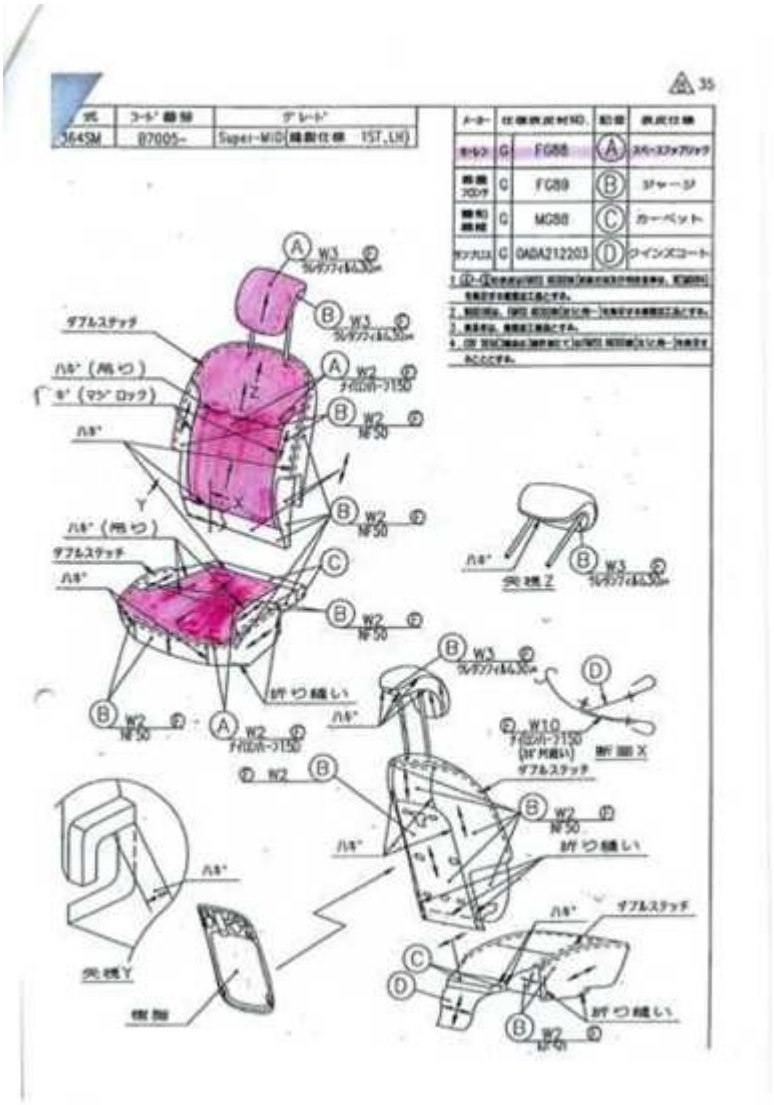
A-11 is as below including the following information: "Model code 364SM" and "Grade Super-MID" shown in the upper left in p. 2 - p. 6, and "Manufacturer SEIREN", "Specification covering material NO. G FG88", "Symbol ○A (Note by the body: ○A

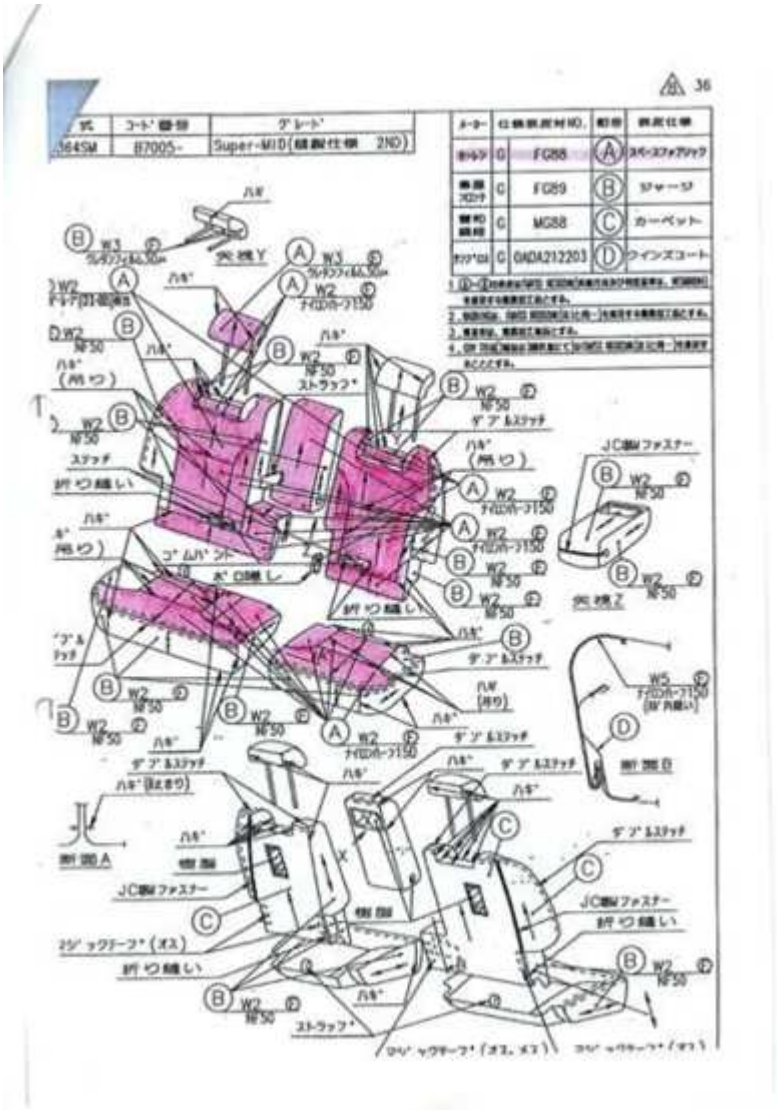
indicates a circled A)", and "Covering specification Space fabric" shown in the upper right.

