

Judgments of the Supreme Court, the Second Petty Bench

Date of the Judgment: 2000.2.18

Case Number 1996 (Gyo-Tsu) No.185

Main Text of the Judgment:

The jokoku appeal shall be dismissed.

The jokoku appellant shall cover the costs of the jokoku appeal

Reasons:

Concerning the First ground for the jokoku appeal by the jokoku appellant attorneys, ISHII Seiichi, SAKURAI Syuhei, YAMADA Toshiaki, KOSHIBA Fumio, ISAKA Mitsuki, and CHIBA Taichi:

According to the record, the jokoku appellee and two other companies (third parties in this case) brought action to revoke the patent owned by the jokoku appellants, and the trial court decided that such a request cannot be made. Only the jokoku appellee claims to revoke the trial decision. In this situation, the claim to revoke the trial decision is correct because there is no reason to require all parties who brought the original trial action to appeal. Therefore, the argument made by the jokoku appellant cannot be considered.

Concerning the Second ground for the jokoku appeal:

The decision made by the original court regarding the point argued by the jokoku appellant in this jokoku appeal should be correct considering the evidence raised in the original court. There was no error in the procedure. The argument made by the jokoku appellant either criticizes the admission of evidence and the recognition of the facts, which is the special privilege of the original court, or argues that the decision by the original court is based on the Jokoku Appellant's own views. Such an argument cannot be considered.

Accordingly, we unanimously decided as the main text of the judgment.

The Presiding Judge, Justice KITAGAWA Hiroharu

Justice KAWAI Shinichi

Justice FUKUDA Hiroshi

Justice KAMEYAMA Tsugio

Justice KAJITANI Gen

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