Case Summary

Pony

The patent holder of the invention (“**Invention**”) regarding the lid used as the part of the storage container in which stored food can be heated in a microwave oven

- Patent No. JP20241024
- Date of filing 12/01/2008
- Registration Date 12/14/2009

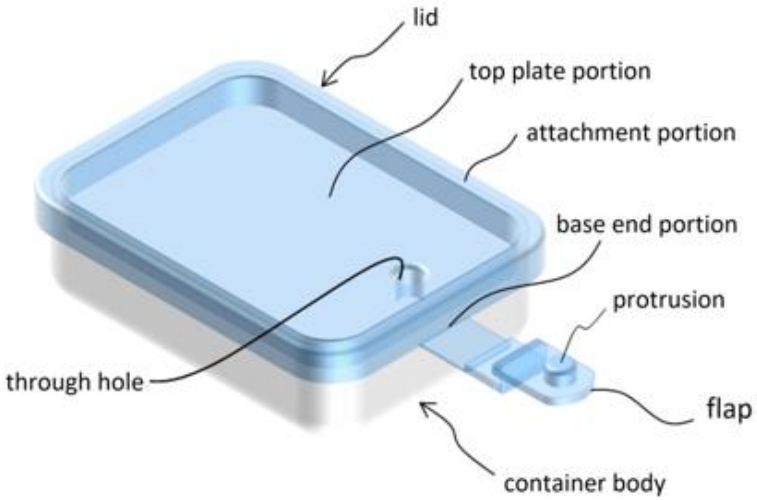
Donkey

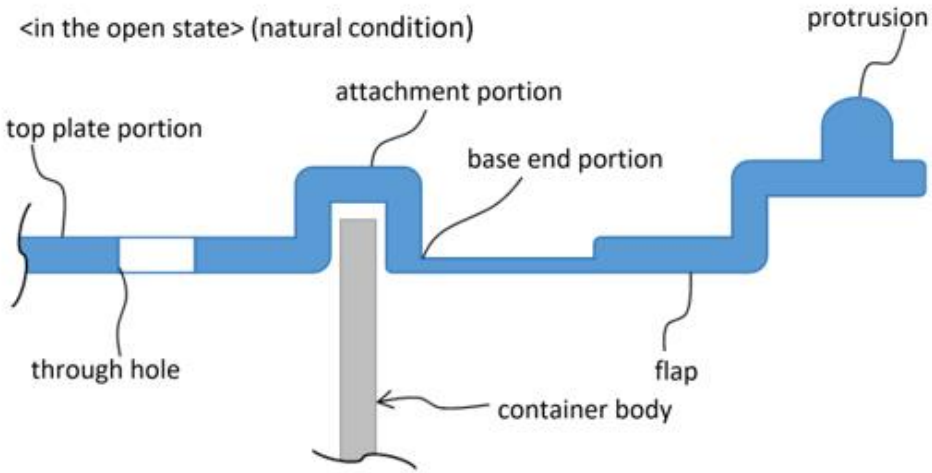
Donkey started to manufacture and sell lids (“**Defendant’s Product(s)**”) from 01/15/2024

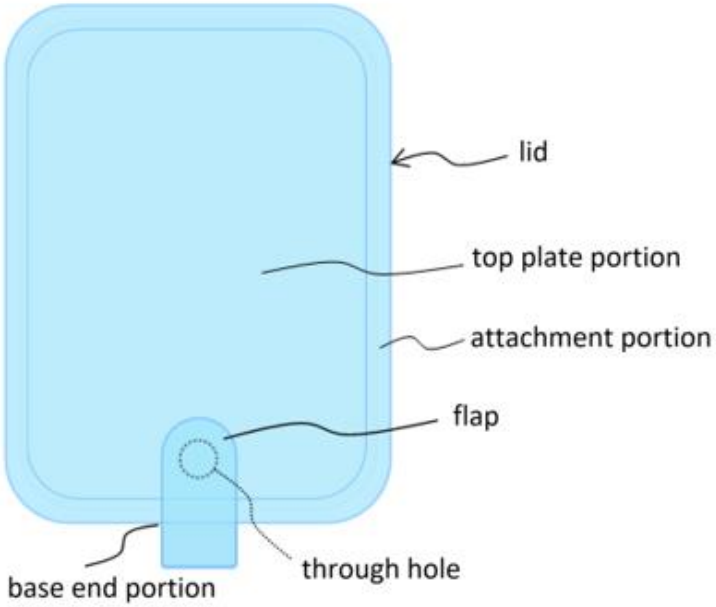
Pony filed a lawsuit against Donkey claiming for patent infringement;

