

Decision on Opposition

Opposition No. 2020-700041

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The case of opposition against the invention "Method of constructing outer wall of house" in Japanese Patent No. 6552239 has resulted in the following decision.

Conclusion

The correction of the description and the scope of claims of Japanese Patent No. 6552239, regarding Claims [1 to 4] after correction, shall be approved as the corrected description and the scope of claims attached to the written correction request.

The patent according to Claims 1 to 4 of Japanese Patent No. 6552239 is maintained.

Reason

No. 1 History of the procedures

The patent application (hereinafter, referred to as "the Patent Application") according to Japanese Patent No. 6552239 (hereinafter, referred to as "the Patent") was submitted on March 25, 2015, the establishment of patent right was registered on July 12, 2019, and the gazette containing the Patent was issued on July 31, 2019. The history of the opposition to the grant of a patent after that is as follows.

January 28, 2020 Opposition to the grant of a patent regarding the patent according to Claims 1 to 4 filed by the opponent, Toshihiko KAWANO (hereinafter, referred to as "the Opponent")

Dated March 19, 2020 Notice of reasons for revocation

May 22, 2020 Submission of written opinion and request for correction by the patent holder (hereinafter, referred to as "the Correction Request," and the correction according to the Correction Request is referred to as "the Correction".)

September 30, 2020 Submission of written opinion by the Opponent

No. 2 Suitability of correction

1. Contents of correction

The details of the Correction are as follows (the underlines were applied by the body; the same applies hereinafter).

(1) Correction A

The recitation of "erecting connected portions capable of fitting with base connecting portions of the outer wall strut on a wall surface support base portion at equal intervals" in Claim 1 in the scope of claims for patent is corrected to "on a wall surface support base portion,

erecting connected portions capable of fitting with base connecting portions of the outer wall strut at equal intervals,

which are pressed in a hollow portion of a cylindrical connecting tool formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion and coupled to an anchor through a press-contact blade, and formed at a tip end of a connecting tube fastened together by a bolt together with the wall surface support base portion, the cylindrical connecting tool, and a connection metal fitting equipped with a connecting blade piece fitted with a fitting groove formed on another adjacent wall surface support base portion, at four corner portions of a house, and

are formed at a tip end portion of a connecting pipe screwed in the anchor penetrating the wall surface support base portion, at other than the corner portions,".

(Claims 2 to 4 that refer to the recitation in Claim 1 are corrected in the same manner.)

(2) Correction B

The description of "erecting connected portions capable of fitting with base connecting portions of the outer wall strut 2 on a wall surface support base portion 5 at equal intervals" in Paragraph [0007] of the description attached to the application, is corrected to

"on a wall surface support base portion 5,

erecting connected portions capable of fitting with base connecting portions of the outer wall strut at equal intervals,

which are pressed in a hollow portion of a cylindrical connecting tool 18 formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion 5 and coupled to an anchor 16 through a press-contact blade 19a, and formed at a tip end of a connecting tube 19 fastened together by a bolt 21 together with the wall surface support base portion 5, the cylindrical connecting tool 18, and a connection metal fitting 22 equipped with a connecting blade piece 22a fitted with a fitting groove 5a formed on another adjacent wall surface support base portion 5', at four corner portions of a house, and

are formed at a tip end portion of a connecting pipe 23 screwed in the anchor 16 penetrating the wall surface support base portion 5, at other than the corner portions,".

2. Suitability of purpose of correction, existence or nonexistence of addition of new matter, existence or nonexistence of substantial enlargement or alteration of the scope of claims, and a group of claims

(1) Regarding Correction A

A. Regarding Purpose of Correction

The correction according to Correction A limits "connected portions" to those, "which are pressed in a hollow portion of a cylindrical connecting tool formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion and coupled to an anchor through a press-contact blade, and formed at a tip end of a connecting tube fastened together by a bolt together with the wall surface support base portion, the cylindrical connecting tool, and a connection metal fitting equipped with a connecting blade piece fitted with a fitting groove formed on another adjacent wall surface support base portion, at four corner portions of a house," and "are formed at a tip end portion of a connecting pipe screwed in the anchor penetrating the wall surface support base portion, at other than the corner portions," so that it falls under those aiming at restriction of the scope of claims in accordance with item (i) of the proviso to Article 120-5(2) of the Patent Act.

B. Regarding addition of new matter

Regarding Correction A above, the description of the patent describes as follows.

"[0035]

In this example, at the four corners of the house having a large lifting force at the time of an earthquake, a hole-down structure having a high resistance to the lifting force is formed.

[0036]

The hole-down structure is formed by connecting the outer wall strut 2 of the strut unit 4 to the anchor 16 for connecting the base so as not to be lifted, and as shown in FIG. 4(a), has the cylindrical connecting tool 18 formed in a cylindrical shape, and the connecting tube 19.

[0037]

The cylindrical connecting tool 18 is fitted into the circular through-hole bored on the base 5 and connected to the anchor 16 using a nut 20, and the connecting tube 19 is pressed into the hollow portion of the cylindrical connecting tool 18 via a press-contact blade 19a.

[0038]

As shown in FIG. 5, the cylindrical connecting tool 18 and the connecting tube 19 are fastened together by the bolt 21 penetrating the base 5, the cylindrical connecting tool 18, and the connecting tube 19. In the state of being connected to the cylindrical connecting tool 18, the tip end portion of the connecting tube 19 protrudes from the base 5 to form the connected portion 8, and the outer wall strut 2 of the strut unit 4 is fixed to the base 5 by passing the drift pin 12 through the connected portion 8, after fitting the base connecting portion 7 bored at the lower end with the connected portion 8.

[0039]

Further, in this example, the cylindrical connecting tool 18 also serves as a connecting relay member of another adjacent base 5', and a connecting metal fitting 22 having a U-shaped cross section is fastened together to the bolt 21 penetrating the cylindrical connecting tool 18.

[0040]

The connecting wing piece 22a formed on the connecting metal fitting 22 is fitted into the fitting groove 5a formed on the adjacent base 5', and then fixed to the adjacent base 5' by a drift pin 12 penetrating the connecting wing piece 22a.

[0041]

Further, as shown in FIG. 6, the anchor 16y other than the corner portion penetrates the base 5, and the connecting pipe 23 is screwed into the tip end thereof. The tip end

portion of the connecting pipe 23 protrudes from the base 5 to form the connected portion 8, and the outer wall strut 2 other than the corner portion is fixed to the base 5 by connecting the base connecting portion 7 to the connected portion 8 using the drift pin 12".

Accordingly, of the corrections according to Correction A, the matter regarding "connected portions" at "four corner portions of a house" is based on the description and the like of Paragraphs [0035] to [0040] above, and the matter regarding "connected portions" at "other than the corner portions" is based on the description and the like of Paragraph [0041] above. Neither introduces new technical matters in relation to the technical matters derived by totalizing all the descriptions of matters described in the description, scope of claims, or drawings attached to the application of the patent (hereafter, referred to as "the description, etc."), and it can be said that the corrections were made within the scope of matters described in the description, etc.

C. Regarding enlargement or alteration of the scope of claims

All the corrections by Correction A above according to Claim 1 are aiming at restriction of the scope of claims for patent, and do not alter category, target, or purpose, and therefore Correction A does not substantially enlarge or alter the scope of claims.

(2) Regarding Correction B

The correction according to Correction B above is intended to make the statements of the description consistent with the statements of the scope of claims, in accordance with the correction according to Correction A above, so that it is intended to achieve clarification of an ambiguous description stipulated in the item (iii) of the proviso to Article 120-5(2) of the Patent Act.

Also, similarly to the correction according to Correction A above, the correction is made within the scope of matters described in the description, etc., and does not substantially enlarge or alter the scope of claims.

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

(3) Regarding a group of claims

In Claims 1 to 4 before the corrections according to Correction A and Correction B, Claims 2 to 4 cite the recitation of Claim 1, so that these corrections were requested

for a group of claims.

3. Summary

As described above, the correction by the Correction Request aims at matters prescribed in the items (i) and (iii) of the proviso to Article 120-5(2) of the Patent Act, and falls under the provisions of Article 126(5) and (6) of the Patent Act which is applied mutatis mutandis pursuant to the provisions of Article 120-5(9) of the Patent Act, so that the correction of the scope of claims of the patent regarding Claims [1 to 4] after correction shall be approved as described in the corrected scope of claims and the description attached to the written correction request.

No. 3 The patent invention after correction

The inventions according to Claims 1 to 4 corrected by the Correction Request (hereinafter, respectively referred to as "Corrected Patent Invention 1" to "Corrected Patent Invention 4") are as follows, as specified by the matters recited in Claims 1 to 4 of the corrected scope of claims attached to the written correction request.

