Decision on Opposition

Opposition No. 2019-700170

Patentee	Nitto Denko Corporation
Patent Attorney	UNIUS Patent Attorneys Office
Opponent	MORI, Osamu

The case of opposition against the patented invention of Japanese Patent No. 6391916 entitled "ADHESIVE LAYER FOR OPTICAL APPLICATIONS, ADHESIVE LAYER-ATTACHED POLARIZING FILM, AND IMAGE DISPLAY DEVICE" has resulted in the following decision.

Conclusion

The correction of the Scope of Claims of Patent No. 6391916 shall be approved of as corrected Claims [1 to 16] according to the corrected Scope of Claims attached to the written correction request.

The patent for Claims 1 to 8 and 10 to 16 of Patent No. 6391916 shall be revoked.

The opposition to the granted patent for Claim 9 of Patent No 6391916 shall be dismissed.

Reasons

No. 1 History of the procedures

The application of the patent for Claims 1 to 16 of Patent No. 6391916 (hereinafter, referred to as "the Patent") was filed on June 21, 2013. The establishment of patent right was registered on August 31, 2018, and its gazette containing the patent was published on September 19, 2018.

Thereafter, an opposition to all the claims was filed on February 28, 2019 by the Patent Opponent, Osamu Mori. The outline of the subsequent procedures, etc. is as follows.

Dated Jun 17, 2019 : Issuance of a written notice of reasons for revocation

Dated August 16, 2019 : Submission of a written opinion (patentee)

Dated August 16, 2019 : Submission of a written correction request

Dated September 10, 2019 : Notification of submission of the correction request

Dated December 2, 2019 : Issuance of a written notice of reasons for revocation (advance notice of decision)

Dated January 31, 2020 : Submission of a written opinion (patentee)

Dated January 31, 2020 : Submission of a written correction request (hereinafter, the request of correction by the written correction request is referred to as "the Correction Request").

Dated February 27, 2020 : A notification of filing of the Correction Request

The correction request submitted on August 16, 2019 shall be deemed to have been withdrawn pursuant to the provisions of Article 120-5(7) of the Patent Act. The notifications were given to the Patent Opponent on September 10, 2019 and February 27, 2020 to inform that a request for Correction had been made. However, the Patent Opponent did not submit a written opinion.

No. 2. Regarding the Correction Request

1 Object of correction and contents of correction

(1) Object of correction

The object of the Correction Request is to seek the scope of claims of Patent No. 6391916 to be corrected as described in the corrected scope of claims attached to the written correction request, as for corrected Claims 1 to 16.

(2) Contents of correction

The contents of correction requested by the patentee in the Correction Request is as follows. Note that the underlines are given by the body to indicate the corrected portions.

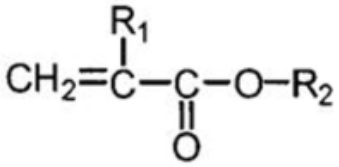
A Correction 1

Claim 1 in the Scope of Claims is revised from "An adhesive layer-attached polarizing film being comprising an adhesive layer for optical applications" to "An adhesive layer-attached polarizing film comprising an adhesive layer for optical applications" (Claims 2 to 16, which depend from Claim 1, shall be revised in the same manner).

B Correction 2

Claim 1 in the Scope of Claims is revised from "a base polymer (A) and an ionic compound (C) having an antistatic function" to "0.3 to 1 part by weight of an organic cation-anionic salt as an ionic compound (C) having an antistatic function with respect to 100 parts by weight of a base polymer (A) (wherein the base polymer (A) is a copolymer obtained from a monomer mixture comprising (A-1) 80 to 96% by weight of a (meth)acrylic acid ester represented by the following formula (I)

[Chemical 1]



(I)

(wherein R_1 represents a hydrogen atom or a methyl group and R_2 represents a C1 to C14 alkyl group, which may be substituted with a C1 to C10 alkoxy group),

(A-2) 3 to 15% by weight of an unsaturated monomer having one olefinic double bond and at least one aromatic ring in the molecule, and

(A-3) 0.1 to 5% by weight of an unsaturated monomer having a polar functional group, which is free of an acrylic resin having a weight average molecular weight (Mw) of 1 million to 2 million and a molecular weight distribution of 3 to 7 represented by the ratio (Mw/Mn) of the weight average molecular weight (Mw) to the number average molecular weight (Mn)). (Claims 2 to 16, which depend from Claim 1, are also revised in the same manner).

