Patent Right	Date	September 18, 2019	Court	Intellectual Property High Court, First Division
	Case number	2018 (Gyo-Ke) 10150		
- A case in which, with regard to the patent of the invention titled "TEXTURED SURFACE COATING FOR GLOVES AND METHOD OF MAKING THE SAME", since the Detailed Description of the Invention in the Description of this case describes the meanings of the materials to be used (use purpose), material names, preparing method, obtaining method, and the like and specific details related to the method of the invention together with working examples and also describes specific embodiments thereof, it is found to have a description to such a degree that the person ordinarily skilled in the art can use the making method and also can use the gloves produced by the making method on the basis of the described contents of the Detailed Description of the Invention and the common general technical knowledge as of the time of the filing, and a person ordinarily skilled in the art does not require trial and error for use. Thus, the enablement requirement was found to be fulfilled.				

Case type: Rescission of Trial Decision to Maintain

Result: Dismissed

References: Article 2, paragraph (3), item (iii), and Article 36, paragraph (4), item (i) of the Patent Act

Related rights, etc.: Invalidation Trial No. 2017-800121, Patent No. 4762896

Summary of the Judgment

1. This case is a suit against a trial decision made by the JPO in which Plaintiff, who requested an invalidation trial of the patent of the invention titled "TEXTURED SURFACE COATING FOR GLOVES AND METHOD OF MAKING THE SAME" held by Defendant and received the JPO decision that the request was dismissed, claimed rescission thereof. Plaintiff alleged errors in decision on the enablement requirement as reasons for rescission.
2. This judgment held substantially as follows and dismissed the plaintiff's claim.
   (1) The working of the invention of the method for producing the article as in each of the present inventions refers to an act of using the method and an act of using the article produced by the method and the like ... and thus, in order to fulfill the enablement requirement for the method for producing the article, it is interpreted that the Detailed Description of the Invention is required to have a description to such a degree that a person ordinarily skilled in the art can use the method and also can use the article produced by the method without requiring excessive trial and error on the basis of the described contents of the Detailed Description of the

Invention and the common general technical knowledge as of the time of the filing, and presence of the description to such a degree is sufficient.

(2) A. The method of each of the present inventions is configured such that [i] a mold on which a first layer of latex (Claim 1) and a first layer of a woven fabric or a knitted fabric (Claim 2) are dipped in and coated with an aqueous latex emulsion so as to form a second layer of latex; [ii] the second layer of latex is gelled by applying discrete polyhedral salt particles on the second layer of latex, and the shape of the salt particle in the latex second layer is fixed and then, [iii] before the second layer of latex is thermally cured, the discrete polyhedral salt particles from the second layer of latex are dissolved; [iv] and then, the formed layer is thermally cured so as to form the cured second layer; and [v] the cured textured glove is removed from the mold.

The terms corresponding to those used in the method of each of the present inventions; that is, "mold" ..., "coagulant" ..., those corresponding to "aqueous latex emulsion" or "foamed body" ..., "salt" or "discrete particles" ..., "woven fabric" or "knitted fabric" ... are specifically described with respect to their meanings (use purposes), material names, preparing methods or obtaining methods, and the like in the Description of this case.

Moreover, specific processes related to the method of each of the present inventions, including the size, applying methods, ... of the discrete salt particles and dissolution of the salt particles being performed before thermal curing of the second layer ... are described in detail in the Description of this case together with working examples.

Thus, the Detailed Description of the Invention in the Description of this case has specific description which enables use of the method of each of the present inventions by a person ordinarily skilled in the art who comes in contact with it.

B. Moreover, the article produced by each of the present inventions is a glove having textured surface coating, and the Detailed Description of the Invention in the Description of this case has description that the textured surface coating is an inverse image of the discrete particles (salt) remaining as polyhedral marks and they are taken into an outer side or an inner side of the glove ... .

C. As described above, since the Description of this case has a description on specific embodiments thereof, it is found that the Description is made to such a degree that the person ordinarily skilled in the art can use the making method and can use the gloves produced by the making method on the basis of the described contents of the Detailed Description of the Invention and the common general

technical knowledge as of the time of the filing, and a person ordinarily skilled in the art does not require trial and error for use. Thus, the description in the Detailed Description of the Invention in the Description in this case is found to fulfill the enablement requirement.

