Effective use of citation information and examination documents in patent examination

- A technique to grasp "evolution" easily -

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- 8. It brings it together with the comparison with a general technique.

## General patent search and analysis

First of all, it is necessary to make the patent group (set) that makes it to an analytical object for the patent analysis.

To make this patent group, the patent will be investigated.

In general, it will think about the retrieval type using the key word and the patent classification, etc.

It is indispensable that the important patents never leaks from the object patent group.

# Difficulty of patent search and analysis

The patent number shows the tendency for the noise to be included in the object patent group by all means to prevent important patents from leaking, and to increase.

Afterwards, it is necessary to read the official report (detailed statement) for the analysis.

The prior art (earlier literature) described in the detailed statement is necessarily inapposite.

The detailed statement might be a subjective insistence on applicant (inventor) side.

As such, it is serious that two or more official reports (problem and means for solving the problems) are understood, and the third party (especially, a not well informed person about a technological field concerned) compares it.

# Environment for patent information

Examination passage information in the application patent can be easily confirmed.

The citation document number used for the examination has been described to examination passage information.

It came to be able to confirm the notice of reasons for rejection by the examiner, the correction book by the applicant, and the document of the opinion in writing, etc. at once (It is earlier than examination passage information).

# What are being quoted and being quoted?

### [Cited Patent]

Cited patent is a patent quoted as well-known or a prior application when the examiner of Patent Office examines this application.

It becomes being applied earlier than this application patent (prior application).

### [Citing Patent]

When the examiner of Patent Office examines it, a citing patent indicates the application for the test object when a certain application is assumed to be well-known or a prior application, and it is cited.

It becomes being applied from this application to the back patent (postapplication).

#### Example of investigation method (Japan Patent Office offer - J-PlatPat)

| →     | 午情報プラットフォー… ×<br>ヘルプデスク (9:00-21:00)               |                                  | Man Markan Ma | ↑ ★<br>サイトマップ ヘルプー見<br>な行政法人工業所有権情報・研修館 tional Center for Industrial Property ormation and Training | ☆ - □       |
|--|--|----------------------------------|---|---|-------------|
| 特許・実用新案  | <u>ا</u> الله الله الله الله الله الله الله ال     | )商標 🔍                            | 審判  | 🔀 経過情報  |             |
| <br>1.特許・実用新案番号照会  | 2 帝区 商博尔简目快索 6                                     | - 11 <del>- P</del>              |   |   |             |
| 2.特許・実用新案検索  | 🖁 、意匠、商標の簡易検索 🤉                                    |                                  |   |   |             |
| 3.パテントマップガイダンス(PMGS)   |  |                                  |   |   |             |
| 4.外国公報DB   | ፫、商標について、キーワードを入力して の詳細な検索をされる場合は、上部各サ−            |                                  | ヨノゼキい   |   |             |
| 5.審査書類情報照会   | 2時神は快発をされる場合は、 上部音り -                              | - ヒス(ノビクニション副ガ)をこれが              | サイ/こつく。   |   |             |
| 6.ワン・ポータル・ドシエ(O P D)照会   |  | AND                              | く検索   |   |             |
| 7.中韓文献番号照会(特許庁関連サイトへ)  |  |                                  |   |   |             |
| 8.中韓文献テキスト検索(特許庁関連サイトへ)  |  |                                  |   |   |             |
| <b>参考情報</b><br>データ更新予定<br>1000 文献蕃積情報  | <u> 重要なお知らせ</u><br>2018/5/14 <u>6月16日(土)9:00 ~</u> | <u>6月18日(月)8:00までJ-PlatPat全サ</u> | <u>ービスを停止します。</u>   | 特許情報<br>プラットフォーム<br>マニュアル等ダウンロート  |             |
| ■ <u>関連HP</u>  | お知らせ   |                                  |   | Graphic Image Park<br>画像意匠公報検索支援ツール   |             |
| セミナー・講習会情報 ――――  | 2018/5/31 <u>J-PlatPat講習会テキ</u>                    | <u>スト2018.05版掲載のお知らせ</u>         |   | ● ■像息性公報検系文援ワール   |             |
| the provide the providet the provide the providet the pr | 2018/5/8 平成30年度知的財産                                | 権制度説明会(初心者向け)申込開始                | 1   | FOPISER<br>外国特許情報サービス   |             |
| 検索 高度な検索が可能な閲覧用機器講習会   | 2018/3/29 <u>「特許・実用新案検</u> 録                       | 索」に関するよくある問合せについて                |   | 1   |             |
| 募集中 <u>知的財産権研修[初級]</u>   | 2018/3/12 <u>J-PlatPat新機能リリー</u>                   | <u>ースのお知らせ</u>                   |   | ユート4-<br>開放特許情報データベース<br>Patent Licensing Information Database                                      |             |
| 検索         知的財産活用研修         検索コース           検索         特許調査実践研修  | 2018/3/12 <u>マニュアル改訂のお</u> 約                       | <u>知らせ</u>                       |   | 特許情報提供サービス<br>事業者一覧   |             |
|  |  |                                  |   | アンケートに<br>ご協力ください   |             |
| <u> 給索</u>   |  |                                  |   |   | <b>100%</b> |

