

Patent Act	Date	October 21, 2024	Court	Osaka District Court, 26th Civil Division
	Case number	2022 (Wa) 11025 and 2023 (Wa)4348		
- A case in which the court dismissed the Plaintiff's claims for an injunction against patent infringement, etc. and dismissed the Defendant's claim for return of unjust enrichment.				

Summary of the Judgment

In the principal action in this case, the Plaintiff argued against the Defendant concerning the patent for an invention titled "Tick capturing mat" (Patent No. 4796334) that the product sold by the Defendant belonged to the technical scope of said invention and infringed said patent right (arguing literal infringement and infringement under the doctrine of equivalents), and sought an injunction against manufacturing, selling, etc. of the Defendant's product, and the Plaintiff also sought an injunction, etc. based on the Unfair Competition Prevention Act and the Companies Act based on the allegation that the Defendant indicated the Plaintiff's trade name. In the counterclaim in this case, the Defendant argued against the Plaintiff that the Defendant paid the costs required for registration, etc. of said invention and the Plaintiff's working capital on behalf of the Plaintiff and sought reimbursement based on unjust enrichment, etc.

In this judgment, concerning the principal action, the court found as follows: the Defendant's product is not equipped with a constituent feature (porous breathing bag) of the patented invention in question (the "Patented Invention"), and therefore does not fulfill literal sufficiency; said constituent feature is an essential element of the Patented Invention and infringement under the doctrine of equivalents is not established; and therefore, the Defendant's product does not belong to the technical scope of said invention. The court also found that the Plaintiff permitted the Defendant's use of the trade name, etc. and determined that there are no grounds for claims based on the Companies Act and Unfair Competition Prevention Act. Concerning the counterclaim, in consideration of the trade history between the Plaintiff and the Defendant, the court did not find the existence of a rule premised on the Defendant's claim for reimbursement ex-post facto, and dismissed the counterclaim.