C Correction 3

Claim 1 in the Scope of Claims is revised from "comprises iodine and/or iodide ions (B)" to "comprises 0.02 to 1 atomic % of iodine and/or iodide ions (B)" (Claims 2 to 16, which depend from Claim 1, are also revised in the same manner).

D Correction 4

Claim 2 in the Scope of Claims is revised from "comprises 0.02 to 1 atomic % of the iodine and/or iodide ions (B)" to "comprises 0.02 to 0.5 atomic % of the iodine and/or iodide ions (B)" (Claims 3 to 16, which depend from Claim 2, are also revised in the same manner).

E Correction 5

Claim 9 in the Scope of Claims is canceled.

F Correction 6

Claim 10 in the Scope of Claims is revised from "any one of Claims 1 to 9" to "any one of Claims 1 to 8" (Claims 11 to 16, which depend from Claim 10, are also revised in the same manner).

G Correction 7

Claim 11 in the Scope of Claims is revised from "any one of Claims 1 to 10" to "any one of Claims 1 to 8 or 10" (Claims 12 to 16, which depend from Claim 11, are also revised in the same manner).

H Correction 8

Claim 12 in the Scope of Claims is revised from "any one of Claims 1 to 11" to "any one of Claims 1 to 8, 10, or 11" (Claims 13 to 16, which depend from Claim 12, are also revised in the same manner).

I Correction 9

Claim 13 in the Scope of Claims is revised from "any one of Claims 1 to 12" to "any one of Claims 1 to 8, or 10 to 12" (Claims 14 to 16, which depend from Claim 13, are also revised in the same manner).

J Correction 10

Claim 15 in the Scope of Claims is revised from "any one of Claims 1 to 14" to "any one of Claims 1 to 8, or 10 to 14" (Claim 16, which depends from Claim 15, is also revised in the same manner).

K Correction 11

Claim 16 in the Scope of Claims is revised from "any one of Claims 1 to 15" to "any one of Claims 1 to 8, or 10 to 15."

(3) The Correction Request are made for a group of Claims 1 to 16.

2 Suitability of correction

(1) Regarding Correction 1

The correction by Correction 1 is to revise the ambiguous recitation "An

adhesive layer-attached polarizing film being comprising an adhesive layer for optical applications" of Claim 1 in the Scope of Claims to "An adhesive layer-attached polarizing film comprising an adhesive layer for optical applications."

Therefore, the correction by Correction 1 falls under correction for the purpose of "the clarification of an ambiguous statement" as prescribed in the item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 1 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 2 to 16.

(2) Regarding Correction 2

The correction by Correction 2 consists of: the correction to limit the statement "an ionic compound (C) comprising a base polymer (A) and an antistatic function" in Claim 1 in the Scope of Claims to "0.3 to 1 part by weight of an organic cation-anionic salt as an ionic compound (C) having an antistatic function with respect to 100 parts by weight of a base polymer (A)" based on the description in [0068] and [0136] (Example 2) of the specification attached to the Patent; and the correction to remove a specific acrylic resin from the base polymer (A).

Therefore, the correction by Correction 2 corresponds to the correction aiming at "the restriction of the Scope of Claims" as provided in item (i) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 2 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 2 to 16.

(3) Regarding Correction 3

The correction by Correction 3 is the correction to limit "comprises iodine and/or iodide ions (B)" in Claim 1 in the Scope of Claims to "comprises 0.02 to 1 atomic % of iodine and/or iodide ions (B)" based on the description in [0051] of the specification and [Claim 2] of the Scope of the Claims, which are attached to the application of the Patent.

Therefore, the correction by Correction 3 corresponds to the correction aiming at "the restriction of the Scope of Claims" as provided in item (i) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 3 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 2 to 16.

(4) Regarding Correction 4

The correction by Correction 4 is the correction to limit "0.02 to 1 atomic % of the iodine and/or iodide ions (B) " in Claim 2 in the Scope of Claims to "0.02 to 0.5 atomic % of the iodine and/or iodide ions (B)" based on the statements in [0051] of the specification attached to the application of the Patent.

Therefore, the correction by Correction 4 corresponds to the correction aiming at "the restriction of the Scope of Claims" as provided in item (i) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 4 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 3 to 16.

(5) Regarding Correction 5

The correction by Correction 5 is to delete Claim 9 in the Scope of Claims.

Therefore, the correction by Correction 5 corresponds to the correction aiming at "the restriction of the Scope of Claims" as provided in item (i) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 5 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

(6) Regarding Correction 6

The correction by Correction 6 is a correction that revises the recitation in Claim 10 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 6 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

Therefore, the correction by Correction 6 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the

patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 11 to 16.

