Patent Act	Date	January 15, 2026	Court	Intellectual Property High Court, First Division
	Case number	2025 (Gyo-Ke) 10039		
- A case in which, in a lawsuit to seek rescission of a patent revocation decision based on an opposition to a granted patent with regard to a patent invention titled "ACTIVE ENERGY RAY-CURABLE RESIN COMPOSITION, HARD COAT LAMINATED FILM, AND FILM FOR EXTERIOR APPLICATION TO GLASS," the court rescinded the original decision that revoked the patent, holding that it cannot be deemed that there would have been a motivation to apply the disclosure of the secondary cited document to the primary cited invention.				

Case type: Rescission of Patent Revocation Decision

Result: Granted

References: Article 29, paragraph (2) of the Patent Act

Related rights, etc.: Patent No. 7353441

Original decision: Opposition No. 2024-700281

Summary of the Judgment

1 The Plaintiff is a patentee of Patent No. 7353441 (the Patent) with regard to an invention titled "ACTIVE ENERGY RAY-CURABLE RESIN COMPOSITION, HARD COAT LAMINATED FILM, AND FILM FOR EXTERIOR APPLICATION TO GLASS."

An opposition to a granted patent was filed against the Patent, and the Plaintiff filed a demand for correction, seeking to correct the scope of claims. The Japan Patent Office approved the above correction and rendered the Decision that "The patent with respect to Claims 1 to 7, 9, and 10 of Patent No. 7353441 shall be revoked. The patent with respect to Claim 8 of Patent No. 7353441 shall be maintained," on the grounds that Claims 1 to 7, 9, and 10 lack an inventive step.

The Plaintiff filed this lawsuit to seek rescission of the portion of the Decision that revoked the patent.

2 In this judgment, the court rescinded the Decision, holding that grounds for rescission asserted by the Plaintiff were well-founded, for the reasons summarized below.

The problem of the Exhibit Ko 2 Invention, which is the primary cited invention, is to provide a film for exterior application to glass, which exhibits excellent ultraviolet absorbing property, heat ray absorbing property, scratch resistance, transparency, weather resistance, and coating film adhesion, and in order to solve this, the Exhibit Ko 2 Invention adopts a configuration of a film for exterior application to glass, the film

comprising a polyethylene terephthalate film having an anchor coat layer and a hard coat layer laminated on one surface thereof, and a back surface coat layer containing a heat ray absorber and a pressure-sensitive adhesive layer laminated on the other surface thereof, wherein an ultraviolet absorber is incorporated into all of the polyethylene terephthalate film, the anchor coat layer, and the hard coat layer, the maximum absorption wavelength of the ultraviolet absorber is set within a specific range in each layer, and the ultraviolet absorber is bonded to the resin component in the hard coat layer. Here, Exhibit Ko 2 discloses that the ultraviolet absorber used for the anchor coat may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less; however, benzophenone-based ultraviolet absorbers are preferred.

On the other hand, Exhibit Ko 1, which is the secondary cited document, contains no disclosure from which the maximum absorption wavelength of "2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole," which corresponds to an ultraviolet absorber, can be read.

Then, even if a person ordinarily skilled in the art who had read Exhibit Ko 2, which teaches that the ultraviolet absorber used for the anchor coat may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less, had read the disclosure of Exhibit Ko 1, it cannot be deemed that there would have been a motivation to adopt the Exhibit Ko 1 absorber, whose maximum absorption wavelength is unclear, as the ultraviolet absorber used for the anchor coat of the Exhibit Ko 2 Invention. Furthermore, no common general technical knowledge or the like that would affect this determination can be found.

Therefore, it cannot be deemed that, as of the Priority Date, a person ordinarily skilled in the art could have easily conceived of the configuration of Corrected Invention 1 pertaining to Difference 2 on the basis of the Exhibit Ko 2 Invention and the disclosure of Exhibit Ko 1. Accordingly, the Decision, which held that the above configuration could have been easily conceived of, is erroneous.