## Matter confirmation



#### Examination document affection information: Notice of reasons for rejection

| ← →   | 第用新案番号照会(詳 🥥 詳細表示   J-PlatPat 🦉 審査書類情報照会(詳細表 🗙   | ↑★ ☆ - □ |
|---|--|----------|
| <ol> <li>7. 2004/06/30 : 早期番貸に関9る報</li> <li>8. 2004/07/20 : 拒絶理由通知書</li> <li>9. 2004/09/10 : 手続桶正書</li> </ol> |  | ^        |
| 10. 2004/09/10 :意見書<br>11. <u>2004/10/25 :特許査定</u>  | この出願は、次の理由によって拒絶をすべきものである。これについて意見が<br>あれば、この通知書の発送の日から60日以内に意見書を提出して下さい。  |          |
|   | 理由   |          |
|   | この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において<br>頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用<br>可能となった発明に基いて、その出願前にその発明の属する技術の分野における<br>通常の知識を有する者が容易に発明をすることができたものであるから、特許法<br>第29条第2項の規定により特許を受けることができない。 |          |
|   | 記 (引用文献等については引用文献等一覧参照)<br>請求項1、2について<br>下記引用例1、2に記載のように、切り餅の表面に切り込みを設けることは、<br>周知の手段であり、側面にも設けることは、当業者が必要に応じて随時なし得た<br>ことである。   |          |
|   | この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、<br>現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には<br>拒絶の理由が通知される。  |          |
|   | 引用文献等一覧<br>1.実願昭55-33342号(実開昭56-134191号)のマイクロフィ<br>ルム<br>2.特開平10-165121号公報   |          |
|   | <補正の根拠><br>補正される場合には、新規事項にならないように留意されたい。また、意見書<br>において、補正の根拠となる出願当初の明細書の場所を提示されたい。<br>   |          |

Proposal of citation and examination document (Wrapping bag) use

Because a nearer prior art has been removed as a references cited as for the examiner citation, it is effective to investigate the related technology.

It is easy to judge the pattern of evolution as it is because the difference point with the references cited is insisted in the opinion in writing of the applicant submitting.

When the desirable one is the notice of reasons for rejection, and cancels by the opinion in writing as the response by the reason of rejection (there is progressivity), and becomes a decision to grant a patent, evolution is admitted.

If it is a final rejection where only the reason of rejection for the progressivity remains being admitted the novelty, it might get on the rail of evolution.

## Notes of citation information use

Well-known (when applying, it is open to the public) might come off citation information and the undisclosed invention of a simultaneous period (application after ahead) come off for assumption.

Then, it becomes necessary for using an indirect citation (the references cited to a certain matter is quoted).

If it is not a commercial database, the references cited cannot be extracted directly.

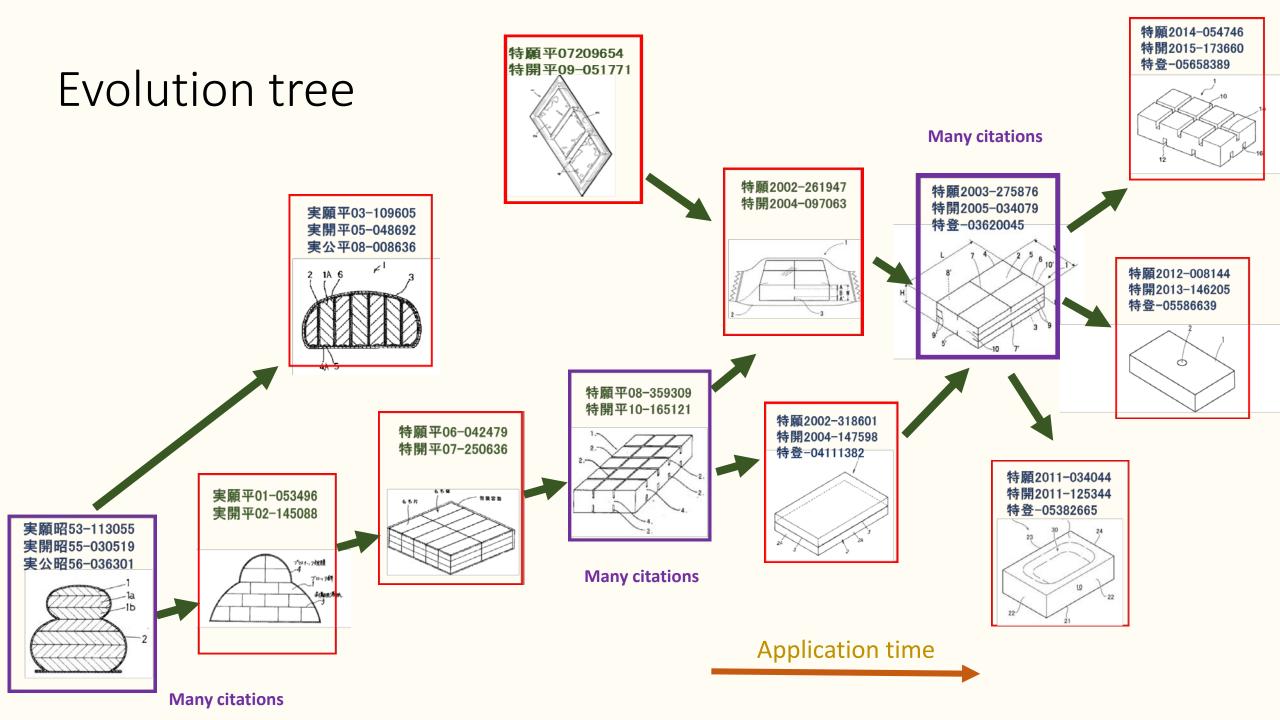
The patent groups of the related technology can be collected by repeating several times generally though the function that even step of the floor one citation how many citation and an indirect citation are collected to one degree is provided in a part of the commercial database, too.