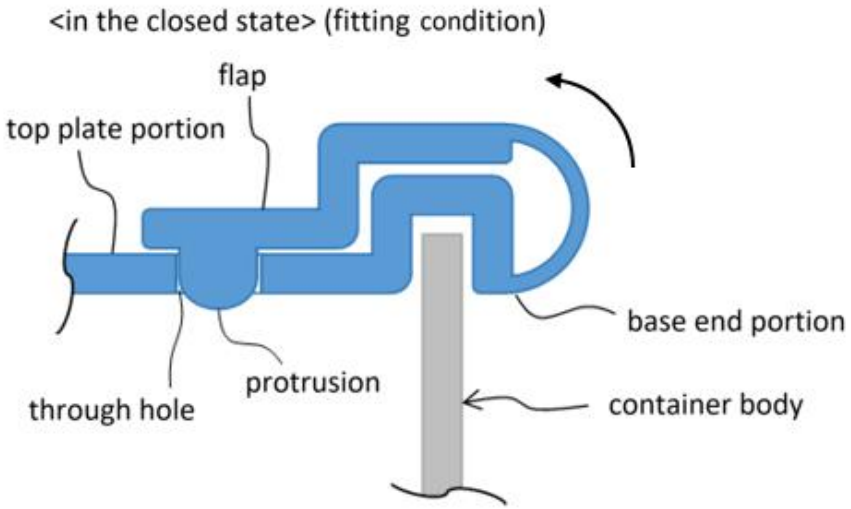
- Injunction of manufacture and sale of Defendant’s Products
- Damage

