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Toyo Kitchen and Living v. Matsuoka Seisakujo  
IP High Court (January 31, 2011)

#### Factual Background

This is a patent infringement case, on appeal from the district court.  
The appellant, Toyo Kitchen and Living ( "Toyo" ), is the patentee of Japanese Patent No. 3169870 titled " Sink for Sink Cabinet" .  
The appellee, Matsuoka Seisakujo ( "Matsuoka" ), manufactured and sold a sink "3StepSink" and a system kitchen.

#### Disposition in the lower court and arguments on appeal

In the lower court, Toyo claimed that the sink and the system kitchen manufactured and sold by Matsuoka infringe the invention of their patent No. 3169870, and therefore demanded to suspend manufacturing, selling, and displaying for sales of the sink, to dispose the sink being manufacture, and to compensate for damages. However, the lower court rejected the demand of Toyo regarding the sink manufactured by Matsuoka saying that it does not belong to the technical scope of the present invention. As with the demand of Toyo regarding the system kitchen, the lower court ordered Matsuoka to pay for the damage.

On appeal, Toyo argued that the sink manufactured by Matsuoka fulfills the constituent features including the feature "... a rear-side wall surface between the upper step part and middle step part in said back wall surface being inclined surface which extends in rear direction towards the lower side" in claim 1 of the Patent No. 3169870, and therefore not only the system kitchen but also the sink of Matsuoka infringes their invention.

#### Issue

The issues in this case are (1) whether the above described feature is applicable for a case where the rear-side wall surface includes a vertical surface, and (2) whether "a shelf support part" in the sink of Matsuoka corresponds to the shape of the rear-side surface of the present invention which is inclined and extends in rear direction towards the lower side.

#### Holding and reasoning

The IP High Court reversed the ruling of the lower court regarding the sink of Matsuoka, and ordered Matsuoka not to manufacture, sell, or display for sale the sink "3StepSink" , to dispose the sink for the system kitchen, and to pay for the damage as ordered in the lower court.  
Although Matsuoka insisted that their inclined lower surface of their sink is for "shelf support part" and is not the back wall, the inclined rear-wall surface of the present invention is configured also for supporting the place (shelf). Thus, among the issues mentioned above, at least issue (2) is in favor of the appellant, Toyo, and the sink of Matsuoka clearly infringes the present patent of Toyo.