#### Example of making patent group Quotation, citation, and indirect citation (addition)

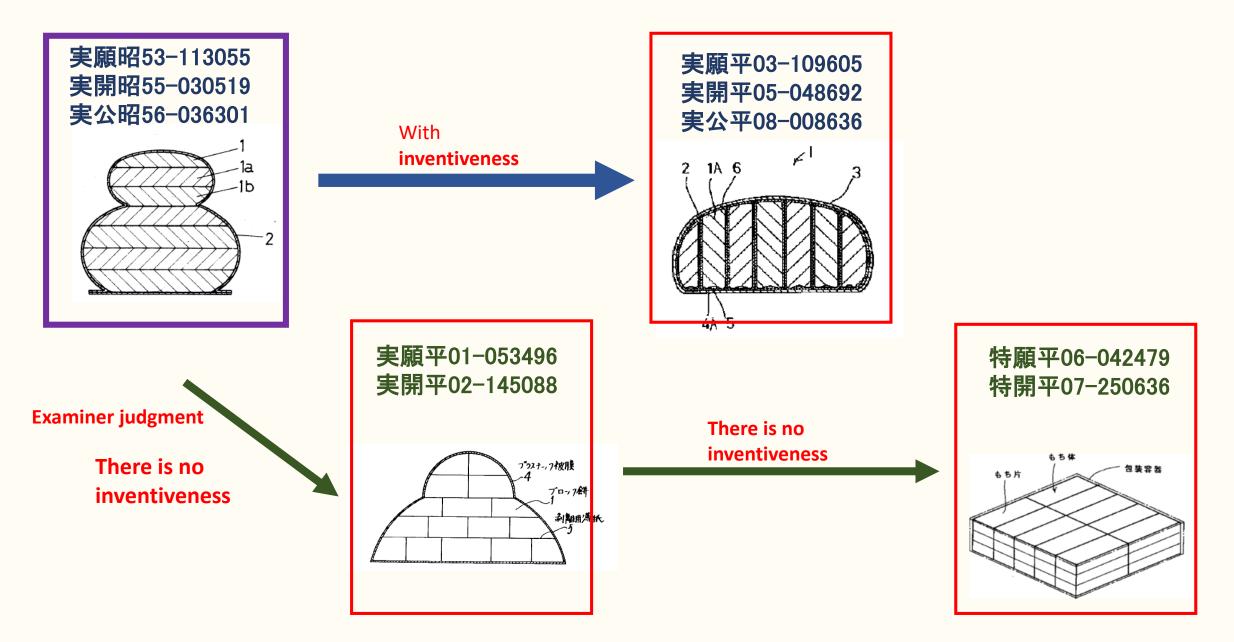
| SRPART                        | NE     | R         |           |                           |        |          |             |      | <u>操作マニュ</u><br>センタ稼働 | アル 国<br>戊況 | 内版 国外     | 版  |      |      |            |                  |         | ログアウト          |
|-------------------------------|--------|-----------|-----------|---------------------------|--------|----------|-------------|------|-----------------------|------------|-----------|----|------|------|------------|------------------|---------|----------------|
| <u>メニューを非表示にする</u><br>検索      | +/1\43 | A .#=     | = r       | <br>                      | /D-K ( | しおり 「履   | 歴保存 ラ       | ンキング | ランキング絞込               |            | マーム       | 文献 | 羽山の会 |      |            |                  |         | 公報<br>フィルターー ✓ |
| 番号照会                          | 1993   | 全一括新      |           | 1前                        |        | UOU AS   |             | 7479 | リノキング和ロム              | 主进扒        | 文献追加      |    | 月小小木 |      |            |                  | 項番      | ジャンプ           |
| 概念検索                          |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 書誌・全文検索                       |        |           | 2005 -    | 34079                     |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 高度な書誌・全文検索                    |        | <u>項日</u> |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         | <u> </u>       |
| SDI<br>SDI 配信結果               | 選項     | <b>新</b>  | 出         | 願番号                       | 公      | 報番号      | 発明の名称       | Б    | 出願人                   |            | IPC       | アジ | 審査•  | 権利状況 | 出願日        | Fターム             | シンプル    | ファミリ管理番号       |
| <u>301</u> 配信編末<br>  ダウンロード結果 |        | 1         | 特願200     | )3-275876                 | 特開200  | 5-034079 | 切り餅         | 佐藤食  | 品工業株式会社               | E   A23    | L1/10,102 |    | 登録   |      | 2003/07/17 | 4B023 LE23;4B023 | SFG0032 | 372467         |
| 経過監視                          |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 経過監視実行結果                      | -      |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 検索支援                          |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 異表記展開参照                       |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 分類コードガイダンス                    |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| 設定                            |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| パスワード変更<br>ド変更                | -      |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
| その他の環境設定                      |        |           |           |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        | 文献追加      | hn        |                           |        |          |             | 文献道  | 加閉じる                  |            |           |    |      |      |            |                  |         |                |
|                               |        | 、大用心旦/    | <u>//</u> |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           | F.        | ┛引用                       |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           | - 1       |                           |        |          | _           |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        | 追加理由      | 増由 -      |                           |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           |           | ✔間接引用                     |        |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           |           | コシンブルフ                    | アミリ    |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           | (         | ●全ての文南                    | τ      |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           | (         | ○ページに表                    | 示されている | 5文献      |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        | 範         | im (      | <ul><li>● 選択されて</li></ul> | いる文献   |          |             |      |                       |            |           |    |      |      |            |                  |         |                |
|                               |        |           |           | 〇項番指定                     |        |          | $\neg \sim$ |      | 1~                    |            |           |    |      |      |            |                  |         |                |
|                               |        |           | _         |                           |        |          |             | ri   |                       |            |           |    |      |      |            |                  |         |                |