"[Claim 1]

A method of constructing an outer wall of a house in a conventional construction method, which arranges face materials between outer wall struts that support an upper load of a roof, a floor, etc. as a linear load together with a beam material to form the outer wall of the house, comprising steps of:

forming a strut unit in advance from a plurality of outer wall struts boring base connecting portions at lower ends and a plurality of frame bodies all having equal width dimensions and supporting the face materials to the side parts of the outer wall struts, by fixing the frame bodies to a side part of a single outer wall strut or fixing the frame bodies between the plurality of outer wall struts and to the side parts of one of the outer wall struts;

on a wall surface support base portion,

erecting connected portions capable of fitting with base connecting portions of the outer wall strut at equal intervals,

which are pressed in a hollow portion of a cylindrical connecting tool formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion and coupled to an anchor through a press-contact blade, and formed at a tip end of a connecting tube fastened together by a bolt together with the wall surface support

base portion, the cylindrical connecting tool, and a connection metal fitting equipped with a connecting blade piece fitted with a fitting groove formed on another adjacent wall surface support base portion, at four corner portions of a house, and

are formed at a tip end portion of a connecting pipe screwed in the anchor penetrating the wall surface support base portion, at other than the corner portions; and

fitting the base connecting portions of the outer wall struts with the connected portions of the wall surface support base portion, and then fixing them so as not to be extracted to sequentially erect the strut units, and connecting other adjacent units with each other side by side via a connecting metal fitting between the units to form the outer wall of the house.

[Claim 2]

The method of constructing an outer wall of a house in a conventional construction method according to Claim 1, wherein an upper edge of the strut unit is formed by the outer wall strut and a single beam material fixed to an upper edge of the frame body, and the beam material becomes the wall surface support base portion of the strut unit disposed on an upper floor.

[Claim 3]

The method of constructing an outer wall of a house in a conventional construction method according to Claim 1 or 2, wherein the strut units are sequentially connected starting from the corner portions of the house connected in an L-shape and maintaining a self-standing state, to extend a wall surface.

[Claim 4]

The method of constructing an outer wall of a house in a conventional construction method according to Claim 1, 2, or 3, wherein an indoor side end portion of the outer wall strut is protruded to a surface of an inner wall plate material fixed to an indoor corresponding surface of the frame body".

No. 4 Outline of reasons for opposition to the grant of a patent and proof

The Opponent, in the written opposition to the grant of a patent (hereinafter, referred to as "the Written Opposition"), alleges grounds for opposition described in the following "1.," and submitted respective items of Evidence A described in the following "2."

Further, the Opponent submitted respective items of Evidence A described in the following "3." attached to the written opinion submitted on September 30, 2020.

1. Outline of reasons for opposition to the grant of a patent

The reasons for opposition to the grant of a patent alleged by the Opponent in the written opposition are roughly recognized as follows, according to the column of "Gist of reasons" of the table on Page 3 of the written opposition and the description and the like of Page 13 "(5)".

(1) The inventions according to Claims 1 and 2 of the patent before correction (hereinafter, the invention according to Claim 1 before correction is referred to as "Patent Invention 1," and similarly, the inventions according to Claims 2 to 4 of the patent before correction are respectively referred to as "Patent Invention 2" to "Patent Invention 4") are inventions perceived from Evidence A No. 1 and Evidence A No. 1-2, and are inventions publicly available through an electric telecommunication line, before filing the application for the patent ("○1 (note by the body: "○1" indicates a circled number 1, the same shall apply hereinafter)" in the column of "Gist of reasons" of the table on Page 3 of the written opposition, and Page 13, "(5) A", etc.).

(2) Patent Inventions 1 and 2 are inventions perceived from Evidence A No. 1-2, and Evidence A No. 2 to Evidence A No. 4, and are inventions publicly worked before filing the application for the patent ("○2" in the column of "Gist of reasons" of the table on Page 3 of the written opposition, and Page 13, "(5) B", etc.).

(3) Patent Invention 3 is an invention that could have easily conceived from the invention described in Evidence A No. 1-2 and the well-known arts described in Evidence A No. 5 ("○3" in the column of "Gist of reasons" of the table on Page 3 of the written opposition, and Page 13, "(5) C", etc.).

(4) Patent Invention 4 is an invention that could have easily conceived from the invention described in Evidence A No. 1-2 and the well-known arts described in Evidence A No. 6 ("○4" in the column of "Gist of reasons" of the table on Page 3 of the written opposition, and Page 13, "(5) C", etc.).

2. Means of proof submitted as attachment to the written opposition

Evidence A No. 1 ideahnet, "Hybrid Unit Construction Method," YouTube, URL: <https://www.youtube.com/watch?v=SoMoN8B9bRY>

Evidence A No. 1-2 Video posted on the webpage of Evidence A No. 1, Youtube, URL: <https://youtu.be/SoMoN8B9bRY>

Evidence A No. 1-3 Factual experiment notarial deed regarding the existence of webpage and video

Evidence A No. 2 Masidea, "Hybrid Unit Construction Method," URL: <http://www.masidea.com/hybrid-unit/>

Evidence A No. 3 Masuda Construction, Inc. "New home builders supporting system and new construction method 'Hybrid Unit Construction Method'," PR TIMES, July 3, 2014, URL: <https://prtimes.jp/main/html/rd/p/000000017.000002601.html>

Evidence A No. 4 "Providing a unit construction method to home builders Masuda Construction, Inc. Completing Carpentry construction in 20 days," The Shinken Housing, July 10, 2014, Page 6

Evidence A No. 5 Japanese Unexamined Patent Application Publication No. 2000-199267

Evidence A No. 6 Registered Utility Model Publication No. 3091824

3. Means of proof submitted as attachment to the written opinion

Evidence A No. 7 Registered Utility Model Publication No. 3089184

Evidence A No. 8 Japanese Unexamined Patent Application Publication No. 2002-294875

Evidence A No. 9 Japanese Unexamined Patent Application Publication No. 2009-68293

No. 5 Reasons for revocation described in the notification of reasons for revocation

1. Outline of reasons for revocation

The outline of reasons for revocation notified to the patentees by the body as of March 19, 2020 is as follows.

(1) Since Patent Inventions 1 and 2 could have been easily invented by a person ordinarily skilled in the art of the inventions before filing the application for the patent, based on the invention described in Evidence A No. 1-2 distributed or available to the public through electric telecommunication lines, in Japan or a foreign country, before filing the application for the patent, the patent according to Claims 1 and 2 violates the provisions of Article 29(2) of the Patent Act, and thus should be revoked.

(2) Since Patent Invention 3 could have been easily invented by a person ordinarily skilled in the art of the inventions before filing the application for the patent, based on the inventions described in Evidence A No. 1-2 and Evidence A No. 5 distributed or available

to the public through electric telecommunication lines, in Japan or a foreign country, before filing the application for the patent, the patent according to Claim 3 violates the provisions of Article 29(2) of the Patent Act, and thus should be revoked.

(3) Since Patent Invention 4 could have been easily invented by a person ordinarily skilled in the art of the inventions before filing the application for the patent, based on the inventions described in Evidence A No. 1-2 and Evidence A No. 6 distributed or available to the public through electric telecommunication lines, in Japan or a foreign country, before filing the application for the patent, the patent according to Claim 4 violates the provisions of Article 29(2) of the Patent Act, and thus should be revoked.

2. Regarding respective items of Evidence A

(1) Evidence A No. 1, Evidence A No. 1-2 and Evidence A No. 1-3

A. Regarding publicity

Evidence A No. 1 is a copy of the webpage of YouTube (URL: <https://www.youtube.com/watch?v=SoMoN8B9bRY>). In the screen of the webpage upper part, there is a description of "0:00/3:17," and under the screen, there is a description of "7,053 views, 2014/11/06".

It is widely known that YouTube is a website that shares posted videos to an unspecified number of people on the Internet, and since the URL of the video of Evidence A No. 1-2 is "<https://youtu.be/SoMoN8B9bRY>," which is partially common to the URL of Evidence A No. 1; the video includes the same scene as the screen of Evidence A No. 1; and the playback time is 3 minutes and 17 seconds, which is consistent with the description of "0:00/3:17" in Evidence A No. 1, etc., it is recognized that the video was shared on the website of Evidence A No. 1.

Then, since it is obvious that "2014/11/06" in the description of "7,053 views, 2014/11/06" in Evidence A No. 1 indicates the date when the video was posted, it is recognized that the video of Evidence A No. 1-2 was posted on November 6, 2014, and that by being shared with an unspecified number of people on the Internet before filing the application, it had become available to the public through electric telecommunication lines.

Further, Evidence A No. 1-3 is a factual experiment notarial deed regarding the existence of the webpage of Evidence A No. 1 and the video of Evidence A No. 1-2 (Page 7, lines 8 to 11 of the written opposition), and does not disclose technical matters other than those shown in Evidence A No. 1-2.

B. Matters that could be perceived from Evidence A No. 1-2

The following points can be perceived from the video of Evidence A No. 1-2. (Hereinafter, regarding the playback time of the video, for example, 1 minute and 23 seconds is indicated as "[01:23]". Also, each of the following items is attached with the video capture screen in the corresponding time zone, as a reference. (However, the matters described in each item are not taken from only the relevant screen, but are taken from the entire video of the time zone added.) The underlines were applied by the body. (As for the underlines, the same applies to other items of Evidence A.))

