

研究報告

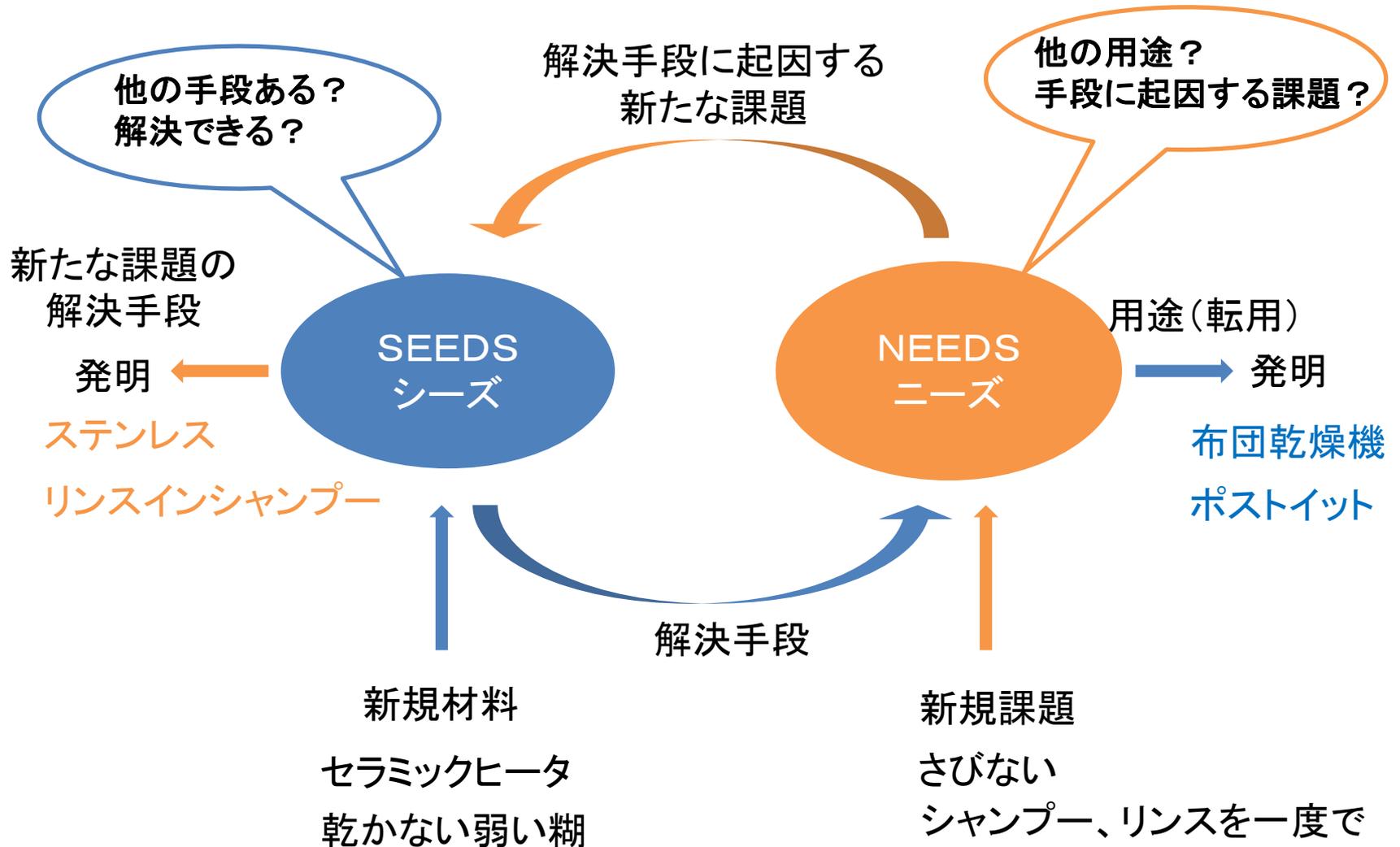
TIPS(ちよつと、情報)



2016/04/21

YKI Patent Attorneys

発明の展開



PBPクレーム

平成27年6月5日	最高裁判決
7月6日	「当面の審査の取扱いについて」を公表
9月16日	審査ハンドブック改訂
11月25日	「『不可能・非実際的事情』の主張・立証の参考例」を公表
平成28年1月27日	「PBPクレームに該当しない例」の追加を公表
4月1日	審査ハンドブック改訂(今回)

