

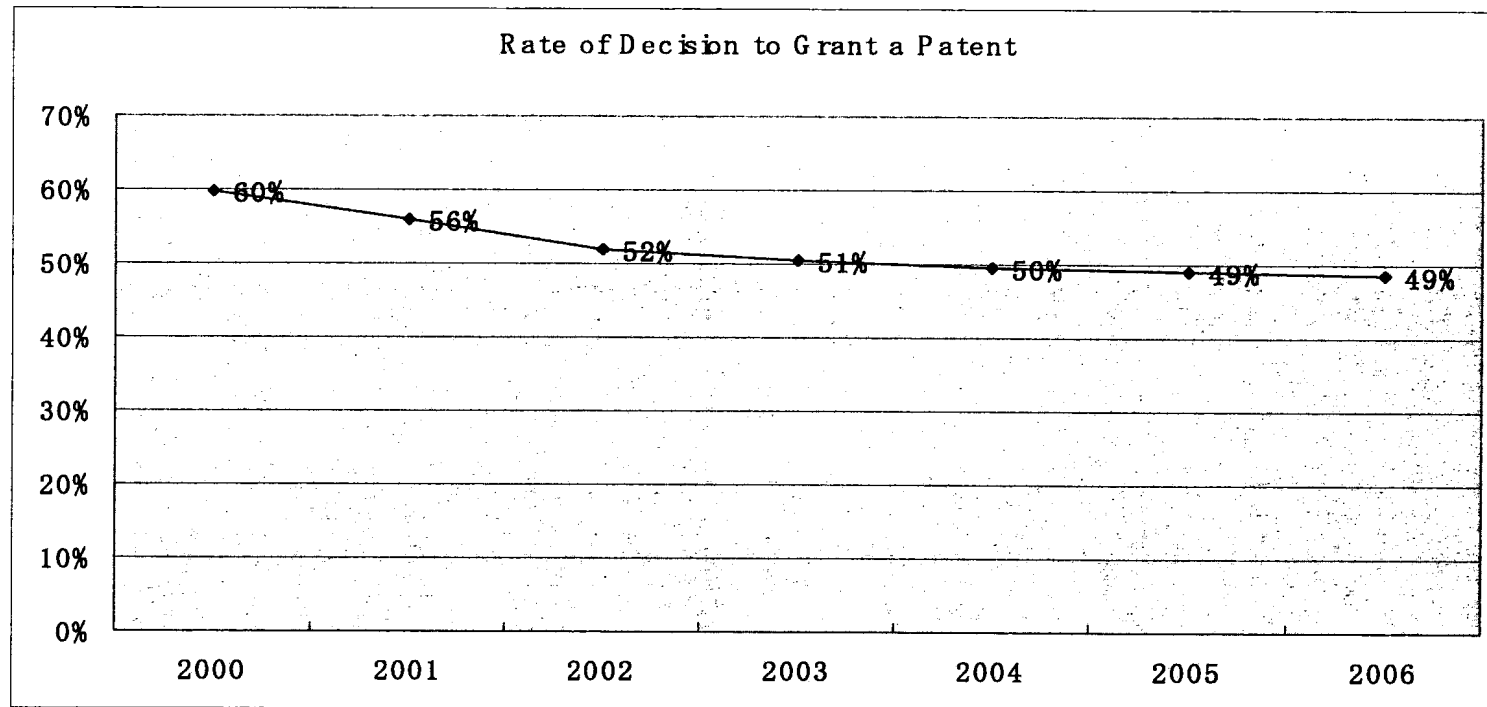
**Meeting of US Patent Bar/JPO Liaison Council, October 15th, 2007**