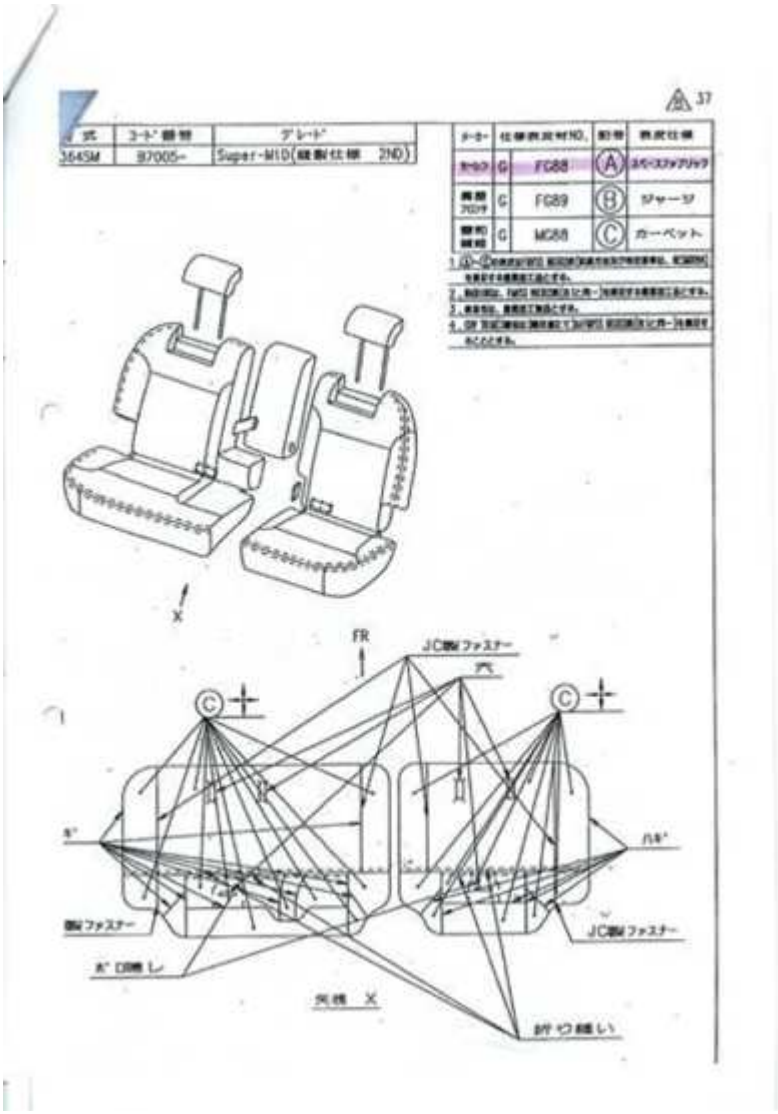


甲第１１号証　　Evidence A No. 11





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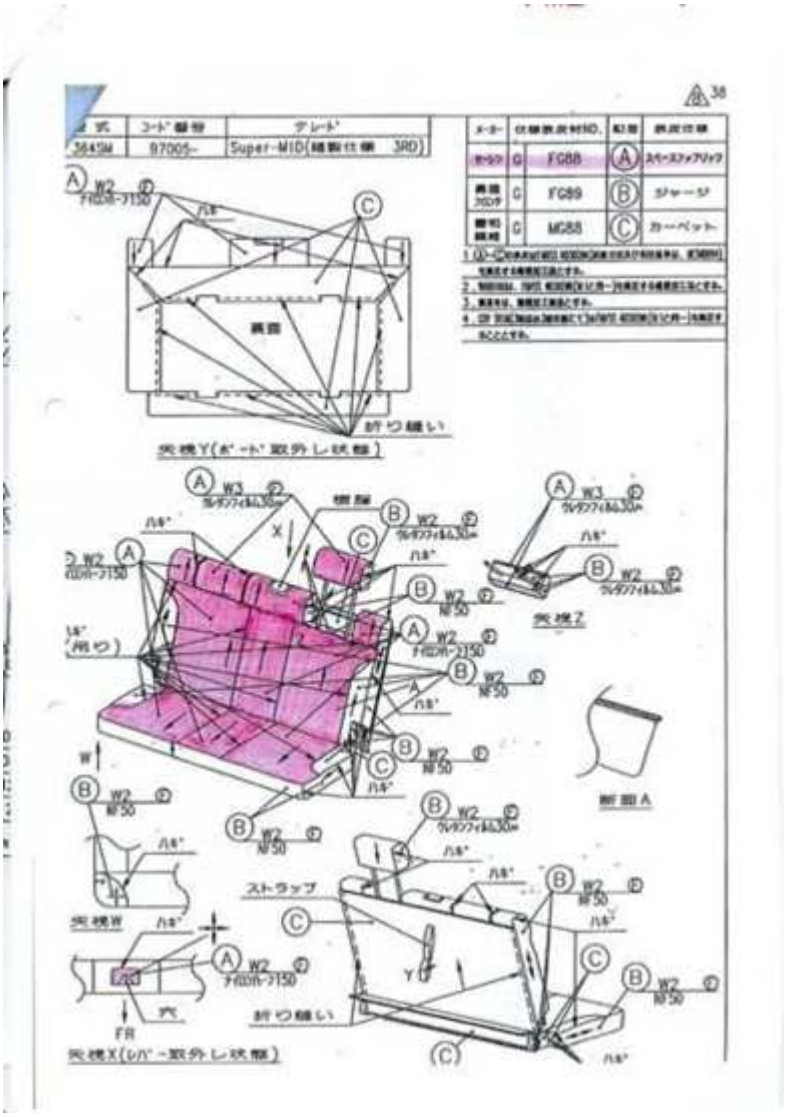


D　Regarding A-17

The A-17 is as below including the following information: "LAFESTA" shown in the upper right in p. 1, "NISSAN MOTOR CORPORATION" and "The contents of this catalog are as of July 2007" shown in the lower left, and "Photo: Highway Star (2WD)" shown in the lower left on p. 2.