#### 25 quotation, citation, and indirect citations (Patent group)

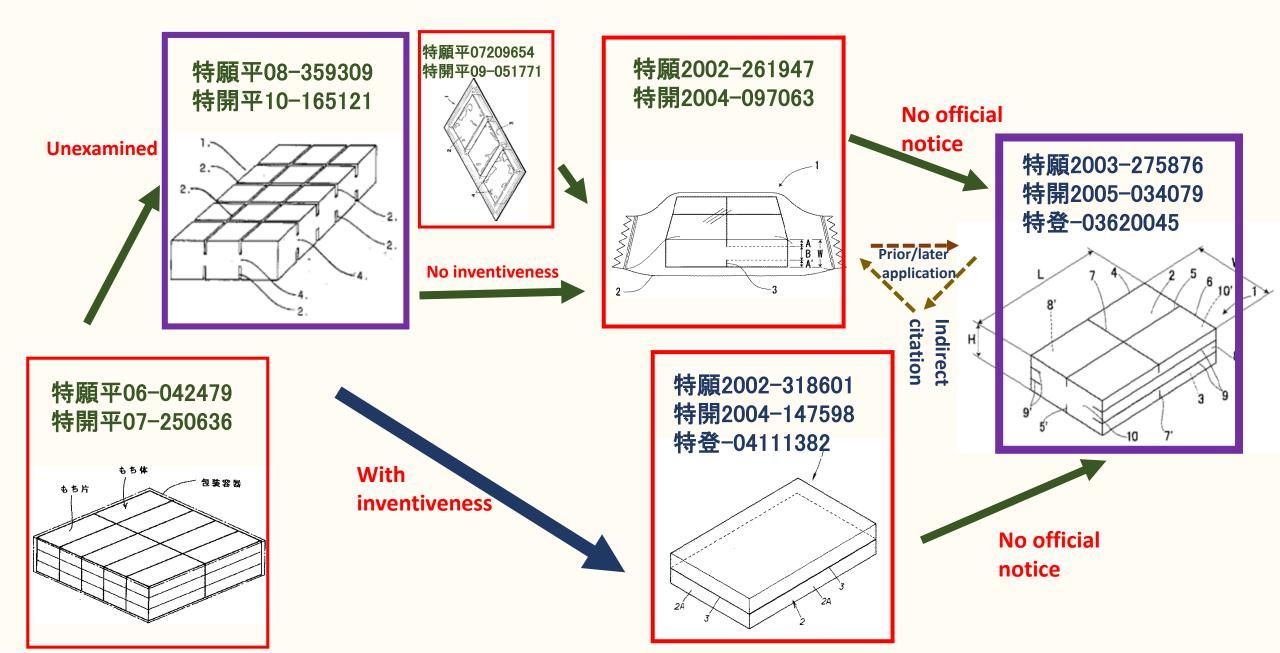
| SRPART                  | Ν        |                      | R         |                 |          |                             |             |                |          | <u>操作マニュ</u><br>ヤンタ稼働 |        | 版国外版        |     |                 |                |                             | ログアウト                       |      |
|-------------------------|----------|----------------------|-----------|-----------------|----------|-----------------------------|-------------|----------------|----------|-----------------------|--------|-------------|-----|-----------------|----------------|-----------------------------|-----------------------------|------|
| <u>メニューを非表示にする</u>      |          | -                    |           |                 |          |                             |             |                |          | <u>セノタ稼働</u>          | 4人2元   |             |     |                 |                |                             |                             | 公報   |
| 検索                      | 抄        | 禄                    | 全一括調      | 表示 印            | 刷员       | で シロード                      | しおり         | 履歴保存           | ランキング    | ランキング絞込               | 全選択    | 文献追加 文献     | 就削除 |                 |                |                             |                             | - `  |
| 番号照会                    | <u></u>  |                      |           |                 |          |                             |             |                |          |                       | 1 1    |             |     |                 |                |                             | 項番                          | ジャンプ |
| 概念検索                    |          |                      | // + 88   |                 |          |                             |             |                |          |                       |        |             |     |                 |                |                             | a=/#                        |      |
| 書誌・全文検索                 |          | <u>1855</u> /<br>表示ゴ |           | 2005 -          | 34079    | )                           |             |                |          |                       |        |             |     | 代表              | カみ ノオベマ        | / <u>照会順</u> 1行/ <u>2</u> 行 | 25件  << << 1<br>テレットのみ / 拡張 |      |
| 高度な書誌・全文検索<br>SDI       |          |                      |           | 11182           | 5.372 🖂  | 11 ±12 3                    | 20          | ∞.□⊏           | a to the |                       | 187.1  | 100         | フィ  |                 |                |                             |                             |      |
| SDI 配信結果                | 択        | 項畬                   | 7ァジ<br>項番 | 出願              | 種号       | 公報社                         |             |                |          |                       | 關人     | IPC         | フリシ | 審査・権利状況         | 出願日            | FA-A                        | シンプルファミリ管理 号                |      |
| ダウンロード結果                | $ \Box $ | 1                    | 17        | 特願昭6            | 2-58464  | 1 特册哈63<br>6                | -22266      | 即席食品に同卦<br>び…  | 19る辺装開める | -<br>旭松食品相            | 株式会社   | A23L1/10,   | 102 | 拒絶確定            | 3              | 4B023 LC07;4B02<br>3        | SFG0026562507               |      |
| 経過監視                    |          | 2                    | 16        | 特願昭6            | 2-14252  | 2 特開昭63<br>6                | -30495      | 包装焼餅および        | その製造方法   | 東洋製罐                  | 株式会社   | A23L1/10,   | 102 | 抹消(年金不納)        | 1987/06/0      | 4B023 LC02;4B02             | SFG0026686122               |      |
| 経過監視実行結果<br><b>検索支援</b> |          | 3                    | 2         | 。<br>特願平8       | -359309  | 。<br>,<br>特開平10<br>1        | -16512      | 手欠き切り餅         |          | 清水保男                  |        | A23L1/10,   | 102 | 未請求取下           | 1996/12/1      | 4B023 LE23;4B02             | SFG0030328171               |      |
| 與未又16<br>異表記展開参照        |          | 4                    | 15        | 6               |          | 5                           |             | 烏賊加工食品、<br>包…  |          | 1不エ∖ភភ↑⊥!             | ナンデリカ  | A23L1/33    | з С | ) 未請求取下         | 2000/09/2<br>7 | 4B023 LE30;4B02<br>3        | SFG0031519263               |      |
