

---

*Japan Patent Office Publishes Model Arguments Against Indefiniteness Rejection Caused by Product-by-process Claims*

---

After the Supreme Court judgments *Teva vs. Kyowa Hakko Kirin*, and *Teva vs. Tohri* (Supreme Court, Nos. 2012(ju)1204 and 2012(ju)2658: June 5, 2015), the examination of product-by-process claims has been confused in Japan.

On November 25, 2015, the Japan Patent Office published model arguments against indefiniteness rejections caused by product-by-process claims. The document: "Examples of arguments and verification presented by applicants involving 'impossible or impractical circumstances' concerning product-by-process claims" is available in English on the website:

[http://www.jpo.go.jp/tetuzuki\\_e/t\\_tokkyo\\_e/product\\_process\\_C151125\\_e.htm](http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/product_process_C151125_e.htm)

*(Reported by Toshio Nakamura, Ph.D.,  
Japan Patent Attorney)*

Fukami Patent Office, p.c.  
Nakanoshima Central Tower, 22nd Floor  
2-7, Nakanoshima 2-chome  
Kita-ku, Osaka 530-0005, Japan  
Tel: 81-6-4707-2021  
Fax: 81-6-4707-1731  
URL: <http://www.fukamipat.gr.jp/>

---

**Disclaimer**

The information described herein is only for general reference purposes and is not intended to be used as legal advice. Please consult a qualified patent attorney directly regarding intellectual property matters.