甲第１７号証　　Evidence A No. 17

E Regarding A-18

A-18 is as below including the following information: "LAFESTA | Styling", "Seat cloth: Double-raschel/tricot stitch Color: Black <G> Set grade: Highway Star" shown on the page of "NISSAN: LAFESTA interior", and "published from December 2004 to May 2007 NISSAN".

F Regarding the fabric of the design master of the Demandant's Exhibit No. 1 (hereinafter simply referred to as "the fabric of design master") and the seat-covering material attached on a backrest of the second-row seat of the Demandant's Exhibit No. 4, according to the record of the first examination of evidence, as a result of the inspection, the following facts are acknowledged.

(A) Comparing the seat-covering material used in a backrest part of the second-row seat of the Demandant's Exhibit No. 4 with the fabric of the Demandant's Exhibit No. 1, the three-dimensional knitting pattern of the seat-covering material used in the backrest part of the second-row seat of the Demandant's Exhibit No. 4 has the same structure as the three-dimensional knitting pattern of the fabric of the Demandant's Exhibit No. 1.

(Record of the first examination of evidence 5. (3) L)
(B) On all over the back surface of the seat-covering material used in the backrest part of the second-row seat of the Demandant's Exhibit No. 4, elliptic holes having a short-side diameter of about 1 mm and a long-side diameter of 1-2 mm are arranged in a staggered manner. The intervals of the holes are about 8 mm in the long-side diameter direction and about 5 mm in the short-side diameter direction. (Record of the first examination of evidence 5. (3) M)
(C) The holes are arranged in the same way in the back surface of the seat-covering material used in the backrest part of the second-row seat of the Demandant's Exhibit No. 4 and the back surface of the fabric of the Demandant's Exhibit No. 1. (Record of the first examination of evidence 5. (3) N)
(D) The shapes of the left and right front seats and the second- and third-row seats and design of arrangement of the seat-covering material of the Demandant's Exhibit No. 4 are the same as the shapes of the left and right front seats and the second- and third row seats and design of arrangement of the seat-covering material described in the drawings of the Evidence A No. 11. (Record of the first examination of evidence 5. (3) O)
(E) The shapes of the left and right front seats and the second- and third-row seats and design of arrangement of the seat-covering material of the Demandant's Exhibit No. 4 are the same as the shapes of the left and right front seats and the second- and third row seats and design of arrangement of the seat-covering material in the brochure of A-17 and the online catalog of A-18. (Record of the first examination of evidence 5. (3) P)

(2) Regarding the relationship between the fabric of the design master and the seat-covering material attached on the backrest of the second-row seat of the Demandant's Exhibit No. 4

From the result of inspecting the fabric of the design master, the acknowledged facts ((1) A (D) to (H)) on the surface shape of the fabric, a result of inspection on the Demandant's Exhibit No. 4, and the acknowledged facts (1 (1) A (D) to (H)) on the surface shape of seat-covering material of the Demandant's Exhibit No. 4, the fabric of the design master and the seat-covering material attached on the backrest of the second-row seat of the Demandant's Exhibit No. 4 have the same surface shape.

From the result of inspection and the acknowledged facts ((1) F (A) to (E)) on the design master of the Demandant's Exhibit No. 1 and the seat=covering material attached on the backrest of the second-row seat of the Demandant's Exhibit No. 4, the three-dimensional knitting pattern of the intermediate layer of the fabric of the design master and the back surface and the three-dimensional knitting pattern of the

intermediate layer of the seat-covering material attached on the backrest of the second-row seat of the Demandant's Exhibit No. 4 have the same structure.

(3) Relationship between the fabric of the design master and the seat-covering material of "LAFESTA Highway STAR" sold by NISSAN MOTOR CORPORATION in March 2007

On the mat of the Demandant's Exhibit No. 1, the following information are shown: "FG88" in "COLOR CODE", "364" in "Model GRAIN CODE", "SEAT CLOTH" in "PARTS NAME", and "LOT: NZ1895-3" in "REMARK". "To NISSAN MOTOR CORPORATION" is shown in an upper part of the mat. In the column "RECEIVED STAMP", "NISSAN MOTOR" is shown in an upper part, "Color design" is shown in a lower part, and "'04. 12. 02" is shown in a horizontal direction in a central part across which a round stamp indicating "received" is put vertically.

In the A-2 "Meeting minutes on FORMA mass production", "Manufacturer NISSAN", "Part number FORMA", "Model C-MPV 364 LAFESTA(S-MID)", "Color number FG88 (Black)", "Distribution SEIREN (FORMA)-...- NISSAN KYUSHU", and "Formal approval: No. NZ1895-3".

In view of the testimony on the Demandant's Exhibit No. 1, A-2, and A-11 given by the Notary Kazunori KAWAMURA, the examination in (2), and all other evidences, it is acknowledged that a seat-covering material manufactured by using the fabric of the design master of the Demandant's Exhibit No. 1 as a sample was used in the seat in "LAFESTA Highway STAR" sold by NISSAN MOTOR CORPORATION in March 2007.

