

## Trial Decision

Correction No. 2018-390131

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The case of trial for correction of Japanese Patent No. 3787502 has resulted in the following trial decision.

### Conclusion

The correction of the description and the scope of claims of Japanese Patent No. 3787502 shall be approved as described in the corrected description and scope of claims attached to the written demand for trial.

### Reason

#### No. 1 Object of the demand and main history of the procedures

An object of the demand for trial for correction of the case is to demand a trial decision that correction of the description and the scope of claims of Japanese Patent No. 3787502 shall be approved as the corrected description and the scope of claims attached to the written demand for trial.

The main history of the procedures of Japanese Patent No. 3787502 (hereinafter, referred to as "the Patent") is as follows.

March 8, 2000 : Earlier application in the application concerning the Patent serving as basis of priority claim

(Japanese Patent Application No. 2000-63015)

March 8, 2001 : Application concerning the Patent

(Japanese Patent Application No. 2001-64809)

As of November 7, 2003 : Notice of reasons for refusal

January 13, 2004 : Submission of a written opinion and a written amendment

August 25, 2004 : Decision of refusal

September 30, 2004 : Request for appeal against the examiner's decision of refusal

As of December 15, 2005 : Notice of reasons for refusal

February 3, 2006 : An interview by the panel with the Appellant of the request for appeal against the examiner's decision of refusal

February 14, 2006 : Submission of a written opinion and a written amendment

As of February 27, 2006 : Appeal decision (the examiner's decision shall be canceled, and patent should be granted)

March 31, 2006 : Registration of establishment of the patent right of the case

May 22, 2007 : Request for advisory opinion (to demand an advisory opinion that process (A) falls within the technical scope of the Patent Invention)

As of November 27, 2007 : Advisory opinion (process (A) does not belong to the technical scope of the patented invention of the case)

September 7, 2018 : Demand for trial for correction of the case

As of November 15, 2018 : Notice of reasons for refusal of correction

December 18, 2018 : Submission of a written opinion

As of January 8, 2019 : Inquiry

January 25, 2019 : Submission of a written opinion

February 5, 2019 : Telephoning between the Demandant of the demand for trial of correction of the case and the administrative judge

February 15, 2019 : Submission of a written statement

## No. 2 Contents of correction

Contents of the correction of the trial for correction of the case are as follows. Note that the underlines were added by the body to indicate corrected portions before and after the correction.

### 1. Correction A

"A method of manufacturing coins used in a game parlor, comprising the steps of: on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin, using a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle, moving the milling machine on the surface of the mold while changing a cutting depth and an angle in a fixed pattern with respect to the mold, depicting a specific pattern including an

inclined surface on the mold, and repeating this over an entire surface of the mold, thereby forming a ground pattern made up of repetitive patterns; and, by cutting off a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin using a plane carving machine, and, after polishing the whole surface including resultant concave and convex portions of the mold using a rotating metal brush, performing pressing using the mold, thereby obtaining a three-dimensional geometric ground pattern, and a pattern such as a character and a figure standing out from the geometric ground pattern on the surface of the coin."

recited in Claim 1 of the scope of claims, is corrected to

"a method of manufacturing coins used in a game parlor, comprising the steps of: forming, on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin,

using a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold,

moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface in a fixed pattern with respect to the mold,

depicting a specific pattern including an inclined surface on the mold, and repeating this over an entire surface of the mold, thereby forming a ground pattern made up of repetitive patterns; and,

by cutting off a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin using a plane carving machine, and,

after polishing the whole surface including resultant concave and convex portions of the mold using a rotating metal brush,

performing pressing using the mold, thereby obtaining a three-dimensional geometric ground pattern, and a pattern such as a character and a figure standing out from the geometric ground pattern on the surface of the coin."