Prior Art

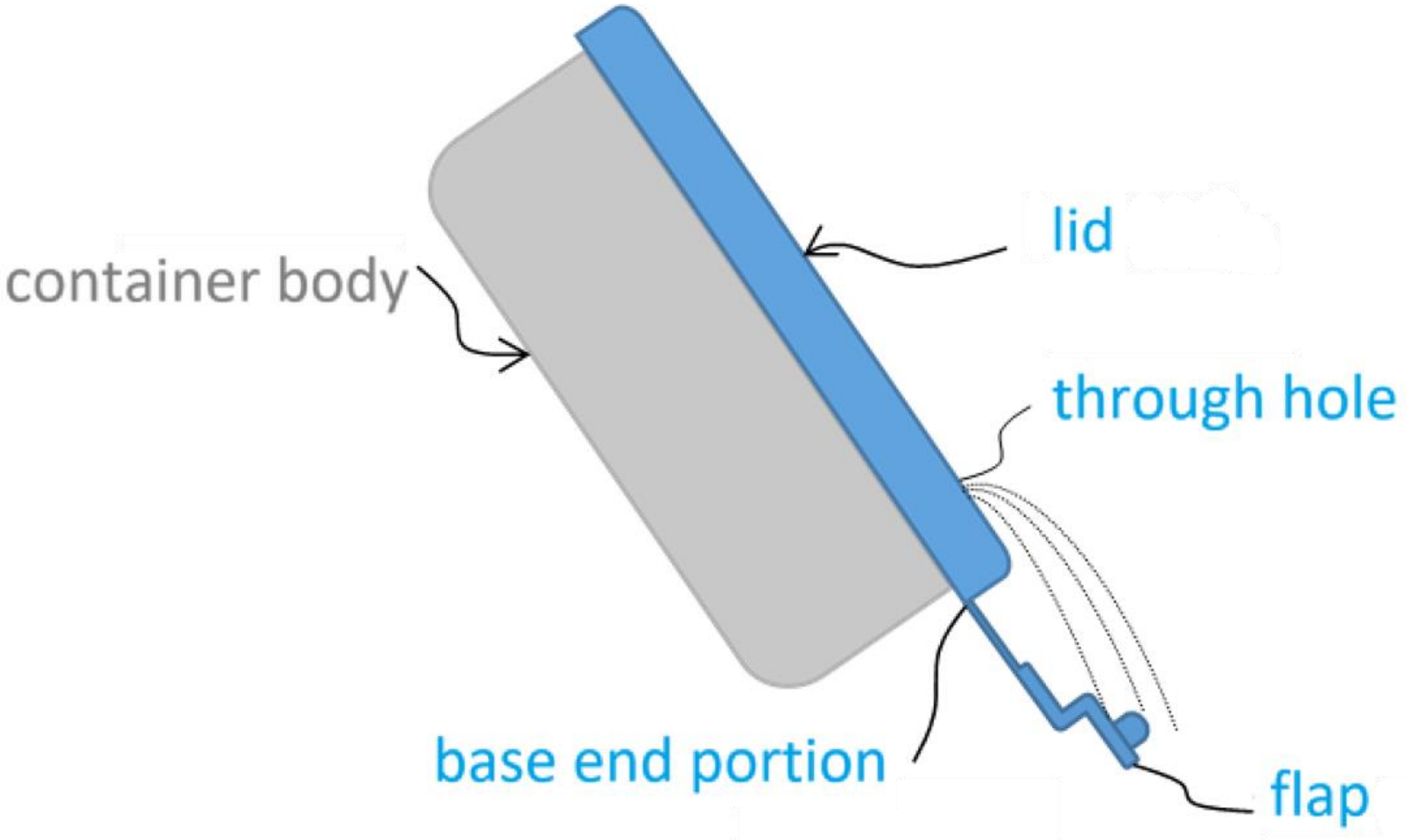

lid
top plate portion
attachment portion
base end portion
protrusion
through hole
flap
container body


<in the open state> (natural condition)
protrusion
attachment portion
top plate portion
base end portion
through hole
flap
container body


lid
top plate portion
attachment portion
flap
through hole
base end portion


<in the closed state> (fitting condition)
flap
top plate portion
base end portion
protrusion
through hole
container body

Prior Art



Problem of Prior Art & Purpose of the Invention

Problem:

- There are cases where it is desired to remove only the excess water that has accumulated in the storage container.
- In the conventional storage container, when tilted to drain water through the through hole, the flap was located below the through hole, so there was a problem in that the water drained from the through hole hits the flap and splatters.

Purpose:

- To provide a lid that can prevent water drained from the through hole from hitting the flap.

Scope of Claim

A A lid used as a part of a storage container in which stored food can be heated in a microwave oven, the lid comprising:

B a top plate portion that covers an opening of a container body forming a storage space and has a through hole formed therein;

C an attachment portion that is provided on an outer periphery of the top plate portion and is configured to be attachable to an upper edge that forms the opening of the container body; and

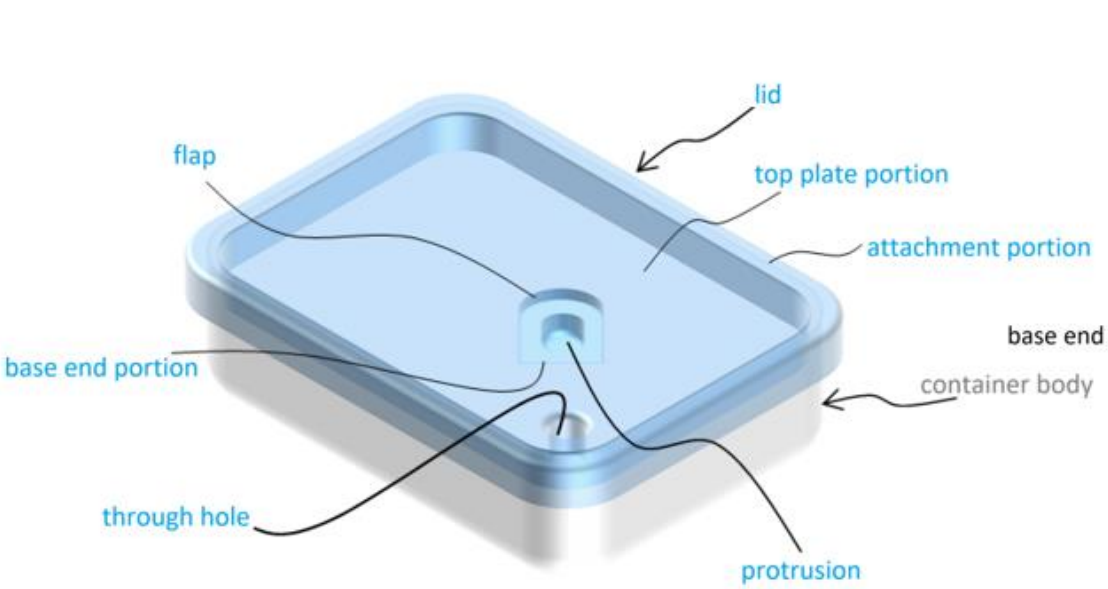
D a flap that is provided to be elastically deformable to rotate with respect to the top plate portion, and has a protrusion that can close the through hole,

