**(ARIB Standards) / (Digital Cable Broadcasting Standards)/**

**(Ultra- High Definition Television Satellite Broadcasting Applicable Standards)**

**CATV (UHDTV) Applicable Standards) / (IPTV Applicable Standards)**

**APPLICATION FOR ESSENTIAL PATENT EVALUATION** (Note 1)

(Date)

**To: Japan Intellectual Property Arbitration Center**

**Applicant for Essential Patent Evaluation:** (Note 2)

 **Address:**

**Name:**

**(Representative)**　　　　　　　 (Seal)

**Contact Person:**

**Name:**

**Dept.:**

**Address:**

**Phone No.:**

**Fax No.:**

**E-mail :**

Agent for Applicant: (Note 3)

Address:

Name:　Patent Attorney (/Attorney-at-Law)　 (Seal)

Phone No.:

Fax No.:

E-mail:

**1. Patent for which Essential Patent Evaluation is sought (hereinafter, the “Present**

 **Patent”) and the Claims:**

**(1) Particulars of the Present Patent:**

**Title of the Invention:**

**Patent No. Registration Date**

**Application No. Filing Date**

**Parent Appln. No. Original Filing Date** (Note 4)

**Publication No. Publication Date**

**Priority Application No. Priority Date**

**Priority Country**

 (2) **Claims:**  Claim 1 【Claim 2】

**Claim 1 【Claim 2】of the Present Patent as described in a copy of the Patent Gazette attached hereto.**

**2. Technical Standards and Particular Portion(s) thereof , which are to be used for the**

 **present evaluation (hereinafter, the “Subject Portion of Standard”) :** (Note 5)

Subject Portion of Standard A:

1. 2. 3, 4 【and 2. 3. 4, 5】of Section ＊, ＊＊＊＊＊ in

Subject Technical Standard ARIB STD-BXX ＊＊＊＊＊＊＊＊

(Established [Amended] on (Date) , ＊ Edition)

【The following specified portion of

1. 2. 3, 4 【and 2. 3. 4, 5】of Section ＊, ＊＊＊＊＊ in

Subject Technical Standard ARIB STD-BXX ＊＊＊＊＊＊＊＊

(Established [Amended] on (Date) , ＊ Edition)

 “＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊＊.” 】

 【Subject Portion of Standard B】

**3. Purport of the Demand:** (Note 6)

The applicant hereby demands the Center to conduct the Essential Patent

Evaluation to determine whether the invention(s) under Claim 1【and Claim 2】of the Present Patent is essential for implementation of the functions and effects of the Subject Portions of Standard A 【and B】 within the scope of the applicant's contention and the materials submitted therewith.

**4. Grounds for Essential Patent Evaluation:** (Note 7)

・Claim 1【and Claim 2】of the Present Patent is to be broken down into the claim

 elements as described in the corresponding column on the following Claim

 Chart.

・The particular Subject Portions of the Standards, which are to be applicable to

 each claim element of Claim 1【and Claim 2】concerned are described in the

 corresponding column on the following Claim Chart.

・Reasons for compatibility of each applicable particular Subject Portions of the

 Standard with each corresponding claim element of Claim 1【and Claim 2】are

 described in the corresponding column on the following Claim Chart.

 < To be continued on to the following sheets>

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|  |  |
| --- | --- |
|  **Claim** 1 |  Claim Element (a): Here quote the description of Claim Element (a).  \*For any subsequent Claim Element (b), (c),・・・,  prepare a separate sheet for each such element. |
|  **Subject Portion of**  **Standard** |  Here quote the particular portion of the Standard "A", which is applicable to the abovementioned  Claim Element (a) in such a manner as it is described in the Standard. |
|  **Compatibility of the**  **Subject Portion of**  **Standard with the**  **Claim Element** |  Here describe reasons for compatibility of the above  Subject Portion of Standard with the above Claim Element (a). |

\* The sheet for this chart may be used with the long sides at top and bottom.