End of Document

Judgment rendered on January 15, 2026
2025 (Gyo-Ke) 10039 Case of Seeking Rescission of Patent Revocation Decision
Date of Conclusion of Oral Argument: November 19, 2025

Judgment

Plaintiff: Riken Technos Corporation

(omitted)

Defendant: Commissioner of the Japan Patent Office

(omitted)

Main text

1. The portion of the decision rendered by the Japan Patent Office on March 21, 2025 on Opposition No. 2024-700281 that revoked the patent with respect to Claims 1 to 7, 9, and 10 of Patent No. 7353441 shall be rescinded.
2. The Defendant shall bear the court costs.

Facts and reasons

No. 1 Claim

The same gist as the main text.

No. 2 Outline of the case

The present case is one in which the Plaintiff seeks rescission of a decision to revoke a patent based on an opposition to a granted patent.

1. Outline of procedures, etc. at the JPO

(1) Patent of the case

The Plaintiff filed a patent application (Patent Application No. 2018-82694) with respect to an invention titled "ACTIVE ENERGY RAY-CURABLE RESIN COMPOSITION, HARD COAT LAMINATED FILM, AND FILM FOR EXTERIOR APPLICATION TO GLASS" on April 24, 2018 (priority claimed, the priority date is May 30, 2017, hereinafter referred to as the "Priority Date"). Further, the Plaintiff filed a new patent application (Patent Application No. 2022-125981) with respect to a

portion of the above patent application on August 8, 2022 and obtained registration of establishment of a patent right (Patent No. 7353441, number of claims: 10; hereinafter, this patent is referred to as the "Patent") on September 21, 2023. On the 29th of the same month, the Patent Gazette was published (Exhibit Ko 8).

(2) Opposition to granted patent

On March 28, 2024, an opposition to a granted patent was filed against the Patent (covering all claims) (Opposition No. 2024-700281).

In the proceedings of the above patent opposition, the Plaintiff filed a demand for correction on December 10, 2024, seeking to correct the scope of claims (Claims 1 to 10) of the Patent (Exhibit Ko 9; hereinafter, this correction is referred to as the "Correction").

On March 21, 2025, the Japan Patent Office approved the Correction and rendered a decision (hereinafter referred to as the "Decision") that "The patent with respect to Claims 1 to 7, 9, and 10 of Patent No. 7353441 shall be revoked. The patent with respect to Claim 8 of Patent No. 7353441 shall be maintained." On the 28th of the same month, a copy of the Decision was served on the Plaintiff.

On April 24, 2025, the Plaintiff filed this lawsuit against the portion of the Decision that revoked the patent with respect to Claims 1 to 7, 9, and 10.

2. Recitation of the scope of claims

The recitation of the scope of claims after the Correction of the Patent is as set forth in the Attachment (Recitation of Scope of Claims After the Correction) (hereinafter, each invention recited in the claims after the Correction is referred to as "Corrected Invention 1" or the like according to the claim number).

3. Gist of reasons given in the JPO decision

(1) Exhibit Ko 2 Invention

Exhibit Ko 2 (Unexamined Patent Application Publication No. 2013-216774; hereinafter, paragraph numbers and the like in this publication are indicated in [ ]), which was published prior to the Priority Date, discloses the following invention (expressed as "Cited Invention 2" in the Decision; hereinafter referred to as "Exhibit Ko 2 Invention" in this judgment).

"A film for exterior application to glass, which is to be adhered to an outdoor-side glass surface, the film comprising:

a polyethylene terephthalate film containing an ultraviolet absorber;

an anchor coat layer containing an ultraviolet absorber having a maximum absorption wavelength of 360 nm or more and 400 nm or less, and a hard coat layer containing an ultraviolet absorber having a maximum absorption wavelength of 200 nm or more and less than 360 nm and a resin component, wherein the anchor coat layer and the hard coat layer are laminated in this order on one surface of the polyethylene terephthalate film; and

a back surface coat layer containing a heat ray absorber, and a pressure-sensitive adhesive layer, wherein the back surface coat layer and the pressure-sensitive adhesive layer are laminated in this order on the other surface of the polyethylene terephthalate film, wherein

the ultraviolet absorber in the hard coat layer is bonded to the resin component."