(7) Regarding Correction 7

The correction by Correction 7 is a correction that revises the recitation in Claim 11 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 7 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 7 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 12 to 16.

(8) Regarding Correction 8

The correction by Correction 8 is a correction that revises the recitation in Claim 12 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 8 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 8 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 13 to 16.

(9) Regarding Correction 9

The correction by Correction 9 is a correction that revises the recitation in Claim 13 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 9 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 9 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the

patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claims 14 to 16.

(10) Regarding Correction 10

The correction by Correction 10 is a correction that revises the recitation in Claim 15 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 10 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 10 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

The same is also applied to Claim 16.

(11) Regarding Correction 11

The correction by Correction 11 is a correction that revises the recitation in Claim 16 so as to be consistent with the deletion of Claim 9 in the Scope of Claims in accordance with the correction by Correction 5.

Therefore, the correction by Correction 11 falls under correction for the purpose of "the clarification of an ambiguous statement" as provided in item (iii) of the proviso to Article 120-5(2) of the Patent Act.

In addition, the correction by Correction 11 is within the matters described in the Specification, the Scope of Claims, or the Drawings attached to the application of the patent, and the correction does not substantially enlarge or alter the scope of the claim.

(12) Summary

As stated above, therefore, corrections by the Correction Request (corrections by Corrections 1 to 11) comply with the proviso to Article 120-5(2) of the Patent Act and provisions of Article 126(5) and (6) of the Patent Act as applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

The correction of the Scope of Claims of the Patent shall be approved as stated in the corrected scope of claims attached to the written correction demand, as for the corrected claims [1 to 16].

No. 3 The patent invention

The corrections by the Correction Request are approved of as stated in the above "No. 2."

Therefore, the inventions recited in Claims 1 to 8 and 10 to 16 of the Patent are as follows, which are specified by the matters recited in Claims 1 to 8 and 10 to 16 of the Scope of the Claims of the Patent:

"[Claim 1]

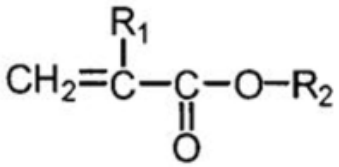
An adhesive layer-attached polarizing film comprising a polarizing film and an adhesive layer for optical applications provided on at least one side of the polarizing film, wherein

the polarizing film has a transparent protective film only on one side of a polarizer,

the adhesive layer for optical applications is provided on the other side of the polarizer, which is free of the transparent protective film, and

the adhesive layer for optical applications is formed from an adhesive for optical applications containing 0.3 to 1 part by weight of an organic cation-anionic salt as an ionic compound (C) having an antistatic function with respect to 100 parts by weight of a base polymer (A) (wherein the base polymer (A) is a copolymer obtained from a monomer mixture comprising (A-1) 80 to 96% by weight of a (meth)acrylic acid ester represented by the following formula (I)

[Chemical 1]



(I)

(wherein R_1 represents a hydrogen atom or a methyl group and R_2 represents a C1 to C14 alkyl group, which may be substituted with a C1 to C10 alkoxy group),

(A-2) 3 to 15% by weight of an unsaturated monomer having one olefinic double bond and at least one aromatic ring in the molecule, and

(A-3) 0.1 to 5% by weight of an unsaturated monomer having a polar functional group, which is free of an acrylic resin having a weight average molecular weight (Mw) of 1 to 2 million and a molecular weight distribution of 3 to 7 represented by the ratio (Mw/Mn) of the weight average molecular weight (Mw) to the number average molecular weight (Mn)) and comprises 0.02 to 1 atomic % of iodine and/or iodide ions

(B).

[Claim 2]

The adhesive layer-attached polarizing film according to Claim 1, wherein

the adhesive layer for optical applications comprises 0.02 to 0.5 atomic % of the iodine and/or iodide ions (B).

[Claim 3]

The adhesive layer-attached polarizing film according to Claim 1 or 2, wherein

the base polymer (A) is a (meth)acryl-based polymer comprising an alkyl(meth)acrylate as a monomer unit.

[Claim 4]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 3, wherein

the base polymer (A) comprises a hydroxyl group.

[Claim 5]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 4, wherein

the base polymer (A) is a (meth)acryl-based polymer comprising as monomer units alkyl(meth)acrylate and hydroxyl group-containing monomers.

[Claim 6]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 5, wherein

the base polymer (A) comprises a carboxyl group.

[Claim 7]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 6, wherein

the base polymer (A) is a (meth)acryl-based polymer comprising as monomer units an alkyl(meth)acrylate monomer and a carboxyl group-containing monomer.

