受験番号：18IPL004

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(yi) The plaintiff argues that: according to Figure 2 of each priority-application specification, the inclination angle of the spiral groove 27 is “approximately 20 degrees”; and it is obvious for those ordinarily skilled in the art to, in view of the disclosure of the drawings and the specifications, increase or decrease such "approximately 20 degrees" by 10 degrees so as to set the inclination angle within a range of 10 degrees to 30 degrees.

However, as described above, Figure 2 of each priority-application specification is merely an enlarged development view depicting the lower sliding portion of the clamp rod, i.e., a patent drawing depicting how the four guide grooves 26 are positioned. Therefore, Figure 2 is not identified with a design drawing or another drawing in which each guide groove is depicted so precisely that the dimensions and angles thereof are readable. Accordingly, it is not possible to read from such patent drawing the specific angle (i.e., the “approximately 20 degrees”) of the “spiral groove 27.”

Even if it is readable from Figure 2 above that the inclination angle of the spiral groove 27 is specifically "approximately 20 degrees," there is no suggestion in Figure 2 that the depicted inclination angle of the spiral groove 27 be a “median,” and thus there is no reason to appreciate the "approximately 20 degrees" as a “median.” Further, it is not reasonable, either, to understand that the "approximately 20 degrees" serving as a median is increased or decreased by 10 degrees so as to set the upper and lower limits to the inclination angle of the spiral groove 27 and to define the range of the inclination angle.

In conclusion, the range of the inclination angle with the "30 degrees" serving as the upper limit and the “10 degrees” serving as the lower limit is neither disclosed in nor obvious from any of the priority-application specifications.

(5) In sum, it is clear that none of the first to third priority-application specifications and the like, the priority of which is claimed by the patent 1, discloses the claimed limitation of the patent invention 1, which reads: "in the second sliding portion tightly fitted to and supported by the second end wall and provided with the three or four guide grooves, an inclination angle of the turning groove while outer circumferential surfaces of the second sliding portion are developed is set within 10 degrees to 30 degrees, and the minimum thickness of partition walls of the adjoining guide grooves is set to be smaller than a groove width of the guide grooves" (i.e., the configurations (1) and (2) above).

Therefore, in applying Articles 29bis, 29 and 39 of Patent Law to the patent invention 1, the claimed priority should not be considered (i.e., the application for the patent invention 1 should not be deemed to have been filed on the same date as the priority application), and thus the filing date on which the application for the patent 1 is actually filed (i.e., October 2, 2002) should serve as the reference date in the application of the above provisions.

(6) As stated in Section 2, Paragraph 1 (4) above, since the manufacturing and the distribution of the product A (i.e., the product obtained as the result

of practicing the patent invention 1) were commenced prior to the reference date as mentioned in the preceding Paragraph (5), the patent invention 1 is not novel as being manufactured and distributed (i.e., publicly practiced) prior to the filing.

In conclusion, the patent 1 should be invalidated through a patent invalidation trial under Article 123, Paragraph 1, Subparagraph 2 and Article 19, Paragraph 1, Subparagraph 2. Accordingly, the plaintiff may not enforce the patent right based on the patent 1 against the defendant, and therefore the plaintiff's claims are all moot, requiring no further examination.