

## Flow of Procedures for a Patent / Utility Model Right Infringement Suit

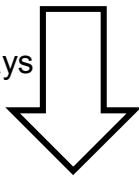
The IP Division of the Osaka District Court would like to request the parties to make substantial preparations in advance to each court date.

### Stage for examination on infringement

Start

#### Filing of the Complaint

30 days



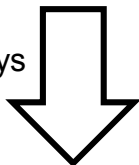
Plaintiff: Submit basic evidence  
(e.g. gazettes, patent registers, evidence relating to the infringement act, and evidence relating to negotiations)  
Defendant: Prepare for the written answer

Day 30

#### The First Oral Argument

Plaintiff: Present the written complaint  
Defendant: Present the written answer  
(Rebuttal to the Plaintiff's allegation that the accused product falls under the technical scope of the patent claims/registered utility model)

40 days



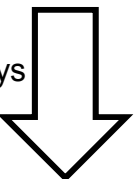
Defendant: Search for prior art (up to 90 days)  
Both parties: Prepare for allegations and evidence concerning technical scope

Day 70

#### The First Date for Preparatory Proceedings

Plaintiff: Brief No.1  
(Re-rebuttal to the Defendant's written answer concerning technical scope)  
(Defendant: Brief No.1)

40 days



Defendant: Prepare for allegations and evidence for invalidity defense

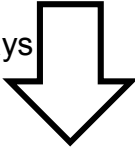
Day 110

**The Second Date for Preparatory Proceedings**

(Plaintiff: Brief No.2)  
Defendant: Brief No.2 (Invalidity defense)

In the second preparatory proceedings, the argument concerning technical scope will be completed.

40 days

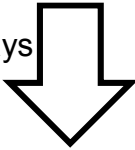


Day 150

**The Third Date for Preparatory Proceedings**

Plaintiff: Brief No.3  
(Rebuttal to the Defendant's Brief No.2 concerning invalidity)  
(Defendant: Brief No.3)

40 days



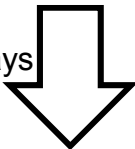
Day 190

**The Fourth Date for Preparatory Proceedings**

Defendant: Brief No.4  
(Re-rebuttal to the Plaintiff's Brief No.3 concerning invalidity)  
(Plaintiff: Brief No.4)

In the fourth preparatory proceedings, the argument concerning invalidity will be completed.

50 days



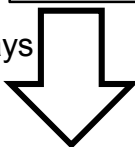
(Court: Designation of technical advisors)

Day 240

**The Fifth Date for Preparatory Proceedings**

Explanatory session

40 days

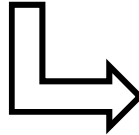
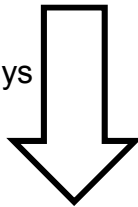


Day 280

**The Sixth Date for Preparatory Proceedings**

Court: Decision on infringement

30 days



A) The Second Oral Argument: Conclusion  
B) Settlement Process

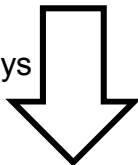
**Stage for examination on damages**

Day 310

**The Seventh Date for Preparatory Proceedings**

Defendant: Disclose sales and profit rate; disclose other basic evidence of sales  
Plaintiff: Organize allegations regarding damages; submit evidence

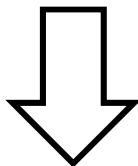
30 days



Day 340

**The Eighth Date for Preparatory Proceedings**

Both parties: Supplement allegations and evidence



A) The Second Oral Argument: Conclusion  
B) Settlement Process

(Revised in March 2013)