

Patent Right	Date	March 24, 2020	Court	Tokyo District Court, 47th Civil Division
	Case number	2016 (Wa) 35157		
<p>- A case in which the court determined that the Defendants' LED embedded in smartphones falls under the technical scope of the Plaintiff's patented invention and infringes the patent right, and partially upheld the Plaintiff's claims for compensation for damages by calculating the amount of damages pursuant to Article 102, paragraph (2) of the Patent Act.</p>				

Summary of the Judgment

In this case, the Plaintiff, the holder of a patent right for a patented invention titled "Light-emitting device and display device" (the "Invention"), claims compensation for damages against the Defendants under Article 709 of the Civil Code, by alleging that the LED embedded in the smartphones imported and sold by the Defendants (the "Defendants' LED" and the "Defendants' Product") falls under the technical scope of the Invention, and that the Plaintiff's patent right is being infringed by the import and sale of the Defendants' Product.

The major issues of the case are: [i] whether the Defendants' LED satisfies the descriptions of the constituent features of the Invention, "light emitting diode that emits white light" and "garnet phosphor activated with cerium"; [ii] whether the Plaintiff's patent should be invalidated on the grounds of the violation of the support requirement, violation of the clarity requirement, or lack of novelty or inventive step; and [iii] the amount of damages calculated pursuant to Article 102, paragraph (2) of the Patent Act.

In this judgment, the court found patent infringement by the Defendants by holding as follows regarding the abovementioned issues of the case, and partially upheld the Plaintiff's claims for compensation for damages by calculating the amount of damages pursuant to Article 102, paragraph (2) of the Patent Act.

Regarding Issue [i], the court determined that the Defendants' LED emits white light by mixing the blue light of the LED chip and the yellow light of the phosphor, and thus it satisfies the description of the constituent feature, "light emitting diode that emits white light." In addition, based on the analysis results obtained by using an energy dispersive X-ray analyzer and the peak position of the Raman spectrum, the court also determined that the phosphor in the Defendants' LED satisfies the description of the constituent feature, "garnet phosphor activated with cerium." Regarding Issue [ii], the court held that the Invention has, as an essential prerequisite, a structure that emits

white light by mixing the light from the LED chip and the light from the garnet phosphor activated with cerium, and that it would have been easy for a person skilled in the art to distinguish the elements contained in that phosphor. Accordingly, the court determined that there is no violation of the support requirement or clarity requirement, and also rejected the allegations of the lack of novelty or inventive step.

The court then examined the amount of damages to be calculated pursuant to Article 102, paragraph (2) of the Patent Act. The court explained that the Defendants' LED cannot be regarded as having a strong power to attract customers so that it can serve as the principal feature of the Defendants' Product (smartphone), and, in consideration of the percentage of the purchase price of the Defendants' LED in the manufacturing cost of the Defendants' Product, the court determined that the amount of profit from the sale of the Defendants' LED is 0.25% of the amount of profit from the sale of the Defendants' Product. In conclusion, the court partially upheld the Plaintiff's claims for compensation for damages filed respectively against the Defendants.