

Patent Right	Date	June 4, 2020	Court	Intellectual Property High Court, Third Division
	Case number	2019 (Gyo-Ke) 10085		
- A case in which the judgment on inventive step in the JPO decision has an error.				

Case type: Rescission of Appeal Decision of Refusal

Result: Granted

References: Article 29, paragraph (2) of the Patent Act

Related rights, etc.: Patent Application No. 2018-146350

Decision of JPO: Appeal against examiner's Decision of Refusal No. 2019-2409

### Summary of the Judgment

1. This case is a lawsuit seeking rescission of the JPO decision dismissing the request for appeal against the examiner's decision of refusal on the invention of the present application titled "SERVER DEVICE, CONTROL METHOD, PROGRAM, AND GAME SYSTEM THEREOF".

The JPO decision judged that the invention of the present application could have been easily made by a person ordinarily skilled in the art on the basis of the Cited Invention and the well-known art.

Plaintiff alleged as reasons for rescission [i] errors (three) that the different features that the JPO decision should have found were overlooked; and [ii] errors (two) in the judgment on how easily the different features found in the JPO decision could have been conceived of.

2. The judgment judged that the JPO decision has one error each in the aforementioned [i] and [ii], respectively, and rescinded the JPO decision.