<改訂の要点>

- (a) 審査ハンドブック2204「1. 基本的な考え方」の記載の追加、
「その物の製造方法が記載されている場合」の該当例の変更
- (b) 公表した「PBPクレームに該当しない例」の組込み(2204)、
公表した「不可能・非実際的事情」の主張・立証例の組込み(2205)
- (c) 「PBPクレームに該当しない例」の新規追加(2204)、
「不可能・非実際的事情」の該当例の新規追加(2205)

PBPクレーム 拒絶と対応の実例

モノマーをゾルゲル架橋した材料を含む	モノマーが複数の架橋点を有するため、架橋後の生成物を1つの構造式で示すことができず、構造式を特定するのは実際的ではないという「不可能・非実際的事実」が存在する主張し、拒絶理由解消。
圧入する	隙間なく嵌め込まれている
アームが第一の材料から射出成型によって一体に作製される	第一の材料からなるとともに一体化されており
樹脂が注入され硬化される	硬化した樹脂
溶接によって連結されている	接合部によって連結されている
複数ターン巻回されて形成される	複数ターン巻回された

化学関係では、製造方法に書き換えたものが結構ある

2016年4月1日より「審査ハンドブック」改訂

構造は明らかなのに、経時的な要素が記載されていたため、製造方法が記載されているとしていた。

しかし、構造は明らかであり、今後は製造方法が記載されていないものとする。

昨年7月の基準：

「凹部を備えた孔に凸部を備えたボルトを前記凹部と前記凸部とが係合するよ
うに挿入し、前記ボルトの端部にナットを螺合してなる固定部を有する機
器。」

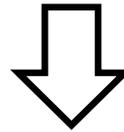
→経時的要素があり、製造方法に該当するとして、下記補正案を提示していた
「凹部を備えた孔に凸部を備えたボルトが前記凹部と前記凸部とが係合した状態
で挿通されており、前記ボルトの端部にナットを螺合してなる固定部を有する機
器。」

本年4月1日から適用の審査ハンドブック

上記事案については、製造方法が記載されていない場合に該当するものとして
例に入れ替え

<訂正審判認容審決(製造方法への変更)>

基材と、発泡シリコーンゴムからなる弾性層と、表層とをこの順に有し、
該発泡シリコーンゴムは
発泡剤としてシリカゲルを含む液状シリコーンゴム混和物を
発泡および硬化させて形成したものであることを特徴とする
電子写真装置用の熱定着装置に用いられる定着部材。



基材と、発泡シリコーンゴムからなる弾性層と、表層とをこの順に有する、
電子写真装置用の熱定着装置に用いる定着部材の製造方法であって、
該発泡シリコーンゴムを、
発泡剤としてシリカゲルを含む液状シリコーンゴム混和物を
発泡および硬化して形成することを特徴とする
定着部材の製造方法。

ハーグ意匠

(28) Number of designs included in the international registration

3

(51) Class and subclass of the Locarno Classification

Cl. 32-00

(54) Indication of products

1.-3. Logos / 1.-3. Logos / 1.-3. Logotipos

(82) Statements contained in the international application

III. US: The ornamental design for a logo as shown and described / *Dessin ou modèle ornemental de logo, tel que montré et décrit / Dibujo o modelo ornamental de un logotipo, tal como se ilustra y se describe*

(81) Designated Contracting Parties

III. CH, EM, JP, SG, US



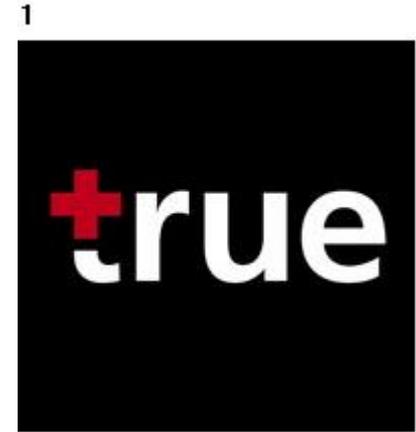
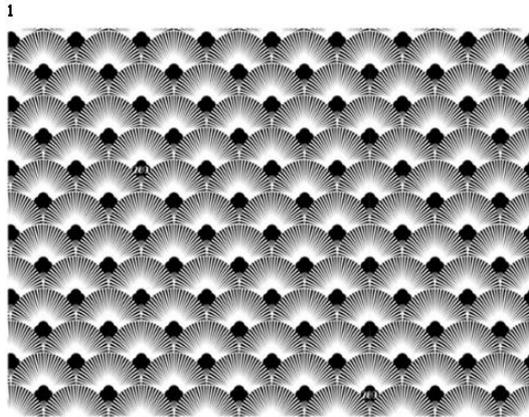
ロカルノ分類32類
グラフィックシンボル
ロゴ
表面パターン
装飾

