Patent Right	Date	December 19, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2023 (Wa) 70495		
- A case in which the court ruled that the invention in question was conceived of independently and was materialized by employees of the Defendant, without the involvement of the Plaintiff, and therefore that the Plaintiff cannot be found to be an inventor or a joint inventor of the relevant invention.				

Summary of the Judgment

The Plaintiff holds Japan Patent No. 3828457 (below, this patent is referred to as the "Japan Patent" and the invention relating to the Japan Patent is referred to as the "Japan Invention"; the description and drawings [Exhibit Ko 2] attached to the written application for the Japan Patent is referred to as the "Description, etc."), US Patent No. 6914358 (this patent is referred to below as the "US Patent"), and China Patent No. 1233081 (below, this patent is referred to as the "China Patent"; the Japan Patent, the US Patent, and the China Patent are collectively referred to as the "Patent," the inventions relating to the Patent are collectively referred to as the "Invention," and the patent rights relating to the Patent are collectively referred to as the "Patent Right").

This is a case in which the Plaintiff, who is a former employee of the Defendant, alleges that the Invention is the Plaintiff's employee invention that was made based on the Plaintiff's invention stated in the document, which is titled "Written Explanation of the Invention and Device" and dated December 4, 2001, that the Plaintiff submitted (Exhibit Ko 6; below, this document is referred to as the "Plaintiff's written explanation" and the invention stated therein is referred to as the "Plaintiff's Invention"), and demands that the Defendant pay 100 million yen as reasonable consideration for the Invention based on Article 35, paragraph (3) of the Patent Act prior to the amendment by Act No.79 of 2004.

The court ruled as summarized below and determined that although the Plaintiff's written explanation contains statements on the technical features of the Invention, it is reasonable to find that the Invention was conceived of independently and was materialized by employees of the Defendant without the involvement of the Plaintiff in the first place, in consideration of the developments leading to the Invention and the application for the Patent, as well as the extent of the Plaintiff's involvement, and therefore that the Plaintiff cannot be found to be an inventor or a joint inventor of the

Invention.

The Plaintiff also argues that the Plaintiff's Invention had been completed prior to the time when the Plaintiff's written explanation was prepared, but there is no appropriate evidence to prove this, and as mentioned above, the Invention was conceived of independently and was materialized by employees of the Defendant without the involvement of the Plaintiff in the first place. This argument of the Plaintiff is not enough to affect the aforementioned conclusion. After two rounds of allegations and proof by both parties, the court further sought explanations from both parties on two occasions, because the actual status of the Plaintiff's involvement in the Invention is not clear. However, even reviewing the case sufficiently based on the results thereof, it is concluded, in light of the actual status of the Plaintiff's involvement, that the Invention was conceived of and materialized without the Plaintiff's involvement, and that the Plaintiff cannot be found to be an inventor or a joint inventor of the Invention.

Given these, the court dismissed the Plaintiff's claim.