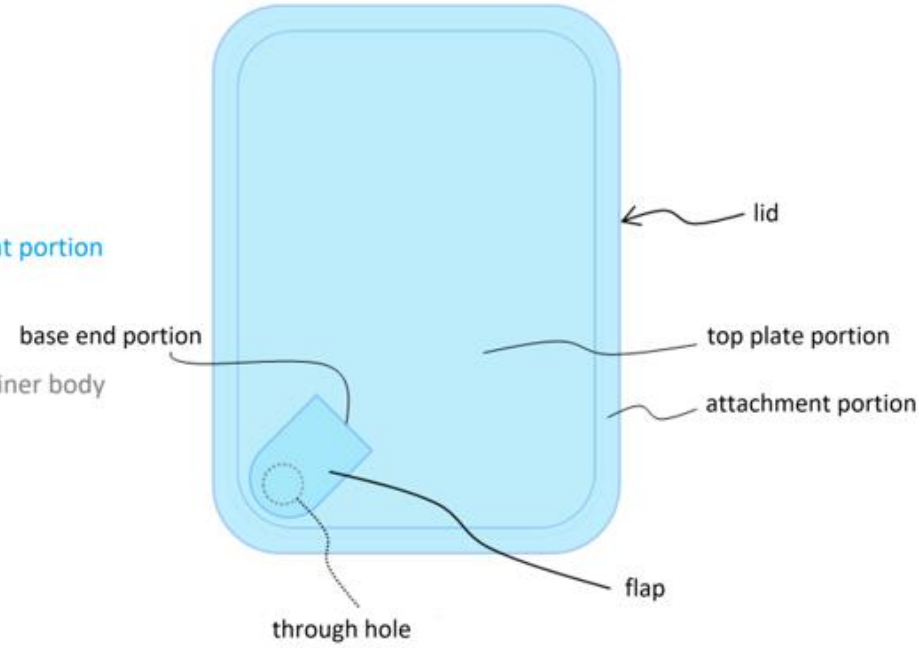
Scope of Claim

E wherein the flap is configured such that the protrusion is spaced apart from the through hole in a natural condition and the through hole is maintained in a closed state by the protrusion, and

