

Patent Right	Date	January 14, 2021	Court	Intellectual Property High Court, Second Division
	Case number	2020 (Gyo-Ke) 10066		
- A case in which the court rescinded part of the JPO trial decision in which a patent for an invention titled "Two-axis hinge and terminal device using the two-axis hinge" was invalidated on the grounds of lacking an inventive step.				

Case type: Rescission of trial decision of invalidation

Results: Partially granted

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

Related rights, etc.: Patent No. 5892573

Summary of the Judgment

1. This case is a lawsuit seeking rescission of a trial decision made by the JPO in which a patent for an invention titled "Two-axis hinge and terminal device using the two-axis hinge" was invalidated. The issue of the case is whether the invention in question involves an inventive step.

2. In this judgment, the court held as outlined below and upheld the part related to Claim 1 out of the trial decision, but rescinded the part related to Claims 2 and 3.

(1) Inventive step of the invention related to Claim 1 (hereinafter referred to as "Invention 1") in the case where Exhibit Ko 1 Invention is cited as the primary prior art, which is included in Grounds for Rescission 1

A. There are Difference 1' and Difference 2 between Invention 1 and Exhibit Ko 1 Invention . Difference 1' is as follows.

Invention 1 has "a frictional torque generation means that generates frictional torque when said first hinge shaft and said second hinge shaft rotate" and the meaning of frictional torque generation is "has the friction plates that are installed on each flange side of said first hinge shaft and said second hinge shaft and on one side of said selective rotation control means and first bearing hole and second bearing hole through which said first hinge shaft and said second hinge shaft are inserted in a rotatable fashion, the friction washer that is installed next to said frictional plate in conditions where it can slide in the axis direction against said first hinge shaft but its rotation is restrained, and the friction washer that is installed next to said frictional plate in conditions where it can slide in the axis direction against said second hinge shaft but its rotation is restrained." The "elastic means" of Invention 1 "acts on both" "suctioning means" and "frictional torque generation means," while in Exhibit Ko 1 Invention, "the first torque

device 21 that is installed on said first axis unit 111 and provides rotation torque and second torque device 22 that is installed on said second axis unit 121 and provides rotation torque" are installed in contact with "said first automatic closure ring 213 and said second automatic closure ring 223" "that come into contact with the exterior surface of support piece 512" and are "compressing said first automatic closure ring 213 and said second automatic closure ring 223."

B. Judgment concerning Difference 1'

(A) According to the statements of Claim 1 on the scope of the patent claim and statements in the Description, in Invention 1, frictional torque is generated not only by the frictional torque generation means, but also at least by suctioning means and therefore the "frictional torque" as used in Invention 1 means the frictional torque that makes it possible to hold the hinge freely at optional open/close angles; however, it is not necessary to generate the frictional torque only by the "frictional torque generation means." In such cases as where a hinge generates the aforementioned frictional torque and most of the frictional torque is generated by the hinge, and there are no components that can be clearly recognized as fulfilling the function of the hinge to generate frictional torque, it is reasonable to understand that any components that generate the frictional torque and have the structures indicated in Claim 1 of the scope of the patent claim correspond to "a frictional torque generation means to generate frictional torque" as stated in Invention 1.

(B) In Exhibit Ko 1 Invention, friction is generated between support piece 511, first stopper ring 411, and second stopper ring 412, between support piece 511, first position control cam 521, and second position control cam 522, between first position control cam 521, second position control cam 522, and support piece 512, and between support piece 512, first automatic closure ring 213, and second automatic closure ring 223; these frictions combine and thereby generate frictional torque that makes it possible to hold the hinge freely at optional open/close angles; since the frictions between these components are generated from the contact surface of the same area size, it is not found that there are significant differences between the degree of the frictions. Consequently, it cannot be said that any of these components generates most of the frictional torque, or that any components are clearly recognized as serving as a frictional torque generation means of a hinge.

Therefore, support piece 511, first stopper ring 411, and second stopper ring 412 in Exhibit Ko 1 Invention should be considered to correspond to "a frictional torque generation means to generate frictional torque" in Invention 1.

