

Patent Right	Date	July 2, 2020	Court	Intellectual Property High Court, Third Division
	Case number	2019 (Gyo-Ke) 10040		
- A case in which a decision dismissing a request for an appeal against an examiner's decision of refusal due to lack of an inventive step was rescinded.				

Case type: Rescission of Appeal Decision of Refusal

Result: Granted

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

Related rights, etc.: Present application: Patent Application No. 2013-81957

Primarily cited reference: Unexamined Patent Application Publication No. 2012-221672

Secondarily Cited Reference 1: Patent No. 4621896

Secondarily Cited Reference 2: Unexamined Patent Application Publication No. 2013-8485

Decision of JPO: Appeal against Examiner's Decision of Refusal No. 2018-000798

#### Summary of the Judgment

1. The present case is a lawsuit for rescission of an appeal decision dismissing a request for an appeal against an examiner's decision of refusal with regard to the present invention titled "POSITIVE ELECTRODE FOR LITHIUM ION SECONDARY BATTERY AND LITHIUM ION SECONDARY BATTERY."

The decision denied an inventive step of the present invention on the basis of each of the above-mentioned cited references.

As reasons for rescission, the Plaintiff asserted errors in finding Secondarily Cited Invention 1, and errors in determining whether it would have been easily conceivable to apply Secondarily Cited Invention 1.

2. This judgment determined that each of the above-mentioned assertions by the Plaintiff was well founded, and rescinded the decision.