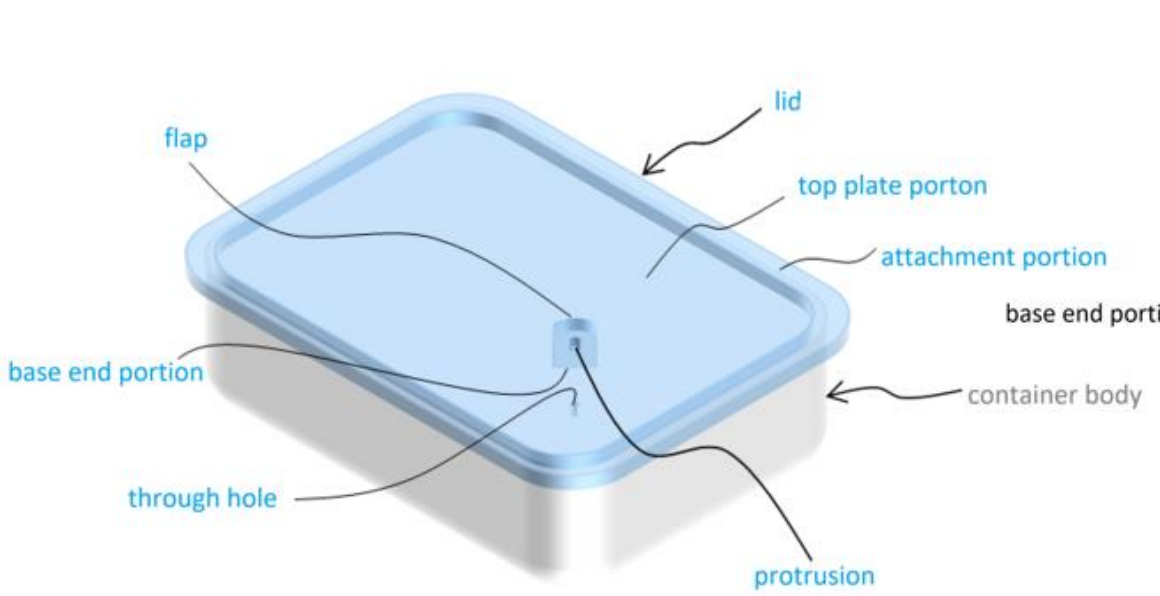
F wherein the through hole is formed outside a base end portion of the flap in plan view of the lid.

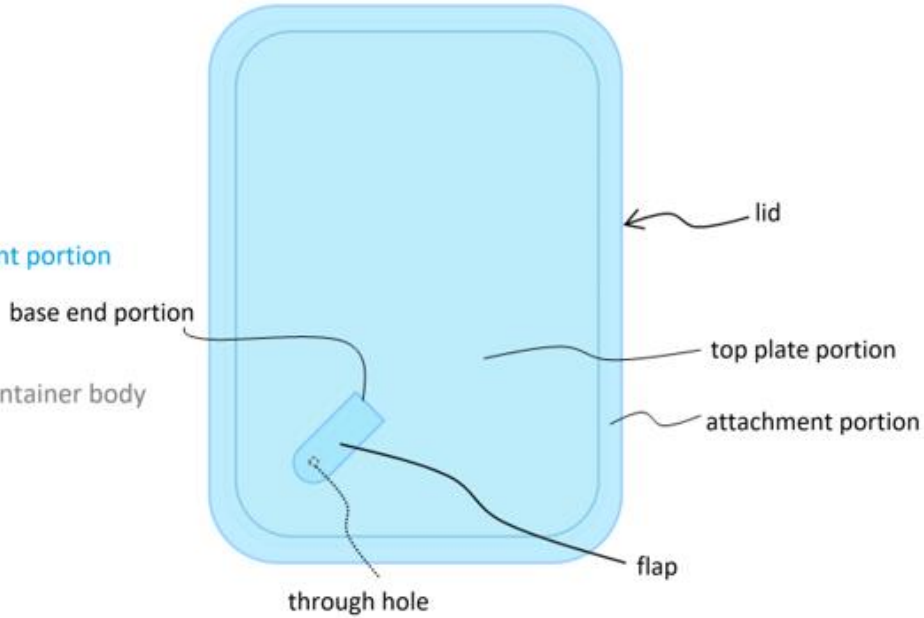
Invention


lid
flap
top plate portion
attachment portion
base end portion
container body
through hole
protrusion


lid
base end portion
top plate portion
attachment portion
flap
through hole

Defendant's Product





Allegation of Donkey (Defendant)

1 Defendant's Product does not fall into the scope of the Invention.

2 The Patent to the Invention should be invalidated due to obviousness.

※Item (1), Article 104-3 of the Patent Act of Japan…

In litigation involving the infringement of a patent right or the violation of an exclusive license, if it is found that the patent should be invalidated through a trial for patent invalidation or that the registration of patent term extension should be invalidated through a trial for invalidation concerning the registration of a patent term extension, the rights of the patentee or exclusive licensee may not be exercised against the adverse party.

Argument of fulfilment of patented elements

- **Allegation of Donkey**

The through hole of the Defendant's Product is small, only 3 mm in diameter, and is intended to prevent the pressure inside the storage container from increasing when heated in a microwave oven. It is not designed to drain water from inside the storage container. It took 60 seconds for the water to be discharged.