(2) Comparison of Corrected Invention 1 with Exhibit Ko 2 Invention

When Corrected Invention 1 is compared with the Exhibit Ko 2 Invention, a common feature and differences are found as follows.

A. Common feature

"A hard coat laminated film, comprising:

a hard coat;

an anchor coat; and

a resin film layer

in order from a surface on a side upon which sunlight is incident in an actual state of use, wherein

the hard coat forms the surface on the side upon which sunlight is incident in the actual state of use."

B. Difference 1

In Corrected Invention 1, "the hard coat is formed of a first coating material comprising a polymer (A) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol%" "(provided that a hard coat containing, as a resin component, an organic-inorganic composite in which an inorganic component is bonded to an organic backbone is excluded from the hard coat)." In contrast, in the Exhibit Ko 2 Invention, the "hard coat layer" "contain"s "an ultraviolet absorber having a maximum absorption wavelength of 200 nm or more and less than 360 nm and a resin component," "wherein the ultraviolet absorber in the hard

coat layer is bonded to the resin component."

C. Difference 2

In Corrected Invention 1, "the anchor coat is formed of a second coating material comprising a polymer (P) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol%, provided that a polymer obtained by polymerizing a monomer having a reactive silyl group in an amount of from 50 to 90 mass%, with all monomer components being taken as 100 mass%, is excluded from the polymer (P)." In contrast, in the Exhibit Ko 2 Invention, the "anchor coat layer" "contain"s "an ultraviolet absorber having a maximum absorption wavelength of 360 nm or more and 400 nm or less."

(3) Disclosure of Exhibit Ko 1

Exhibit Ko 1 (Unexamined Patent Application Publication No. 2001-246687), which was published prior to the Priority Date, discloses the following matter (expressed as the "disclosure of Cited Document 1" in the Decision; hereinafter referred to as the "disclosure of Exhibit Ko 1" in this judgment).

"A laminated film for a photocatalyst coating, the film comprising:

a biaxially oriented polyethylene terephthalate film;

an ultraviolet absorbing layer (A); and

a weather-resistant surface-hardening layer (B) that also serves as an ultraviolet absorbing layer, wherein

the layers (A) and (B) are formed on a side of the film upon which sunlight is incident; and

a coating composition of the layer (A) contains 95 parts of methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%), 4 parts of a modified saturated polyester resin, and 1 part of a methylated melamine resin."

(4) Regarding Difference 1

Referring to the disclosure in [0016] of Exhibit Ko 2, a person ordinarily skilled in the art could have appropriately modified the "ultraviolet absorber" in the "hard coat layer" of the Exhibit Ko 2 Invention to include a structural unit derived from an acrylate having a known backbone such as a benzophenone-based or benzotriazole-based

backbone.

In doing so, the amount of the structural unit to be included could be appropriately determined by a person ordinarily skilled in the art, and there would have been no particular difficulty in making the structural unit included in the amount of Corrected Invention 1 pertaining to Difference 1.

In addition, there would have been no particular difficulty in excluding the configuration excluded in Corrected Invention 1 pertaining to Difference 1.

(5) Regarding Difference 2

The disclosure "a coating composition of the layer (A) contains 95 parts of methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%), 4 parts of a modified saturated polyester resin, and 1 part of a methylated melamine resin" of Exhibit Ko 1 and the matter "the anchor coat ... (omitted) ... is excluded from the polymer (P)" of Corrected Invention 1 share the common feature "the anchor coat is formed of a second coating material comprising a polymer (P) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule; provided that a polymer obtained by polymerizing a monomer having a reactive silyl group in an amount of from 50 to 90 mass%, with all monomer components being taken as 100 mass%, is excluded from the polymer (P)." Then, when expressed using the terms of Corrected Invention 1, the disclosure of Exhibit Ko 1 can be deemed to be that "the film comprising a hard coat, an anchor coat, and a resin film layer in order from a side upon which sunlight is incident in an actual state of use; the anchor coat is formed of a second coating material comprising a polymer (P) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule; provided that a polymer obtained by polymerizing a monomer having a reactive silyl group in an amount of from 50 to 90 mass%, with all monomer components being taken as 100 mass%, is excluded from the polymer (P)."

