

Patent Act	Date	October 22, 2024	Court	Osaka District Court, 21st Civil Division
	Case number	2023 (Wa) 8403		
- A case in which, concerning a patent infringement litigation related to a patent for an invention titled "Ventilation structure under top rail," the court dismissed the Plaintiff's claim.				

Summary of the Judgment

In this case, the Plaintiff, who has the patent right (the "Patent Right") related to the patent (the "Patent") for an invention titled "Ventilation structure under top rail," argued that the Defendant's act of manufacturing, selling, or otherwise handling the Defendant's product that belongs to the technical scope of the invention (the "Invention") stated in Claim 1 of the Patent's claims falls under infringement of the Patent Right ("indirect infringement"), and the Plaintiff sought against the Defendant an injunction against the manufacturing, selling, etc. and the disposal of the Defendant's product based on Article 100, paragraph (1) and paragraph (2) of the Patent Act and the payment of compensation for damages (partial claim) and delay damages based on the tort.

The issues in this case are [i] whether the Defendant's product belongs to the technical scope of the Invention (whether the indirect infringement related to the Defendant's product is established), [ii] the occurrence of damages and the amount of damages, and [iii] the necessity of an injunction, etc. Issue [i] is divided into (a) whether literal infringement is established and (b) whether infringement under the doctrine of equivalents is established (alternative claim). The Plaintiff argued that the Defendant's product is a component that constitutes part of the ventilation structure under top rail (infringing product) and falls under "an article whose only use is to produce" said structure, and therefore, indirect infringement (Article 101, item (i) of the Patent Act) related to the Defendant's product is established.

In this judgment, concerning Issue [i]-(a), the court determined as follows as to whether the Defendant's product is equipped with "a ventilation component that is placed in the aforementioned component under the top rail and that fulfills ventilation performance and water-proof performance": it is a natural literal interpretation of the constituent features for a person ordinarily skilled in the art to interpret that at least a "ventilation component" itself is required to have "ventilation performance and water-proof performance" and such interpretation coincides with the statements in the

description. Then, the court determined that for the "slope unit" of the Defendant's product that the Plaintiff argued as corresponding to the "ventilation component that fulfills ventilation performance and water-proof performance," it is not found that the "slope unit" itself has the ventilation performance as material; and therefore, the ventilation structure under top rail using the Defendant's product as a component does not fulfill the aforementioned constituent features, "the ventilation component that fulfills the ventilation performance"

In addition, concerning Issue [i]-(b), the court determined that in cases where the "ventilation component" is replaced with the "slope unit," the objectives of the Invention, that is, to prevent the entry of rain water, insects, etc. and to provide a ventilation structure under top rail which is highly reliable in ventilation performance and waterproof performance cannot be achieved, nor can it be said that it shows the same functions and effects as the Invention, and therefore that the second requirement of infringement under the doctrine of equivalents cannot be found. Furthermore, the court determined as follows: concerning the replacement of the "ventilation component" with the "slope unit" that is closer to prior art (meandering path type), it is found to have a disincentive; if said replacement is conducted, originality and ingenuity are required to maintain water-proof performance; therefore, it is not found that a person ordinarily skilled in the art could have easily conceived of the aforementioned replacement at the time of manufacturing, etc. the Defendant's product and that the third requirement of infringement under the doctrine of equivalents cannot be found.

Based on the above, the court determined that the ventilation structure under top rail using the Defendant's product as a component does not belong to the technical scope of the Invention, and therefore that indirect infringement related to the Defendant's product cannot be found. The court thus dismissed all the Plaintiff's claims.