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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 a holder of the patent right ( "Toyo patent" ) having a title of the invention "Sink in Sink Cabinet". The appellee, Matsuoka Seisakujo ( "Matsuoka" ), is engaged in manufacturing and selling system kitchens ( "Matsuoka products" ).

Toyo seeks to prevent Matsuoka from manufacturing, selling, and displaying for selling Matsuoka products and to force it to dispose of the products it has, and seeks damages for the above patent infringement.

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

In the lower court, sinks of Matsuoka products did not fall within the technical scope of the Toyo patent and Toyo's claims with respect to Matsuoka products were rejected.

On appeal, Toyo seeks to cancel the unsuccessful portion of the lower court decision.

#### Issue

The issue in this case is whether or not sinks of Matsuoka products satisfy the structural requirement C1, "backward wall surface is an oblique one between the upper step portion and the middle step portion, gradually extending to the rear in reaching downward."

The appellee argues that structural requirement C1 is not satisfied if the structure includes a perpendicular surface. He also argues that the oblique surface is not recognized to be the "backward wall surface" if it is a portion of "lower of the protuberance of the shelf rest."

#### Holding and reasoning

The judges hold that sinks of Matsuoka products satisfy the structural requirement C1. They states that considering the description of the specification of Toyo patent, the shape of the backward wall surface is met, if the gap between the upper step portion and that between the middle step portion can be readily recognized to be the same between the upper step portion and the middle step portion, by using the oblique surface extending to the rear in reaching downward.

They reasons that in structural requirement C1, the shape of the backward wall surface is not required, without any exception of all surfaces between the upper step portion and the middle step portion, to be constituted by the oblique surface extending to the rear in reaching downward. They conclude that structural requirement C1 includes the thing that the gap between the upper step portion and that between the middle step portion can be readily recognized to be the same by identifying the portion of the wall surface between the upper step portion and the middle step portion as the oblique surface extending to the rear in reaching downward.