

Patent Act	Date	November 14, 2024	Court	Osaka District Court, 21st Civil Division
	Case number	2023 (Wa) 10237		
- A case in which, concerning a patent infringement litigation related to the patent for an invention titled, "Wild animal slaughtering tool," the court found neither literal infringement nor infringement under the doctrine of equivalents and dismissed the Plaintiff's claims.				

Summary of the Judgment

In this case, the Plaintiff, who has the patent right related to the patent in question (the "Patent"), argued that the Defendant's act of manufacturing and selling of a product that belongs to the technical scope of the invention related to the Patent falls under infringement of the patent right and the Plaintiff sought against the Defendant an injunction against the selling, etc., disposal of inventory and half-finished goods of said product, and payment of compensation for damages.

Concerning the literal infringement, the main argument concerned whether four constituent features are fulfilled. However, in consideration of the natural interpretation of the literal meaning by a person ordinarily skilled in the art and the problem to be resolved by the invention in question (the "Invention"), it is not found that the Defendant's product fulfills literal sufficiency of any of those constituent features. In addition, the Plaintiff also argued infringement under the doctrine of equivalents. However, the court determined as follows: the difference is an important part in light of the problem to be solved by the Invention and it is not considered to be a non-essential part; in consideration of the background of filing the application, the difference is found to be excluded intentionally; and the first requirement and fifth requirement of the doctrine of equivalents are not fulfilled.

Based on the above, the court determined that the Defendant's product does not belong to the technical scope of the Plaintiff's invention and, therefore, is not found to have infringed the Plaintiff's patent right. In conclusion, the court dismissed the Plaintiff's claims.