

Patent Right	Date	August 28, 2024	Court	Intellectual Property High Court, Second Division
	Case number	2023 (Gyo-Ke) 10107		
<p>- A case in which, in relation to a patent for an invention titled "Induction heating coil unit and induction heating system," the court partially rescinded a decision made by the JPO, which ruled that a request for a trial for patent invalidation is groundless, by holding that the JPO erred in its determination on an inventive step with regard to Invention 1 and Inventions 4 through 6 from among Inventions 1 through 6 claimed in relation to the abovementioned invention.</p>				

Case type: Rescission of Trial Decision to Maintain

Result: Partially granted

References: Article 29, paragraph (2) of the Patent Act

Related rights, etc.: Patent No. 6114435

Decision of the JPO: Invalidation Trial No. 2022-800026

Summary of the Judgment

1. This is a lawsuit seeking rescission of the JPO Decision, which ruled that a request for a trial for patent invalidation is groundless with regard to Inventions 1 through 6 claimed in relation to a patent for an invention titled "Induction heating coil unit and induction heating system." The issues are whether there are differences between the patented invention and the cited inventions, and whether it can be found that a person ordinarily skilled in the art could have easily conceived of those differences.
2. In the JPO Decision, the JPO made determinations including that a person ordinarily skilled in the art is not found to have been able to easily make any of Inventions 1 through 6 based on the cited inventions or by applying well-known or commonly used art to the cited inventions, prior to the filing of the patent application in question.
3. In this judgment, the court held that, with regard to Inventions 1 and 4, the JPO erred in determining that these inventions involved an inventive step, and also with regard to Inventions 5 and 6, the JPO erred in determining that these inventions involved an inventive step on the premise that an inventive step is found in all of Inventions 1 through 4 or Inventions 1 through 5. Among these, the determination in this judgment regarding the inventive step of Inventions 1 and 4 is outlined below.
4. Difference 1 between Invention 1 and Exhibit Ko 1 Invention (a difference which the JPO determined that a person ordinarily skilled in the art could not have easily conceived of) is "the fact that the 'case' in Invention 1 is 'composed of ceramic or resin

with an electrical insulating property,' whereas it is composed of 'a core 10 made of a ferrite material or powdered iron and a sole plate 26' in Exhibit Ko 1 Invention."

When Difference 1 is examined, Claim 1 of the claims relating to Invention 1 merely states "a case composed of ceramic or resin with an electrical insulating property, and containing said heating coil," and therefore, it is difficult to construe that the case is composed "solely" of the abovementioned elements.

In addition, while it is found that, in Exhibit Ko 1 Invention, the "case containing the heating coil" is composed of "a core 10 and a sole plate 26," the "sole plate 26" is "applied to the bottom of the assembly and is the means for applying the eddy current generated by the coil to a metallic susceptor contained in the non-metallic composite assembly to be welded" (Exhibit Ko 1 Document). According to this, it is understood that the "sole plate 26" is placed between the coil and the object to be heated as a case containing the coil, and is composed of a material that passes magnetic flux generated by the coil in order to make the magnetic flux reach the metallic susceptor, which is the object to be heated. In light of the principle of induction heating, a non-magnetic material with an electrical insulating property has a characteristic to pass magnetic flux without affecting the magnetic flux at all, and according to relevant documents, it is found to have been well-known to use materials such as ceramic or resin to compose a non-magnetic material with an electrical insulating property.

Then, it should be said that a person ordinarily skilled in the art could have easily conceived of selecting ceramic or resin that was well-known as a non-magnetic material with an electrical insulating property that has a characteristic of passing magnetic flux for the "sole plate 26" of "a core 10 and a sole plate 26" that compose the "case" in Exhibit Ko 1 Invention, and making a "case" composed of "a core 10 and ceramic or resin with an electrical insulating property."

5. Difference 4 between Invention 4 and Exhibit Ko 5 Invention (a difference which the JPO determined that a person ordinarily skilled in the art could not have easily conceived of) is "the fact that the 'induction heating device' in Invention 4 is an 'induction heating coil unit,' whereas it is unknown whether that in Exhibit Ko 5 Invention is a 'unit.'"

When Difference 4 is examined, the "induction heating coil unit" in Invention 4 is, in light of its wording, construed to mean "a constituent unit including an induction heating coil," and the term "induction heating coil unit" is not found to be used in the statement of the claims in a special meaning that differs from this. In addition, in light of the fact that paragraph [0007] of the description in question states that the purpose of the Invention is "to provide an easy-to-handle induction heating coil unit and an

induction heating system using that induction heating coil unit," any constituent unit of an induction heating coil that can be used as a constituent unit of some kind of induction heating system constitutes the "induction heating coil unit" in Invention 4, and it should be said that the limitation of being a "unit" in the Invention means nothing more than that. However, according to the description and drawings of Exhibit Ko 5 Document, while the "electric cooker" of Exhibit Ko 5 Invention is found to be a finished product that can be used as cooking equipment by itself, it is not found to be something that cannot be used as a constituent unit of another induction heating system. Whether an item will be a finished product or a constituent unit of another system is a relative matter that is decided by the purpose of use, etc. (for example, a screw, which is a finished product, is a component, and thus a constituent unit, in relation to a machine in which it is used). Even if Exhibit Ko 5 Invention is a finished product as cooking equipment, as long as it can also be used as a constituent unit of another induction heating system, it should not be prevented from being found to constitute the "induction heating coil unit" of Invention 4. Accordingly, it should be said that Difference 4 is not a substantial difference.