(A) It can be seen that "an outer wall panel having two windows (hereinafter, referred to as 'the outer wall panel A') is erected by being fitted to metal fittings (hereinafter, referred to as 'the base metal fittings') erected at equal intervals on a base of a building," and that "metal fittings (hereinafter, referred to as 'the horizontal metal fittings') are driven in the positions of the base metal fittings of the outer wall panel A in the horizontal direction" ([00:56] to [01:37]).



(The screen at [01:09])

(B) It can be seen that "an outer wall panel without a window (hereinafter, referred to as 'the outer wall panel B') has a metal fitting (hereinafter, referred to as 'the side end metal fitting') on one side end upper side and a groove (hereinafter, referred to as 'the side end groove') on the other side end upper side," and that following the step of "(A)" above, "one side end of the outer wall panel B is connected to the adjacent outer wall panel A"

and is erected on the base of the building" ([01:37] to [01:50]).



(The screen at [01:37])

(C) It can be seen that "an outer wall panel having one window (hereinafter, referred to as 'the outer wall panel C') is composed of a plurality of columns and a plurality of frames supporting face materials on the sides of the columns, and has a single beam on the upper edge," that "the face materials are disposed between the columns of the outer wall panel C," that "the width dimensions of the frames of the outer wall panel C are all equal dimensions," that "the frames are fixed between the plurality of columns of the outer wall panel C and on the side of one column," and that following the step of "(B), " the columns of the outer wall panel C are erected adjacent to the outer wall panel B by being fitted to the base metal fittings erected on the base of the building" ([01:50] to [02:09]).



(The screen at [01:54])

(D) It can be seen that "an outer wall panel on the upper floor (hereinafter, referred to as 'the outer wall panel D') is erected by being fitted to the metal fittings erected on the beam of an outer wall panel on the lower floor" ([02:24] to [02:40]).



(The screen at [02:25])

(E) It can be seen that the signboard at the bottom center of the screen says "all 7 lots for sale of residential land, land for sale with construction conditions ○3 (note by the body:

"○3" means the circled number 3.) lot, new housing" ([03:02]), and based on this, "from (A) to (D)," it can be understood that the video of Evidence A No. 1-2 is related to "a construction method of an outer wall of a house," and it can be said that "the base of the building" in "(A) to (C)" is "a base of a house".



(The screen at [03:02])

(F) Although "the outer wall panel A," "the outer wall panel B," and "the outer wall panel C" are separate outer wall panels, since they are continuously erected on the base of the building and are adjacent to each other, it is natural to understand that the basic configuration relating to a structure and joining thereof are common. Summing up "(A) to (C)" above, it is recognized that all of "the outer wall panel A," "the outer wall panel B," and "the outer wall panel C" have the points of "it is composed of a plurality of columns and a plurality of frames supporting face materials, and has a single beam on the upper edge," "the face materials are disposed between the columns," "the columns of the outer wall panel are erected by being fitted to the metal fittings erected at equal intervals on a base of a house," "the horizontal metal fittings are driven in the positions of the base metal fittings of the outer wall panel in the horizontal direction," and "it has a metal fitting on one side end upper side and a groove on the other side end upper side, and the one side end is connected to the adjacent outer wall panel".

Further, although "the outer wall panel D" of "(D)" above is also erected on the upper floor, not on the base of the building, it is the same as "the outer wall panel A," "the outer wall panel B," and "the outer wall panel C" in other points, and thus it is recognized

that it has the points of "it is composed of a plurality of columns and a plurality of frames supporting face materials, and has a single beam on the upper edge," and "the face materials are disposed between the columns".

(G) According to the consideration in "(F)" above, from "(C)" above, it can be said that "in a part of the outer wall panels, the width dimensions of frames are all equal dimensions, and the frames are fixed between the plurality of columns and on the side of one column".

In light of all the above, from Evidence A No. 1-2, it is recognized that the following invention (hereinafter, referred to as "Cited Invention 1") had become available to the public through electric telecommunication lines before filing the application.

"A construction method of an outer wall of a house, wherein

the outer wall panel is composed of a plurality of columns and a plurality of frames supporting face materials on the sides of the columns, has a single beam on the upper edge, and disposes the face materials between the columns;

the plurality of columns of the outer wall panel are erected by being fitted to base metal fittings erected at equal intervals on a base of a house;

horizontal metal fittings are driven in the positions of the base metal fittings of the outer wall panel in the horizontal direction;

the outer wall panel has a side end metal fitting on one side end upper side and a side end groove on the other side end upper side, and the one side end is connected to the adjacent outer wall panel;

the outer wall panel on the upper floor is erected by being fitted to the metal fittings erected on a beam of the outer wall panel on the lower floor; and

in a part of the outer wall panels, the width dimensions of frames are all equal dimensions, and the frames are fixed between the plurality of columns and on the side of one column".

(2) Evidence A No. 5

Evidence A No. 5 that is a publication distributed prior to the filing of the patent describes as follows.

A. "[Claim 1] A panel construction method using a self-sustaining type exterior wall corner panel comprising steps of: in residential construction, forming an L-shaped and/or T-shaped exterior wall corner panel (A) in which an exterior wall materials (2) are

stretched over the entire surface on an exterior surface side of a frame (1) assembled to have an L-shaped and/or T-shaped flat cross section by butting two surfaces and interior wall materials (3) are stretched over middle and upper surfaces except for a lower unstretched surface (J) on an interior wall surface side, exterior wall flat panels (B) that are fitted between the exterior wall corner panels (A), and in which exterior wall materials (5) are stretched over the entire surface on an exterior wall surface side of a frame (4) assembled in one surface and interior wall materials (6) are stretched over middle and upper surfaces except for a lower unstretched surface (K) on an interior wall surface side, and a floor panel (C) in which joist materials (7) and floor plate materials (8) connecting the same are stretched over a floor frame (23), into a size that can be loaded on a transport vehicle; providing bolt fixing portions (9) at intervals on a wall raising part of the floor panel (C); providing respective bolt fixing portions (10) corresponding to the bolt fixing portions (9) of the floor panel (C) on each of upper frames (1b) and (4b) and lower frames (1a) and (4a) of the exterior wall corner panel (A) and the exterior wall flat panel (B); creating the required number of panels of the design required size in advance in a factory; carrying each panel into a construction site;

in the construction site, placing the floor panel (C) on a base frame (D) fixed on a foundation (L) installed in advance, and fixing that with bolts; making the exterior wall corner panel (A) self-sustain on the bolt fixing portions (9) of the floor panel (C), and then fixing a lower frame (1a) of each exterior wall corner panel (A) from the interior wall lower unstretched surface (J) of the exterior wall corner panel (A) to the floor panel (C) with bolts; making the exterior wall flat panel (B) upright on the bolt fixing portions (9) of the floor panel (C) between the exterior wall corner panels (A); fixing lower frames (4a) of each exterior wall flat panel (B) from the interior wall lower unstretched surface (K) of the exterior wall flat panel (B) to the floor panel (C) with bolts; further integrally fixing each exterior wall panel (A), (B) by laying a head connecting runner material (E) over the whole of the upper frames (1b) of each exterior wall corner panel (A) made self-sustain and the upper frames (4b) of each exterior wall flat panel (B) made upright, to form an exterior wall surrounding wall surface; horizontally butting and placing the floor panels (C) on the upper floor thereof on the head connecting runner material (E), and fixing the joist materials (7) to the upper frames (1b) and (4b) of each exterior wall panel (A), (B) across the head connecting runner material (E) with bolts; and making the exterior wall corner panel (A) self-sustain on the bolt fixing portions (9) of each fixed floor panel (C) to sequentially assemble an upper floor part thereon similarly to the above steps".

In light of all the above, it is recognized that Evidence A No. 5 describes the following technical matter (hereinafter, referred to as "Technical matter described in A-5").

"The point that in a panel construction method, by using a self-sustaining type exterior wall corner panel, an L-shaped exterior wall corner panel is made self-sustain, and then an exterior wall flat panel is made upright to form an exterior wall surrounding wall surface".

(3) Evidence A No. 6

Evidence A No. 6 that is a publication distributed prior to the filing of the patent describes as follows.

A "[0013]

[The embodiment of a device]

An embodiment of a structural panel according to the present invention will be described in detail below. FIG. 1 is a perspective view of a structural panel 1 used in a wall surface; FIG. 2 shows a cross-sectional view taken along a line A-A of FIG. 1 in a state mounted to a column 30; and FIG. 3 is a cross-sectional view taken along a line B-B of FIG. 2. FIG. 4 is a partially enlarged cross-sectional view showing an engagement of the wall material 2 with the column 30 in FIG. 2.