(4) Invention of LAFESTA seat-covering material

In view of the above examination ((1) to (3)), as a seat-covering material used in "LAFESTA Highway STAR" sold by NISSAN MOTOR CORPORATION in March 2007, the following invention (hereinafter referred to as "Invention of LAFESTA seat-covering material") can be acknowledged.

"A seat-covering material having a plurality of concave parts formed on a surface, wherein

the surface is formed as an inclined surface where a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface of the concave part, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle."

(5) Comparison / Judgment

Invention 9 and the Invention of LAFESTA seat-covering material are compared below.

The "seat-covering material having a plurality of concave parts formed on a surface" in the Invention of LAFESTA seat-covering material, relating to a seat-covering material, corresponds to the "seat-covering material having a surface on which a plurality of concave parts is formed" in Invention 9.

The description in the Invention of LAFESTA seat-covering material, relating to the shape of a convex part in a surface, "formed as an inclined surface where a pair of slopes facing across a bottom surface are formed in a direction orthogonal to a longitudinal direction of the rectangular bottom surface of the concave part, one of the slopes rises at a large angle with respect to the bottom surface, and the other of the slopes rises at a small angle", corresponds to the description in Invention 9, "has a pair of slopes facing across a bottom surface, and in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles". The shape exists in the plurality of concave parts. Thus, it can be said that each of the concave parts has the shape of the concave part even in the Invention of LAFESTA seat-covering material.

Accordingly, there is no difference between Invention 9 and the Invention of LAFESTA seat-covering material.

(6) Regarding the time when the Invention of LAFESTA seat-covering material was publicly known or publicly used

As described in (4), the Invention of LAFESTA seat-covering material was used in a vehicle of LAFESTA Highway STAR soled by NISSAN MOTOR CORPORATION in March 2007. Thus, it can be said that the Invention of LAFESTA seat-covering material was publicly known before the filing of the application of the Patent, or the Invention of LAFESTA seat-covering material, which is a seat-covering material arranged in the vehicle, was also publicly used when the "LAFESTA Highway STAR" was sold or used.

(7) Summary

In view of the above, it is judged that Invention 9 is an invention which falls under the provisions of Article 29(1)(i) or (ii) of the Patent Act.

Therefore, there are grounds for the Reason for invalidation 1-1.

3 Regarding Reason for invalidation 3

(1) Regarding Demandant's Exhibit No. 2

Regarding the Demandant's Exhibit No. 2, according to the record of the first examination of evidence, as a result of the inspection, the following facts can be acknowledged.

A The Demandant's Exhibit No. 2 shows "Upholstery Fabrics & Synthetic Leather Chair material sample book VOL. 6" and "SANGETSU" on the cover and the back cover (Picture 11-1). The information "•Date of issue/ May 2011 •Publication office/ Sangetsu Corporation" is shown in the lower right on the last page. (Record of the first examination of evidence 5. (1) A)

B The page including "INDEX" shown in the upper right includes the description "VINYL LEATHER 101-132". (Record of the first examination of evidence 5. (1) B)

C The page including "112" shown in the lower right includes the description "MADE IN SPAIN UP2704-2707 Standard price 5,200/m (tax is not included) Surface skin Vinyl (PVC) Liner polyester 100% Effective breadth 135 cm x about 30 m". Samples of part numbers "UP2704" to "UP2707" are pasted below. (Record of the first examination of evidence 5. (1) C)

D The sample of the part number "UP2705" has multiple streaks of concave parts formed on the surface. (Record of the first examination of evidence 5. (1) D)

E Each of the streaks of concave parts of the sample of the part number "UP2705" has a pair of slopes facing each other. In the concave parts, the one and the other of the pairs of slopes are formed as a steep slope and a gentle slope, respectively. The explainer TOMITA explained that each of the streaks of concave parts of the part number "UP2705" has a pair of slopes facing across a "bottom surface", but the "bottom surface" cannot be confirmed. (Record of the first examination of evidence 5. (1) E)

(2) Invention of Demandant's Exhibit No. 2

From the facts ((1)) found by inspecting the Demandant's Exhibit No. 2, the following invention (hereinafter referred to as the "Invention of Demandant's Exhibit No. 2") can be recognized for the part number "UP2705" attached to p. 112 of the publication of the Demandant's Exhibit No. 2.

"A seat-covering material having multiple streaks of concave parts formed on a surface,

wherein

each of the streaks of concave parts has a pair of slopes facing each other, and in the concave parts, the one and the other of the pairs of slopes are formed as a steep slope and a gentle slope, respectively."

(3) Judgment of Reason for invalidation 3

Invention 9 and the Invention of Demandant's Exhibit No. 2 are compared below.

The "seat-covering material having multiple streaks of concave parts formed on a surface" in the Invention of Demandant's Exhibit No. 2 corresponds to the "seat-covering material having a surface on which a plurality of concave parts are formed" in Invention 9.

The configuration in the Invention of Demandant's Exhibit No. 2, "each of the streaks of concave parts has a pair of slopes facing each other, and in the concave parts, the one and the other of the pairs of slopes are formed as a steep slope and a gentle slope, respectively", corresponds to the configureation in Invention 9, "in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles".

Accordingly, the above inventions are identical with each other in that they are: "A seat-covering material having a surface on which a plurality of concave parts are formed, wherein,

in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles", while they are different in the following difference.

