

Patent	Date	June 3, 2022	Court	Tokyo District Court, 29th Civil Division
Right	Case number	2019 (Wa) 33246		
- A case in which the Defendant Company instituted a lawsuit against the Plaintiffs by stating that acts by the Plaintiffs infringed the patent right of the Defendant Company as the patent right holder, but the judgment of dismissal of the claim was rendered due to an invalidation reason of lack of inventive step in the patent related to the aforementioned patent right. However, it was found that the aforementioned institution of the lawsuit and litigation by the Defendant Company did not remarkably lack reasonableness in light of the effect and purpose of the court system and did not constitute a tort and the like.				

Summary of the Judgment

The Defendant Company was a patent right holder of the patent (Present Patent) related to an invention on a magnet gear used for a water meter, and instituted a lawsuit of making claims against the Plaintiffs for injunction and damages by alleging that the acts by the Plaintiffs infringed the patent right (Present Patent Right) related to the Present Patent. Then, the Court rendered the judgment of dismissal of the claims by the Defendant Company by stating that the Present Patent had an invalidation reason of lack of inventive step, and the judgement was finalized (prior lawsuit).

This case is a case in which the Plaintiffs asserted that the acts of institution of the prior lawsuit and the litigation by the Defendant Company constituted a tort and that the Defendant, who is a representative director of the Defendant Company, is liable for a joint tort for the aforementioned tort, and claimed against the Defendants jointly for payment of the damages and delay damages on the grounds of Article 719, Paragraph (1), front clause of the Civil Code and Article 709 of the Civil Code.

The issues of this case are illegality of the institution of the prior lawsuit and the litigation (Issue 1) and the amount of damages (Issue 2).

The Judgment first referred to a plurality of the supreme court judgments and indicated norms that "it is reasonable to interpret that institution of a lawsuit can be considered to be an illegal act against the other party only when rights or legal relations alleged by the suer in the lawsuit lack factual and legal grounds and moreover, the institution of the lawsuit is found to remarkably lack reasonability in light of the effect and purpose of the court system such that the suer deliberately instituted the lawsuit while the suer knows it or even an ordinary person could have easily known it". Subsequently, after specifically citing the description in the description of the invention related to the Present Patent, description contents of documents created and used before the invention (documents describing test results of

quality assurance tests of the water meter, work standards on assembling works of magnet gears, shipping inspection plans for assembled magnet gears / certificates of analysis and the like), assertion contents of the Defendant Company in the prior lawsuit and the like, it was acknowledged that it cannot be considered to be unnatural that the Defendant Company recognized or interpreted that the Present Invention did not have invalidation reasons for lack of novelty of the Present Patent, and it cannot be acknowledged that the Defendant Company could have easily known that the Present Patent has an invalidation cause of the lack of novelty in the institution of the prior lawsuit and the litigation. Then, by applying this acknowledgement to the aforementioned norms, it was concluded that the institution of the prior lawsuit and the litigation by the Defendant Company cannot be considered to be the illegal acts against the Plaintiffs, and all the claims by the Plaintiffs were dismissed.