In both of the Exhibit Ko 2 Invention and the disclosure of Exhibit Ko 1, in a hard coat laminated film comprising a hard coat, an anchor coat, and a resin film layer in order from a side upon which sunlight is incident in an actual state of use, the anchor coat has a function of absorbing ultraviolet rays. Thus, as the anchor coat in the Exhibit Ko 2 Invention, a person ordinarily skilled in the art could have easily

conceived of adopting the anchor coat disclosed in Exhibit Ko 1.

In doing so, a person ordinarily skilled in the art could have appropriately determined to include the structural unit in the amount of Corrected Invention 1 pertaining to Difference 2.

In addition, there would have been no particular difficulty in excluding the configuration excluded in Corrected Invention 1 pertaining to Difference 2.

(6) Summary regarding Corrected Invention 1

Accordingly, Corrected Invention 1 could have been easily made by a person ordinarily skilled in the art on the basis of the Exhibit Ko 2 Invention and the disclosure of Exhibit Ko 1.

(7) Corrected Inventions 2 to 7, 9, and 10

Corrected Inventions 2 to 7, 9, and 10 could also have been easily made by a person ordinarily skilled in the art on the basis of the Exhibit Ko 2 Invention, the disclosure of Exhibit Ko 1, and well-known art.

(omitted)

No. 5 Judgment of this court

1. Ground 1 for Rescission (Erroneous determination of inventive step of Corrected Invention 1)

(1) Corrected Invention 1

Corrected Invention 1 is as follows (Exhibits Ko 8 and 9):

"A hard coat laminated film, comprising:

a hard coat;

an anchor coat; and

a resin film layer

in order from a surface on a side upon which sunlight is incident in an actual state of use, wherein

the hard coat forms the surface on the side upon which sunlight is incident in the actual state of use;

the hard coat is formed of a first coating material comprising a polymer (A) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an

amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol% (provided that a hard coat containing, as a resin component, an organic-inorganic composite in which an inorganic component is bonded to an organic backbone is excluded from the hard coat); and

the anchor coat is formed of a second coating material comprising a polymer (P) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol%, provided that a polymer obtained by polymerizing a monomer having a reactive silyl group in an amount of from 50 to 90 mass%, with all monomer components being taken as 100 mass%, is excluded from the polymer (P)."

(2) Exhibit Ko 2 Invention

It can be recognized that Exhibit Ko 2 (Unexamined Patent Application Publication No. 2013-216774), which was published prior to the Priority Date, discloses the Exhibit Ko 2 Invention as found by the Decision (see No. 2, 3(1) above).

(3) Comparison of Corrected Invention 1 with Exhibit Ko 2 Invention

When Corrected Invention 1 is compared with the Exhibit Ko 2 Invention, the common feature and Differences 1 and 2 as found by the Decision can be recognized (see No. 2, 3(2) above).

(4) Examination of Difference 2

A. Disclosure of Exhibit Ko 2

Exhibit Ko 2, in summary, contains the following disclosure.

(a) The present invention relates to a film for exterior application to glass, which is to be adhered to an outdoor-side glass surface. ([0001])

(b) Conventionally, in order to prevent ultraviolet and infrared rays from entering indoor spaces, a method has been employed in which films with a function to block ultraviolet and infrared rays are applied to glass surfaces. Such films are typically applied to indoor-side glass surfaces in order to prevent accelerated deterioration caused by direct exposure to sunlight. For the convenience of application work, there has been growing demand for films to be adhered to outdoor-side glass surfaces. However, these films have not demonstrated the expected levels of ultraviolet and heat-absorbing effects, and there has been room for improvement in terms of scratch

resistance, shatterproof property, transparency, weather resistance, and coating film adhesion as well. ([0002] to [0005])

(c) An object of the present invention is to solve the conventional problem described above and to provide a film for exterior application to glass, which exhibits excellent ultraviolet absorbing property, heat ray absorbing property, scratch resistance, transparency, weather resistance, and coating film adhesion, as well as a method for producing the same. ([0007])

(d) As a means for solving the problem, the present inventor has found that the above problem can be solved by laminating an anchor coat layer and a hard coat layer on one side of a polyethylene terephthalate film, laminating a back surface coat layer containing a heat ray absorber, and a pressure-sensitive adhesive layer on the other side of the polyethylene terephthalate film, incorporating an ultraviolet absorber into all of the polyethylene terephthalate film, the anchor coat layer, and the hard coat layer, setting the maximum absorption wavelength of the ultraviolet absorber in the anchor coat layer and the hard coat layer within a specific range for each layer, and bonding the ultraviolet absorber in the hard coat layer to the resin components.