Judgment rendered on September 18, 2019
2018 (Gyo-Ke) 10150, A case of seeking rescission of the JPO decision
Date of conclusion of oral argument: August 21, 2019

Judgment

Plaintiff: Towa Corporation

Defendant: Ansell Healthcare Products LLC

Main text

1. Plaintiff's claim is dismissed.
2. Plaintiff shall bear the court costs.

Facts and reasons

No. 1 Claims

The trial decision rendered by Japan Patent Office on September 19, 2018 for the Invalidation Trial No. 2017-800121 shall be rescinded.

No. 2 Outline of the case

1. Outline of procedures at the JPO and the like

(1) Defendant filed an application for a patent of the invention titled "TEXTURED SURFACE COATING FOR GLOVES AND METHOD OF MAKING THE SAME" (hereinafter, referred to as the "Present Patent") on June 30, 2004 and was granted registration of establishment of the patent right on June 17, 2011 (Patent No. 4762896, number of claims: 6).

(2) Plaintiff requested a trial for Present Patent invalidation on August 31, 2017, and the JPO examined the request as Invalidation trial No. 2017-800121.

(3) The JPO rendered the JPO decision (hereinafter, referred to as the "present JPO decision") that "the request for a trial is dismissed" as described in the Written JPO decision in the attachment (copy) on September 19, 2018 and the certified copy thereof was delivered to Plaintiff on the 28th day of the month.

(4) Plaintiff instituted this lawsuit which seeks rescission of the present JPO decision

on October 23 of the same year.

2. Description of Scope of Claims

The description in Claims 1 to 6 of the Scope of Claims of Present Patent is as follows (hereinafter, all the inventions described in each of the claims are collectively referred to as "each of the present inventions", and the description of Present Patent is referred to as the "Present Description"). The symbol "/" in the sentences indicates the end of the line in the original sentences (the same applies to the following).

[Claim 1]

A method of manufacturing a textured surface coating glove, comprising steps of/

(i) treating a mold with a coagulant;/

(ii) forming a first layer of latex by dip coating the mold with an aqueous latex emulsion;/

(iii) gelling the first layer of latex by destabilizing the latex emulsion by the coagulant;/

(iv) forming a second layer of latex on the first layer of latex by dip coating the mold with the aqueous latex emulsion;/

(v) applying discrete polyhedral salt particles to the second layer of latex;/

(vi) gelling the second layer of latex at contact with the salt particles so that a polyhedral impression copying the shape of the salt particles is formed on the second layer of latex and fixing the shape of the salt particles in the second layer of latex;/

(vii) dissolving the polyhedral salt particles discrete from the second layer of latex before thermally curing the second layer of latex;/

(viii) after the step of dissolving the discrete particles, thermally curing the formed layer so as to form a cured second layer; and /

(ix) removing the cured textured glove from the mold,/ wherein

the latex is destabilized immediately at the contact with the salt and forms a wet gel.

[Claim 2]

A method of manufacturing a textured surface coating glove, comprising steps of/

(i) applying a woven-fabric first layer or a knitted-fabric first layer of a non-latex material on a mold;/

(ii) forming a latex second layer on the woven-fabric first layer or the knitted-fabric first layer by dip coating the mold in an aqueous latex emulsion;/

(iii) applying discrete polyhedral salt particles on the latex second layer;/

(iv) gelling the latex second layer at contact with the salt particles so that a

polyhedral impression copying the shape of the salt particles is formed on the second layer of latex and fixing the shape of the salt particles in the second layer of latex;/

(v) dissolving the polyhedral salt particles discrete from the second layer of latex before thermally curing the second layer of latex;/

(vi) after the step of dissolving the discrete particles, thermally curing the latex second layer so as to form a cured second layer; and /

(vii) removing the cured textured glove from the mold,/ wherein

the latex is destabilized immediately at the contact with the salt and forms a wet gel.

[Claim 3]

The method according to Claim 1 or 2, wherein the latex second layer is a foamed body.