[0014]

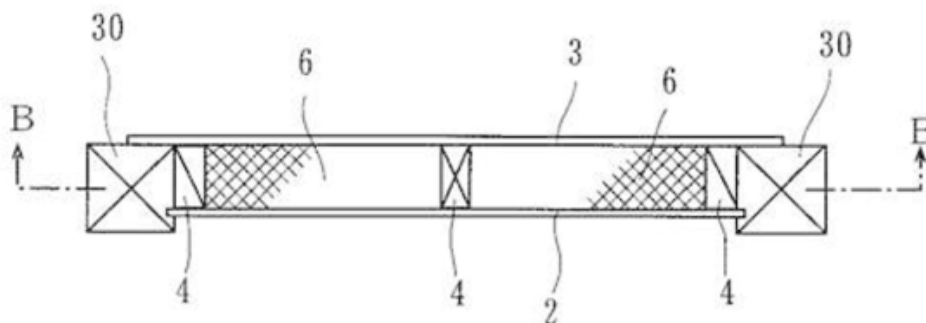
Between a rectangular wall material 2 consisting of an oriented strand board and a rectangular surface material 3, three frame materials 4 are arranged in parallel at predetermined intervals in a longitudinal direction thereof. Both ends of the frame material 4 are fixed by a frame material 5. Then, the wall material 2 and the surface material 3 are fixed to the frame material 4 and the frame material 5 by nails or adhesion. If necessary, a heat insulating material 6 may be arranged in a space surrounded by the frame material 4 and the frame material 5".

B. "[0017]

While the structural panel 1 is mounted, the wall material 2 is exposed in the room, so that moisture inside the room is absorbed and the humidity adjusting function is performed".

C. FIG. 2 is as follows.

[FIG. 2]



D. Referring to the description of "B." above, it is understood that in FIG. 2, the lower side of the figure on which the wall material 2 is located is indoors. Considering this point and the description of "A. and B." above, it can be seen from FIG. 2 that "while the structural panel 1 is mounted to the column 30, an indoor side end portion of the column 30 projects out to the surface of the wall material 2".

In light of all the above, it is recognized that Evidence A No. 6 describes the following technical matter (hereinafter, referred to as "Technical matter described in A-6").

"The point that in a structural panel used in a wall surface, while the structural panel is mounted to a column, an indoor side end portion of the column projects out to a surface of the wall material fixed to an indoor side of a frame material".

(4) Evidence A No. 7

Evidence A No. 7 that is a publication distributed prior to the filing of the patent describes as follows.

A. "[0026]

Next, second and third embodiments will be described with reference to FIGS. 4, 5, 6, and 7. Further, the same reference numerals are used for the same parts as in the first embodiment, and detailed descriptions thereof will be omitted. In the second embodiment, a concrete foundation 31 in which an anchor bolt 32 forming the first connecting member is embedded and fixed is made to be a first joined member, a base 34

provided on an upper surface of the concrete foundation 31 is made to be a second joined member, and a column 35 is made to be a third joined member. A first screw 8 is formed at an upper end of the anchor bolt 32.

[0027]

Accordingly, in the second embodiment, corresponding to Claim 1, in a joining metal fitting integrally joining the concrete foundation 31, the abutting base 34 provided on one side of the concrete foundation 31, and the column 35 abutting on one side of the base 34, first to third holes 4, 5, and 6 are formed in the concrete foundation 31, the base 34, and the column 35 on the same axis X, respectively. A first screw 8 is formed on one side of the anchor bolt 32 embedded and fixed in the first hole 4, and a first receiving screw 14 screwed with the first screw 8 is provided on the other side of the second connecting member 13 inserted in the penetrating second hole 5. A second screw 15 is formed on one side of the second connecting member 13, and a second receiving screw 17 screwed with the second screw 15 is provided on the other side of the third connecting member 16 inserted and fixed in the third hole 6. In the concrete foundation 31, the base 34 and the column 35, the anchor bolt 32, and the second and third connecting members 13 and 16 are embedded, and by rotating the column 35, the second screw 15 and the second receiving screw 17 can be screwed to draw the column 35 to the base 34, and thus to the concrete foundation 31. Accordingly, joining metal fittings will no longer appear at the corners of the base 34 and the columns 35, and structural plates (not shown) and the like can be easily attached to the corners. Further, the anchor bolt 32, and the second and third connecting members 13 and 16 are provided so as to correspond to the concrete foundation 31, the base 34, and the column 35. Therefore, since the concrete foundation 31, the base 34, and the column 35 are sequentially assembled, and at the same time, the anchor bolt 32, and the second and third connecting members 13 and 16 are assembled, work can be performed easily".

B. "[Description of symbols]

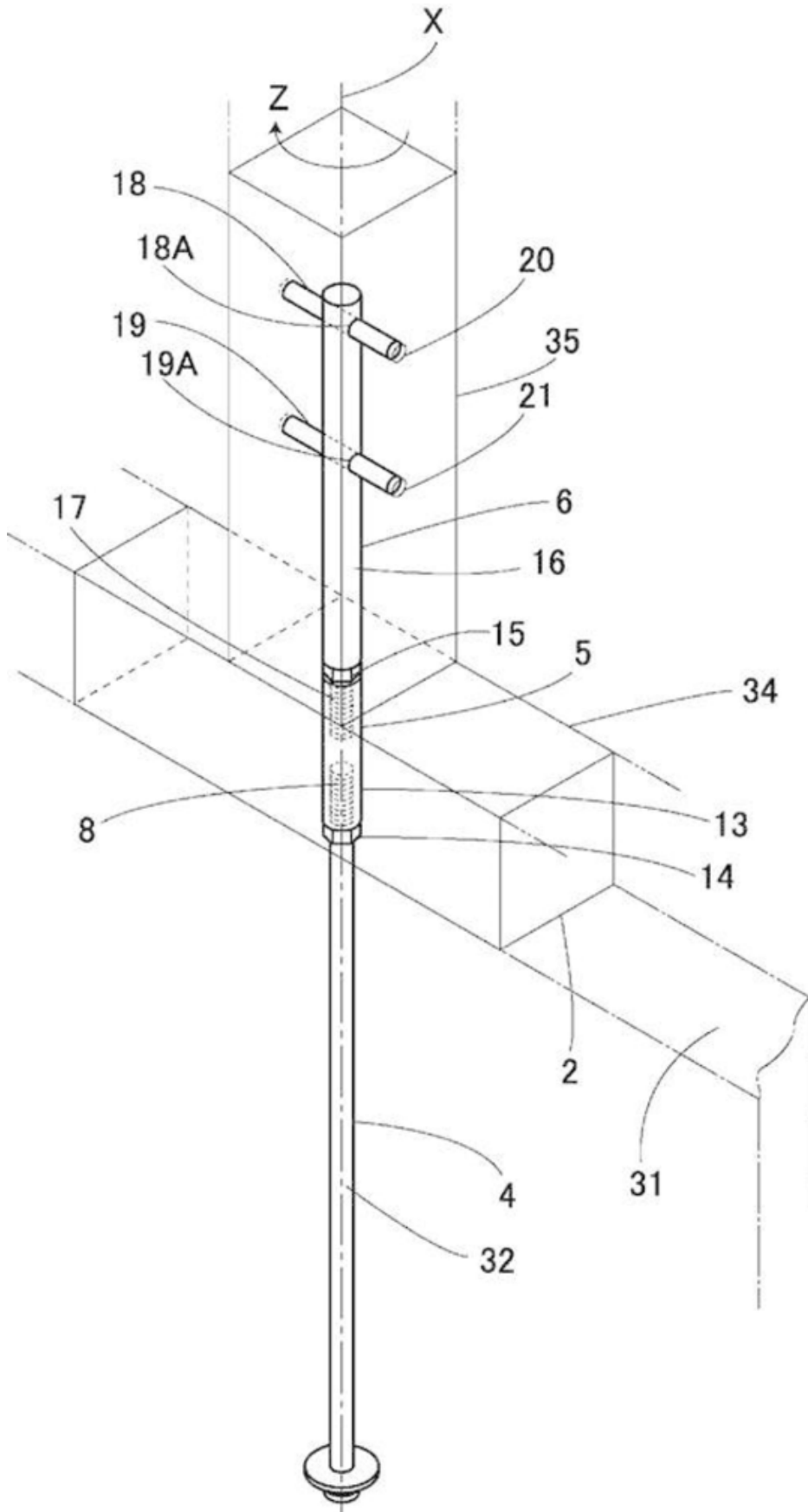
...

9, 10, 18, 19 Stopper

..." (Right column on Page 2)

C. FIG. 4 is as follows.

[FIG. 4]



(5) Evidence A No. 8

Evidence A No. 8 that is a publication distributed prior to the filing of the patent describes as follows.

A. "[0008] The present invention has been developed after trial and error by repeating research and development in order to solve such problems, and the object thereof is to provide an epoch-making column base metal fitting that can easily install the base horizontally and erect the column, and can connect the anchor bolt of the foundation and the column on the base, although it is configured to fit in the base, in order to solve the problems of hole-down hardware as described above".