[Claim 8]

The adhesive layer-attached polarizing film according to any one of Claims 3 to 7, wherein

the (meth)acryl-based polymer comprises butyl(meth)acrylate as the alkyl(meth)acrylate monomer unit, and

comprises the iodine and/or iodide ions (B) in an amount of 0.01 to 3($I^-/C_3H_3O_2^-$)."

"[Claim 10]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 8, wherein

the adhesive for optical applications further comprises an antioxidant (D).

[Claim 11]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 8 or 10, wherein

the adhesive for optical applications further comprises a crosslinking agent (E).

[Claim 12]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 8, 10, or 11, wherein

the adhesive for optical applications further comprises a silane coupling agent (F).

[Claim 13]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 8 or 10 to 12, wherein

the polarizing film is an iodine-based polarizing film comprising a transparent protective film provided on only one side of an iodine-based polarizer containing iodine and/or iodide ions (B).

[Claim 14]

The adhesive layer-attached polarizing film according to Claim 13, wherein the iodine-based polarizer comprises the iodine and/or iodide ions (B) in an amount of 3 to 10% by weight.

[Claim 15]

The adhesive layer-attached polarizing film according to any one of Claims 1 to 8 or 10 to 14, wherein the iodine and/or iodide ions (B) are iodine molecules (I_2) and/or iodine ions (I^-, I^{3-}, and I^{5-}).

[Claim 16]

An image display device, wherein at least one adhesive layer-attached polarizing film according to any one of Claims 1 to 8 or 10 to 15 is used."

No. 4 Outline of the reasons for revocation

Reason 5 (requirements for clarity) among the reasons for revocation notified to the Patentee by the written notice of reasons for revocation (advance notice of decision) dated December 2, 2019 is roughly that the inventions recited in Claims 1 to 8 and 10 to 16 cannot be said to be clear and thus the patent for each of Claims 1 to 8 and 10 to 16 has been granted on a patent application that does not meet the requirements stipulated in Article 36(6) of the Patent Act.

No. 5 Judgment by the body

1 Regarding Claim 1

According to the recitation of Claim 1 and Claim 13, which depends from Claim 1, the invention recited in Claim 1 includes the invention in which "a polarizing film" is "an iodine-based polarizing film comprising a transparent protective film provided on only one side of an iodine-based polarizer containing iodine and/or iodide ions (B)," and "an adhesive layer for optical applications" is "provided on the other side of the polarizer, which is free of the transparent protective film." Hereby, it is obvious from the technical viewpoint that the invention recited in Claim 1 includes an aspect in which the iodine and/or iodide ions (B) are transferred from the iodine-based polarizer to the adhesive layer for optical applications([0057] of the specification of the patent), namely wherein the content of iodine and/or iodide ions involved in the adhesive layer changes over time.

However, the invention recited in Claim 1 does not specify the point of time when the amount of "iodine and/or iodide ions (B)""comprises 0.02 to 1 atomic %." In addition, this is also not specified in any of the inventions recited in Claims 2 to 8 and 10 to 16, which directly or indirectly depend from Claim 1. Nevertheless, taking the Specification into account, it is unclear at what point in time the adhesive layer for optical applications comes into the state of comprising 0.02 to 1 atomic % of iodine and/or iodide ions (B).

Therefore, it cannot be said that the inventions recited in Claim 1, and Claims 2 to 8 and 10 to 16, which directly or indirectly depend from Claim 1, are clear.

2 Regarding Claim 2

The same applies to the configuration of "the adhesive layer for optical applications comprises 0.02 to 0.5 atomic % of the iodine and/or iodide ions (B)" in Claim 2 (it is unclear at what point in time the adhesive layer for optical applications comes into the state of comprising 0.02 to 0.5 atomic % of iodine and/or iodide ions).

Therefore, it cannot be said that the inventions recited in Claim 2, and Claims 3 to 8 and 10 to 16, which directly or indirectly depend from Claim 2, are clear.

3 Regarding Claim 8

The same applies to the configuration of "comprises the iodine and/or iodide ions (B) in an amount of 0.01 to 3($I^-/C_3H_3O_2^-$)" (it is unclear at what point in time the (meth)acryl-based polymer comes into the state of comprising the iodine and/or iodide ions (B) in an amount of 0.01 to 3($I^-/C_3H_3O_2^-$)).

Therefore, it cannot be said that the inventions recited in Claim 8, and Claims 10 to 16, which directly or indirectly depend from Claim 8, are clear.