| 分類コードガイダンス              |          | 5                    | 14        | 特願200<br>2      | 1-32839  | )<br>特開2003<br>4            | -09300      | 」…<br>縁とほぞを利用し | た内部に空間を  | E 合資会社7               | Eリトファイ | A23L1/10    |     | 登録              | 2001/09/2      | 4B023 LE23;4B02             | SFG0031819100               |      |
| 設定<br>ペスワード変更           |          | 6                    | 13        | -<br>特願200<br>7 | 2-26194  | ,<br>1 特開2004<br>3          | -09706      | 切餅及び丸餅         |          |                       | 工業株式会  | 社 A23L1/10, | 102 | 拒絶確定            | 2002/09/0<br>6 | 4B023 LC07;4B02             | SFG0032119397               |      |
| 少録項目設定                  |          | 7                    | 12        | 11              |          | )<br>特開2004<br>8            |             | 飰              |          | 越後製菓                  | 朱式会社   | A23L1/10    | С   | , 無効審(権利維<br>持) | 2002/10/3      | 4B023 LE23;4B02<br>3        | SFG0044022647               |      |
| その他の環境設定                |          | 8                    | 12        |                 |          | )<br>特許0411                 |             | 飰              |          | 越後製菓                  | 株式会社   | A23L1/10    | С   | , 無効審(権利維<br>持) | 2002/10/3<br>1 | 4B023 LE23;4B02<br>3        | SFG0044022647               |      |
|                         | ☑        | 9                    | 1         | 特願200<br>6      | 13-27587 | 7 <mark>特開2005</mark><br>9  | -03407      | 切り餅            |          | 佐藤食品                  | 工業株式会  | 社 A23L1/10, | 102 | 登録              | 2003/07/1<br>7 | 4B023 LE23;4B02<br>3        | SFG0032372467               |      |
|                         |          | 10                   | 11        | 9               |          | 1                           | · · · · · · | イカの加工品の割<br>カ  | 製造方法及びイ  | 大橋武一                  |        | A23L1/33    | 3 C | 登録              | 2005/05/2<br>7 | 4B042 AC09;4B04<br>2        | SFG0032709843               |      |
|                         |          | 11                   | 12        | 特願200<br>2      | 15-22302 | 2<br>特許0381                 | 7255        | 飰              |          | 越後製菓                  | 株式会社   | A23L1/10    | С   | 登録              | 2002/10/3<br>1 | 4B023 LE23;4B02<br>3        | SFG0044022647               |      |
|                         |          | 12                   | 12        | 特願200           |          |                             |             | E/I            |          | 越後製菓                  | 株式会社   | A23L1/10    | С   | ) 無効審(権利維<br>持) | 2002/10/3<br>1 | 4B023 LC08;4B02<br>3        | SFG0044022647               |      |
|                         |          | 13                   | 8         | 14              |          | 5<br>5<br>5                 |             |                |          | 株式会社                  |        | A23L1/10    |     | 登録              | 2008/10/1<br>5 | 4B023 LE23;4B02<br>3        | SFG0038537504               |      |
|                         |          | 14                   | 10        | 特願201<br>0      | 0-27517  |                             |             | トウモロコシ食品       | およびその製造  | 地方独立行<br>☆ 森          | 宁政法人青  | A23L1/21    | 2   | 拒絶確定            | 9              | 4B016 LG16;4B01<br>6        | SFG0043541905               |      |
|                         |          | 15                   | 7         | 特願201           |          | 4                           |             |                |          | 村山哲夫                  |        | A23L1/10    |     | 抹消(年金不納)        | 2011/02/1<br>9 | 4B023 LE23;4B02<br>3        | SFG0040783923               |      |
|                         |          | 16                   | 9         | 8               |          | <b>特開201</b> 3<br> 3        |             | E/I            |          | 平田美津和                 | 潓      | A23L1/10    |     | 未請求取下           | 2              | 4B023 LE23;4B02<br>3        | SFG0045228045               |      |
|                         |          | 17                   | 6         | 特願201<br>1      | 1-28184  | + <mark>特開201</mark> 3<br>5 |             | EZI            |          | たいまつ食                 | 品株式会社  | A23L1/10    |     | 拒絶確定            | 2011/12/2<br>2 | 4B023 LE23;4B02<br>3        | SFG0045953512               |      |
| MFNII 履歴 管理             |          | 18                   | 5         | 特願201           | 2-8144   | 特開2013<br>5                 | -14620      | 切り餅            |          | 上嶋梨沙                  |        | A23L1/10    |     | 登録              | 2012/01/1<br>8 | 4B023 LC05;4B02<br>3        | SFG0046115970               |      |



