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| Patent Right | Date | February 26, 2024 | Court | Osaka District Court, 26th Civil Division |
| | Case number | 2022 (Wa) 9521 | | |
| - A patent infringement case concerning a patent for an invention titled "A thermoplastic resin composition and a resin molded article using the same, polarizer protective film, and a method for manufacturing a resin molded article," in which the Plaintiff's claim was dismissed. | | | | |

Summary of Judgment

This is a case in which the Plaintiff, a holder of a patent right (the "Patent Right") concerning a patent (the "Patent") for an invention titled "A thermoplastic resin composition and a resin molded article using the same, polarizer protective film, and a method for manufacturing a resin molded article," argued that the Defendant's Product and its manufacturing method (the "Defendant's Method") fall under the technical scopes of the inventions stated in Claims 1 and 6 of the Patent (the "Inventions") and that the manufacturing and sale of the Defendant's Product and the use of the Defendant's Method by the Defendant constitute the infringement of the Patent Right. Based on this allegation, the Plaintiff instituted the following claims against the Defendant: [i] an injunction against manufacturing and sale of the Defendant's Product (Article 100, paragraph (1) of the Patent Act); [ii] the disposal of the Defendant's Product and its work-in-process (paragraph (2) of the same Article); and [iii] compensation for damage (Article 709 of the Civil Code; a partial claim).

The issues of dispute in this case are as follows: [i] whether literal infringement can be found (namely, whether the Defendant's Product and the Defendant's Method satisfy "ultraviolet ray absorber having a molecular weight of 700 or more" as specified in Constituent Features 1B and 6B); [ii] whether infringement under the doctrine of equivalents can be found; [iii] availability of the defense of invalidation (i.e., whether the Patent has a ground for invalidation due to the lack of an inventive step); and [iv] the amount of damage.

In this judgment, with respect to Issue [i], the court denied literal infringement as the molecular weight of the ultraviolet ray absorber of the Defendant's Product is 699.91848, not "700 or more," and therefore the Defendant's Product and the Defendant's Method do not satisfy Constituent Features 1B and 6B. Further, the court determined that, with respect to Issue [ii], the difference that the ultraviolet ray absorber of the Defendant's Product does not have a molecular weight of "700 or more"

represents the difference in the essential elements of the Inventions, and denied infringement under the doctrine of equivalents due to the dissatisfaction of the first requirement of the doctrine of equivalents. Consequently, the court dismissed the Plaintiff's claims without making determinations on Issues [iii] and [iv].