4 Regarding Claim 14

The same applies to the configuration of "comprises the iodine and/or iodide ions (B) in an amount of 3 to 10% by weight" (it is unclear at what point in time the iodine-based polarizing film comes into the state of comprising the iodine and/or iodide ions (B) in an amount of 3 to 10% by weight).

Therefore, it cannot be said that the inventions recited in Claim 14, and Claims 15 and 16, which directly or indirectly depend from Claim 14, are clear.

5 As stated above, therefore, none of the inventions recited in Claims 1 to 8 and 10 to 16 is clear.

6 Regarding the assertion by the Patentee

(1) The Patentee asserts in the written opinion dated January 31, 2020 as follows:

"The 'transfer' pointed out in the notice of reasons for revocation is a matter not stated in Patent Invention 1, etc. (Claim 1, etc.). Therefore, when determining clarity requirements, even though there is no recitation concerning 'the time of the measurement is not recited,' which pointed out to be considered based on 'transfer' not recited in Patent Invention 1, etc. (Claim 1, etc.), it is considered that Patent Invention 1, etc. (Claim 1, etc.) cannot be unclear." (hereinafter, referred to as "Assertion 1"); and "It is considered to be sufficient that a person skilled in the art would grasp each matter specifying the invention recited in Patent Invention 1 (Claim 1) at the time of implementation, and the content of 'iodine and/or iodide ions (B)' can be sufficiently measured at the stage of implementing the invention even if the time of the measurement is not recited. Namely, it is considered that a person skilled in the art would only need to grasp the content of 'iodine and/or iodide ions (B)' at the stage of implementing the invention, and understanding the content of 'iodine and/or iodide ions (B)' in this way does not cause any unexpected disadvantage to a third party" (hereinafter, referred to as "Assertion 2)."

(2) Regarding Assertion 1

The wording "transfer" is not recited in Claims 1 to 8 and 10 to 16. However, as stated in the above 1, it is technically obvious that the inventions recited in Claims 1 to 8 and 10 to 16 include an aspect in which iodine and/or iodide ions are transferred

from the iodide-based polarizer to the adhesive layer for optical applications.

Therefore, Assertion 1 cannot be accepted.

(3) Regarding Assertion 2

It is not possible to objectively identify "the stage of implementation of the invention" asserted by the patentee. When a person produce an adhesive-attached polarizing film in the above-mentioned aspect (an adhesive layer-attached polarizing film in an aspect in which iodine and/or iodide ions are transferred from an iodine-based polarizer to an adhesive layer for optical applications), if the production is carried out so that the content of iodine and/or iodide ions in the adhesive layer for optical applications be less than 0.02 atomic % at the moment of production, the adhesive layer-attached polarizing film does not fall within the scope of the invention recited in Claim 1 at the moment of production. However, as time passes by, iodine and/or iodide ions are transferred from the iodide-based polarizer to the adhesive layer for optical applications, andthe content of iodine and/or iodide ions may reach 0.02 to 1 atomic %, then the adhesive layer-attached polarizing film after time passes by comes to fall under the invention recited in Claim 1. Accordingly, if it is unclear in Claim 1 at what point in time the state is reached where the adhesive layer for optical applications has the content of iodine and/or iodide ions of 0.02 to 1 atomic %, it will cause an unexpected disadvantage to a person who has recognized that the adhesive layer-attached polarizing film produced by himself/herself does not fall under the invention of Claim 1, or to another person to whom the adhesive layer-attached polarizing film produced by that person is transferred after some time has passed from the production. Therefore, it cannot be said that "understanding the content of 'iodine and/or iodide ions (B) ... at the stage of implementing the invention' does not cause any unexpected disadvantage to a third party."

Therefore, Assertion 2 cannot also be accepted.

No. 6 Closing

1 It cannot be said that any of the invention recited in Claims 1 to 8 and 10 to 16 is clear. Thus, it can be said that all of the patents for Claims 1 to 8 and 10 to 16 were based on a patent application that does not meet the requirements under the provisions of Article 36(6) of the Patent Act.

The patents for Claims 1 to 8 and 10 to 16 should be therefore revoked under the provisions of Article 113(4) of the Patent Act.

2 Claim 9 of the Patent has been deleted by the Correction. Regarding the opposition to a granted patent submitted by the Patent Opponent, therefore, the opposition for claim 9 of the Patent has no subject of the opposition and shall be dismissed under the provisions of Article 135 of the Patent Act as applied mutatis mutandis under Article 120-8(1) of the Patent Act.

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

June 17, 2020

Chief administrative judge: HIGUCHI, Nobuhiro
Administrative judge: SEKINE, Hiroyuki
Administrative judge: MIYAZAWA, Hiroshi