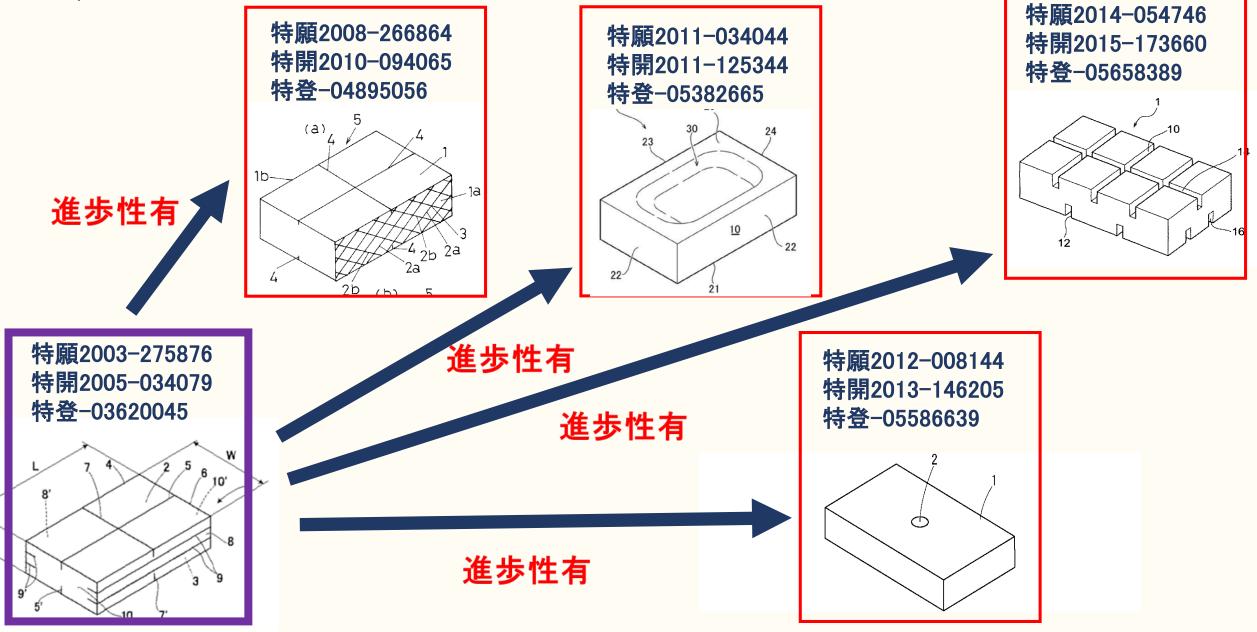
#### Analysis of evolution (Rice cake offering convenience $\rightarrow$ Mold prevention)