[Claim 4]

The method according to Claim 1 or 2, wherein the discrete particles include a salt selected from sodium chloride, potassium chloride, calcium chloride, magnesium chloride, zinc chloride, calcium nitrate, zinc nitrate, and their combinations.

[Claim 5]

The method according to Claim 1 or 2, wherein the discrete salt particles are applied on the second layer of latex by immersing the mold in a salt fluid bed.

[Claim 6]

The method according to Claim 1 or 2, wherein the aqueous latex emulsion includes natural rubber latex, polyurethane latex, nitryl latex, polychloroprene latex, or their combinations.

3. Gist of the reasons given in the present JPO decision

The reasons of this JPO decision are as described in the Written JPO decision in the attachment (copy). In brief, since the description of the Detailed Description of the Invention in the present description fulfills the description requirement prescribed in Article 36, paragraph (4), item (i) of the Patent Act (hereinafter, referred to as the "enablement requirement"), the present patent cannot be invalidated.

4. Reasons for rescission

An error in judgment of the enablement requirement

(omitted)

No. 4 Judgment of this court

1. Each of the present inventions

(1) Described matters of Present Description

The detailed description of the invention in Present Description (Exhibit Ko 16) has the following descriptions A to G.

A. Technical Field

Each of the present inventions relates to gloves with a textured surface and a method of making the gloves ([0001]).

B. Background Art

(Unsupported) gloves are manufactured by dipping a mold of a glove having a shape of a hand in a tank of liquid latex and mixed chemicals ([0002]), while (supported) gloves are manufactured by dip coating a supporting lining with a layer of a foaming latex material ([0003]).

A smooth latex layer has a problem in an article gripping ability of a wearer particularly when it is wet, and prior arts have some methods for improving gripping, but they increase a glove manufacturing cost and require further machinery ([0004]).

A foaming material on outer sides of gloves of both supported and unsupported has a closed-cell type surface layer which hardly improves the ability of gripping a wet or slippery article ([0006]).

C. Problems to be Solved by the Invention

Gloves involving a textured surface coating which can be easily manufactured in an ordinary glove manufacture are in demand, and more specifically, the problem is to obtain a foaming material layer having an open-cell type structure on the textured surface ([0007]).

D. Means for Solving the Problem

On the basis of the principle of each of the present inventions, there are provided gloves having a textured surface coating manufactured such that a layer of discrete particles such as general salt is embedded in a liquid surface of the coated latex film, the immersed latex layer is gelled or dried, the discrete particles are dissolved so that the textured surface remains and then, it is exuded, dried, and cured, and the gloves are removed from the mold at the last ([0008]).

E. Best Mode for Carrying Out the Invention

Each of the present inventions relates to gloves involving textured surface coating manufactured either by non-foaming latex or a foaming latex manufactured by embedding the discrete particles in a non-gelled latex layer. The latex layer is ideally gelled by being brought into contact with the discrete particles. The process

is completed by drying and curing the gloves. The discrete particles can be removed from the layer after gelling or curing by dissolving the particles in an appropriate solvent. This process forms the textured surface coating which can leave impressions at spots where the discrete particles are embedded and can improve degrees of gripping, air circulation, and sweat absorption in the gloves with less direct skin contact. For example, the wet/oil grip is improved in the textured gloves of each of the present inventions. The foamed material may be used instead of the non-foamed latex in order to manufacture the textured surface layer and provides excellent gripping, higher sweat absorption, and a flexible layer of insulation ([0009]).

The discrete particles to be used include but are not limited to various salts including sodium chloride, potassium chloride, calcium chloride, magnesium chloride, zinc chloride, calcium nitrate, and zinc nitrate, and other soluble compounds such as sucrose, and salts with sufficient solubility in the solvent such as water is preferable. The preferable salt is sodium chloride. A useful average particle size can be within a range from approximately 50 microns to approximately 6000 microns but a range of preferable average particle size is from approximately 50 microns to approximately 2000 microns. These salts can all be used for similar physical textured working, and chlorides provide clear improvement in wet/oil gripping and chemical resistance of the textured surface of each of the present inventions ([0010]).