## 2. Correction B

"A method of manufacturing coins used in a game parlor, comprising the steps of: on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin, using a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle, moving the milling machine on the surface of the mold while changing a cutting depth and an angle in a fixed pattern with respect to the mold, depicting a specific pattern including an inclined surface on the mold, and repeating this over an entire surface of the mold, thereby

forming a ground pattern made up of repetitive patterns; and, by cutting off a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin into a V groove-like shape using a simultaneous three-axis control NC milling machine similarly, and, after polishing the whole surface including resultant concave and convex portions of the mold using a rotating metal brush, performing pressing using the mold, thereby obtaining a three-dimensional geometric ground pattern, and a pattern such as a character and a figure standing out from the geometric ground pattern on the surface of the coin."

recited in Claim 2 of the scope of claims, is corrected to

"a method of manufacturing coins used in a game parlor, comprising the steps of: forming, on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin,

using a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold,

moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface in a fixed pattern with respect to the mold,

depicting a specific pattern including an inclined surface on the mold, and

repeating this over an entire surface of the mold, thereby forming a ground pattern made up of repetitive patterns; and,

by cutting off a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin into a V groove-like shape using a simultaneous three-axis control NC milling machine similarly, and,

after polishing the whole surface including resultant concave and convex portions of the mold using a rotating metal brush,

performing pressing using the mold, thereby obtaining a three-dimensional geometric ground pattern, and a pattern such as a character and a figure standing out from the geometric ground pattern on the surface of the coin."

### 3. Correction C

"[Means for solving the problem]

In order to solve the above problems, the invention of Claim 1 is a method of manufacturing coins used in a game parlor, in which, on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin, a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle is moved on the surface of the mold while changing a

cutting direction and depth repeatedly in a fixed pattern, and, by repeating this over an entire surface of the mold, a ground pattern made up of repetitive patterns is formed; and a portion corresponding to a pattern such as a character and a figure standing out on the surface of the coin is cut off using a plane carving machine, and, on the surface of the coin obtained by performing pressing using the mold, a three-dimensional geometric ground pattern and a pattern such as a character and a figure standing out from the geometric ground pattern are obtained."

described in paragraph [0012] of the description, is corrected to

"[Means for solving the problem]

In order to solve the above problems, the invention of Claim 1 is a method of manufacturing coins used in a game parlor, in which,

on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin,

a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold is moved on the surface of the mold while changing a cutting direction and depth repeatedly in a fixed pattern,

and, by repeating this over an entire surface of the mold, a ground pattern made up of repetitive patterns is formed; and

a portion corresponding to a pattern such as a character and a figure standing out on the surface of the coin is cut off using a plane carving machine, and

on the surface of the coin obtained by performing pressing using the mold, a three-dimensional geometric ground pattern and a pattern such as a character and a figure standing out from the geometric ground pattern are obtained."

#### 4. Correction D

"The invention of Claim 1 is not one that uses a simultaneous three-axis control NC milling machine capable of arbitrarily changing the cutting direction and the cutting depth for a figure such as a person or an animal or plant drawn on the surface of a coin, but instead is one that enhances the decorative value of a coin, by repeating cutting on the surface of this mold in a fixed pattern, depicting a new ground pattern consisting of a three-dimensional geometric pattern that does not rely on mirror finish or satin finish on the basis metal part of the coin."

described in paragraph [0013] of the description, is corrected to

"The invention of Claim 1 is not one that uses a simultaneous three-axis control NC milling machine capable of arbitrarily changing the cutting depth for a figure such as a person or an animal or plant drawn on the surface of a coin, but instead is one that

enhances the decorative value of a coin, by repeating cutting on the surface of this mold in a fixed pattern, depicting a new ground pattern consisting of a three-dimensional geometric pattern that does not rely on mirror finish or satin finish on the basis metal part of the coin."