出願例 (JP指定、32類)

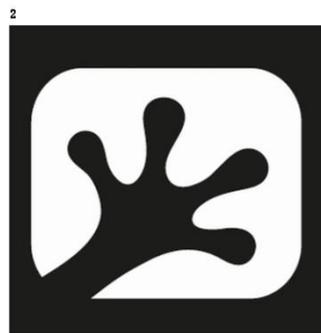
graphic symbol

ornamentation

Logo



Logos



日本、アメリカ、中国、韓国などでは保護対象でないが、ヨーロッパではOK

- ヨーロッパ等

下記のようなものも意匠の対象

- 字体(typeface)、グラフィックシンボル
- 装飾(ornamentation)
- 質感が表現された特殊な織物
- 建築構造物、建築設計図
- ホログラム
- 漫画キャラクター、アニメのアイコン
(animated icon)

Global Dossier

- 主要5カ国 (JP, US, EP, CN, KR) の出願書類が閲覧できる。
- パテントファミリーの各国での状況 (拒絶、補正) を把握するのに便利。
- 英語以外の書類については、機械翻訳が利用可能

(日本の拒絶理由では、発送日の1週間後には利用可能)

初期画面 (http://globaldossier.uspto.gov/#/)

The screenshot shows the homepage of the Global Dossier website. At the top, there is a navigation bar with the USPTO logo and the text "Global Dossier". Below this is a search bar with a dropdown menu for "Office" (set to "US") and a "Type" dropdown (set to "Application"). A search input field contains "Ex: X00000000". To the right of the search bar are links for "Current Service Status", "Service Hours", "Help", and "Email Us".

Three red boxes with white text are overlaid on the page:

- 国を選択 (Select Country)
- 出願・公開などを選択 (Select Filing/Publication, etc.)
- 番号を入力 (Enter Number)

The main content area features a "Welcome to Global Dossier" heading. Below this are three columns of text:

- Global Dossier Initiative:** The Global Dossier Initiative is a set of business services being developed by the IP5 Offices (USPTO, EPO, JPO, KIPO, and SIPO) aimed at modernizing the global patent system and delivering benefits to all stakeholders through a single portal/user interface. Global Dossier will provide a single, secure point of access for the management of dossier and examination information, enabling and encouraging streamlining of office procedures among different IP Offices. This will lead to improved efficiency and predictability of global patent family prosecution with increased cost savings provided to patent applicants. For more information, on the please visit the Global Dossier Initiative page.
- Global Dossier Public Access:** The first service being provided by the Global Dossier Initiative is a secure, online access to the file histories of related applications from participating IP Offices, which currently include the IP5 Offices. By using this service, users can see the patent family for a specific application, containing all related applications filed at participating IP Offices, along with the dossier, classification, and citation data for these applications. This service also provides Office Action Indicators to help users identify applications that contain office actions, a Collections View for saving documents and applications for review later on in the session, and the ability to download the documents in an application.
- Service Hours:** Global Dossier users will be able to view the scheduled service hours for each IP5 office, including scheduled outages due to holidays and maintenance. To view the scheduled hours of availability, users can select the **Service Hours** link on the top right corner of the website. In addition, any current scheduled outages for one or more offices will also be displayed on top of the homepage as a reminder for the users. Users may also verify the availability of application data from each office by selecting the **Current Service Status** link on the top right side of the website.

The footer contains the USPTO logo and "UNITED STATES PATENT AND TRADEMARK OFFICE". It is organized into four columns of links:

- BROWSE BY TOPIC:** Patents, Trademarks, Learning & Resources, About the USPTO, Glossary, Careers, Contact Us
- ABOUT THIS SITE:** Accessibility, Privacy Policy, Terms of Use, Security, Systems Status, Site Map
- USPTO BACKGROUND:** Federal Activity Inventory Reform Act (FAIR), USPTO Budget and Performance, Freedom of Information Act, Information Quality Guidelines
- FEDERAL GOVERNMENT:** Regulations.gov, StopFakes.gov, USA.gov, Department of Commerce, Strategy Targeting Organized Piracy

The USPTO seal is visible in the bottom right corner of the footer area.

