

Patent Right	Date	January 20, 2020	Court	Osaka District Court, 26th Civil Division
	Case number	2016(Wa)4815		
<p>- A case in which the court upheld the Plaintiff's claim to seek payment of compensation for damages on the grounds that the oil-cooled screw compressor (the "Defendant's Product") that was installed in the screw-type gas compression system used for the plant and that was manufactured and sold by the Defendant belongs to the technical scope of the invention (the "Invention") related to the patent right (Invention's title: Oil-cooled screw compressor; the "Patent Right") held by the Plaintiff.</p>				

Summary of the Judgment

In this case, the Plaintiff alleged that the Defendant's Product belongs to the technical scope of the Invention and claimed compensation for damages based on the tort (the "Patent Infringement"). The issues disputed in this case were: [i] whether the Defendant's Product belongs to the technical scope of the Invention; and [ii] whether there have been any damages sustained by the Plaintiff and the amount thereof.

In this judgment, with regard to issue [i], the court found that part of the types of the Defendant's Product belongs to the technical scope of the Invention. Then, concerning the amount of damages related to the claim pursuant to Article 102, paragraph (2) of the Patent Act, the court determined the degree of reduction of the estimated amount of damages to be 90% in consideration of the fact that there is a qualitative difference in demand between the plant manufactured by the Defendant by using the screw-type gas compression system equipped with the Defendant's Product (the "Infringing Product") sold by the Defendant and the screw compressor or products with a condenser added thereto sold by the Plaintiff.