#### 5. Correction E

"Furthermore, the invention of Claim 2 is a method of manufacturing coins used in a game parlor, in which, on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin, a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle is moved on the surface of the mold while changing a cutting direction and depth repeatedly in a fixed pattern, and, by repeating this over an entire surface of the mold, a ground pattern made up of repetitive patterns is formed; and a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin is cut off into a V groove-like shape using a simultaneous three-axis control NC milling machine similarly, and, on the surface of the coin obtained by performing pressing using the mold, a three-dimensional geometric ground pattern and a pattern such as a character and a figure standing out from the geometric ground pattern are obtained."

described in paragraph [0014] of the description, is corrected to

"Furthermore, the invention of Claim 2 is a method of manufacturing coins used in a game parlor, in which,

on a surface of a mold for indicating a pattern on a surface of a coin by pressing the coin,

a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold is moved on the surface of the mold while changing a cutting direction and depth repeatedly in a fixed pattern,

and, by repeating this over an entire surface of the mold, a ground pattern made up of repetitive patterns is formed; and a portion corresponding to a pattern such as a character and a figure standing out on a surface of the coin is cut off into a V groove-like shape using a simultaneous three-axis control NC milling machine similarly, and

on the surface of the coin obtained by performing pressing using the mold, a three-dimensional geometric ground pattern and a pattern such as a character and a figure standing out from the geometric ground pattern are obtained."

#### 6. Correction F

"As shown in FIG. 1, a simultaneous three-axis control NC milling machine 9

for three-dimensional carving is used; it is made to move in the lateral direction while changing the cutting depth and the angle in a fixed pattern with respect to the mold 2, and a specific pattern is depicted on the mold 2."

described in paragraph [0017] of the description, is corrected to

"As shown in FIG. 1, a simultaneous three-axis control NC milling machine 9 for three-dimensional carving is used; it is made to move in the lateral direction while changing the cutting depth and the cutting angle of the mold relative to the horizontal surface in a fixed pattern with respect to the mold 2, and a specific pattern is depicted on the mold 2."

#### 7. Correction G

"If the correlation between the depth/angle of cutting and the movement in the lateral direction is set in advance in the program, etc. for the simultaneous three-axis control NC milling machine 9, this repeating pattern makes it possible to engrave a predetermined pattern automatically and without failure."

described in paragraph [0019] of the description, is corrected to

"If the correlation between the depth/the cutting angle of the mold relative to the horizontal surface and the movement in the lateral direction is set in advance in the program, etc. for the simultaneous three-axis control NC milling machine 9, this repeating pattern makes it possible to engrave a predetermined pattern automatically and without failure."

### No. 3 Judgment on suitability of the correction

#### 1. Regarding Correction A

##### (1) Purpose of Correction

Although Correction A is one that corrects the matter of "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle" to "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold" (hereinafter, referred to as "Correction AA"), the matter of "moving the milling machine on the surface of the mold while changing a cutting depth and an angle in a fixed pattern with respect to the mold" to "moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface in a fixed pattern with respect to the mold" (hereinafter, referred to as "Correction AB"), the purpose of that correction falls, as shown in below, under the category of "Clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Patent Act (hereinafter, referred to as "the Act").

A. The matter that the recitation of Claim 1 before correction was not clear

In the recitation of "moving the milling machine on the surface of the mold while changing a cutting depth and an angle in a fixed pattern with respect to the mold" in Claim 1 before correction, it was not clear what "angle" refers to; i.e., an angle of what.

In addition, the relation between "arbitrary angle" recited in "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle" and the above-mentioned "angle" was not clear, either.

B. The matter that the recitation of Claim 1 after correction has become clear

In Correction AB, by reciting as "moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface in a fixed pattern with respect to the mold", the angle, which was not clear in the above-mentioned A., has become clear as it means a cutting angle relative to the horizontal surface.

In addition, in Correction AA, by reciting as "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold", the recitation of a plurality of portions related to an angle has been sorted and has become clear as a result.