ファミリーリスト(NON-IP5含む)

Global Dossier - United ... x +

globaldossier.uspto.gov/#/result/application/JP/2012262979/114567

uspto Global Dossier

Home Public Pair Common Citation Document Current Service Status Service Hours Help Email Us

Office JP Type Application 2012262979

JP 2012262979 7 Members in Patent Family (7 currently shown)

Office	Application	Applicant	Title	App. Date	Priority #	Pub. #	Pub. Date	Action
US	13327497 View Dossier	1) Kmiecik-Lawrynowicz, Grazyna E. 2) Sweeney, Maura A. 3) Mang, Mark E. 4) Stamp, Kirk L. 5) Bayley, Robert D.	COLORED TONERS	12/15/2011		US 20130157188 A1 US 8580469 B2	06/20/2013 11/12/2013	(3) Add to ★
DE	102012221981			11/30/2012	US 13327497	DE 102012221981 A1	06/20/2013	
JP	2012262979 View Dossier	1) Xerox Corporation,	Color toner	11/30/2012	US 13327497	JP 2013125274 A	06/24/2013	(1) Add to ★
CA	2798290			12/07/2012	US 13327497	CA 2798290 A1 CA 2798290 C	06/15/2013 04/07/2015	
KR	20120143889 View Dossier	1) XEROX CORPORATION,	COLORED TONERS	12/11/2012	US 13327497	KR 20130069428 A	06/26/2013	Add to ★
BR	102012031726			12/12/2012	US 13327497	BR 102012031726 A2	01/20/2015	
CN	201210545479 View Dossier	1) Xerox Corporation,	Colored toners	12/14/2012	US 13327497	CN 103293888 A	09/11/2013	Add to ★

IP Office Type

All IP5 Offices

EPO
 SIPO
 KIPO
 JPO
 USPTO

Non-IP5 Offices

パテントファミリーボタンを押すと、ファミリーリストに戻る。
ファミリーリストで、Non-IP5ボタンをチェックすると、IP5以外も
表示される。ただ、包袋は閲覧不可。

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

BROWSE BY TOPIC

- Patents
- Trademarks
- Learning & Resources
- About the USPTO
- Glossary
- Careers
- Contact Us

ABOUT THIS SITE

- Accessibility
- Privacy Policy
- Terms of Use
- Security
- Systems Status
- Site Map

USPTO BACKGROUND

- Federal Activity Inventory Reform Act (FAIR)
- USPTO Budget and Performance
- Freedom of Information Act
- Information Quality Guidelines

FEDERAL GOVERNMENT

- Regulations.gov
- StopFakes.gov
- USA.gov
- Department of Commerce
- Strategy Targeting Organized Piracy

OA選択

Global Dossier - United ... x +

globaldossier.uspto.gov/#/details/US/13327497/A/123284

uspto Global Dossier

Home Public Pair Common Citation Document Current Service Status Service Hours Help Email Us

Application Number US 13327497 Patent Family All Documents Classification & Citation Collections 0 History 4

US 13327497 (US 20130157188 A1 , US 8580469 B2) 36 documents **Non-Final Rejection**

4	Amendment/Req. Reconsideration-After Non-Final Reject	08/16/2013	A...	...
unknown	Notice of Publication	06/20/2013	NTC.PUB	...
102	Search information including classification, databases and other search related notes	05/16/2013	SRFW	...
4	Bibliographic Data Sheet	05/16/2013	BIB	...
5	Examiner's search strategy and results	05/16/2013	SRNT	...
21, 22	Non-Final Rejection	05/16/2013	CTNF	...
101	List of references cited by examiner	05/16/2013	892	...
101	List of References cited by applicant and considered by examiner	05/16/2013	1449	...
4	Applicant Arguments/Remarks Made in an Amendment	05/06/2013	REM	...
2	EFS Acknowledgment Receipt	05/06/2013	N417	...
4	Response to Election / Restriction Filed	05/06/2013	ELC	...
2	Requirement for Restriction/Election	04/05/2013	CTRS	...
unknown	Filing Receipt	01/04/2012	APP.FILE.REC	...
5	Fee Worksheet (SB06)	01/04/2012	WFEE	...
3	Information Disclosure Statement (IDS) Form (SB08)	12/15/2011	IDS	...
1	Specification	12/15/2011	SPEC	...
1	Claims	12/15/2011	CLM	...