 **5. Summary of Reasons for Essentiality:** (Note 8)

**6. List of Attached Materials:**

1. Explanation of Attached Materials (Notes 9,13)
2. Copy of Patent Gazette
3. Copy of Patent Register
4. Complete Set of File Wrapper
5. Certificate of Qualification of Representative, in case the applicant is a juridical person (Note 10)
6. Power of Attorney, if agents are appointed (Note 11)

(7) "Oath and Consent" form under Appendix 2 designated by the Licensing

 Organization

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(Note 1)

① In the heading of an Application Form, identify the applicable Standards, namely, by specifying either one of the "ARIB Standards", "Digital Cable Broadcasting Standards", "Ultra High-Definition Television Satellite Broadcasting Applicable Standards", "IPTV Applicable Standards" or "UHDTV Cable Applicable Standards", to which the Application relates.

② Portions written in bold face on this Form are fixed text. The brackets "【　】" indicate variations to be written there depending upon each particular case.

③ The application form for Essential Patent Evaluation dully filled in shall be submitted through electronic medium. Please first contact the Center's Secretariat to obtain guidance in how to submit the application via electronic medium,

④ Referential materials to be attached to the application form shall also be submitted

in electronic medium.

⑤ Execution on the application form shall be made by the seal or signature of the

applicant, i.e. a corporate representative in case of the corporate applicant or its agent, if such agent is appointed. The sheet of the page on which the seal is affixed or the signature is made is to be submitted in PDF format.

(Note 2)

 【Representative】

① In a case in which the Applicant is a corporate or institutional entity and no Agent is appointed on its behalf, the name of an executive officer as the Representative is to be indicated on the Application Form, and it is then to be executed by such officer. In a case in which an Agent is appointed, the Application Form may be executed by the Agent.

In these instances, if the Applicant is either a foreign corporate body or a foreign institutional entity, execution of the Application Form is to be made by its Representative or, otherwise, by its Agent.

② In a case in which the applicant is a foreign entity, either corporate or institutional one, the "Oath and Consent" form should be executed in the same manner by the same Representative as explained in item ① above.

 【Contact Person】

In case if the representative will not handle the case personally and materially, then the name of a contact person who actually handles the case should be indicated with the necessary contact information. When the application form has duly been accepted by the Center, any documents to be submitted thereafter relating to the case may be executed by the Contact Person, and no further execution by the representative is required.

 【Omission of the Seal and the Referential Materials in Later Cases】

For a second and any subsequent applications to be filed by the same corporate

applicant, the representative's seal may no longer be necessary to be affixed on those

application forms with the exception of the case in which there is a change in the

representative. Also, may be omitted are the Certificate of Qualification of Representative, the Power of Attorney, and the Oath and Consent

(Note 3)

 Use this column only where there is appointed an Agent.

(Note 4)

 In a case in which the patent at issue has been derived from a divisional application, the item "Parent Application No." is meant for the Application Number from which such divisional application was derived and the item "Original Filing Date" is meant for the filing date of the patent application from which such divisional was derived. In a case in which there are involved a series of divisional applications, the item "Parent Application No." is meant for the one for the patent application as originally filed and, likewise, the item "Original Filing Date" is meant for the filing date of the patent application as originally filed.

 For a case in which no divisional application is involved, nothing needs to be indicated, and this column as such may be excluded from the Form.

(Note 5)

① To identify the Subject Standard concerned, the Code No.　assigned to the Standard, the Title of the Standard, the Date of Establishment［Revision], the Edition No. are to be indicated. The latest version of the applicable Standard at the time the Application is filed is to be used.

【NOTE】

 When there is effected a revision of the applicable Standard during the pendency of

 the evaluation proceeding, nothing needs to be attended to unless there is involved

 a revision or exclusion with respect to the particular portion of the Standard to be

 used for evaluation. However, if the applicant considers that such revision may affect

 the evaluation negatively, then the applicant may, on its own part, amend the

 applicable portion of the Standard in view of the revision. No formality examination

 will be made on the part of the evaluators and/or the case administrators as to the

 existence or absence of any such revisions.