Analysis of evolution (Convenience of rice cake grilling  $\rightarrow$  Shape of roasted rice cake)



Analysis of evolution (Shape of roasted rice cake  $\rightarrow$  Easiness of roasted rice cake to eat)



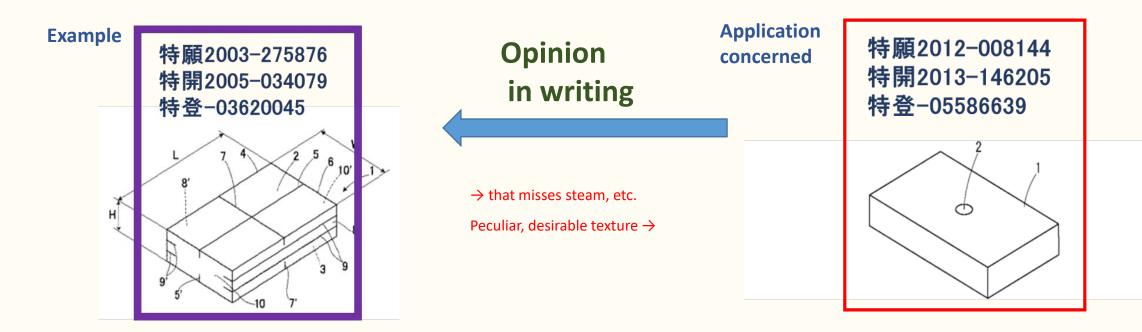
#### Examination of examination document (opinion in writing) use

It is pointed out that there is no difference with the example the examiner by the notice of reasons for rejection.

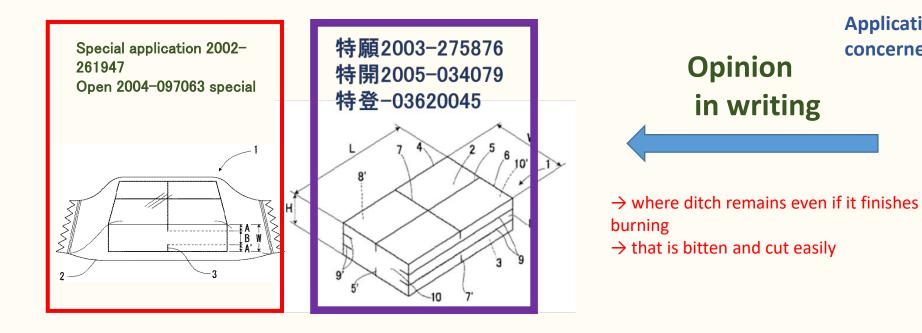
On the other hand, the applicant objects in the opinion in writing.

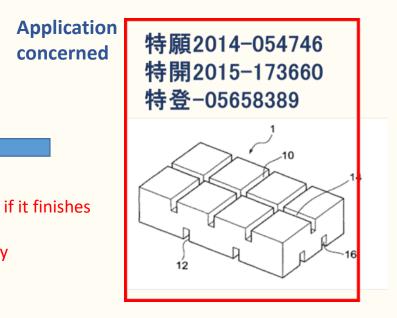
Then, the difference (evolution) with the example can be easily understood.