If the salt such as sodium chloride is brought into contact with the liquid latex used in each of the present inventions, for example, it immediately destabilizes latex so as to form the wet gel and thus, "fixes" the shape of the salt particles on the surface of rubber. When the salt is removed, the surface texture is brought about. This surface texture is a reverse image of the salt particles ([0011]).

A desired texture is adjusted by selecting the discrete particles. By selecting dendritic salt having a crystal with a large number of thorns, for example, polyhedral impressions can be left, crushed salt leaves various sizes of impressions, and fine particles of table salt would leave small impressions with finer and more uniform distribution. Mixture or concomitant use of particle sizes can be practiced. The solvent used for dissolving the discrete particles can depend on a solubility of the particles and can be water, or an acid or alkali compound ([0012]).

According to the preferred embodiment, gloves are manufactured in a mass-production line in which an extremely large number of gloves are manufactured continuously, rapidly, and at all times. In such a process, a large number of molds for gloves are conveyed and operated through a series of chemical solutions and process steps for manufacturing gloves. The mold is made of a ceramic material,

steel, or plastic. According to a standard manufacturing process, the gloves may be manufactured directly on the mold conveyed sequentially from one place. For example, in order to obtain a layer of a desired property, the mold is dipped into a surfactant, wax, a coagulant, and natural or synthetic elastomer. In the method, composition of components manufacturing the layer of the gloves, an order of addition, and an addition method may be changed ([0013]).

The gloves may be made by multiple immersions in various substances. For example, the mold may be first immersed in compositions of a powder-free releasing agent and a coagulant. This immersion in the releasing agent and coagulant releases a releasing material for subsequent removal of the completed gloves from the mold. Moreover, the coagulant material would destabilize the liquid layer such as a latex type elastomer subsequent to that ([0014]).

After the releasing agent/coagulant immersion, the mold is preferably transported to a subsequent place in the manufacturing line in which a laminate layer is applied to the mold. The laminate layer may be made of latex elastomer immersion of natural or synthetic rubber latex such as polyurethane, nitryl, or polychloroprene. For example, various combinations and preparation of latex can be used. The latex of each of the present inventions may be arbitrarily foamed. REVENEX 99G43 (Synthomer Ltd., United Kingdom) is an example of useful nitryl latex. By changing the selection and composition of the latex material, the laminate layer can be changed so as to provide different degrees of strength, comfort, flexibility, and chemical resistance. In any case, contents of the latex to be applied to the mold are adjusted so as to preferably provide protection from cutting and abrasion, liquid repellence, and chemical resistance ([0015]).

After application of one or more laminate layers, the mold passes a furnace at a raised temperature preferably for drying, curing, and provision of a final product. The gloves are then removed manually or by an automatic method ([0016]).

In one embodiment of each of the present inventions, the mold is immersed in order to form the first layer of latex. This first layer of latex is then gelled, and the mold is immersed again in order to form a second layer of a non-gelled latex. Viscosity of the second layer of foamed or non-foamed latex can be within a range from approximately 100 cps to approximately 2000 cps. The discrete particles are then applied to the second layer of the non-gelled latex by immersing the mold in the fluid bed of the discrete particles, by embedding the discrete particles, or by other mechanical means such as spraying, for example. In a fluid bed process, salt particles (NaCl) suspended matters in an air flow are utilized so that the particles

behave in a way similar to that of a liquid. The discrete particles are removed by dissolving them in an appropriate solvent after applying the discrete particles or after gelling or curing of the gloves so that the textured surface coating substantially covering the surface of the gloves is left. For example, the salt particles can be removed from the gelled surface by washing or spraying with water. The viscosity of latex is a parameter which can be changed in order to obtain a desired textured effect. The textured non-foaming layer provides an optimal combination of durability and wet/oil gripping ([0018]).

Another embodiment of each of the present inventions includes a piece of a non-latex material involving the textured surface coating manufactured by embedding the discrete particles in an outer layer of a latex overdip. For this embodiment, the mold has a layer of the non-latex material applied as a base such as a woven fabric or cotton dust and can be immersed in a layer of foaming or non-foaming latex. An example of useful woven fabric is a knitted lining. In the embodiment of the supported glove in which latex coating is applied on the knitted lining, a first or a subsequent latex layer can be textured ([0022]).