C. Summary

As above, although there were a plurality of portions reciting "angle" in Claim 1 before correction, and the content denoted by these was not clear, it has become clear in Claim 1 after correction that it means a cutting angle of the mold relative to the horizontal surface, and thus the purpose of correction of Correction A falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

(2) Whether or not new matter exists

A. Although the matter of Correction AB of "moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface" is a matter that specifies movement of the NC milling machine on the surface of the mold on the occasion of forming a ground pattern made up of repetitive patterns on the whole surface of the mold, it can be understood by a person skilled in the art that, if processing is performed while changing the cutting depth and the cutting angle of the mold relative to the horizontal surface, an inclined surface is formed



in the mold.

B. With reference to the description and the drawings attached to the application on the premise of such understanding, there are the following descriptions regarding processing of a ground pattern on the mold surface.

"[0017]

As shown in FIG. 1, a simultaneous three-axis control NC milling machine 9 for three-dimensional carving is used; it is made to move in the lateral direction while changing the cutting depth and the angle in a fixed pattern with respect to the mold 2, and a specific pattern is depicted on the mold 2.

[0018]

By repeating this operation, on the surface of the mold 2, a ground pattern made up of repetitive patterns is formed.

[0019]

If the correlation between the depth/angle of cutting and the movement in the lateral direction is set in advance in the program, etc. for the simultaneous three-axis control NC milling machine 9, this repeating pattern makes it possible to engrave a predetermined pattern automatically and without failure."

"[0025]

FIG. 2 shows the coin 3 obtained by the manufacturing method of coins according to this invention, and (A) is a top view, (B) a front sectional view, and (C) a magnified figure of (B).

[0026]

As shown in this figure, the portion of the ground pattern 8 has fine lattice-shaped patterns, and, by this, glitter different from that of a conventional ground pattern of a coin, which is processed by plane finish, mirror surface finish, or satin finish, can be obtained."

FIG. 1

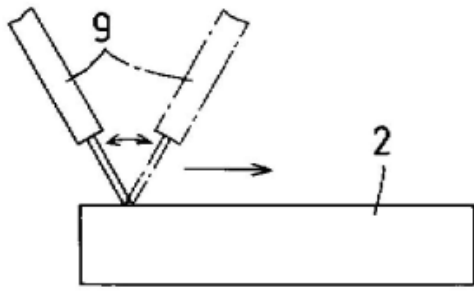
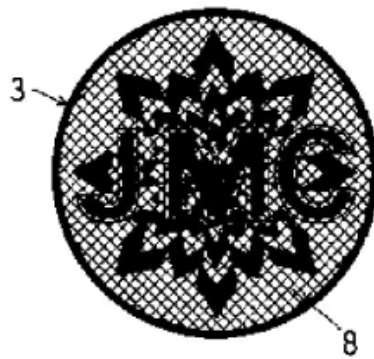
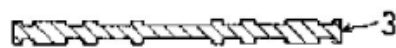


FIG. 2

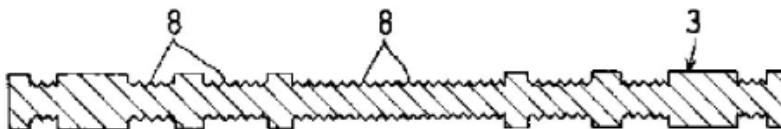
(A)



(B)



(C)



C. In FIG. 2 (C), since it is shown that the cross-section of the portion of the ground pattern 8 has a shape in which "V" shapes are lined, it can be said that an inclined surface is formed on the mold, and therefore it can be said that Correction AB is within

the range of the matters described in the description, the scope of claims, and drawings attached to the application.

D. In addition, now that there is described in Claim 1 before correction "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle", it is obvious that Correction AA can be said to be one within the range of the matters described in the description, the scope of claims, and drawings attached to the application.

E. Therefore, it can be said that the correction according to Correction A is one within the matters described in the description, the scope of claims, and drawings attached to the application, and thus it conforms to the requirement stipulated in Article 126(5) of the Act.