B. "[0027] A base embedded portion A that is engaged and housed in the base hole 3 formed on the base 2 arranged on the foundation 1 and is connected to the anchor bolt 4 projecting on the foundation 1, and a tenon portion B (column embedded portion) inserted into the column hole 6 formed on the bottom portion of the column 5 erected on the base 2, are not integrated but are configured as separate bodies so that the base 2 can be horizontally set on the foundation 1 and then engaged and connected.

[0028] The base embedded portion A, which is the lower part of the column leg metal fitting of the present embodiment, has an anchor bolt connecting portion 7 screwed and connected to the anchor bolt 4 inserted from the lower side to the inside, at the lower part, and has a tenon portion connecting portion 8 with which the lower part of the tenon portion B is engaged and connected at the upper part. The tenon portion B has an engaging portion 9 for engaging and connecting with the tenon portion connecting portion 8 provided on the upper part of the base embedded portion A, at the lower part. It is configured to have pipe-shaped connecting rod portions 12 having a connecting hole 11 penetrating a locking body 10 inserted into the column hole 6 of the column 5 and passed through from the side of the column 5 at the upper part.

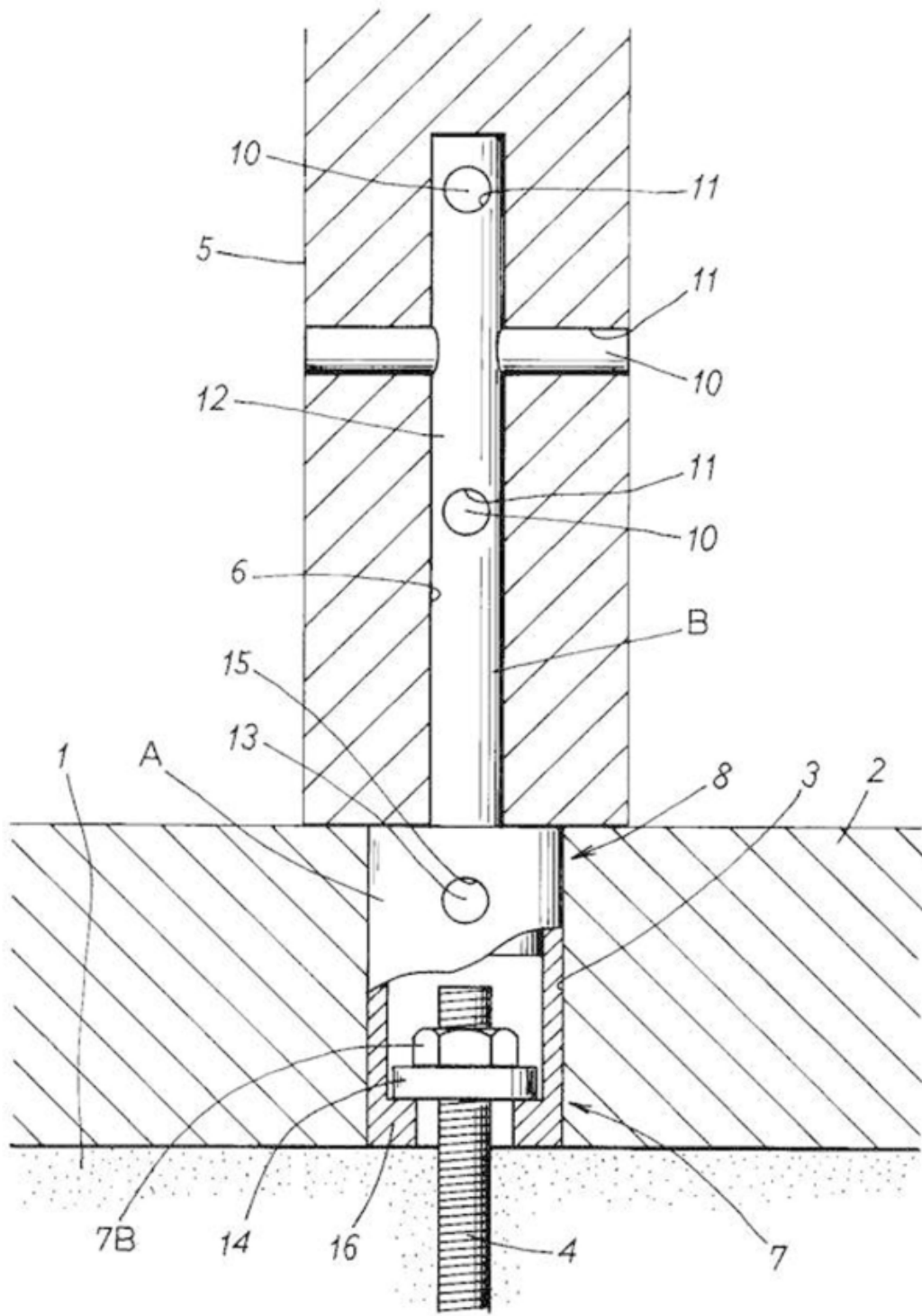
[0029] Specifically, the base hole 3 is formed as a circular hole that penetrates vertically, the base embedded portion A is formed into a cylindrical shape that is open at the top and bottom, a locking collar portion 16 that protrudes inward is provided at the bottom, and a bottom plate body 14 formed with the anchor bolt connecting holes 7A is inserted from the upper side and locked to the locking collar portion 16 to form a bottomed cylindrical body.

[0030] That is, the cylindrical body is configured to be flush with the base hole 3 formed by penetrating through the base 2 in the vertical direction so as to be engaged and stored. The anchor bolt 4 is inserted in the bottom plate body 14 at the lower part of the cylindrical

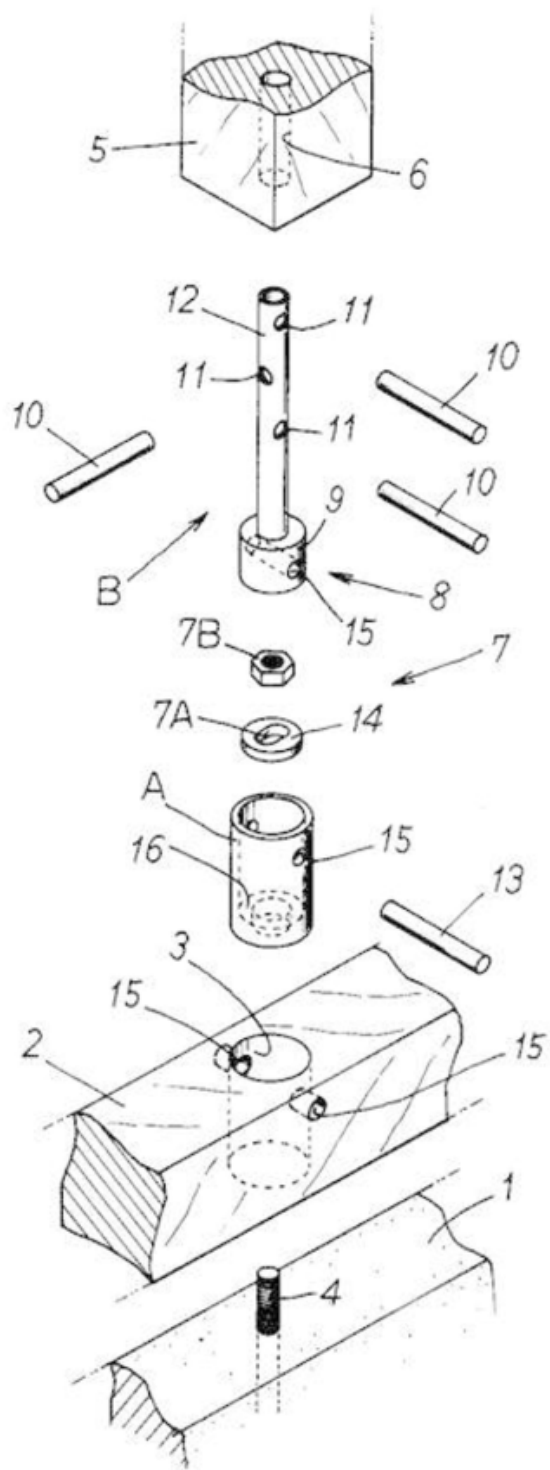
body, and the anchor bolt connecting hole 7A having a long hole shape is provided so as to correspond to a positional deviation of the anchor bolt 4. The anchor bolt connecting portion 7 is provided, which is configured to screw the nut 7B with the anchor bolt 4 protruding upward in the cylindrical body from the anchor bolt connecting hole 7A. In the upper part of the cylindrical body, the non-hollow engaging portion 9 provided at the lower part of the tenon portion B is inserted and engaged so as to be flush, and the tenon portion connecting portion 8 is provided, which penetrates the locking body 13 arranged at specified positions by passing through from the side of the base 2 into the engaging portion 9 through the base 2, the cylindrical body and a connection hole 15 of the tenon portion B to engage and connect the base embedded portion A and the tenon portion B. The pipe-shaped connecting rod portions 12 having the connecting hole 11 penetrating the locking body 10 inserted into the column hole 6 of the column 5 and passed through from the side of the column 5 are erected on the engaging portion 9 of the tenon portion B, thereby configuring the tenon portion B".

