Date	January 28, 2010	Court	Osaka District Court, 21st Civil Division
Case number	2007 (Wa) 2076		
A case in which the court upheld the claim for damages based on the infringement of a patent right for the invention entitled "combined weighing apparatus"			

1. The plaintiff, who had a patent right for the invention entitled "combined weighing apparatus" (Patent Right), filed this case against the defendant to seek payment of damages of 3 billion yen, alleging that the defendant's act of manufacturing and selling combined weighing apparatuses (defendant's articles) constitutes infringement of the Patent Right. The major issues of this case are (i) whether the defendant's articles satisfy constituent feature E of the patented invention in question ("an input means wherein movements and changes of a gate of a designated hopper, which operates the aforementioned gate to open and close with the aforementioned step motor, are set arbitrarily into a data table by the minute from the start of opening to closing of the gate, as data on the dynamic characteristics of the aforementioned step motor), (ii) whether any of the plaintiff's claims damages has extinguished due to prescription, and (iii) whether the defendant's articles sold outside Japan are included in the subject-matter of compensation for damages.

2. With regard to issue (i), the court first determined that it was reasonable to understand that the patented invention in question is not limited to those that set a motor pattern with respect to each individual hopper but includes those in the form of designating a motor pattern in units of two or more hoppers. The court then found that the defendant's articles which set a motor pattern designating the type of hopper satisfied constituent feature E, and determined that the defendant's articles fall within the technical scope of the patented invention in question.

With regard to issue (ii), the court determined as follows: None of the plaintiff's claims damages had extinguished due to prescription because, although the plaintiff is recognized as having understood the constitution of the defendant's articles in considerable detail through research activities, including collection of catalogs, more than three years before the plaintiff instituted the lawsuit in question, the research was consistently designed to conduct comparison between the defendant's articles and products which the plaintiff manufactures and sells, and thus the plaintiff is not recognized as having actually recognized the fact of infringement of the Patent Right, and therefore, the time of said research cannot be deemed to be the starting point of reckoning the extinctive prescription.

With regard to issue (iii), the court determined as follows: All of the defendant's

articles which the defendant manufactured in Japan and sold outside Japan are included in the subject-matter of compensation for damages because the plaintiff who is the patentee also has the exclusive right to manufacture products, in which the patented invention in question is worked, in Japan and sell (export) them to customers, etc. outside Japan as a business and it is thus clear that the defendant's act of manufacturing the defendant's articles in Japan and selling (exporting) them to customers, etc. outside Japan constitutes infringement of the aforementioned exclusive right.

Then, the court determined that the amount obtained by multiplying the profit which the defendant earned from the sale of the defendant's articles by the contribution ratio of the patented invention in question was 1,498,479,183 yen, and upheld the plaintiff's claim to the extent of demanding the payment of said amount.