② The manner in which to identify applicable portions of the Standards to be used for

evaluation will be first to parse the Claim at issue into several appropriate clauses /

phrases as Claim Element (a)【(b), (c), etc.】and next, to break down the applicable

Standards into each particular portion as much precisely as possible to properly correspond to each Claim Element mentioned above, specifying each such particular portion as the "Subject Portion of the Standard A 【B, C, etc.】, and then, to indicate

each such Subject Portion of the Standard on the application form in the following manner:

　 Code No. and Title of the Standard, Date of Issue/Revision (the latest one) and

 Edition No., followed by "Chapter No. and its Title", and "Item No. and its

 Contents (Description)"

 【EXAMPLE】

 Subject Portion of Standard A:

 Technical Standard ARIB STD-B24 "Data Coding and Transmission Specifications

 for Digital Broadcasting", Book No. 1 (Revised December 16, 2009, Edition No.5.4)

 Compilation 1, Part 1, Chapter 6 Receiver, 6.3 Decode Processing and Indications.

③ In a case in which a Subject Portion of the Standard used for evaluation falls under any one of the Standards other than the ARIB Standards", such as, for example, the MPEG Standards, the IEEE Standards, etc. which are stipulated in the applicable

ARIB Standards as being relied upon or subject to, such applicable portions of the

non-ARIB Standards are to be identified in the same manner as mentioned in item ②

above and specify the portion of the ARIB Standard where such applicability of the

non-ARIB Standards is stipulated in the following manner:

 【Basis for Reference】

 Code Number and Title of the ARIB Standard, Date of Issue/Revision (the latest

 one) and Edition No., followed by recitation of the portion describing the reference

 to the non-ARIB Standards.

 In addition, in this instance, it is requested that copies of the pages of such non-ARIB Standard, consisting of the cover, table of contents, colophon as well as the pages setting forth the description of the Standard concerned be submitted as attachments to the Application.

④ As for an Application for evaluation under the Digital Cable Broadcasting Standards, in a case in which the Subject Portion of the Standard falls under the category of "Other

ARIB Standards", which are designated as "any portion of the ARIB Standards which

are referred to in the JCTEA or JLabs Standards" as being relied upon or subject to, it is recommended that such applicable ARIB Standard as the Subject Portion of Standard be identified in the manner as mentioned in item ② above and that the basis for reference in the JCTEA or JLabs Standards be identified as follows:

 【Basis for Reference】

 Code No. and Title of the JCTEA or JLabs Standards, Date of Revision (the latest

 one) and Edition No., portion of the Standard where reference to the ARIB

 Standard is provided, and quotation of the description.

⑤ As for an Application for evaluation under the Digital Cable Broadcasting Standards, in a case in which a Subject Portion of the Standard used for evaluation falls under any one of the JCTEA or JLabs Standards (namely, the standards other than the ARIB Standards), it is requested that copies of the pages of such Standard, consisting of the cover, table of contents, colophon as well as the pages setting forth the description of the Standard concerned be submitted as attachments to the Application..

⑥ The Subject Portions of Standards to be indicated in "Item 2" of the application

form should include all those used in "Item 4" of the application form to make both

in conformity.

⑦ When the evaluators find that there is included, in "Item 2. Subject Portion of

Standard" and "Item 3. Purport of Demand", one or more Subject Portions of Standards which are considered unnecessary or impertinent to conduct the evaluation, the evaluators may conduct the evaluation without using any such impertinent Subject Portion of Standard.

(Note 6)

 In a case in which Essential Patent Evaluation is sought for multiple items, such as,

for example, a set of the same or several different Claims versus the same or several

different sets of the Subject Portions of one or several Standards, the Purport of

Demand on the application form should be described one by one severally as follows:

 (1) The Applicant hereby demands that an Essential Patent Evaluation be rendered

 to the effect that within the scope of the referential materials submitted and the

 contention made by the applicant, the invention under Claim 1【Claim 2】of the

 Present Patent is found essential to implement the function and effect of the

 Subject Portion of Standard A,【B, C, etc.】.