(3) Whether there is enlargement or alteration of the scope of claims

A. Regarding Correction AA

Although Correction AA eliminates, regarding a direction in which cutting can be possible in a simultaneous three-axis control NC milling machine, "in an oblique direction at an arbitrary angle" literally, in Correction AB, it is specified that processing is performed while changing the cutting angle of the mold relative to the horizontal surface, the processing while changing the cutting angle of the mold means that the simultaneous three-axis control NC milling machine is capable of cutting in an oblique direction at an arbitrary angle, and therefore it cannot be said that, by Correction AA, the scope of claims is enlarged or altered.

B. Regarding Correction AB

(A) Although the body notified the reason for refusal of correction to the effect that, by Correction AB, the scope of claims had been enlarged, it cannot be said that the scope of claims is enlarged or altered by Correction AB, as shown below.

(B) An outline of the reason for refusal of correction is that, it can be understood that the matter of "changing an angle" in the recitation of "moving the milling machine on the surface of the mold while changing a cutting depth and an angle" in Claim 1 before correction means that the inclination angle of the processing tool is changed relative to the axis along the direction of the cutting depth (hereinafter, referred to as "Z axis"), and, therefore, in Claim 1 before correction, it is specified that the processing tool changes

inclination angle relative to Z axis, whereas, by Correction AB, in Claim 1 after correction, the processing tool has come to include moving without changing the inclination angle relative to Z axis, and thus it is one that enlarges the scope of claims substantially.

(C) However, since the simultaneous three-axis control NC milling machine of Claim 1 before correction cannot change inclination angle of the processing tool relative to the Z axis, it cannot be said that it is specified in Claim 1 before correction that the processing tool changes the inclination angle relative to the Z axis.

(D) When describing in detail about the matter that the simultaneous three-axis control NC milling machine of Claim 1 before correction cannot change the inclination angle of the processing tool relative to the Z axis, first, in the description attached to the application (hereinafter, referred to as "Description before correction"), there is no clear description that the simultaneous three-axis control NC milling machine is capable of changing the inclination angle of the processing tool relative to the Z axis.

In addition, it was a matter of common general technical knowledge at the time of the priority date of the application concerning the Patent that the term "simultaneous three-axis control NC milling machine" means that a processing tool thereof is capable of moving relatively with respect to a target product of processing, based on three axes of some sort for specifying a position in a three-dimensional space (hereinafter, moving relatively with respect to a target product of processing is called simply "moving").

When, on the premise of this common general technical knowledge, the three axes in the Description before correction are examined, first, regarding two axes among these, from the description of paragraph [0017] (the above (2) B.) that "it is made to move in the lateral direction while changing the cutting depth and the angle", it is obvious that the processing tool is capable of moving linearly in a direction of the axis along the direction of the cutting depth (that is, the Z axis), and in a direction of the axis along the lateral direction (hereinafter, referred to as the "X axis"). Then, regarding the remaining one axis, although, in paragraph [0018], it is described that "By repeating this operation, on the surface of the mold 2, a ground pattern made up of repetitive patterns is formed", considering that it is necessary, in order to form a repetitive pattern, that, after the processing tool has moved linearly along the axis in a direction orthogonal to the Z axis and the X axis (hereinafter, referred to as the "Y axis"), "repeating this operation" is carried out, it is obvious that the processing tool is capable of moving linearly in the direction of the Y axis. Therefore, for a person skilled in the art coming into contact with the Description before correction, there is no alternative but to understand that the

processing tool of the simultaneous three-axis control NC milling machine of Claim 1 before correction is one that moves linearly along three axes of X axis, Y axis, and Z axis. Then, the processing tool cannot perform movement besides the linear movement along the three axes in question (for example, it is not capable of rotational movement based on a rotating shaft), and therefore the processing tool cannot change the inclination angle relative to the Z axis.

