

Patent Right	Date	August 22, 2024	Court	Osaka District Court, 26th Civil Division
	Case number	2022 (Wa) 9112, 2022 (Wa) 11173		
- A case in which the court dismissed the Plaintiff's claims in a patent infringement lawsuit pertaining to a patent for an invention titled "Sealing material for prevention of leakage of fine powder and particles."				

### Summary of the Judgment

In this case, the Plaintiff, who holds a patent right (the Patent Right) pertaining to a patent (the Patent) for an invention titled "Sealing material for prevention of leakage of fine powder and particles," alleged that the Defendants' act of manufacturing and selling the Defendants' Products that fall within the technical scope of the inventions stated in Claims 1 and 4 in the claims of the Patent (the Inventions; however, those after correction) constitutes infringement of the Patent Right. Based on these allegations, the Plaintiff demanded that the Defendants pay compensation for damage and delay damages based on a joint tort.

The issues (summary) of this case are [i] whether the Defendants' Products fall within the technical scope of the Inventions (whether they have the structures of Constituent Features 1C, 1D, and 1E) and [ii] whether the Inventions involve grounds for invalidation (violation of the clarity requirement, violation of the support requirement, and violation of the enablement requirement).

In this judgment, among Issue [i], the court ruled as follows in relation to whether the Defendants' Products have the structure of Constituent Feature 1C ("the diameter of the warp or weft of the ground yarn is smaller than that of the pile yarn"): the element of the same constituent feature is the size of the "diameter" of the yarn; the "diameter" means the length of a line which passes through the center of a circle or sphere and whose both ends are on the circle's perimeter or the sphere's surface, and using "cross-sectional area" in comparing the "diameter" of yarn goes against the primary meaning of the word and also does not match common general technical knowledge of persons ordinarily skilled in the art. The court then determined that measurement of "cross-sectional area" by the Plaintiff cannot be considered to prove the fulfillment of Constituent Feature 1C.

In addition, the court ruled as follows in relation to whether the Defendants' Products have the structure of Constituent Feature 1E ("when being used, the direction of said array is slanted to the rotation direction of the rotating body in such a manner

that the direction of said array forms angle  $\varphi$ , which is larger than said angle  $\theta$  that is predetermined, against said rotation direction"): there is no evidence sufficient to find that the Defendants, who only sell sealing materials, have installed the Defendants' Products in toner cartridges in light of the relationship between "angle  $\varphi$ " and "angle  $\theta$ " in the aforementioned structure. Moreover, the court ruled that the experiment conducted by the Plaintiff can hardly be considered to have reproduced an actual phenomenon that occurs in a toner cartridge and is thus not sufficient to prove the fulfillment of Constituent Feature 1E. Accordingly, the court determined that the Plaintiff's allegation that the Defendants' Products have the structure of Constituent Feature 1E lacks a premise or is groundless.