**Statistics related to the Reversal of  
Appeal and Trial Decisions of the  
JPO on Patentability**

**Toshimichi Moriya  
Deputy Commissioner  
Japan Patent Office**

# 1. Patents Granted

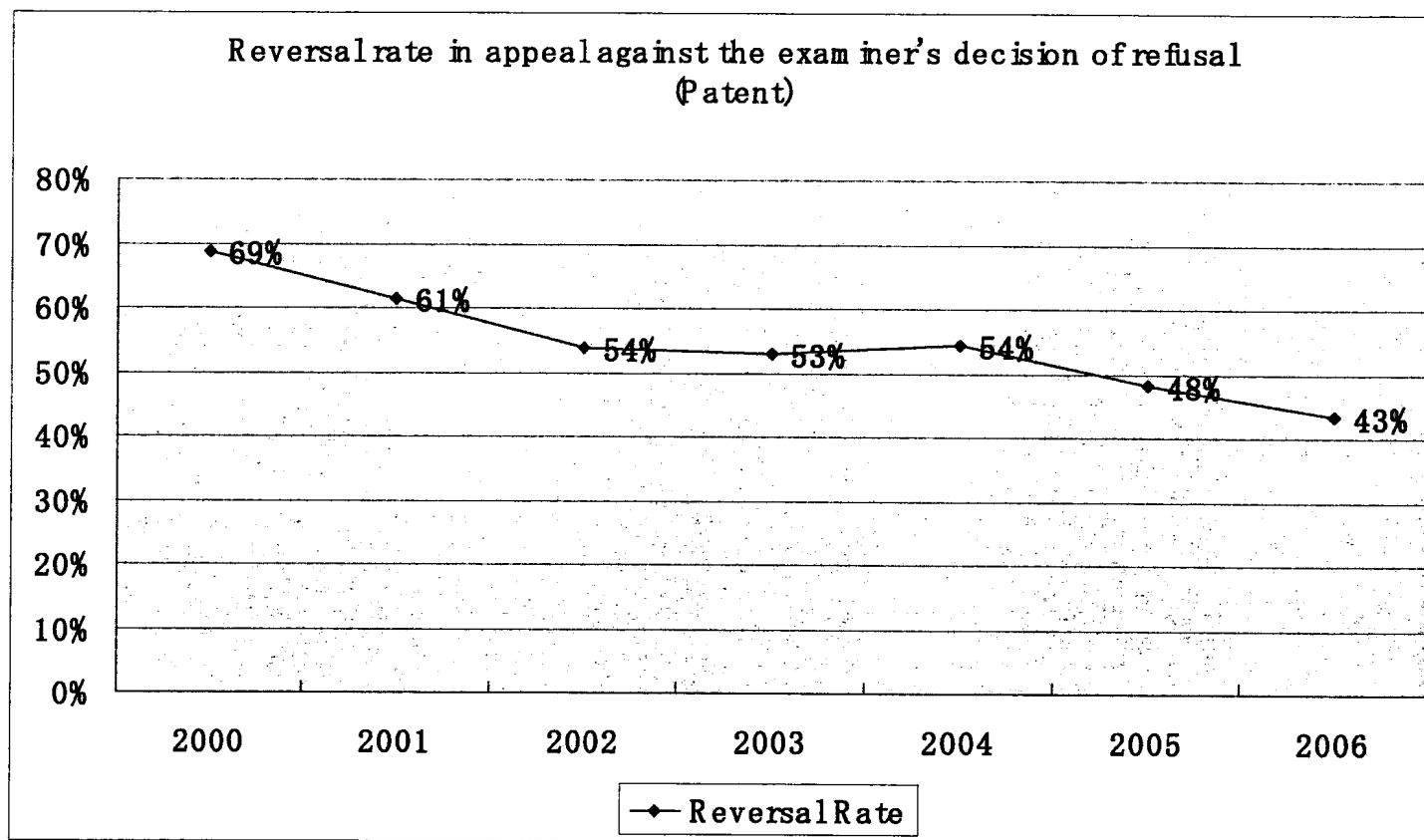
- The percentage of patents granted decreased from 60% in 2001 to 49% in 2006.



Decision to Grant a Patent: The decision to grant a patent is based on the result of a patent examination.

