

Judgments of the Supreme Court, the First Petty Bench

Date of the Judgment: 1991.3.28

Case Number: 1990 (Gyo-Tsu) No.21

Main Text of the Judgment:

The judgment of the original court shall be revoked.

The Jokoku appeal shall be dismissed.

The jokoku appellant shall cover the cost of litigation.

Reasons:

We shall examine the present case with authority. The jokoku appellant requested reassessment of his complaint against the refusal of his patent application, but the complaint was dismissed. Then, the appellant brought an action to the court for annulment of the decision above. However, according to the record, the appellant withdrew this patent application on Dec 22, 1989, and is subject to lose interests in this action. This appeal, therefore, should be dismissed, and the original court's judgment shall inevitably be revoked.

Thus, in accordance with Article 7 of the Law on Administrative Litigation and Articles 408, 96, and 89 of the Code of Administrative Procedure, the justices unanimously ruled as the main text of judgment.

Presiding Judge, Justice HASHIMOTO Shirouhei

Justice OUCHI Tsuneo

Justice YOTSUYA Iwao

Justice OBORI Seiichi

Justice MIMURA Osamu

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