The present invention is a film for exterior application to glass, which is to be adhered to an outdoor-side glass surface, the film comprising: a polyethylene terephthalate film containing an ultraviolet absorber; an anchor coat layer containing an ultraviolet absorber having a maximum absorption wavelength of 360 nm or more and 400 nm or less, and a hard coat layer containing an ultraviolet absorber having a maximum absorption wavelength of 200 nm or more and less than 360 nm and a resin component, wherein the anchor coat layer and the hard coat layer are laminated in this order on one surface of the polyethylene terephthalate film; and a back surface coat layer containing a heat ray absorber, and a pressure-sensitive adhesive layer, wherein the back surface coat layer and the pressure-sensitive adhesive layer are laminated in this order on the other surface of the polyethylene terephthalate film, wherein the ultraviolet absorber in the hard coat layer is bonded to the resin component. ([0008] to [0009])

(e) According to the present invention, there can be obtained a film for exterior application to glass that exhibits excellent ultraviolet absorbing property, heat ray absorbing property, scratch resistance, shatterproof property, transparency, weather resistance, and coating film adhesion. ([0010])

(f) Among the embodiments of the invention, the anchor coat layer is a coating layer containing an ultraviolet absorber having a maximum absorption wavelength of 360 nm or more and 400 nm or less.

The ultraviolet absorber used in the anchor coat layer may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less; however, benzophenone-based ultraviolet absorbers are preferred. Examples of the benzophenone-based ultraviolet absorbers include 2,4-dihydroxybenzophenone, 2-hydroxy-4-methoxybenzophenone, 2-hydroxy-4-n-octoxybenzophenone, 2-hydroxy-4-dodecyloxybenzophenone, 2-hydroxy-4-octadecyloxybenzophenone, 2,2'-dihydroxy-4-methoxybenzophenone, 2,2'-dihydroxy-4,4'-dimethoxybenzophenone, and 2,2',4,4'-tetrahydroxybenzophenone. ([0015])

B. Examination

Regarding Difference 2, the Plaintiff argues that, in the Exhibit Ko 2 Invention, the maximum absorption wavelength of the ultraviolet absorber included in the anchor coat layer being "360 nm or more and 400 nm or less" is an essential constituent feature, and omitting this essential constituent feature would defeat the object of the Exhibit Ko 2 Invention, thus a person ordinarily skilled in the art would not have attempted to adopt the Exhibit Ko 1 absorber, which lacks a disclosure of the maximum absorption wavelength, in the Exhibit Ko 2 Invention, which requires a numerical range for the maximum absorption wavelength as an essential constituent feature, and therefore, there would have been no motivation to apply the disclosure of Exhibit Ko 1 to the Exhibit Ko 2 Invention.

Upon examination, according to the disclosure of Exhibit Ko 2 as found in A above, the following can be pointed out.

That is, the problem of the Exhibit Ko 2 Invention is to provide a film for exterior application to glass, which exhibits excellent ultraviolet absorbing property, heat ray absorbing property, scratch resistance, transparency, weather resistance, and coating film adhesion, and in order to solve this, the Exhibit Ko 2 Invention adopts the configuration of a film for exterior application to glass, the film comprising a polyethylene terephthalate film having an anchor coat layer and a hard coat layer laminated on one surface thereof, and a back surface coat layer containing a heat ray absorber and a pressure-sensitive adhesive layer laminated on the other surface thereof, wherein an ultraviolet absorber is incorporated into all of the polyethylene terephthalate film, the anchor coat layer, and the hard coat layer, the maximum absorption wavelength of the ultraviolet absorber is set within a specific range in each layer, specifically, 360 nm or more and 400 nm or less in the anchor coat layer and 200 nm or more and less than 360 nm in the hard coat layer, and the ultraviolet absorber is bonded to the resin component in the hard coat layer.