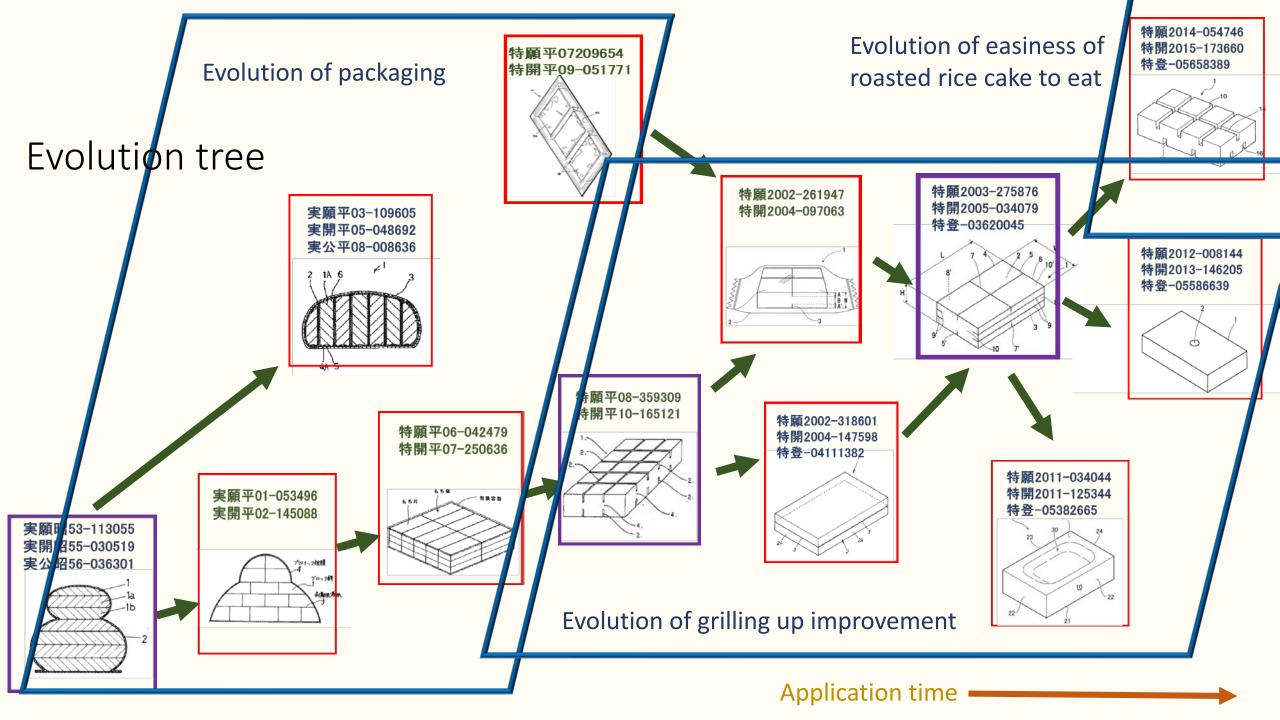
#### 



#### Example







## Forecast of evolution

The evolution of the easiness of the roasted rice cake to eat begins to arise.

The throat blocked accident has happened to the rice cake at every New Year. The smaller the rice cake is so as not to cause the throat blocking, the better. However, a small rice cake drops easily from the net when burning.

It is necessary to solve this contradiction.

For instance,

Water-soluble materials are buried like the lattice in the rice cake.

It becomes a rice cake subdivided because water-soluble materials melt when it burns as a large to some degree rice cake, the rice cake is put in the pan, and it makes it to rice cakes boiled with vegetables. (2018.07.07 Nishii conception)

Water-soluble

materials

# Comparison with general technique

### - Advantage

The patent group in the technical fields collected from the investigation only of citation information was even if the number of cases was a little the leakage of an important patent, and was enough for the grasp of evolution.

In general, the official report with a lot of numbers of pages is understood and reading the opinion in writing whose amounts of sentences are less than that of reading can understand the essence of the invention (technical feature) easily.

### ▼ Disadvantage

The official report can do the batch obtaining by using the commercial database. On the other hand, it is troublesome to acquire the opinion in writing.

(recipe exists)

## Summary

- As such, the patent group in the technical fields that had been collected from the investigation only of citation information was able to judge the proper one.
- The evolution tree was able to be made from these patent groups.
- It was able to be confirmed that the patents with a lot of numbers to be cited were divergences and sources of evolution.
- The opinion in writing of the notice of reasons for rejection was effective to confirm the difference of the technology (evolution).
- It seems that it becomes a technique for demonstrating the effect or more in a technical field not so though this announcement case was a technical field from the explanation and the viewpoint of the easiness of understanding from which the drawing becomes reference very much.