--> The problem to be solved by the Invention, "the water drained from the through hole hits the flap and splatters" does not arise, so the patented element is not fulfilled.

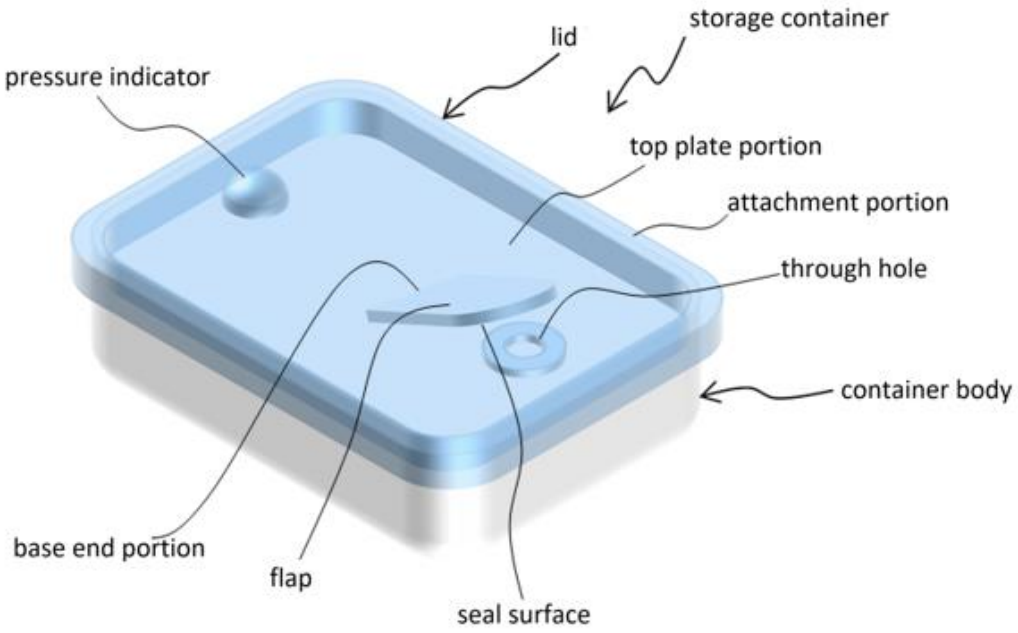
- **Allegation of Pony**

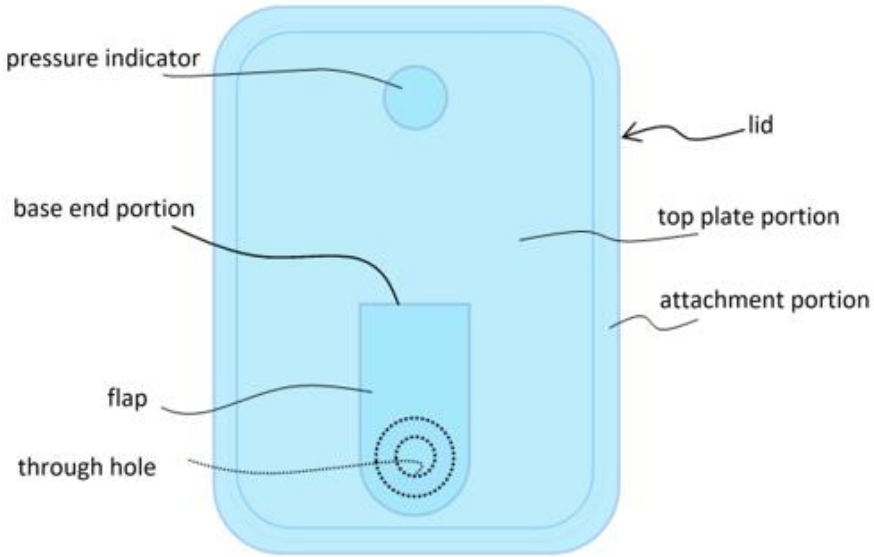
Claim 1 does not require as an patented element that water would be discharged through the through hole.

Even if this were considered as a requirement, the Defendant's Product allows a certain amount of water to be discharged even with the lid closed, and water can be discharged without any problem if a part of the lid is spaced apart.