Here, Exhibit Ko 2 discloses that the ultraviolet absorber used for the anchor

coat may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less; however, benzophenone-based ultraviolet absorbers are preferred.

On the other hand, Exhibit Ko 1 discloses, as a working example, a laminated film for a photocatalyst coating having a configuration in which a layer A (ultraviolet absorbing layer) and a layer B (weather-resistant surface-hardening layer) are laminated in this order on one surface of a polyethylene terephthalate film, wherein a coating composition of the layer A contains "methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%)" (this corresponds to "a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone" of Corrected Invention 1 pertaining to Difference 2). However, Exhibit Ko 1 contains no disclosure from which the maximum absorption wavelength of "2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole" (Exhibit Ko 1 absorber), which corresponds to an ultraviolet absorber, can be read.

Then, even if a person ordinarily skilled in the art who had read Exhibit Ko 2, which teaches that the ultraviolet absorber used for the anchor coat may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less, had read the disclosure of Exhibit Ko 1, it cannot be deemed that there would have been a motivation to adopt the Exhibit Ko 1 absorber, whose maximum absorption wavelength is unclear, as the ultraviolet absorber used for the anchor coat of the Exhibit Ko 2 Invention. Furthermore, no common general technical knowledge or the like that would affect this determination can be found.

Therefore, it cannot be deemed that, as of the Priority Date, a person ordinarily skilled in the art could have easily conceived of the configuration of Corrected Invention 1 pertaining to Difference 2 on the basis of the Exhibit Ko 2 Invention and the disclosure of Exhibit Ko 1. Accordingly, the Decision, which held that the above configuration could have been easily conceived of, is erroneous.

(5) Defendant's arguments

A. The Defendant argues that the Decision determined that, as the ultraviolet absorber for the anchor coat in the Exhibit Ko 2 Invention, it would have been easily conceivable to adopt an acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer such as "methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%)" disclosed in

Exhibit Ko 1, thereby disputing the premise of the Plaintiff's arguments. In addition, the Defendant argues that the configuration of Corrected Invention 1 pertaining to Difference 2 could have been easily conceived of on the basis of the Exhibit Ko 2 Invention and the disclosure of Exhibit Ko 1.

However, the determination pertaining to Difference 2 by the Decision is that "as the anchor coat in the Exhibit Ko 2 Invention, a person ordinarily skilled in the art could have easily conceived of adopting the anchor coat disclosed in Exhibit Ko 1," as mentioned in No. 2, 3(5). Here, the disclosure of Exhibit Ko 1 refers to a matter relating to a coating composition of an ultraviolet absorbing layer (A) in a laminated film in which the layer (A) and a weather-resistant surface-hardening layer (B) that also serves as an ultraviolet absorbing layer are formed on the outer surface of a polyethylene terephthalate film, and Exhibit Ko 1 discloses that the coating composition "contains 95 parts of methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%), 4 parts of a modified saturated polyester resin, and 1 part of a methylated melamine resin," as mentioned in No. 2, 3(3) above. Nevertheless, the Decision contains no mention of adopting, as the "ultraviolet absorber" in the Exhibit Ko 2 Invention, an ultraviolet absorber such as "2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole" (Exhibit Ko 1 absorber) corresponding to an ultraviolet absorber in the disclosure of Exhibit Ko 1, or of adopting an "acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer." From the mere statement of such reasons, it is difficult to read the Decision as stating the reason that a person ordinarily skilled in the art could have easily conceived of adopting an acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer such as "methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%)" as the ultraviolet absorber for the anchor coat in the Exhibit Ko 2 Invention.