<Difference>

Regarding the shape of each of a plurality of concave parts having a pair of slopes facing each other, Invention 9 is specified that it is "across a bottom surface", while the Invention of Demandant's Exhibit No. 2 does not have a bottom surface.

The difference is a substantial difference as to the shape.

Therefore, it cannot be said that Invention 9 is an invention described in the publication of the Demandant's Exhibit No. 2.

In light of the above, Reason for invalidation 3 is groundless without examining whether the publication of the Demandant's Exhibit No. 2 had been distributed in Japan or a foreign country before the filing of the Patent application.

4 Regarding Reason for invalidation 4

(1) Description of A-27

A-27, which is a publication obviously distributed before the filing of the application of the Patent, includes the following description.

A "[Scope of Claims]
[Claim 1]
A method of manufacturing a skin material for a seat of a vehicle which heats an embossing roll and a heating roll and applies pressure on a laminated sheet passing between and pressed by the rolls to form a concave-convex pattern thereon, in a rotary embossing machine including the embossing roll and the heating roll."

B "[Problem to be solved by the invention]
[0008]
This invention, which is based on the technical background, aims to provide a method of manufacturing a skin material for a seat of a vehicle having a concave-convex pattern with high production efficiency, which can form a deep and clear concave-convex pattern on a laminated sheet having an air layer used to be hard to form a concave-convex pattern, and a synthetic leather which is hard to apply embossing to form deep concavity and convexity, and to provide the skin material for a seat of a vehicle having a concave-convex pattern."

C "[Advantage of the invention]
[0016]
According to invention [1], since the laminated sheet passes through the heated embossing roll and the heating roll in a pressed state, a deep and clear concave-convex pattern is formed on the laminated sheet, thereby providing a method of manufacturing a skin material for a seat of a vehicle having a concave-convex pattern excellent in design. ..."

D "[Best Mode for Carrying Out the Invention]
[0022]
This invention is provided for allowing a laminated sheet obtained by stacking and integrating at least one kind of outer material selected from woven fabrics, knitted

fabrics, and non-woven fabrics, and at least one kind of base material to be a cushion layer selected from a flexible polyurethane foam material, woven fabrics, knitted fabrics, and non-woven fabrics, or a laminated sheet obtained by stacking and integrating an outer material composed of a synthetic leather and at least one kind of fibrous base material selected from woven fabrics, knitted fabrics, and non-woven fabrics, to pass through a pair of embossing roller having a projected embossing parts, set at a temperature of 100-250°C and disposed with a predetermined spacing and a heating roller in a pressed state at the processing speed of 0.3-10 m/min, so that a concave-convex pattern is deeply and clearly formed on a surface of a skin material for a seat of a vehicle, even in a low-thermal conductivity laminated sheet having an air layer and in a laminated sheet having a synthetic leather skin in which it is hard to form deep concavity and convexity.

...

[0035]

The embossing parts on the surface of the embossing roll in this invention are arranged in a distributed manner. The height of the embossing part is preferably 3. 0 to 6.0 mm, and the total area of embossing surface of the embossing parts is preferably set to 1-60% with respect to the area of pressing surface of the embossing roll. Since many embossing parts are arranged in a distributed manner, concave parts of concave-convex pattern are formed in a distributed manner on the skin material, thereby significantly improving design of the skin material and texture of the skin material, as well as improving cushioning property."

E "[Examples]

[0040]

Examples of this invention are described below. This invention is not limited to the following examples.

[0041]

<Example 1> A laminated sheet is obtained by stacking and integrating, by flame lamination, a double jersey (outer material) having a thickness of 1.2 mm formed of polyester yarns and a flexible polyurethane foam material (base material to be a cushion layer) having a thickness of 5 mm, a density of 0.018g/cm3, and a hardness of 110N.

[0042]

An embossing roll having projected embossing parts with a height of 5 mm and the outer material of the laminated sheet are arranged to face each other between the embossing roll and a heat roll set with a distance of 0.15 mm. The temperature of the

embossing roll is set to 200°C and the temperature of the heating roll is set to 200°C. Embossing is applied at the processing speed of 0.3 m/min to obtain a skin material for a seat of a vehicle having a concave-convex pattern formed on a surface as shown in FIG. 3. In the obtained skin material for a seat of a vehicle, a thickness of the outer material is 1.2 mm, and a thickness of the flexible polyurethane foam material is 4 mm. A height difference between a convex part and a concave part of the concave-convex pattern on the skin material for a seat of a vehicle is 3.0 mm.

[0043]

The total area of the embossing parts of the embossing roll is 25% with respect to the area of the surface of the embossing roll."

F "

【図１】

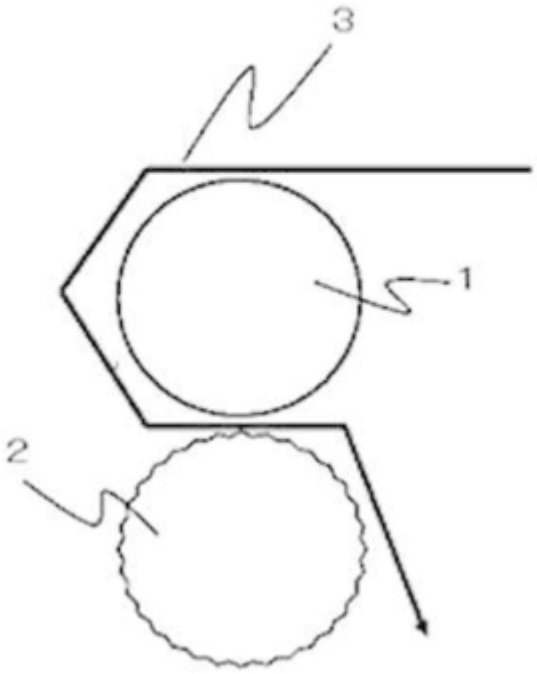
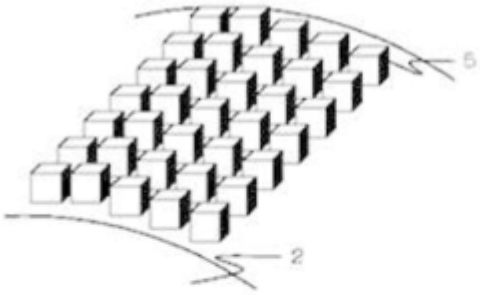


