

Patent Right	Date	February 28, 2020	Court	Tokyo District Court, 46th Civil Division
	Case number	2017(Wa)27238		
- A case in which the court partially granted the Plaintiff's claim seeking the injunction of production, assignment, etc. of the relevant television sets, disposal of products and compensation for damages based on patent rights including a patent right for an invention titled "Light-emitting device and display device."				

### Summary of the Judgment

In this case, the Plaintiff, a holder of patent rights for an invention titled "Light-emitting device and display device" (Patent Right 1), an invention titled "Light-emitting device, resin package, resin mold and manufacturing methods thereof" (Patent Right 2) and an invention titled "Light-emitting device, resin package, resin molding and methods for manufacturing them" (Patent Right 3), filed this action against the Defendant seeking an injunction against the production, assignment, etc. of the Defendant's products, and the disposal of the Defendant's products as well as the compensation for damages equivalent to royalty, by alleging that an LED light source ("LED") embedded in television sets sold or otherwise handled by the Defendant (the "Defendant's Products") falls under the technical scope of the inventions covered by Patent Right 1 and Patent Right 3 (Invention 1 and Invention 3), respectively, and that the method for manufacturing the LED falls under the technical scope of the invention covered by Patent Right 2 (Invention 2).

The issues disputed in this case are as follows: [i] whether the LED and its manufacturing method fall under the technical scope of each of the inventions mentioned above; [ii] whether the above-mentioned inventions have any ground for invalidation; [iii] the admissibility of a counterargument based on correction regarding Invention 3; and [iv] whether the Plaintiff suffered any damages and the amount thereof.

In the judgment, the court held that both the LED and its manufacturing method fall under the technical scopes of the inventions mentioned above, respectively, and that no grounds for invalidation could be found with respect to Invention 1 and Invention 2. Regarding Invention 3, the court, after discussing the admissibility of the counterargument based on correction, determined that the act of manufacturing, sale, etc. of the LED constitutes the infringement of Patent Right 3, on the ground that Invention 3 satisfies the requirements for correction, and grounds for invalidation do not exist with respect to the corrected Invention 3 or at least have been eliminated by

the correction, even if any do exist, and therefore that the LED falls under the technical scope of the corrected Invention 3 without the need to examine whether any grounds for invalidation existed in Invention 3 before the correction.

Based on the above findings, the court granted the Plaintiff's claim for compensation for damages by calculating, as the amount of damages, the amount of royalty that would be receivable by the Plaintiff for the exercise of the Patent Rights, with reference to the average price of the LED per unit of the Defendant's Products and by comprehensively taking into consideration the relevant circumstances. However, the court dismissed the claim for injunction and disposal of the products, finding that the Defendant's Products are no longer on the market and no circumstance could be found which would imply the possibility that the Defendant will resume the sale of the products.