

○ Procedure thereafter

Date for Settlement
Sep. 27, 2021

Consultation for Settlement

Termination of procedure for
Settlement

SCENE 2

3rd Date for Oral Argument

October 20, 2021

–Rendering of Judgement–

Rendering of Judgement

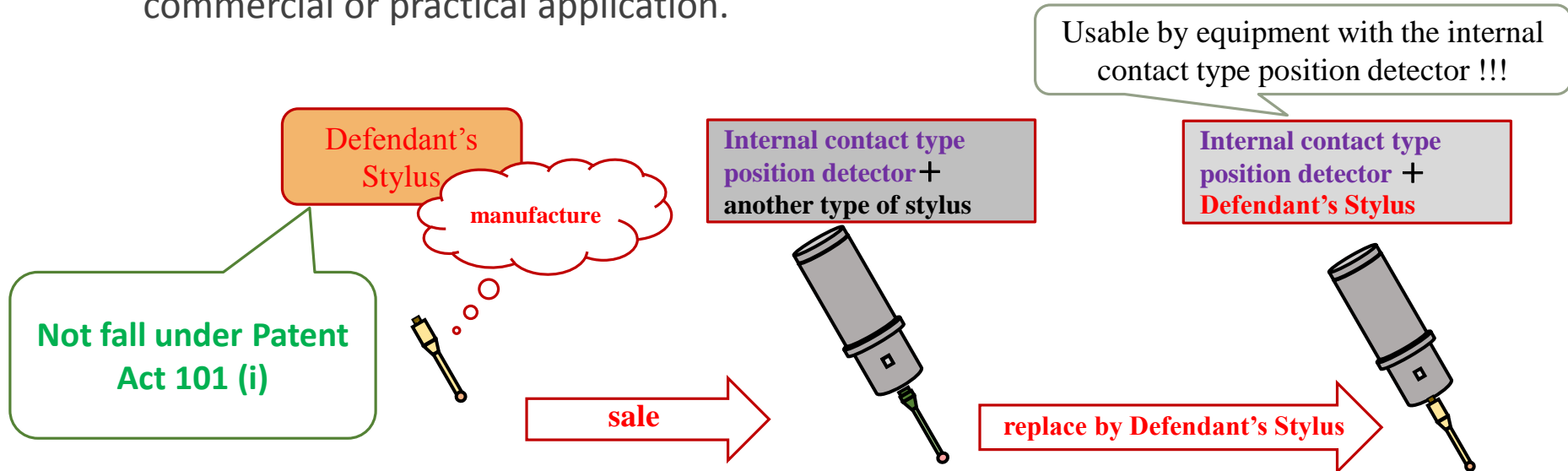
- Main Text

1. The defendant shall not manufacture or sell the Defendant's Styluses.
2. The remaining parts of the plaintiff's demand are dismissed with prejudice on the merits.
3. The court costs shall be divided into two equal parts, with the defendant to bear one half and the plaintiff to bear the other half.
4. This judgment may be provisionally enforced as far as paragraph 1 is concerned.

Summary of the reason

(Presence/absence of Indirect Infringement as to stylus)

- Using by attaching the Defendant's Stylus to the internal contact type position detector has the effect of preventing deterioration of position detection accuracy due to wear or deformation of the contacting portion. Therefore, it shall not to be determined that the use in such a way is not economical, commercial or practical application.



Summary of the reason

(Presence/absence of Indirect Infringement as to stylus)

- The Defendant's Stylus is a specially designed product compatible exclusively with the position detector manufactured by the defendant. Therefore, the Defendant's Stylus does not fall under "those widely distributed within Japan."
- The Defendant's Stylus falls under a product "indispensable for the resolution of the problem by the Present Invention."
- The defendant was notified by the plaintiff and is found to have become aware that it is highly probable that the Defendant's Stylus is used for the working of the Present Invention.

**Fall under Patent Act
101 (ii)**

Defendant's Stylus



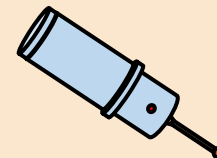
Summary of the reason

(Presence/absence of Indirect Infringement as to position detector (Form α))

- The Present Invention adopts “the structure that, in an energized type position detector, a contacting portion of the stylus is made of a non-magnetic material containing tungsten carbide and a nickel binder”. On the other hand, the main body of the Defendant’s Position Detector is an independent component that differs from the Defendant’s Stylus adopting the structure described above. Therefore, the main body shall not be an article “indispensable for the resolution of the problem” by the Present Invention.

Not fall under Patent Act 101 (ii)

Defendant’s Position Detector (Form α)



Summary of the reason

(Necessity of injunction)

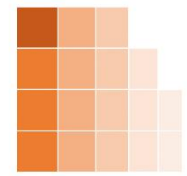
- Present circumstances show it is highly probable that acts such as assigning the Defendant's Styluses may induce infringement of the Plaintiff's Patent Right. In light of this fact, the necessity of injunction against the manufacture and sale of the Defendant's Styluses shall be recognized for the purpose of stopping and preventing infringement of the Plaintiff's Patent Right.

**Necessary to injunct the
manufacture and sale**

Defendant's Stylus



Thank you



IPHC