図１　FIG. 1

【図３】



【図４】

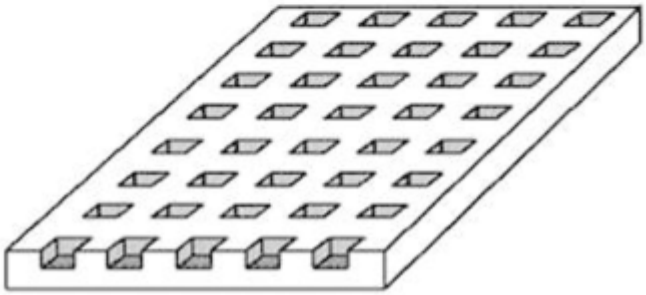


図３　FIG. 3
図４　FIG. 4

"

(2) Invention described in A-27

From the descriptions in Claim 1 of the Scope of Claims, [0041], [0042], and FIGS. 1, 3, and 4 of the A-27, the following invention (hereinafter referred to as "Invention A-27 A") can be acknowledged.

"A method of manufacturing a skin material for a seat of a vehicle, which

heats an embossing roll and a heating roll and applies pressure on a laminated sheet passing between and pressed by the rolls to form a concave-convex pattern thereon, in a rotary embossing machine including the embossing roll having a plurality of projected embossing parts and the heating roll."

Besides, in light of an embossing roll used in the manufacturing method in Invention A-27 A, the following invention (hereinafter referred to as "Invention A-27

B") can be acknowledged.

"An embossing roll to be used for manufacturing a skin material for a seat of a vehicle, wherein
a plurality of embossing parts are formed on the embossing roll."

(3) Technogy described in A-28

From the descriptions in Claim 1 of the Scope of Claims, [0001], [0012], and FIG. 2 of the A-28, it is acknowledged that the following technology (hereinafter referred to as the "Technology A-28") is described in A-28.

In a manufacturing method for a long-length material to be used for a seat fabric for a seat and having a concave-convex pattern (embossed pattern) formed on a surface, an embossed pattern can be formed on the surface of the long-length material with good appearance without causing a defect (surface contact) due to thermal contact with a heated embossing roll, by preventing a base surface of the heated embossing roll from coming into contact with the surface of the long-length material, resulting in provision of a long-length material with excellent design.

(4) Comparison/Judgment between Invention 1 and Invention A-27 A

A Comparison

Invention 1 and Invention A-27 A are compared below.

The "embossing roll" "heated" and "having a plurality of projected embossing parts" in Invention A-27 A corresponds to the "heating embossing roll, which includes a plurality of embossing portions projecting from a base surface" in Invention 1.

The "laminated sheet" in Invention A-27 A corresponds to the "elongated material" in Invention 1.

The "heated" "heating roll" in Invention A-27 A corresponds to the "heating flat roll" in Invention 1. The process of "applying pressure on a laminated sheet passing between and pressed by the rolls to form a concave-convex pattern thereon" in Invention A-27 A corresponds to the "step of passing an elongated material between a heating embossing roll and a heating flat roll so that the elongated material is pressed by the embossing portions" in Invention 1.

Accordingly, the above inventions are identical in the following point.

"A method for manufacturing a seat-covering material,

the method comprising a step of passing an elongated material between a heating embossing roll, which includes a plurality of embossing portions projecting from a base surface, and a heating flat roll so that the elongated material is pressed by the embossing portions, wherein

the elongated material is pressed by the plurality of embossing portions."

The inventions are different in the following points.

<Different Feature 1>

Regarding the shape of a plurality of embossing portions projecting from a base surface, Invention 1 specifies that "at least one of the plurality of embossing portions is formed to have a height from the base surface of the heating embossing roll that varies by section, side surfaces formed on both sides of the highest top surface from the base surface are formed to have different shapes", while Invention A-27 A, which is configured to form concavity and convexity, does not specify a concrete shape.

B Judgment on the Different Feature 1

In embossed forming using an embossing roll on a laminated sheet, it is a matter of common general technical knowledge that the shape of the embossing roll is transferred to be the shape of a formed product (See FIGS. 3 and 4 of A-27, [0003] in A-34, [0030] in A-35, p. 6 l. 5-l. 10 in the upper right column and FIGS. 1 and 2 of A-36, p. 3 l. 3-l. 15 in the lower left column and FIGS. 4 and 5 of A-37).

In designing the shape of concavity and convexity, in Invention A-27 A which does not specify a concrete shape of the concavity and convexity to be formed, it can be exertion of ordinary creativity for a person skilled in the art who accessed the seat-covering material of the Demandant's Exhibit No. 4 publicly known/publicly used before the filing of the application of the Patent to employ the surface shape of the seat-covering material of the Demandant's Exhibit No. 4 as a surface shape of the skin material for a seat manufactured by Invention A-27 A.

Accordingly, it is also easy to form the shape of the embossing part of the embossing roll in Invention A-27 A so that a height from the base surface of the embossing roll varies by section and side surfaces formed on both sides of the highest top surface from the base surface are formed to have different shapes, based on the above common general technical knowledge.