1 / 8 ページ: 自動ズーム

 **UNITED STATES PATENT AND TRADEMARK OFFICE**
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1400
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/327,497	12/15/2011	Grayna E. Kmiecik-Lawrynowicz	20110378-US-NP	4714

10701 7590 05/16/2013
Judith L. Byorick
22 Countryside Road
Fairport, NY 14450

EXAMINER
LE HOA VAN

ART UNIT PAPER NUMBER
1721

NOTIFICATION DATE: DELIVERY MODE:
05/16/2013 ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):
jbyorick@rochester.rr.com
Office.Action@xerox.com

USを選択することで、USの包袋のリストが表示され、OAを選択すれば、OAが見られる。

KR 明細書 (TRANSLATED) 選択

Global Dossier - United ... x +

globaldossier.uspto.gov/#/details/KR/20120143889/A/68834

Home Public Pair Common Citation Document Current Service Status Service Hours Help Email Us

Application Number KR 20120143889 Patent Family All Documents Classification & Citation Collections 0 History 4

KR 20120143889 (KR 20130069428 A) 4 documents

[Patent Application] Patent Application (TRANSLATED)

Group	Title	Date	Code	Options
unknown	Submission of Priority Certificate (USPTO) (ORIGINAL)	12/13/2012	0012211-KR	...
4	Submission of Priority Certificate (USPTO) (TRANSLATED)	12/13/2012	0012211	...
unknown	[Patent Application] Patent Application (ORIGINAL)	12/11/2012	1011101-KR	...
1	[Patent Application] Patent Application (TRANSLATED)	12/11/2012	1011101	...

KRを選択することで、KRの包装袋のリストが表示される。
例えば、出願時の書類が見られる。
韓国語及び英語

The Korean Intellectual Property Office

Patent Application

- Classification** Patent Application.
- Applicant**
 - Name XEROX CORP.
 - Applicant Code 5-2007-029085-0
- Agent**
 - Name Bae, Kim & Lee IP Group
 - Agent Code 9-2006-100042-1
 - Designated Patent Attorney IEunGyeong, IJongUk, YangSeongUk
 - Registration Number of General Power of Attorney 2007-066678-0
- Title of Invention** COLORED TONERS
- English Title of Invention** COLORED TONERS
- Inventor**
 - Name KeuMIEChiKeu-RaBeuRINoBiChi GeuRaJiNa I.
 - English Name KMIECIK-LAWRYNOWICZ, Grazyna E.
 - Address Secure Information
 - Nationality US
 - Name SeuWINI MoRa EI.
 - English Name SWEENEY, Maura A.
 - Address Secure Information
 - Nationality US
 - Name Mang MaKeu I.
 - English Name MANG, Mark E.
 - Address Secure Information
 - Nationality US
 - Name SeuTaemPeu KeoKeu EI.
 - English Name STAMP, Kirk L.
 - Address Secure Information
 - Nationality US

Espacenet (http://worldwide.espacenet.com/?locale=EN_ep)

サーチ結果のページにおいて、(i) Global Dossier 選択

The screenshot shows the Espacenet website interface. The browser address bar displays the URL: worldwide.espacenet.com/publicationDetails/biblio?CC=US&NR=2013157188A1&KC=A1&FT=D&ND=4&. The page title is "Espacenet - Bibliograph...". The main header includes the Espacenet logo and "Patent search" text, along with language options (Deutsch, English, Français) and a "Change country" dropdown.

The navigation bar shows "About Espacenet" and "Other EPO online services". Below this, there are tabs for "Search", "Result list", "My patents list (0)", "Query history", "Settings", and "Help".

The search path is: Refine search → Results → JP2013125274 (A) → US2013157188 (A1).