 (2) The Applicant hereby demand that an Essential Patent Evaluation be rendered

 to the effect that within the scope of the referential materials submitted and the

 contention made by the applicant, the invention under Claim 2【Claim 3】of the

 Present Patent is found essential to implement the function and effect of the

 Subject Portion of Standard B【C, D, etc.】.

(Note 7)

① For Claim:

 To parse the Claim into the claim elements and describe each such claim element on the Claim Chart.

 For Subject Portion of Standard:

 To specify the particular portion of the Subject Portion of Standard to be applied to

 each claim element of the Claim and quote such portion on the Claim Chart in the

 manner as it is described in the Standard

 For Reasons for Compatibility:

 To describe the reasons for compatibility of each particular portion of the Subject

 Portion of the Standard with each corresponding claim element on the Claim Chart.

② The sheet for the claim chart may be used with the long sides at top and bottom.

(Note 8)

 Here summarize the reasons for essentiality described in the "Reasons for

Compatibility of the Subject Portions of Standards with the Claim Elements" set forth in the Claim Chart.

(Note 9)

① The item "Explanation of Attached Materials", should contain the following

information, that is, "Reference No., Identification of Attached Materials, Date of

Issue/Preparation, Name of the Author, and Purpose of Use for Proof".

② Item Nos. for the Attached Materials are to be given in a numerical order, such as

"Material No. 1, "Material No. 2", etc.

③ On the Attached Materials, the particular portions to be referred to in the statement of "Reasons for Compatibility" are to be highlighted in red line.

 (Note 10)

 In case the Applicant is a juridical person, a certified copy of the Corporate Register is to be submitted.

(Note 11)

 In a case in which there are appointed, for example, two agents or more and a single

Power of Attorney is executed for them, then, the number of document will be "one (1)", while a Power of Attorney is executed severally for each of them, then, the number of document is "two (2)".

(Note 12)

 For correcting or amending the application form as submitted (excluding attachments), when the Applicant wishes to submit an amended Application Form as a whole, an amended Application Form is to be dated on the same day as the original Application Form and is to be submitted with a sheet of "Submission of Amendment", which is to be dated on the day on which it is actually submitted.

(Note 13)

 A filled-in example of the "Explanation of Attached Materials" sheet is shown below.

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Explanation of Attached Materials

(Date)

To: Japan Intellectual Property Arbitration Center

Applicant:

【Agent for Applicant (attorney-at-law) (patent attorney)＊＊＊＊】

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Material Number | Material Name | Date Produced | Author | those matters which the material is intended to prove, etc. |
| Material 1 | Patent Publication(Patent No. . Present Patent) | (Date)  | JPO | The fact that the present patent on which the advisory opinion on essentiality is requested is registered in Japan and the content of the present patent. |
| Material 2 | Copy of Patent Register  | (Date)  | JPO | The fact that the present patent on which the advisory opinion on essentiality is requested is registered in the name of the applicant in Japan. (＊ Other registered facts such as assignment, and establishment of exclusive license, etc.) |
| Material 3 | Complete Set of File Wrapper | (Date)  | JPO | Same as Material 1. |
| Material 4 | Certificate of Qualification of Corporation(Certified Copy of Commercial Registration, etc.) | (Date)  | (Ex: In the case of Japanese Certified Copy of Commercial Registration, “Register of～(district name) Legal Affairs Bureau”) | The facts that the applicant is a duly organized corporation, that the representative described in the written application has a lawful representation right. (＊or “the fact that ～ has a representation right and authority to write a power of attorney.”) |
| Material 5 | Power of Attorney  | (Date)  | Representative of the applicant ～ | The fact that the applicant gave powers of attorney to the agents for applicant with respect to the present application. |
| Material 6 | Letter of Oath and Consent  | (Date)  | Representative of the applicant ～ | The fact that the applicant, upon submission of a written application, made an oath and agreed on the content designated in Appendix 2 of Procedural Rules for Advisory Opinion on Essentiality as set forth by the Japan Intellectual Property Arbitration Center. |
|  |  |  |  |  |

End of the Text