Even if this point is set aside, Exhibit Ko 2 discloses that the ultraviolet absorber used for the anchor coat layer may be appropriately selected from those having a maximum absorption wavelength of 360 nm or more and 400 nm or less; however, benzophenone-based ultraviolet absorbers are preferred. With respect to such Exhibit Ko 2 Invention, it can only be deemed that the logic of the Decision is unclear as to the reason why a motivation to adopt an acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer, the maximum absorption wavelength of which is unclear from the disclosure of Exhibit Ko 1 and which is not a benzophenone-based ultraviolet absorber, can be recognized.

Therefore, the Defendant's argument mentioned above is not acceptable.

B. The Defendant argues that, given that it was publicly known as of the Priority Date both that incorporating an ultraviolet absorber into a coating material for forming a coating film causes a bleed-out problem, and that this problem can be solved by using a polymer having an organic backbone with ultraviolet-absorbing ability, a person ordinarily skilled in the art could recognize that such a problem is also inherently present in the Exhibit Ko 2 Invention, and would thus be sufficiently motivated to adopt an acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer in the Exhibit Ko 2 Invention.

However, the Decision does not state any such reason in the first place. Moreover, even if such a problem and means for solving it had been publicly known, the Defendant's argument still fails to explain why an acrylic resin copolymerized with a benzotriazole-based ultraviolet-absorbing monomer should be adopted in preference to other alternatives.

Therefore, the Defendant's argument mentioned above is not acceptable.

C. The Defendant also argues that a motivation to apply the disclosure of Exhibit Ko 1 to the Exhibit Ko 2 Invention can be recognized, on the grounds that it cannot be affirmed that the "ultraviolet absorbing layer (A)" of Exhibit Ko 1 does not have adhesiveness, but rather it should be regarded as having normal adhesiveness that a laminated film for outdoor use should have; and that even if specific compounds other than "methyl methacrylate copolymerized with 2-(2'-hydroxy-5'-methacryloxyethylphenyl)-2H-benzotriazole (30 wt%)" cannot be identified from Exhibit Ko 1, it can be deemed that a person ordinarily skilled in the art would have naturally used a "modified saturated polyester resin" and a "methylated melamine resin" used for normal laminated films.

However, similarly to B above, the Decision does not state any such reason in the first place. Moreover, the Defendant's argument also fails to constitute a valid logic for a motivation to adopt any other configuration regarding the configuration of the Exhibit Ko 2 Invention.

Therefore, the Defendant's argument mentioned above is not acceptable.

(6) Summary

According to the above, the Decision erred in determining whether Difference 2 would have been easily conceivable, and this error affects the conclusion of the Decision. Thus, the Decision contains an illegality that warrants its rescission, without the need to examine Difference 1 between Corrected Invention 1 and the Exhibit Ko 2 Invention. Accordingly, Ground 1 for Rescission asserted by the

Plaintiff is well founded.

2. Grounds 2 to 7 for Rescission (Erroneous determination of inventive step of Corrected Inventions 2 to 7, 9, and 10)

When Corrected Inventions 2 to 7, 9, and 10 are compared with the Exhibit Ko 2 Invention, it is found that all the inventions differ in Difference 2 above. Furthermore, the Decision erred in determining whether Difference 2 would have been easily conceivable, and this error affects the conclusion of the Decision, as mentioned in 1 above.

Accordingly, without the need to examine the remaining differences, Grounds 2 to 7 for Rescission asserted by the Plaintiff are well-founded.

3. Conclusion

Based on the foregoing, without the need to determine the remaining grounds for rescission, the portion of the Decision that revoked the patent with respect to Claims 1 to 7, 9, and 10 of Patent No. 7353441 contains an illegality that warrants its rescission.

Accordingly, the judgment is rendered as mentioned in the main text.

Intellectual Property High Court, First Division

Presiding Judge
MASUDA Minoru

Judge
ITO Kiyotaka

Judge
AMANO Kenji

(Attachment)

Recitation of Scope of Claims After the Correction

[Claim 1]

A hard coat laminated film, comprising:

a hard coat;

an anchor coat; and

a resin film layer

in order from a surface on a side upon which sunlight is incident in an actual state of use, wherein

the hard coat forms the surface on the side upon which sunlight is incident in the actual state of use;

the hard coat is formed of a first coating material comprising a polymer (A) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol% (provided that a hard coat containing, as a resin component, an organic-inorganic composite in which an inorganic component is bonded to an organic backbone is excluded from the hard coat); and

the anchor coat is formed of a second coating material comprising a polymer (P) containing a structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of 1 mol% or more, with the sum of structural units derived from all constituent monomers being taken as 100 mol%,

provided that a polymer obtained by polymerizing a monomer having a reactive silyl group in an amount of from 50 to 90 mass%, with all monomer components being taken as 100 mass%, is excluded from the polymer (P).