(E) As a matter of fact, although, in FIG. 1 and FIG. 4 of the drawings attached to the application, the processing tool of the simultaneous three-axis control NC milling machine of Claim 1 before correction is described as if to be able to change the inclination angle relative to the Z axis, as instructed in the above-mentioned (D), so long as the processing tool of "simultaneous three-axis control NC milling machine" of Claim 1 before correction cannot change the inclination angle relative to the Z axis, there is no alternative but to understand that the descriptions of FIG. 1 and FIG. 4 of the drawings attached to the application are wrong.

In addition, in FIG. 8 of the drawings attached to the application, although it is described as if the processing tool of a three-dimensional carving machine, which is a conventional technology, could change the inclination angle relative to the Z axis, the processing axes of a common three-dimensional carving machine (for example, regarding a three-dimensional carving machine, refer to the desktop modeling machine NC-5 and the like of Mimaki Engineering Co., Ltd. shown in paragraph [0012] and FIG. 6 of Japanese Unexamined Patent Application Publication No. 2000-141990; and, furthermore, regarding a NC milling machine for three-dimensional processing of a mold and the like, refer to Japanese Unexamined Patent Application Publication No. H4-285804 and the like) is not constituted so as to change the inclination angle relative to the Z axis, and therefore it is reasonable to understand that the description of FIG. 8 of the drawings attached to the application is also wrong.

Then, the Demandant has admitted, in the written opinion as of January 25, 2019, that the descriptions of FIG. 1, FIG. 4, and FIG. 8 of the drawings attached to the application to the effect that, regarding the processing axes, the inclination angle can be changed relative to the Z axis are wrong.

Therefore, the descriptions of the drawings attached to the application to the effect that, regarding the processing axes, the inclination angle can be changed relative to the Z axis are not ones that are reliable, and thus it cannot be recognized, only on the ground of the descriptions of the drawings, that the simultaneous three-axis control NC milling machine of Claim 1 before correction is one that changes the inclination angle of the

processing tool relative to the Z axis.

(F) As above, the simultaneous three-axis control NC milling machine according to Claim 1 before correction is one in which the processing tool moves without changing the inclination angle relative to the Z axis, and, also the simultaneous three-axis control NC milling machine according to Claim 1 after correction is one in which the processing tool moves without changing the inclination angle relative to the Z axis, and therefore it cannot be said that, by Correction AB, the scope of claims is enlarged or altered.

C. Whether there is enlargement or alteration of the scope of claims due to Correction A

Since it cannot be said that, by Correction AA and Correction AB, the scope of claims is enlarged or altered substantially, the correction according to Correction A conforms to the requirement stipulated in Article 126(6) of the Act.

#### (4) Summary

Therefore, the correction according to Correction A falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

## 2. Regarding Correction B

### (1) Purpose of Correction

Although Correction B is one that corrects the matter of "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle" to "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold" (hereinafter, referred to as "Correction BA"), and corrects the matter of "moving the milling machine on the surface of the mold while changing a cutting depth and an angle in a fixed pattern with respect to the mold" to "moving the milling machine on the surface of the mold while changing a cutting depth and a cutting angle of the mold relative to a horizontal surface in a fixed pattern with respect to the mold" (hereinafter, referred to as "Correction BB"), the purpose of the correction falls under the category of, by a reason similar to the reason shown in the above-mentioned 1.(1), "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

(2) Whether a new matter exists

It can be said that Correction BB is, by a reason similar to the reason shown in the above-mentioned 1.(2)A. to C., within the range of the matters described in the description, the scope of claims, or drawings attached to the application.

In addition, it can be said that Correction BA is, by a reason similar to the reason shown in the above-mentioned 1.(2)D., within the range of the matters described in the description, the scope of claims, or drawings attached to the application.

Therefore, it can be said that the correction according to Correction B is one made within the matters described in the description, the scope of claims, or drawings attached to the application, and thus conforms to the requirement stipulated in Article 126(5) of the Act.