C. FIGS. 2, 4, and 6 are as follows.

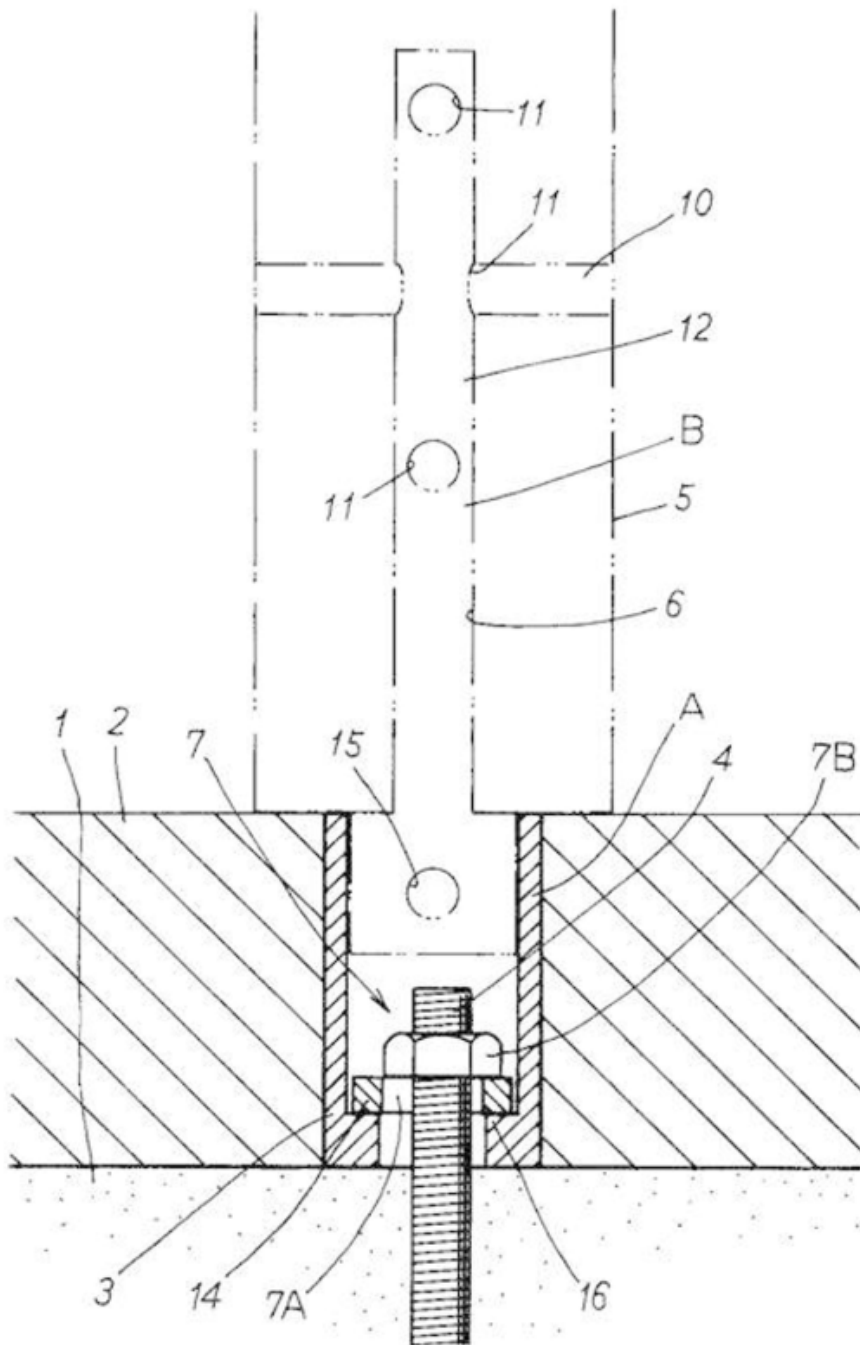
[FIG. 2]



[FIG. 4]



[FIG. 6]



(6) Evidence A No. 9

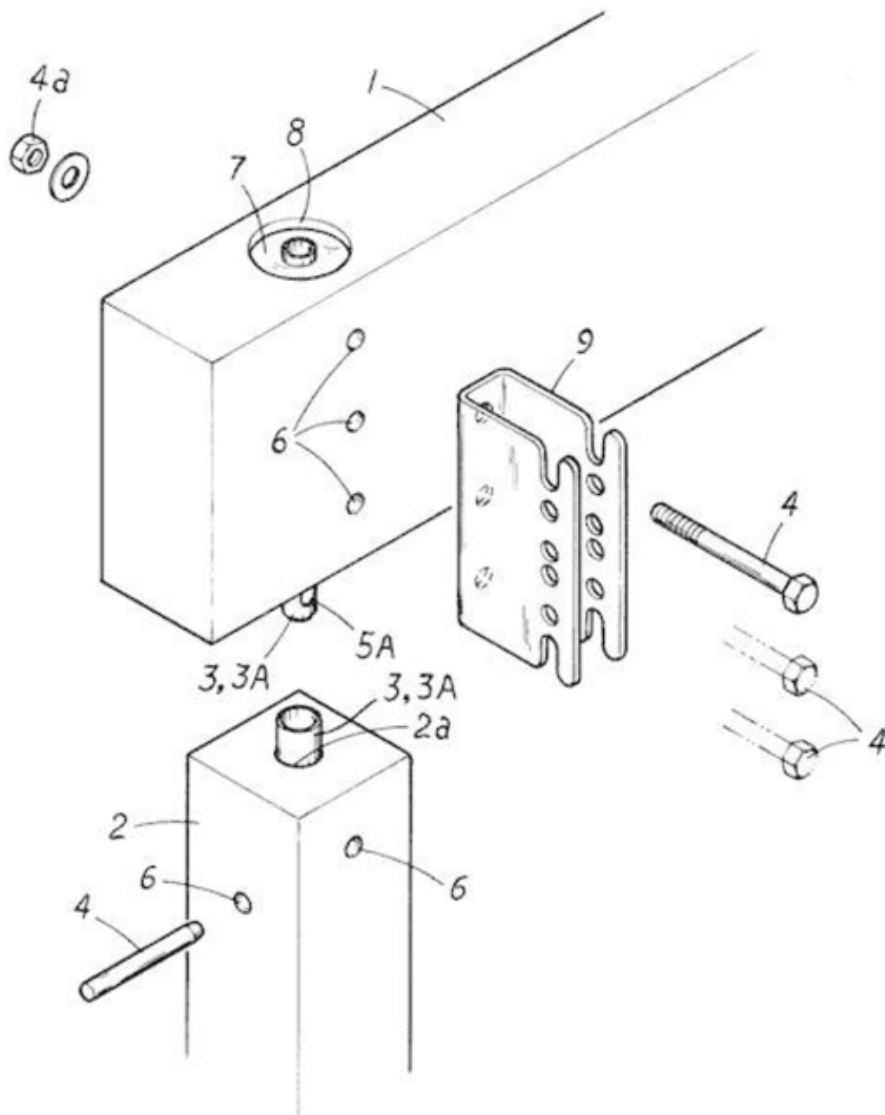
Evidence A No. 9 that is a publication distributed prior to the filing of the patent describes as follows.

A. "[0062]

Here, as the fastening rod 4 to be inserted through the fastening hole 6 of the horizontal member 1 or the vertical member 2, for example, a pin member that is simply driven into the fastening hole 6 to be crimped and fixed may be adopted, and for example, there may be adopted a bolt rod which is inserted from one side of the fastening hole 6 so that the tip of the bolt rod protrudes from the other side, and screws and fixes a nut to the tip thereof. In particular, when the bolt rod is used as the fastening rod 4, for example, as shown in FIG. 2 and FIG. 4, the jaw hook metal fitting 9 is connected and fixed to the side surface of the horizontal member 1, and in addition, the bolt rod for connecting and fixing various building metal fittings to the side surface of the wood may be configured to also serve as the fastening rod 4".

B. FIG. 2 is as follows.

[FIG. 2]



3. Judgment by the body

(1) Regarding Claim 1

A. Comparison

Corrected Patent Invention 1 and Cited Invention 1 will be compared.

(A) "A beam," "columns," "face materials," "a house," "frames," "an outer wall panel," "base metal fittings," and "a side end metal fitting" of Cited Invention 1, in view of their structures, functions, and actions, respectively correspond to "a beam material," "outer wall struts," "a house," "frame bodies," "a strut unit," "connected portions," and "a connecting metal fitting between the units" of Corrected Patent Invention 1.