The left sidebar contains a table of contents for the patent document:

US2013157188 (A1)
Bibliographic data
Description
Claims
Mosaics
Original document
Cited documents
Citing documents
INPADOC legal status
INPADOC patent family

Below the sidebar is a "Quick help" section with several links:

- [What is meant by high quality text as facsimile?](#)
- [What does A1, A2, A3 and B stand for after a European publication number?](#)
- [What happens if I click on "In my patents list"?](#)
- [What happens if I click on the "Register" button?](#)
- [Why are some sidebar options deactivated for certain documents?](#)

The main content area displays "Bibliographic data: US2013157188 (A1) — 2013-06-20". It includes a star icon for "In my patents list", a red circle icon for "Global Dossier", and a "Report data error" link. A "Print" icon is also present.

The "Colored Toners" section is highlighted with a red box around the "Global Dossier" link.

Other sections include:

- Page bookmark:** [US2013157188 \(A1\) - Colored Toners](#)
- Inventor(s):** KMIECIK-LAWRYNOWICZ GRAZYNA E [US]; SWEENEY MAURA A [US]; MANG MARK E [US]; STAMP KIRK L [US]; BAYLEY ROBERT D [US] ±
- Applicant(s):** KMIECIK-LAWRYNOWICZ GRAZYNA E [US]; SWEENEY MAURA A [US]; MANG MARK E [US]; STAMP KIRK L [US]; BAYLEY ROBERT D [US]; XEROX CORP [US] ±
- Classification:**
 - international: [G03G9/16](#)
 - cooperative: [G03G9/0806](#); [G03G9/08711](#); [G03G9/08755](#); [G03G9/08795](#); [G03G9/08797](#); [G03G9/091](#); [G03G9/092](#); [G03G9/09328](#); [G03G9/09371](#); [G03G9/09392](#)
- Application number:** US201113327497 20111215
- Priority number(s):** US201113327497 20111215
- Also published as:** [US8580469 \(B2\)](#); [KR20130069428 \(A\)](#); [JP2013125274 \(A\)](#); [DE102012221981 \(A1\)](#); [CN103293888 \(A\)](#); [more](#)

The bottom of the page shows the start of the "Abstract of US2013157188 (A1)".

Espace.net US 出願の出願書類

The screenshot shows the European Patent Register website. The browser address bar displays the URL: <https://register.epo.org/ipfwretrieval?apn=US.201113327497.A&lng=en>. The page title is "European Patent Register".

On the left side, there are navigation links: "Smart search", "Advanced search", and "Help". Below these, there are sections for "Maintenance news", "Scheduled maintenance" (with a note about EP Register outages on Sunday 20th March 2016), "News flashes", and "Related links".

The main content area is titled "EPO Global Dossier". It features a sub-header: "File wrapper data provided courtesy of USPTO, for family member with application no. US201113327497". Below this is a table of documents:

Date	Description	Pages
23.10.2013	Issue Notification	1
07.10.2013	Issue Fee Payment (PTO-85B)	2
07.10.2013	EFS Acknowledgment Receipt	2
07.10.2013	Fee Worksheet (SB06)	2
07.10.2013	Change of Address	2
05.09.2013	Search information including classification, databases and other search related notes	1
05.09.2013	Notice of Allowance and Fees Due (PTOL-85)	6
05.09.2013	Issue Information including classification, examiner name, claim renumbering, etc.	3
05.09.2013	Index of Claims	1
16.08.2013	Amendment/Req. Reconsideration-After Non-Final Reject	1
16.08.2013	EFS Acknowledgment Receipt	2
16.08.2013	Fee Worksheet (SB06)	1
16.08.2013	Applicant Arguments/Remarks Made in an Amendment	2
16.08.2013	Claims	7
20.06.2013	Notice of Publication	1
16.05.2013	Bibliographic Data Sheet	1
16.05.2013	List of references cited by examiner	1
16.05.2013	Examiner's search strategy and results	1

各国の人口

順位	国	2015年推計人口
	 世界 (人口)	6,945,566,097
1	 中華人民共和国	1,349,335,152
	合計(香港・マカオ)	1,357,946,313
2	 インド	1,224,514,327
3	 アメリカ合衆国	310,383,948
	合計	314,551,246
4	 インドネシア	239,870,937
5	 ブラジル	194,946,470
6	 パキスタン	173,593,383
7	 ナイジェリア	158,423,182
8	 バングラデシュ	148,692,131
9	 ロシア	142,958,164
10	 日本	126,535,920

人口は、基本的なパワー。将来の知財戦略として考慮してもよいかも。



2016/4/6



2016/3/29

Thank you!