First prior art invention on the Argument of Invalidity

(Specification of the US Patent Application Publication No. 2006/0077XX)





Difference 1 (not disputed)

- The Invention is used to heat food in a microwave oven, while the first prior art invention is used to defrost food in a microwave oven.

Difference 2 (not disputed)

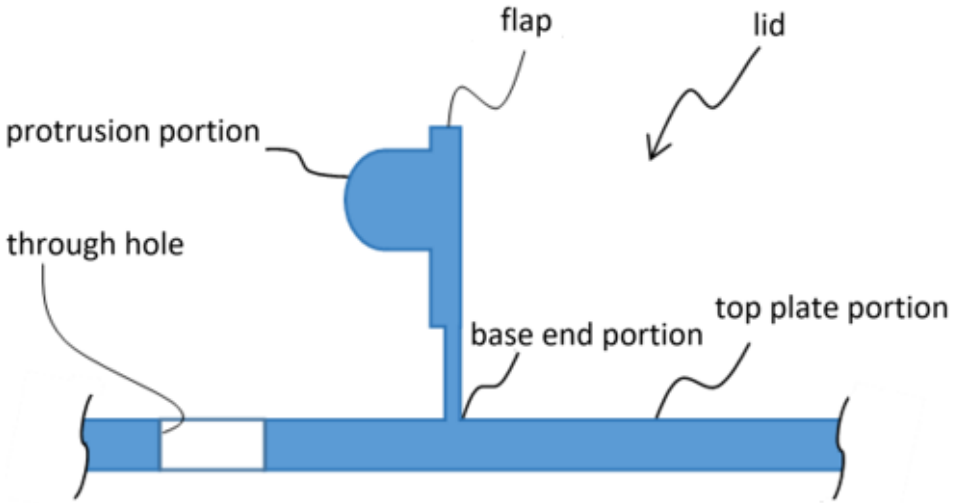
- The flap of the Invention has a protrusion that can close the through hole, and the protrusion is spaced apart from the through hole in the natural condition, and the closed state of the through hole is maintained by the protrusion, the flap of the first prior art invention has a seal surface that can close the through hole by adhering closely to the area around the through hole on the upper surface of the top plate portion, and the seal surface is in contact with the area around the through hole on the upper surface of the top plate portion in the natural condition. When the pressure inside the storage container is relatively lower than the pressure outside the storage container, the flap is pressed downward by the pressure difference, the seal surface adheres closely to the area around the through hole on the upper surface of the top plate portion, closing the through hole; on the other hand, when the pressure outside the storage container becomes relatively lower than the pressure inside the storage container, the flap is elastically deformed to rotate upward by the pressure difference, and the seal surface is spaced apart from the area around the through hole on the upper surface of the top plate portion, opening the through hole.

Summary of Difference 2 (not disputed)

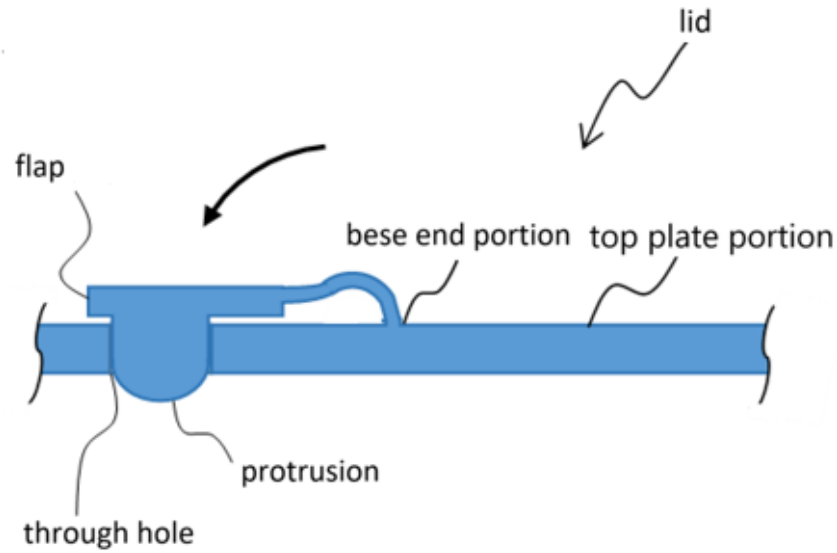
- (Summary) In the Invention, the through hole is manually opened and closed by a flap and the through hole is blocked by a protrusion on the flap, whereas in the first prior art invention, the through hole is blocked or opened depending on the pressure difference between inside and outside the storage container.