F. Working Example 1

(A) Step 1: The following coagulant solution is prepared:

Calcium nitrate	aqueous solution with concentration of 35 volume%
TRITON X 100	approximately 0.1 volume%
DEFOAMER 1512M	approximately 0.5 volume%

The coagulant solution is heated to 30 to 40 °C. The glove mold made of a clean ceramic material is immersed in the coagulant solution so that the surface thereof is uniformly coated. An immersion speed is approximately 1.5 cm/second, retention time is 5 to 10 seconds, and an extraction speed is approximately 0.75 cm/second ([0026]).

(B) Step 2: The mold coated with the coagulant is reversed to a state with fingers standing upright and dried for 2 to 2.5 minutes in a warm and gentle air flow (30 to 40 °C) ([0027]).

(C) Step 3: The dried coagulant-coated mold is reversed again to a state in which the fingers are directed downward and is immersed in a nitryl latex compound:

REVENEX 99G43	100 phr
Sulfur	0.5 phr
Zinc oxide	3.0 phr
ZMBT	0.7 phr

pH is adjusted to 9.0 (by using ammonia or potassium hydroxide). Viscosity of

latex is usually 20 to 40 cps (Brookfield viscosimeter model DV1+, spindle #2@30 rpm). Latex is held at 20 to 25 °C. The immersion speed is approximately 1.5 cm/second, retention time in latex depends on the desired wall thickness and is 30 to 90 seconds, and the extraction speed is approximately 1.2 cm/second ([0028]).

(D) Step 4: The gelled nitryl-latex coated mold is reversed in the state with the fingers standing upright in order to aid diffusion of drips at the fingertips (30 seconds at the minimum at an ambient temperature during the retention time) ([0029]).

(E) Step 5: The gelled nitryl-latex coated mold (here, a nitryl glove shell) is reversed again to the state in which the fingers are directed downward and immersed in water heated to 40 to 60 °C in order to remove a remaining surface syneresis product (retention time 60 to 80 seconds) ([0030]).

(F) Step 6: The nitryl glove shell is reversed to the state with the fingers standing upright in order to aid diffusion of drips on the fingers, and then partially dried in order to remove remaining water on the surface of the gel and the fingertips ([0031]).

(G) Step 7: The nitryl glove shell is reversed to the state with the fingers directed downward and overdipped to the wrist (or completely to around the arm) in the second layer of the following nitryl latex:

REVENEX 99G43	100 phr
Sulfur	0.5 phr
Zinc oxide	3.0 phr
ZMBT	0.7 phr

The pH of this latex is adjusted to 9.0 (by using ammonia or potassium hydroxide), and the viscosity of latex is adjusted to 500 cps ((Brookfield viscosimeter model DV1+, spindle #2@30 rpm) by using polyacrylic acid ammonium. Latex is held at 20 to 25 °C. The immersion speed is approximately 1 to 3 cm/second, retention time in latex is approximately 10 to 30 seconds, and the extraction speed is approximately 2 cm/second ([0032]).

(H) Step 8: The nitryl glove shell having the liquid second layer overdipped in nitryl latex is reversed in a state with the fingers standing upright in order to diffuse drips on the fingers and then, immediately reversed again and returned to the state with the fingers directed downward. Particles of sodium chloride (purity: 99%, average particle size: 400 microns) are applied to the second layer of latex in a fluid bed device. The glove shell is held at room temperature. The immersion speed to the fluid bed is approximately 2 cm/second, the retention time in the fluid

bed is 5 to 10 seconds, and the extraction speed is approximately 2 cm/second. In another form of Step 8, the fluid bed may be stopped during the retention time in order to obtain clearer/deeper impressions in the latex layer. During the extraction of the mold, the fluid bed is operated again ([0033]).

(I) Step 9: The salt coating shell is washed here with water at room temperature in order to remove sodium chloride remaining on the gelled surface ([0034]).

(J) Step 10: The gelled glove product is then leached for approximately 15 minutes in hot water at approximately 40 °C ([0035]).

