

Patent Right	Date	February 26, 2020	Court	Tokyo District Court, 29th Division
	Case number	2018 (Wa) 34729		
- A case in which, regarding the claim for injunction and the like on the ground of infringement of the patent right of the invention titled " METHOD AND SYSTEM FOR FORMING THIN-TYPE CHIP WITH HIGH TRANSVERSE INTENSITY ", establishment of indirect infringement in Article 101, item (ii) of the Patent Act was denied, and the claim was dismissed.				

Summary of the Judgment

This case is a case in which Plaintiff holding the patent right of the Patent No. 6276437 of the invention titled "METHOD AND SYSTEM FOR FORMING THIN-TYPE CHIP WITH HIGH TRANSVERSE INTENSITY" asserted that a system made of all the devices required for executing an SDBG process (abbreviation for "Stealth Dicing Before Grinding") including an SD laser saw which is a device for irradiating a wafer with a laser beam under a predetermined condition, having each of laser engines manufactured and the like by Defendant (each of Defendant's products) mounted, belongs to the technical scope of the invention (Present Invention) according to Claim 2 in the scope of claims of the aforementioned patent and the act of manufacture and the like of each of Defendant's products on the Defendant side falls under indirect infringement in Article 101, item (ii) of the Patent Act, and claimed against Defendant injunction of the manufacture and the like of each of the Defendant's products and disposal thereof.

The court held that it is reasonable to understand that the phrase that "any article that is indispensable for the resolution of the problem by the invention" in Article 101, item (ii) of the Patent Act means a feature member and the like which directly realize a unique structure characterizing the means regarding feature technical means newly disclosed by the invention and not found in the conventional art as a method for solving the problem of the conventional art and thus, the feature technical means disclosed by the Present Invention in order to solve the problem of the conventional art was found to be the structure of the "grinding means for removing an modified region while a micro crack extending from the modified region is made to develop to a position not reaching a surface of a wafer by grinding a rear surface" of the wafer on which the modified region related to the constituent feature B of the Present Invention is formed. On the other hand, each of the Defendant's products is an apparatus for forming an modified region inside the wafer by the laser beam in the first place, not an apparatus for directly realizing the structure of the feature technical means of the

aforementioned Present Invention and thus, it cannot be considered to fall under the article that is indispensable for the resolution of the problem by the Present Invention, and Plaintiff's claim was dismissed.