(B) "An outer wall panel" of Cited Invention 1 is equipped with "a beam" and "columns," and "disposes the face materials between the columns". Since it is obvious that among them, "a beam" and "columns" are structural materials that are linear members, namely, a shaft set, the structure of "a house" of Cited Invention 1 is made by a conventional shaft set, and it can be said that the construction method thereof is "a conventional construction method".

Also, Cited Invention 1 relates to "a construction method of an outer wall of a house," and it is recognized that "a beam" and "columns" that are structural materials are linear members. Therefore, it is obvious that "a house" is equipped with a roof, a floor, etc., and "a beam" and "columns" that are structural materials and linear members receive a load of the roof, the floor, etc. as a linear load.

Accordingly, "a construction method of an outer wall of a house" of Cited Invention 1 corresponds to "a method of constructing an outer wall of a house in a conventional construction method, which arranges face materials between outer wall struts that support an upper load of a roof, a floor, etc. as a linear load together with a beam material to form the outer wall of the house" of Corrected Patent Invention 1.

(C) "An outer wall panel" of Cited Invention 1 is "composed of a plurality of columns and a plurality of frames supporting face materials on the sides of the columns". Also, "columns," "frames," "a beam," and "face materials" are erected in an integrated state, so that it is obvious that "an outer wall panel" is formed in advance.

Therefore, Cited Invention 1 includes the matter that "an outer wall panel composed of a plurality of columns and frames supporting face materials is formed in advance," and the matter of Cited Invention 1 and "forming a strut unit in advance from a plurality of outer wall struts boring base connecting portions at lower ends and a plurality of frame bodies all having equal width dimensions and supporting the face materials to the side parts of the outer wall struts, by fixing the frame bodies to a side part of a single outer wall strut or fixing the frame bodies between the plurality of outer wall struts and to the side parts of one of the outer wall struts" of Corrected Patent Invention 1 are common in the concept that "forming a strut unit in advance from a plurality of outer wall struts and a plurality of frame bodies supporting the face materials to the side parts of the outer wall struts".

(D) In Cited Invention 1, "columns of the outer wall panel are erected by being fitted to base metal fittings erected at equal intervals on a base of a building," and it is obvious that parts to be fitted to "base metal fittings" are formed on "columns," so that the parts

of Cited Invention 1 correspond to "base connecting portions" of Corrected Patent Invention 1.

In light of this, the point that "base metal fittings" in which "the plurality of columns of the outer wall panel" "are erected by being fitted" are "erected at equal intervals on a base of a building" of Cited Invention 1 corresponds to the point "on a wall surface support base portion, erecting connected portions capable of fitting with base connecting portions of the outer wall strut at equal intervals" of Corrected Patent Invention 1.

(E) In Cited Invention 1, it is obvious that "the outer wall panel" cannot be pulled out from "the base of the building" by "driving horizontal metal fittings in the positions of the base metal fittings of the outer wall panel in the horizontal direction".

In light of this point and the point examined in "(D)" above, the point that "the plurality of columns of the outer wall panel are erected by being fitted to base metal fittings erected at equal intervals on a base of a house; horizontal metal fittings are driven in the positions of the base metal fittings of the outer wall panel in the horizontal direction" of Cited Invention 1 corresponds to the point of "fitting the base connecting portions of the outer wall struts with the connected portions of the wall surface support base portion, and then fixing them so as not to be extracted to sequentially erect the strut units" of Corrected Patent Invention 1.

(F) The point that "the outer wall panel has a side end metal fitting on one side end upper side and a side end groove on the other side end upper side, and the one side end is connected to the adjacent outer wall panel" of Cited Invention 1 corresponds to the point of "connecting other adjacent units with each other side by side via a connecting metal fitting between the units to form the outer wall of the house" of Corrected Patent Invention 1.

Then, Corrected Patent Invention 1 and Cited Invention 1 are in correspondence in the following point of

"A method of constructing an outer wall of a house in a conventional construction method, which arranges face materials between outer wall struts that support an upper load of a roof, a floor, etc. as a linear load together with a beam material to form the outer wall of the house, comprising steps of:

forming a strut unit in advance from a plurality of outer wall struts boring base connecting portions at lower ends and a plurality of frame bodies supporting the face

materials to the side parts of the outer wall struts;

on a wall surface support base portion,

erecting connected portions capable of fitting with base connecting portions of the outer wall strut at equal intervals; and

fitting the base connecting portions of the outer wall struts with the connected portions of the wall surface support base portion, and then fixing them so as not to be extracted to sequentially erect the strut units, and connecting other adjacent units with each other side by side via a connecting metal fitting between the units to form the outer wall of the house"

and are different in the following points.

(Different Feature 1)

Regarding a strut unit, in Corrected Patent Invention 1, "frame bodies" "all having equal width dimensions" and "the frame bodies are fixed to a side part of a single outer wall strut or the frame bodies are fixed between the plurality of outer wall struts and to the side parts of one of the outer wall struts," whereas, in Cited Invention 1, although in a part of the strut units (outer wall panels), "the width dimensions of frames are all equal dimensions, and the frames are fixed between the plurality of columns and on the side of one column," there are other strut units (outer wall panels).

(Different Feature 2)

In Corrected Patent Invention 1, connected portions "are pressed in a hollow portion of a cylindrical connecting tool formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion and coupled to an anchor through a press-contact blade, and formed at a tip end of a connecting tube fastened together by a bolt together with the wall surface support base portion, the cylindrical connecting tool, and a connection metal fitting equipped with a connecting blade piece fitted with a fitting groove formed on another adjacent wall surface support base portion, at four corner portions of a house, and are formed at a tip end portion of a connecting pipe screwed in the anchor penetrating the wall surface support base portion, at other than the corner portions," whereas, this is not the case in Cited Invention 1.

B. Examination

In consideration of the case, first, Different Feature 2 will be examined.

(A) Regarding "four corner portions of a house" and "other than the corner portions"

a. In the matters specifying the invention of Corrected Patent Invention 1 according to Different Feature 2 above, "connected portions" "are pressed in a hollow portion of a cylindrical connecting tool 18 formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion 5 and coupled to an anchor 16 through a press-contact blade 19a, and formed at a tip end of a connecting tube 19 fastened together by a bolt 21 together with the wall surface support base portion 5, the cylindrical connecting tool 18, and a connection metal fitting 22 equipped with a connecting blade piece 22a fitted with a fitting groove 5a formed on another adjacent wall surface support base portion 5', at four corner portions of a house" and "are formed at a tip end portion of a connecting pipe 23 screwed in the anchor 16 penetrating the wall surface support base portion 5, at other than the corner portions," and it is summarized that it includes that the configurations related to "connected portions" are different at "four corner portions of a house" and at "other than the corner portions".

b. Examining respective items of Evidence A by focusing on the matter of "a." above, although Evidence A No. 7 and Evidence A No. 8 describe a joining structure between the base and the column, it is not described that the configurations related to joining are different at "four corner portions of a house" and at "other than corner portions".

Also, in other items of Evidence A, it is not described that the configurations are different at "four corner portions of a house" and at "other than corner portions".

c. Therefore, of Different Feature 2 above, the matter related to "a." above that "connected portions" "are pressed in a hollow portion of a cylindrical connecting tool 18 formed in a cylindrical shape and fitted in a circular through-hole bored on the wall surface support base portion 5 and coupled to an anchor 16 through a press-contact blade 19a, and formed at a tip end of a connecting tube 19 fastened together by a bolt 21 together with the wall surface support base portion 5, the cylindrical connecting tool 18, and a connection metal fitting 22 equipped with a connecting blade piece 22a fitted with a fitting groove 5a formed on another adjacent wall surface support base portion 5', at four corner portions of a house" and "are formed at a tip end portion of a connecting pipe 23 screwed in the anchor 16 penetrating the wall surface support base portion 5, at other than the corner portions," is neither described nor suggested in Evidence A No. 2 to Evidence A No. 9 submitted by the Opponent, and it cannot be said that it was a matter of well-known art before filing the application for the patent, so that it cannot be regarded as a design matter that could have been made as appropriate by a person skilled in the art.

(B) Regarding "a press-contact blade"

a. The matters specifying the invention of Corrected Patent Invention 1 according to Different Feature 2 above include the matter that "connected portions" "are pressed in through a press-contact blade".

b. Examining respective items of Evidence A by focusing on the matter that "connected portions" "are pressed in through a press-contact blade" of "a." above, in Evidence A No. 8, it is described that "the tenon portion B has an engaging portion 9 for engaging and connecting with the tenon portion connecting portion 8 provided on the upper part of the base embedded portion A, at the lower part. It is configured to have pipe-shaped connecting rod portions 12 having a connecting hole 11 penetrating a locking body 10 inserted into the column hole 6 of the column 5 and passed through from the side of the column 5 at the upper part (Paragraph [0028]), and "pipe-shaped connecting rod portions 12" correspond to "connected portions" of Corrected Patent Invention 1.