(3) Whether there is enlargement or alteration of the scope of claims

By a reason similar to the reason shown in the above-mentioned 1. (3)A., Correction BA is not one that enlarges or alters the scope of claims.

In addition, by a reason similar to the reason shown in the above-mentioned 1. (3)B., Correction BB is not one that enlarges or alters the scope of claims.

Therefore, the correction according to Correction B conforms to the requirement stipulated in Article 126(6) of the Act.

(4) Summary

Accordingly, the correction according to Correction B falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and thus conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

3. Regarding Correction C

Although Correction C is one that corrects the description of "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle" of paragraph [0012] of Description before correction to "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold", it is a correction for conformity with the description of Correction AA, and therefore the purpose of correction thereof falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

In addition, since it is as instructed in the above-mentioned 1.(2) and (3) that Correction C is one within the matters described in the scope of claims or drawings, and is not one that enlarges or alters the scope of claims, the correction according to

Correction C falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

#### 4. Regarding Correction D

Although Correction D is one that corrects the description of "a simultaneous three-axis control NC milling machine capable of arbitrarily changing the cutting direction and the cutting depth" of paragraph [0013] of Description before correction to "a simultaneous three-axis control NC milling machine capable of arbitrarily changing the cutting depth", it is a correction for conformity with the description of Correction AB, and therefore the purpose of correction thereof falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

In addition, since it is as instructed in the above-mentioned 1.(2) and (3) that Correction D is one within the matters described in the scope of claims or drawings, and is not one that enlarges or alters the scope of claims, the correction according to Correction D falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

#### 5. Regarding Correction E

Although Correction E is one that corrects the description of "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold and in an oblique direction at an arbitrary angle" of paragraph [0014] of Description before correction to "a simultaneous three-axis control NC milling machine capable of cutting in a thickness direction of the mold", it is a correction for conformity with the description of Correction BA, and therefore the purpose of correction thereof falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

In addition, since it is as instructed in the above-mentioned 2.(2) and (3) that Correction E is one within the matters described in the scope of claims or drawings, and is not one that enlarges or alters the scope of claims, the correction according to Correction E falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

#### 6. Regarding Correction F

Although Correction F is one that corrects the description of "it is made to move



in the lateral direction while changing the cutting depth and the angle" of paragraph [0017] of Description before correction to "it is made to move in the lateral direction while changing the cutting depth and the cutting angle of the mold relative to the horizontal surface", it is a correction for conformity with the descriptions of Correction AB and Correction BB, and therefore the purpose of correction thereof falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

In addition, since it is as instructed in the above-mentioned 1.(2) and (3), and 2.(2) and (3) that Correction F is one within the matters described in the scope of claims or drawings, and is not one that enlarges or alters the scope of claims, the correction according to Correction F falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

#### 7. Regarding Correction G

Although Correction G is one that corrects the description of "the depth/angle of cutting and the movement in the lateral direction" of paragraph [0019] of Description before correction to "the depth/the cutting angle of the mold relative to the horizontal surface and the movement in the lateral direction", it is a correction for conformity with the descriptions of Correction AB and Correction BB, and therefore the purpose of correction thereof falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act.

In addition, since it is as instructed in the above-mentioned 1.(2) and (3), and 2.(2) and (3) that Correction G is one within the matters described in the scope of claims or drawings, and is not one that enlarges or alters the scope of claims, the correction according to Correction G falls under "clarification of ambiguous statement" stipulated in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

#### No. 4 Closing

As described above, the demand for trial of the case is for the purpose of the matter prescribed in Article 126(1)(iii) of the Act, and conforms to the requirement stipulated in Article 126(5) and (6) of the Act.

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

March 5, 2019

Chief administrative judge: HIRAIWA, Shoichi  
Administrative judge: KARIMA, Hironobu  
Administrative judge: SHINOHARA, Masayuki