Thus, it can be said that a person skilled in the art could have easily conceived of

employing the matters specifying the invention of Different Feature 1, in Invention A-27 A.

C Examination of the Demandee's allegation

The Demandee alleges in the written reply as follows.

"However, ... the invention relating to "LAFESTA" should be defined on the basis of not only shape but also a product of the "pinsonic quilting." Therefore, the invention relating to "LAFESTA" alleged by the Demandant is wrong. In considering that the invention relating to "LAFESTA" was prodeced by the "pinsonic quilting," it is obvious that there is no motivation to apply the invention relating to "LAFESTA" to Invention A-27 which uses a heated embossing roll."

"However, ... Demandant's Exhibit No. 1, Evidences A No. 1 to No. 19 do not disclose or indicate that the invention relating to "LAFESTA", which produced by pinsonic quilting will apply to Invention A-27, which is produced by embossed forming that is quite different. Thus, it cannot be said that such application is easy for a person skilled in the art."

"The Demandant alleges that the shape of the embossing part for forming a concave part described in ... the invention relating to "LAFESTA" is supposed to be a shape formed by inverting the concave part and the configuration of Invention 1 relating to the Different Feature is included (Written demand for trial p. 33 l. 13-l. 23). However, the invention relating to "LAFESTA" is a technology of forming a pattern not by 'embossed forming' but by 'pinsonic quilting'. Thus, it is a leap of logic to link to the 'shape of the embossing part of embossed forming'".

Examining the above allegation, even if the invention relating to "LAFESTA" alleged by the Demandee is manufactured by pinsonic quilting, there is no ground to employ the shape (design) of the invention relating to "LAFESTA" as a concrete shape (design) of the skin material of a seat of Invention A-27 A.

Thus, the Demandee's allegation cannot be approved.

The Demandee alleges as follows in the written statement dated May 14, 2019 and the written statement dated November 18, 2019.

"Even if the surface shape having a concave part of the 'Exhibit A-1 seat-covering material' and/or 'Exhibit A-4 seat-covering material' can be employed as a

shape of a concave shape in Invention A-27, the shape can be realized only according to the configuration of Invention A-27 (Report of Evidence B No. 3). The configuration relating the difference of Invention 1 is redundant. Thus, there is no motivation to employ the configuration relating the difference of Invention 1."

Examining the above allegation, as the "laminated sheet" in Invention A-27 A, according to the A-27, the "laminated sheet obtained by stacking and integrating at least one kind of outer material selected from woven fabrics, knitted fabrics, and non-woven fabrics, and at least one kind of base material to be a cushion layer selected from a flexible polyurethane foam material, woven fabrics, knitted fabrics, and non-woven fabrics" ((1) D) is employed. In the example, the "laminated sheet" which is "obtained by stacking and integrating, by flame lamination, a double jersey (outer material) having a thickness of 1.2 mm formed of polyester yarns and a flexible polyurethane foam material (base material to be a cushion layer) having a thickness of 5 mm, a density of $0.018g/cm^3$, and a hardness of 110N" is used. As described in the report of Evidence B No. 3, the shape of the embossing part rises vertically from the base surface of the embossing part with respect to the three-dimensional knitting pattern made by double-raschel. Even if a shape same as the shape (design) of the seat-covering material of the Invention of Demandant's Exhibit No. 4 can be implemented by using an embossing die without slope for embossed forming, this does not immediately show that the shape can be realized with only the "laminated sheet" of the Invention A-27 A.

Invention A-27 A is intended to form a deep and clear concave-convex pattern ((1) B). In light of the common general technical knowledge relating to embossed forming on the laminated sheet, it is natural to understand that the embossed forming in A-27 assumes that the shape of an embossing roll is transferred. Therefore, it also can be said that it is not assumed in Invention A-27 that the target shape may be implemented apart from the shape of an embossing roll.

Thus, the above Demandant's allegation is unreasonable and cannot be accepted.

D Summary

The Invention could have been easily invented by a person skilled in the art on the basis of Invention A-27 A and the Invention of Demandant's Exhibit No. 4.

(5) Regarding Invention 2

Comparing Invention 2 with Invention A-27 A, they are coincident with each other in the point described in (4) A, and different from each other in the following

point in addition to Different Feature 1.

<Different Feature 2>

Invention 2 specifies that "the base surface of the heating embossing roll remains out of contact with the elongated material when the elongated material passes between the heating embossing roll and the heating flat roll", while Invention A-27 A does not specify the above point.

The different features are examined below.

Different Feature 1 is as examined in (4) B.

Regarding Different Feature 2

A person skilled in the art who had accessed the "Technology A-28," which is a document relating to the same manufacturing method of a skin material for a seat as Invention A-27 A, could easily conceive of the configuration, "the base surface of the heating embossing roll remains out of contact with the elongated material when the elongated material passes between the heating embossing roll and the heating flat roll", so as to obtain excellent design, in Invention A-27 A.

It cannot be said that even the effect thereof is remarkable.

Thus, Invention 2 could have been easily invented by a person skilled in the art on the basis of Invention A-27 A, the Invention of Demandant's Exhibit No. 4, and the "Technology A-28."

(6) Regarding Invention 4

Comparing Invention 4 with Invention A-27 A, they are coincident with each other in the point described in (4) A, and different from each other in the following point in addition to Different Feature 1.

<Different Feature 3>

Regarding the shape of the plurality of embossing parts projecting from the base surface, Invention 1 specifies that "a bevel is formed in at least a section of each embossing portion", while Invention A-27 A does not specify the above point.