(K) Step 11: The gelled glove product is dried and subjected to curing treatment for approximately 60 minutes in a conventional circulation hot-air furnace at 130 °C ([0036]).

(L) Step 12: After the cured glove is cooled, the mold is peeled off inside out. As another form of the step, an inner-side lining (cotton dust, for example) may be made to adhere ([0037]).

(M) Step 13: The cured and completed glove is reversed so that the textured surface comes to the outer side of the glove ([0038]).

G. Picking-up force test

(A) In order to measure a gripping force required for lifting up a weight of steel having a polished surface and covered with a mixture of hydraulic oil and lubricant, a picking-up force test was developed, and the various gloves including the gloves prepared according to Working Example 1 ("textured gloves") and known nitryl gloves with a similar structure (those without the textured surface coating; that is, Ansell SOLVEX 37-676 and Ansell SOLKNIT 39-122) were tested ([0039]).

(B) As a test device, there was used one which is revised such that a mass scale (model obtained from Applied Instruments Ltd., United Kingdom, PPS-6 Kg) is mounted on a side opposite to a flat stainless steel load dish of a direct scale, and an elongated piece of the stainless steel on a lower side thereof. In the entire device, a side surface for testing is directed so that it can be gripped by the hand wearing the gloves against the force of gravity while it is directed toward the floor. The stainless steel surface was covered with a mixture of the hydraulic oil and the lubricant for the following test.

(C) The picking-up force test was conducted as follows ([0040]).

a. A voluntary tester wears a test glove.

b. The tester grips the device at a right angle to the surface by using only the thumb and the first finger (or the second finger) with the fingers facing each

other on the surface at a point of approximately 4 cm along the surface toward the floor and using only the finger and the tip of the ball of the thumb as contact points.

c. The tester tries to grip the device strongly and tries to lift it up and holds the device with sufficient force to hold it still without allowing it to slip.

d. An immediate gripping force is recorded by the unit of mass read from the mass scale.

e. After the first gripping and lifting up, a steady gripping force is recorded after approximately 5 to 10 seconds.

f. The gripping is gradually loosened so that the device slips from the gripping.

g. The minimum gripping force is recorded at the time of slip.

h. A weight is further added sequentially to the device, and the steps a to g are repeated.

(D) Test data appearing in the table in the attachment indicate that, when the textured surface is used as the surface of the nitryl glove (or an arbitrary latex glove) as prepared in Working Example 1 and then used for handling an article which is wet or oily, it provides extremely excellent gripping and control results for the user.

The textured gloves manufactured according to Working Example 1 indicate improvement in grip control and reliability when a slip occurs. The textured gloves have the lowest gripping force required for lifting up three weights finalized by the device as compared with the conventional nitryl gloves ([0041] to [0043]).

(2) Features of each of the present inventions

According to the aforementioned (1), the features of each of the present inventions are found to be as follows.

A. Each of the present inventions is an invention of a method for producing an article (gloves).

B. When there is a layer of smooth latex on an outer side of the glove, it causes a problem in gripping ability of a wet or slippery article, but with the conventional method such as post-treatment of the gloves by pattern embossing, washing, or surface treatment, a manufacturing cost is increased while improvement in the gripping ability is small. Thus, obtainment of gloves applied with textured surface coating which can be easily manufactured has been in demand in ordinary glove manufacture.

C. Thus, such configuration was employed that [i] the second layer of latex is gelled by applying discrete polyhedral salt particles to the second layer of latex and the

shape of the salt particles in the second layer of latex is fixed and then; [ii] before the second layer of latex is thermally cured, the polyhedral salt particles discrete from the second layer of latex are dissolved; [iii] after the step of the aforementioned [i], the formed layer is thermally cured so as to form the cured second layer.

D. According to this method, an inverse image of the discrete particles (salt) remains as polyhedral impressions in the second layer of latex and thus, by using the second layer of latex with such impressions for the outer side of the gloves, the gloves having the textured surface coating with improved wet/oil grip can be manufactured.

