

Patent Right	Date	January 23, 2020	Court	Osaka District Court, 21st Civil Division
	Case number	2018(Wa)4901		
- A case in which the court dismissed the claim to seek return of unjust enrichment, determining that the cellphone, which is the Defendant's product, does not belong to the technical scope of the Plaintiff's Patents 2 and 3 and the Plaintiff's Patent 1 has grounds for invalidation due to the prior art effect.				

Summary of the Judgment

In this case, the Plaintiff, who has three patent rights for inventions titled "Communication terminal and image information display method," etc., demanded that the Defendant pay part of the amount that the Plaintiff alleged as the amount equivalent to licensing fees, as a claim to seek return of unjust enrichment, alleging that the cellphone, which is the Defendant's product, belongs to the technical scope of Inventions 1 through 3 related to each of the aforementioned patent rights. The issues disputed in this case were: whether the Defendant's product belongs to the technical scope of the inventions; whether there are grounds for patent invalidation, extinctive prescriptions; and the amount of unjust enrichment.

Concerning whether or not the Defendant's product belongs to the technical scope of the inventions, the major issue is whether the structure of the Defendant's product to store image data with sound that is received through the internet, etc. satisfies the wording, "In cases of storing second image data ..., it stores the ringtone data transmitted along with the aforementioned second image data," etc. in the constituent features of Inventions 2 and 3 or not.

In this judgment, the court held as follows: those constituent features of Inventions 2 and 3 are premised on treating the image data and ringtone data as separate files and carrying out storage and reading thereof as separate processing; and it is construed that the image data and ringtone data are linked by the communication terminal and such construction confirms to the statement in the description and the process of the application. Then, the court determined that the aforementioned structure of the Defendant's product does not satisfy this structure and, therefore, the Defendant's product does not belong to the technical scope of Inventions 2 and 3.

In addition, in this judgment, the court dismissed the claim of the Plaintiff, determining that the Defendant's product belongs to the technical scope of Invention 1, but that Patent 1 has grounds for invalidation due to the prior art effect.