Difference2
(the Invention)

<Open State (natural condition)>

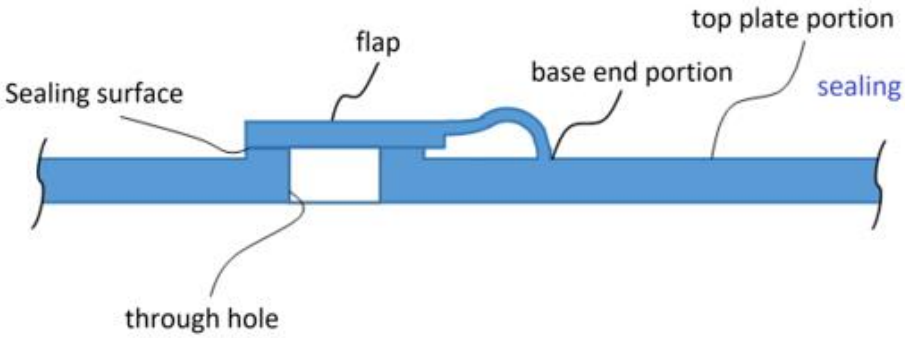


<Closed State (fitting condition)>



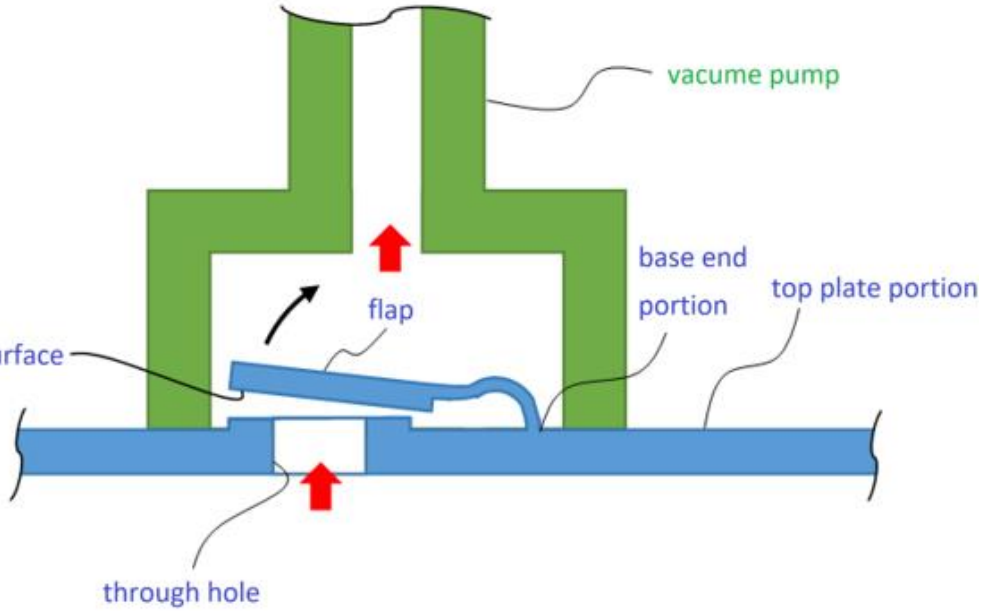
Difference2
(First prior art invention)

<Closed State (natural condition)>



<Open State

(pressure difference condition)>



Issues of Arguments of Invalidation

- **Donkey's Allegation**

1 About Difference 1

"Heating" is one aspect of "defrosting" and there is no substantial difference.

2 About Difference 2

i. The function of the flap to close the through hole is in common. The presence or absence of a protrusion is a design matter.

ii. flaps with protrusions that can close a through hole are well-known art.

- **Pony's Allegation**

1 About Difference 1

The first prior art invention which is made of "heat-resistant temperature range of -40 to 100° C" cannot be said to be suitable for "heating."

2 About Difference 2

i. The flaps of the first prior art invention and the Invention have completely different functions and mechanism.

ii. This teaches away from replacing the flap of the first prior art invention with that of the Invention.