2. Reasons for rescission (error in judgment on enablement requirement)

(1) The patent system is to grant an exclusive right in working of an invention to an inventor for a certain period of time in return for disclosure of the invention and thus, the description should describe the technical contents of the invention described in the scope of claims as contents to be disclosed to the public. The aim of Article 36, paragraph (4), item (i) of the Patent Act prescribing the enablement requirement that "it is clear and sufficient to enable a person ordinarily skilled in the art of the invention to work the invention" is interpreted such that, if the detailed description of the invention in the description does not describe the structure of the invention to such a degree that a person ordinarily skilled in the art can work the invention, it does not substantially disclose the invention, and the premise to give the exclusive right provided for in the Patent Act to the inventor is missing.

Working of the invention of a method for producing an article as in each of the present inventions refers to an act of using the method, an act of using an article produced by the method, or the like (Article 2, paragraph (3), item (iii) of the Act) and thus, in order for the method for producing an article to fulfill the aforementioned enablement requirement, it is interpreted that the detailed description of the invention in the description only needs to be description requiring that a person ordinarily skilled in the art can use the method and can use an article produced by the method on the basis of the described contents of the detailed description of the invention and the common general technical knowledge at the filing without requiring excessive trial and error and only needs to be have the description of such a degree.

(2) Fulfillment of enablement requirement

A. The method of each of the present inventions is [i] a mold on which a first layer of latex (Claim 1) or a first layer of woven fabric or knitted fabric (Claim 2) is

formed is dipped in and coated with an aqueous latex emulsion so as to form a second layer of latex; [ii] the second layer of latex is gelled by applying discrete polyhedral salt particles to the second layer of latex, and a shape of the salt particles in the second layer of latex is fixed and then, [iii] before the second layer of latex is thermally cured, the polyhedral salt particles discrete from the second layer of latex are dissolved; [iv] after that, the formed layer is thermally cured so as to form the cured second layer; and [v] the cured textured gloves are removed from the mold.

The "mold" ([0013]), the "coagulant" ([0014], [0026]), those corresponding to the "aqueous latex emulsion" and the "foamed body" ([0015], [0028], [0032]), those corresponding to the "salt" and the "discrete particles" ([0010] to [0012], [0018], [0033]), and the "woven fabric" and the "knitted fabric" ([0022]) used in the method of each of the present inventions are all described specifically in the present description for their meanings (use purposes), material names, preparation methods or obtaining methods, and the like.

Moreover, specific methods according to each of the present inventions are all described in detail with working examples in the present description ([0009] to [0016], [0018], [0022], [0026] to [0038]) including the size of the discrete salt particles and applying methods ([0010], [0012], [0018], [0033]) and that the dissolving of the salt particles is performed before thermal curing of the second layer of latex ([0009], [0018], [0034] to [0036]).

Thus, the Detailed Description of the invention in the present description has specific description by which a person ordinarily skilled in the art in contact with that could use the method of each of the present inventions.

B. Moreover, what is produced by each of the present inventions is a glove having a textured surface coating, and the Detailed Description of the Invention in the present description describes that the textured surface coating is an inverse image of the discrete particles (salt) left as polyhedral impressions and it is taken into either one of the outer side and the inner side of the glove ([0007], [0009], [0011]).

C. As described above, in view that the present description has the description of a specific embodiment thereof, it can be considered that it has the description to such a degree that a person ordinarily skilled in the art could use the manufacturing method and use the gloves produced by the manufacturing method on the basis of the described contents of the Detailed Description of the Invention and the common general technical knowledge at the filing and that trial and error is not required for a person ordinarily skilled in the art for use.

Thus, the description in the Detailed Description of the Invention in the present description is found to conform to the enablement requirement.

(3) Plaintiff's allegation

A. Plaintiff alleges that the method of producing gloves according to each of the present inventions is not described such that it can produce the gloves having functions and effects more excellent than the methods of manufacturing gloves described in Exhibits Ko 1, Ko 2, and Ko 7, and the gripping force cannot be measured in the picking-up force test described in the present description, and the comparison made with Defendant's conventional own product and the like is not appropriate and thus, the description in the Detailed Description of the Invention in the present description is not clear and sufficient for a person ordinarily skilled in the art to work each of the present inventions.