Then, in Evidence A No. 8, although it is described that "the tenon portion B" having "pipe-shaped connecting rod portions 12" "has an engaging portion 9 for engaging and connecting with the tenon portion connecting portion 8 provided on the upper part of the base embedded portion A" (Paragraph [0028]), and that "in the upper part of the cylindrical body, the non-hollow engaging portion 9 provided at the lower part of the tenon portion B is inserted and engaged so as to be flush" (Paragraph [0030]), "the engaging portion 9" is "non-hollow"; that is, solid, and a columnar shaped member as shown in FIG. 4, and does not have a blade-shaped part that can be "a press-contact blade".

That is, in Evidence A No. 8, it is not described that "connected portions" "are pressed in through a press-contact blade".

Further, in other items of Evidence A, it is not described that "connected portions" "are pressed in through a press-contact blade".

c. Therefore, of Different Feature 2 above, the matter related to "a." above that "connected portions" "are pressed in through a press-contact blade" is neither described nor suggested in Evidence A No. 2 to Evidence A No. 9 submitted by the Opponent, and it cannot be said that it was a matter of well-known art before filing the application for the patent, so that it cannot be regarded as a design matter that could have been made as appropriate by a person skilled in the art.

(C) In connection with the matters specifying the invention of Corrected Patent Invention 1 according to Different Feature 2 above, in the description of the patent, it is described

that "in this example, at the four corners of the house having a large lifting force at the time of an earthquake, a hole-down structure having a high resistance to the lifting force is formed" (Paragraph [0035]), and thus it is recognized that Corrected Patent Invention 1 exerts an effect of having a high resistance to the lifting force at the four corners of the house having a large lifting force at the time of an earthquake, by including the matters specifying the invention of Corrected Patent Invention 1 according to Different Feature 2.

C. Summary

As described above, the matters specifying the invention of Corrected Patent Invention 1 according to Different Feature 2 above are neither described nor suggested in the respective items of Evidence A, and it cannot be said that it was a matter of well-known art before filing the application for the patent, so that it cannot be regarded as a design matter that could have been made as appropriate by a person skilled in the art.

Accordingly, it cannot be recognized that Corrected Patent Invention 1 could have been easily invented by a person skilled in the art, based on Cited Invention 1, without examining Different Feature 1.

(2) Regarding Claims 2 to 4

Corrected Patent Inventions 2 to 4 cite Corrected Patent Invention 1, and are further limited inventions. Corrected Patent Invention 1 is as examined in "(1)" above.

Therefore, it cannot be recognized that Corrected Patent Invention 2 could have been easily invented by a person skilled in the art, based on Cited Invention 1.

Further, it cannot be recognized that Corrected Patent Invention 3 could have been easily invented by a person skilled in the art, based on Cited Invention 1 and the Technical matter described in A-5.

Further, it cannot be recognized that Corrected Patent Invention 4 could have been easily invented by a person skilled in the art, based on Cited Invention 1 and the Technical matter described in A-6.

No. 6 Regarding reasons for opposition to the grant of a patent that have not been adopted in the notice of reasons for revocation

1. Outline of reasons for opposition to the grant of a patent that have not been adopted in the notice of reasons for revocation

An outline of reasons for opposition to the grant of a patent that have been alleged

by the Opponent in the written opposition to the grant of a patent and have not been adopted in the notice of reasons for revocation is as follows.

(1) Patent Inventions 1 and 2 are inventions perceived from Evidence A No. 1 and Evidence A No. 1-2, and are inventions publicly available through an electric telecommunication line, before filing the application for the patent.

(2) Patent Inventions 1 and 2 are inventions perceived from Evidence A No. 1-2 and Evidence A No. 2 to Evidence A No. 4, and are inventions publicly worked before filing the application for the patent.

2. Regarding respective items of Evidence A

(1) Evidence A No. 1 and Evidence A No. 1-2

A. In Evidence A No. 1, it is described that "2014/6/24 The framework-raising ceremony of 'Hybrid Unit Construction Method' was open to the public in Daibara, Yashio-shi, Saitama".

B. From Evidence A No. 1-2, Cited Invention 1 of "No. 5 2. (1)" can be perceived.

(2) Evidence A No. 2

A. Evidence A No. 2 describes "Hybrid Unit Construction Method".

B. Also, by ex officio search, as the Opponent explains on Page 7, lines 12 to 17 of the written opposition, it is recognized that a link to a video of Evidence A No. 1-2 is provided in the webpage of Evidence A No. 2, and the video is displayed.

C. However, since there is no description on Evidence A No. 2 that indicates the date etc. related to the video, from Evidence A No. 2 only, it cannot be said that the construction method related to the webpage of Evidence A No. 2 and the video of Evidence A No. 1-2 was publicly worked before filing the application for the patent.

(3) Evidence A No. 3

Evidence A No. 3 describes as follows.

A. "New home builders supporting system and new construction method 'Hybrid Unit Construction method'

Masidea/Masuda Construction, Inc. publishes a new home builders supporting system and a new construction method

Masuda Construction, Inc.

July 3, 2014 13:46

Masidea, Inc./Masuda Construction, Inc. (representative Shuichi MASUDA, Yashio-shi, Saitama) made open to the public the framework-raising ceremony of the new construction method 'Hybrid Unit Construction Method' promoted by Masuda Construction, Inc. in Yashio-shi, Saitama on June 24, and announced a new home builders supporting system promoted by Masidea, Inc.

(Image omitted)

Masidea, Inc./Masuda Construction, Inc. (representative Shuichi MASUDA, Yashio-shi, Saitama) made open to the public the framework-raising ceremony of the new construction method 'Hybrid Unit Construction Method' promoted by Masuda Construction, Inc. in Yashio-shi, Saitama on June 24, and announced a new home builders supporting system promoted by Masidea, Inc. On the day of the event, 150 or more people from home builders, manufacturers, research institutes, design offices, governments, etc. enthusiastically visited and showed a high level of interest".

(4) Evidence A No. 4

Evidence A No. 4 describes as follows.

A. "Masuda Construction, Inc. (Yashio-shi, Saitama, President Shuichi MASUDA) is proceeding with the construction of a house that uses its own hybrid unit construction method for the first time. On June 24, a visit of the framework-raising ceremony was held in Yashio-shi, Saitama".

B. Since "The Shinken Housing July 10, 2014" is described outside the upper right frame of Evidence A No. 4, it is natural to understand that "June 24" in "A." above is June 24, 2014.

(5) Inventions perceived from respective items of Evidence A

A. Invention perceived from Evidence A No. 1 and Evidence A No. 1-2

As examined in "No. 5 2. (1)" above, referring to Evidence A No. 1, it is

recognized that Cited Invention 1 perceived from Evidence A No. 1-2 had become publicly available through an electric telecommunication line, before filing the application for the patent.

B. Invention perceived from Evidence A No. 1-2, and Evidence A No. 2 to Evidence A No. 4

(A) In summary of the descriptions of Evidence A No. 1, Evidence A No. 3 and Evidence A No. 4, Evidence A No. 1-2 is a photograph of the framework-raising ceremony of the "Hybrid Unit Construction Method" conducted on June 24, 2014, before filing the application for the patent. From the description and the like of "the framework-raising ceremony was open to the public" of Evidence A No. 3 and "a visit of the framework-raising ceremony" of Evidence A No. 4, it is recognized that the "Hybrid Unit Construction Method" was conducted in a situation that could be publicly known.

(B) Then, since Evidence A No. 3 and Evidence A No. 4 do not describe any technical matters beyond those perceived from Evidence A No. 1-2, the invention perceived from Evidence A No. 1-2, Evidence A No. 3, and Evidence A No. 4 is Cited Invention 1 of "No. 5 2. (1)" above, and it is recognized that Cited Invention 1 had been publicly worked before filing the application for the patent.

3. Judgment by the body

Regarding Cited Invention 1, as examined in "No. 5 3. (1) and (2)," since both Corrected Patent Inventions 1 and 2, and Cited Invention 1 are different in at least Different Feature 2, it cannot be said that Corrected Patent Inventions 1 and 2 are Cited Invention 1.

Therefore, since Corrected Patent Inventions 1 and 2 are not inventions perceived from Evidence A No. 1 and Evidence A No. 1-2, it cannot be said that those are inventions that had become available to the public through electric telecommunication lines before filing the application for the patent.

Further, since Corrected Patent Inventions 1 and 2 are not inventions perceived from Evidence A No. 1-2 and Evidence A No. 2 to Evidence A No. 4, it cannot be said that those are inventions that had been publicly worked before filing the application for the patent.

No. 7 Closing

As described above, the patent according to Corrected Patent Inventions 1 to 4 cannot be revoked due to the reasons for revocation described in the notification of reasons for revocation and reasons and proof alleged by the Opponent.

Also, no other reason for revoking the patent according to Corrected Patent Inventions 1 to 4 is found.

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

January 15, 2021

Chief administrative judge: NAGAI, Shinichi
Administrative judge: MORITSUGU, Ken
Administrative judge: NISHIDA, Hidehiko