## 2. Appeal against an examiner's decision of refusal (Patent)

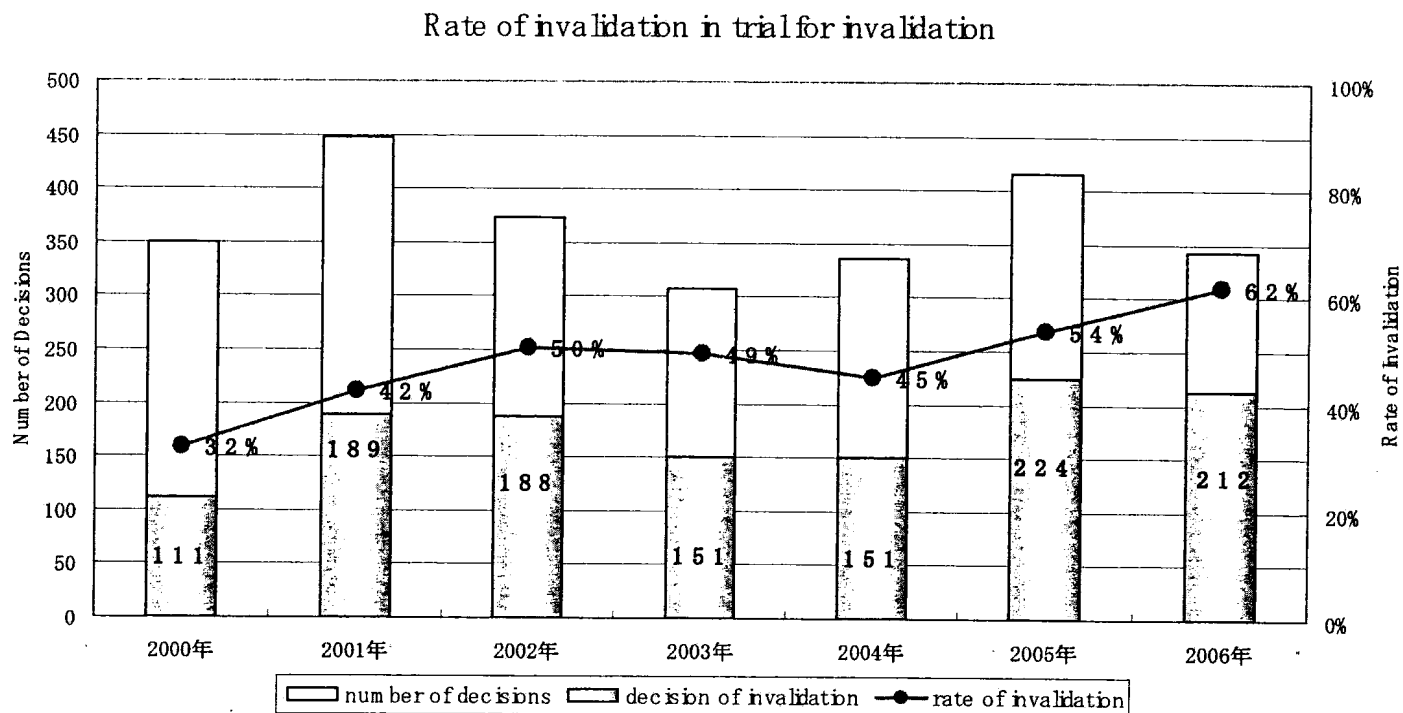
○The "Reversal rate"\* decreased from 69% in 1997 to 43% in 2006.



\*Reversal Rate: The percentage of patent applications in appeals against the examiner's decision of refusal that have been granted a patent.

### 3. Status of Trial for Invalidation (Patent and Utility Models)

○Decisions of invalidation have increased since 2000.



## 4. Suits against Appeal and Trial Decisions of the JPO (Patent)

### ○ IP High Court Decisions

- ① IP High Court decision on the cases of decision on appeal against examiner's decision of refusal (Patent)

Year	2 0 0 3	2 0 0 4	2 0 0 5	2 0 0 6
Number of IP High Court's decisions	9 2	1 2 5	1 2 5	1 3 8
Reversal rate	17. 4%	8. 8%	7. 2%	14. 5%

- ② IP High Court decisions on the cases of decision on trial for invalidation (Patent)

Year	2 0 0 3	2 0 0 4	2 0 0 5	2 0 0 6
Number of IP High Court's decisions	1 1 9	1 2 3	8 5	9 5
Reversal rate	25. 2%	25. 2%	22. 4%	20. 0%

## 5. JPO Efforts to Improve the Quality of Appeal/Trial Examination

- **Exchanging information with Courts** (168(5) and (6) of the Patent Act)

The JPO is making an effort to prevent differences in the outcomes of an infringement lawsuit and a JPO invalidation trial.

