

Patent Right	Date	May 30, 2024	Court	Osaka District Court, 21st Civil Division
	Case number	2022 (Wa) 2058		
- A case in which concerning patent infringement litigation related to three patents for inventions titled "Opening cover for floor," the court upheld the Plaintiff's requests for injunction and disposal and partially upheld the claim for compensation for damage.				

Summary of the Judgment

In this case, the Plaintiff, who has the patent rights ("Patent Rights") for three patents (the "Patents") for inventions titled "Opening cover for floor," alleged that the Defendant's products belong to the technical scope of the inventions in the claims of the Patents (in the order of the claims, "Invention 1," "Invention 2," and "Invention 3") and that the manufacture and sale, etc. of the Defendant's product by the Defendant infringe the Patent Rights. Based on these allegations, the Plaintiff requested an injunction against the Defendant's manufacture and sale, etc. of the Defendant's products (Article 100, paragraph (1) of the Patent Act), disposal of the Defendant's products (paragraph (2) of said Article), and compensation for damage (Article 709 of the Civil Code; partial claim). Invention 2 is correctly an invention for two claims and both of the claims have been corrected.

The major issues in this case are [i] whether literal infringement (indirect infringement concerning Invention 1 and direct infringement concerning Invention 2 and Invention 3) are established; [ii] whether infringement under the doctrine of equivalents (concerning Invention 1) is established; [iii] whether the invalidity defense is established (violations of clarity requirement, support requirement, and enablement requirement, violation of requirements for correction); and [iv] the amount of damage.

In this judgment, concerning Issue [i], the court did not find literal infringement (indirect infringement) for Invention 1, but found literal infringement (direct infringement) for Invention 2 and Invention 3, and concerning Issue [ii] (Invention 1), the court did not find infringement under the doctrine of equivalents and found that the Defendant's products belong to the technical scope of Invention 2 and Invention 3. On the other hand, concerning Issue [iii], the court determined that none of the grounds for invalidation argued by the Defendant are found and did not uphold the establishment of the invalidity defense. Concerning Issue [iv], the court found grounds for rebuttal of the presumption (partial working of the invention and existence of competing products)

based on Article 102, paragraph (2) of the Patent Act and calculated the amount of damage, but it did not uphold the redundant application of paragraph (3) of said Article for the part of the rebuttal of the presumption.