The different features are examined below.

Different Feature 1 is as examined in (4) B.

Regarding Different Feature 3

Each of a plurality of concave parts in the seat-covering material of the

Demandant's Exhibit No. 4 has a pair of slopes facing across a bottom surface, and in at least one of the concave parts, one and the other of the pair of slopes are formed to have different tilt angles, or each of the concave parts has a slope formed in at least a part thereof.

Accordingly, a person skilled in the art who had accessed the seat-covering material of the Demandant's Exhibit No. 4 could easily conceive of employing the configuration of Different Feature 3 as a shape of the embossing parts projecting from the base surface in Invention A-27 A.

It cannot be said that even the effect thereof is remarkable.

Thus, Invention 4 could have been easily invented by a person skilled in the art on the basis of Invention A-27 A, the Invention of Demandant's Exhibit No. 4, and the "Technology A-28."

(7) Regarding Invention 5

Comparing Invention 5 with Invention A-27 A, they are coincident with each other in the point described in (4) A, and different from each other in the following point in addition to Different Feature 1.

<Different Feature 4>

Regarding the shape of the plurality of embossing parts projecting from the base surface, Invention 5 specifies that "each embossing portion includes a bevel that varies in height from the base surface, the plurality of embossing portions includes a group of embossing portions arranged along an imaginary line on the base surface, and the bevels of adjacent embossing portions in the group of embossing portions are inclined in different orientations with respect to the imaginary line", while Invention A-27 A does not specify a concrete shape.

The different features are examined below.

Different Feature 1 is as examined in (4) B.

Different Feature 4 is examined below.

The shape of a seat-covering material to be formed by the shape relating to Different Feature 4 is different from the shape of the seat-covering material of the Demandant's Exhibit No. 4. There is no description or indication about the shape of the embossing part of the embossing roll relating to Different Feature 4 in any of the documents submitted by the Demandant.

Therefore, it cannot be said that a person skilled in the art can easily conceive of

employing the shape of Different Feature 4 as a concrete shape of the embossing roll of Invention A-27 A.

By using the embossing roll of Different Feature 4, the seat-covering material shows the following particular effects: "the shape of the depression is perceived differently when viewed from different angles. This varies the degree of light reflection and shine, allowing the depression to be perceived to have a complex three-dimensional appearance", "allowing the entire surface of the elongated material to have a complex three-dimensional appearance" (Specification [0011]). It cannot be said that the above effects can be easily predicted by a person skilled in the art.

Thus, it cannot be said that Invention 5 could have been easily invented by a person skilled in the art on the basis of Invention A-27 A, the Invention of Demandant's Exhibit Not. 4, common general technical knowledge of the person skilled in the art, and the "Technology A-28."

(8) Comparison / judgment between Invention 8 and Invention A-27 B

Invention 8 and Invention A-27 B are compared below.

The "skin material for a seat of a vehicle" in Invention A-27 B corresponds to the "seat-covering material" in Invention 8.

The "plurality of embossing parts" in Invention A-27 B are obviously formed on the base surface of the embossing roll.

Accordingly, the above inventions are identical in the following point.

"An embossing roll used to manufacture a seat-covering material,

wherein the embossing roll has a base surface on which a plurality of embossing portions are formed."

The inventions are different from each other in the following point.

<Different Feature 5>

Regarding the shape of the plurality of embossing parts projecting from the base surface, Invention 8 specifies that "the height from the base surface of at least one of the embossing portions varies by section, and side surfaces formed on both sides of the highest top surface from the base surface are formed to have different shapes", while Invention A-27 B, which has a shape for forming concavity and convexity, does not specify a concrete shape.

Examining Different Feature 5, Different Feature 5 is substantially the same as Different Feature 1. The judgment thereof is as examined in (4) B.

Thus, Invention 8 could have been easily invented by a person skilled in the art on the basis of Invention A-27 B and the Invention of Demandant's Exhibit No. 4.

(9) Remarks

Inventions 1, 2, and 4 could have been easily invented by a person skilled in the art on the basis of Invention A-27 A, the Invention of Demandant's Exhibit No. 4, and the "Technology A-28," and Invention 8 could have been easily invented by a person skilled in the art on the basis of Invention A-27 B and the Invention of Demandant's Exhibit No. 4. Therefore, there are grounds for Reason for invalidation 4 for the patent relating to the Inventions 1, 2, 4, and 8.

It cannot be said that Invention 5 could have been easily invented by a person skilled in the art on the basis of the Invention A-27 A, the Invention of Demandant's Exhibit No. 4, common general technical knowledge of the person skilled in the art, and the "Technology A-28." Therefore, Reason for invalidation 4 for the patent relating to Invention 5 is groundless.

No. 6 Closing

As described above, since there are grounds for Reason for invalidation 4 for the patent relating to Inventions 1, 2, 4, and 8, the patent for Inventions 1, 2, 4, and 8 shall be invalidated.

Since there are grounds for Reasons for invalidation 1-1 and 1-2 for the patent relating to Invention 9, the patent for Invention 9 shall be invalidated.

Since the Reason for invalidation 4 for the patent relating to Invention 5 is groundless, the patent for Invention 5 cannot be invalidated by the allegations and the means of proof presented by the Demandant.

One sixth of the costs in connection with the trial shall be borne by the Demandant and the remainder shall be borne by the Demandee under the provisions of Article 64 of the Code of Civil Procedure which is applied mutatis mutandis in the provisions of Article 169(2) of the Patent Act.

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

February 3, 2020

Chief administrative judge: KATO Tomoya

Administrative judge: SUTO Yasuhiro

Administrative judge: OSHIMA Shogo