B. Exhibits Ko 1, Ko 2, and Ko 7 have the following descriptions, respectively.

(A) Exhibit Ko 1

The Patent Gazette (No. 2639415, Exhibit Ko 1) according to the invention titled "UNEVENNESS FORMING METHOD TO RESIN SKIN" describes a method of forming unevenness on a resin skin by causing a water-soluble solid powder article such as sodium chloride or the like to adhere to a surface of a resin emulsion latex in an unsolidified state, by solidifying the resin emulsion latex and then, by washing/removing the solid powder article by using water and the like, and that products such as rubber gloves and the like can be cited as an industrial application field of the method.

(B) Exhibit Ko 2

The Unexamined Patent Application Publication (No. 2002-20913, Exhibit Ko 2) according to the invention titled "GLOVES AND MANUFACTURING METHOD THEREOF" describes a method of forming a large number of fine recess portions by embedding dissolved fine particles such as sodium chloride in a slip resistance layer provided on a surface of a glove body, and then dissolving/extracting them in order to improve the gripping force of gloves made of rubber.

(C) Exhibit Ko 7

The Unexamined Patent Application Publication (No. 2002-249909, Exhibit Ko 7) according to the invention titled "GLOVES WITH RECESSED SURFACE STRUCTURE AND MANUFACTURING METHOD THEREOF" describes a method of forming coating having fine recess portions on the surface on a glove base material by coating the surface of the glove base material with polyvinylchloride resin material or a rubber material, by spraying wax when the coated material is semi-gelled and

then, by applying a heating treatment so as to form a film, and by washing/removing the wax on the film surface as a manufacturing method of gloves having a slip resistance effect.

C. However, whether the gloves manufactured by the method of each of the present inventions have gripping forces more excellent than those of the gloves cited by Plaintiff (Exhibits Ko 1, 2, and 7) and whether or not the gripping force can be measured by the picking-up force test do not have any relations with whether or not the description in the Detailed Description of the invention in the present description fulfills the enablement requirement.

According to the evidence (Exhibit Ko 18), it cannot be denied that the point of the allegation of Plaintiff can be understood that, although each of the present inventions has a problem to improve the gripping force of the gloves better than the conventional arts such as Exhibits Ko 1, Ko 2, Ko 7 and the like, achievement of a solution to the problem is not illustrated in the form capable of a verification test. However, if so, the inventive step of each of the present inventions over the aforementioned conventional arts is the problem in the end, rather than the degree of disclosure of the invention and thus, it is unreasonable as an allegation for arguing the fulfillment of the enablement requirement in any case.

(4) Summary

According to the above, reasons for rescission alleged by Plaintiff have no grounds.

3. Conclusion

Therefore, since Plaintiff's claim has no grounds, it shall be dismissed, and the judgment shall be rendered as in the main text.

Intellectual Property High Court, First Division
Presiding Judge: TAKABE Makiko
Judge: KOBAYASHI Yasuhiko
Judge: SEKINE Sumiko

Attachment (Table 1 of present description)

Test glove	Immediate gripping force (kg)	Steady gripping force (kg)	Minimum gripping force (kg)	Finding
Lift-up weight: First weight =1.9 k g*				
Textured glove	3.2	2.6	2.3	Gentle slipping feeling before last slip
Solvex 37-676	4.5	2.6	2.2	No sign - strong last slip
Solknit 39-122	4.2	3.2	2.5	Slight or no sign before rapid slip
Lift-up weight: Second weight =2.7 k g **				
Textured glove	4.5	4.0	3.0	Gentle slipping feeling before last slip
Solvex 37-676	6.5	5.0	3.0	No sign - strong last slip
Solknit 39-122	8.0	7.8	No grip	No sign - strong last slip
Lift-up weight: Third weight =3.5 k g **				
Textured glove	6.8	6.8	6.8	Can lift up but gentle slip
Solvex 37-676	No grip, cannot lift up	No grip	No grip	Cannot lift up
Solknit 39-122	No grip, cannot lift up	No grip	No grip	Cannot lift up

*Indicates approximate weight of device.

**Accumulated weight.