(C) First torque device 21 and second torque device 22 of Exhibit Ko 1 Invention

correspond to "an elastic means" of Invention 1 and stopper structure 40 and support piece 512 are compressed by first torque generator and second torque generator. Therefore, in Exhibit Ko 1 Invention, "an elastic means" acts as both the "suctioning means" and "frictional torque generation means."

(D) According to the above, it cannot be said that Difference 1' is a substantive difference.

C. Judgment concerning Difference 2

A person skilled in the art can easily conceive of applying the structure of Exhibit Ko 1 Invention related to Difference 2 as the structure of Invention 1.

D. Therefore, it should be said that Invention 1 could have been easily invented based on Exhibit Ko 1 Invention.

(2) Inventive step of the invention related to Claim 2 (hereinafter referred to as "Invention 2") in the case where Exhibit Ko 2 Invention is cited as the primary prior art A. There are Difference A and Difference B between Invention 2 and Exhibit Ko 2 Invention. Difference A is as follows.

Invention 2 is "a joint component and slide-guide component" "where a component that connects" "first hinge shaft" and "second hinge shaft" "in parallel and in a condition where they can rotate each other" "with a specified interval"; "first lock cam component," "second lock cam component," and "lock components" "are installed" "between said joint component and said slide-guide component"; the "lock component" "is engaged with said joint component and said slide-guide component under conditions where it can slide." On the other hand, in Exhibit Ko 2 Invention, "first abutting part 112" and "second abutting part 212" are installed adjacent to "connecting component 3," which is a component that joins first rotation shaft 11 and second rotation shaft 21 in parallel and under conditions where they can rotate each other and "sliding positioning part 34" is installed so that "it slides along with track part 33" of "connecting component 3."

B. Judgment concerning Difference A

The hinge related to Exhibit Ko 2 Invention is found to have connecting plate 41 that is connected to connecting component 3, axis sleeve 4 which is installed on connecting plate 41 and has first mating unit 42 and second mating unit 43 and on which first rotation axis 11 and second rotation axis 21 are installed respectively, and housing 5 in which axis sleeve 4 is placed. The hinge can stably support first rotation axis 11 and second rotation axis 21 in parallel and under conditions where they can rotate. Therefore, in Exhibit Ko 2 Invention, it is not necessary to apply the technical matters indicated in Reference Ko 1 (hereinafter referred to as "Technical Matter 2 indicated in

Reference Ko 1"): "A point that first rotation axis 11 and second rotation axis 12 rotate alternately by installing switch piece 53 that can oscillate from side to side by means of short axes 534 provided one each on both sides, in relation to first position control cam 521, second position control cam 522 and the pair of support pieces 511 and 512, between the pair of support pieces 511 and 512 that connect first rotation axis 11 and second rotation axis 12 in parallel and under conditions where they rotate alternately on a two-axis type hinge (2-axis hinge)."

In Exhibit Ko 1 Invention, first automatic closure ring 213, second automatic closure ring 223, support piece 512, and switch piece 53 interlock functionally and are constructed uniformly. Switch piece 53, first position control cam 521, second position control cam 522, support piece 511, first stopper ring 412, and second stopper ring 411 also interlock functionally and are constructed uniformly, and these components and said first automatic closure ring 213, second automatic closure ring 223, and support piece 512 are also constructed uniformly. In addition, there is no motivation to apply a structure that has a pair of support pieces by extracting support piece 511 and support piece 512 only out of the aforementioned components that are constructed uniformly to Exhibit Ko 2 Invention.

Exhibit Ko 2 Invention is found to have components corresponding to the stopper mechanism and selective rotation control means of Exhibit Ko 1 Invention and the aforementioned components that are constructed uniformly in Exhibit Ko 1 Invention include the stopper mechanism and selective rotation control means. Therefore, there is no motivation to apply the aforementioned components that are constructed uniformly in Exhibit Ko 1 Invention to Exhibit Ko 2 Invention.

Consequently, there is no motivation to apply Technical Matter 2 as indicated in Exhibit Ko 1 Document to Exhibit Ko 2 Invention and it cannot be said that Exhibit Ko 1 Document provides a motivation to apply the structure related to Difference A of Exhibit Ko 2 Invention as the structure of Invention 2.

C. Therefore, it cannot be said that Invention 2 could have been easily invented by applying the technology indicated in Exhibit Ko 1 Document to Exhibit Ko 2 Invention.