[Claim 2]

The hard coat laminated film according to Claim 1, wherein the hard coat laminated film satisfies the following characteristics (i), (ii), and (iv):

(i) a visible light transmittance of 80% or more;

(ii) an ultraviolet transmittance of 1% or less; and

(iv) classification 4, classification 3, classification 2, classification 1, or classification 0 exhibited when (1) a test piece is set such that a hard coat side surface of the hard coat laminated film is an irradiated surface using a sunshine carbon arc type

weather resistance tester specified in JIS B7753:2007 in accordance with 6.10 weather resistance in JIS A5759:2016, and the test piece is subjected to an accelerated weather resistance treatment for 1000 hours under conditions shown in Table 11 of 6.10 weather resistance in JIS A5759:2016, and (2) the hard coat laminated film subjected to the accelerated weather resistance treatment is then subjected to a cross-cut test by making grid cuts on the hard coat laminated film from the hard coat surface side according to JIS K5600-5-6:1999.

[Claim 3]

The hard coat laminated film according to Claim 1 or 2, wherein the hard coat is formed of a coating material containing the polymer (A) and being free of inorganic particles.

[Claim 4]

The hard coat laminated film according to any one of Claims 1 to 3, wherein the polymer (P) that the second coating material comprises contains:

(p1) the structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule;

(p2) a structural unit derived from an alkyl (meth)acrylate; and

(p3) a structural unit derived from a hydroxy group-containing (meth)acrylate.

[Claim 5]

The hard coat laminated film according to any one of Claims 1 to 4, wherein the polymer (P) that the second coating material comprises contains:

(p1) the structural unit derived from a (meth)acrylate having one or more of one or more types of backbones selected from the group consisting of a benzotriazole backbone, a triazine backbone, and a benzophenone backbone per molecule in an amount of from 1 to 50 mol%;

(p2) a structural unit derived from an alkyl (meth)acrylate in an amount of from 30 to 95 mol%; and

(p3) a structural unit derived from a hydroxy group-containing (meth)acrylate in an amount of from 1 to 50 mol%,

with the sum of structural units derived from all constituent monomers being taken as 100 mol%.

[Claim 6]

The hard coat laminated film according to Claim 4 or 5, wherein (p2) the structural unit derived from an alkyl (meth)acrylate comprises a structural unit derived from methyl (meth)acrylate or a structural unit derived from ethyl (meth)acrylate.

[Claim 7]

The hard coat laminated film according to any one of Claims 1 to 6, wherein the second coating material further comprises a compound having two or more isocyanate groups per molecule in an amount of from 1 to 50 parts by mass with respect to 100 parts by mass of the polymer (P) that the second coating material comprises.

[Claim 8]

The hard coat laminated film according to any one of Claims 1 to 7, wherein the hard coat is formed of the first coating material comprising the polymer (A) and polyfunctional (meta)acrylate, wherein

the polymer (A) further comprises (a2) a structural unit derived from an alkyl (meth)acrylate, and (a3) a structural unit derived from a compound having one or more isocyanate groups per molecule.

[Claim 9]

A film for exterior application to glass, the film comprising the hard coat laminated film according to any one of Claims 1 to 8.

[Claim 10]

A film for exterior application to glass, the film comprising:

the hard coat laminated film according to any one of Claims 1 to 8; and

a pressure-sensitive adhesive layer on a surface opposite to a hard coat-formed side surface of the resin film layer that the hard coat laminated film comprises, wherein

the pressure-sensitive adhesive layer contains an ultraviolet absorber in an amount of from 0.01 to 50 parts by mass with respect to 100 parts by mass of a base resin of the pressure-sensitive adhesive layer.

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