

JSIP 2026

Mock Trial - South Korea

Presiding Judge: Kisu Kim,
IP High Court

October 22, 2026

Plaintiff's Counsel : Attorney Wonyoung Chung, Bae, Kim & Lee LLC
Defendant's Counsel: Attorney Hoodong Lee, NOWH Law Office



Opening Remarks by the Presiding Judge

Standards for Determining Patent Infringement Under the Doctrine of Equivalents in South Korea

1. Standards for Determining Patent Infringement Under the Doctrine of Equivalents in South Korea

- 1 Identity of the problem-solving principle**
- 2 Substantially identical function and effect**
- 3 Ease of substitution**
- 4 Whether the accused product constitutes free-to-work technology**
- 5 Whether there was intentional exclusion during prosecution**

Plaintiff's Arguments and Technical Explanation Materials

Plaintiff's Counsel: Attorney Wonyoung Chung, Bae, Kim & Lee LLC



1. Comparison Between the Invention and the Accused Product

Scope of Claims	
A	A stand for a mobile device comprising a mounting portion on which a mobile device is placed, and a base portion to which said mounting portion is rotatably connected via a hinge shaft, the stand for a mobile device characterized by comprising:
B	a plurality of recesses formed in said base portion along the periphery of the hinge shaft;
C	a protrusion protruding from the mounting portion side and mating with said recesses at a predetermined position; and
D	<u>a metal compression coil spring</u> that biases said protrusion.
E	(Concluding clause characterizing the stand)

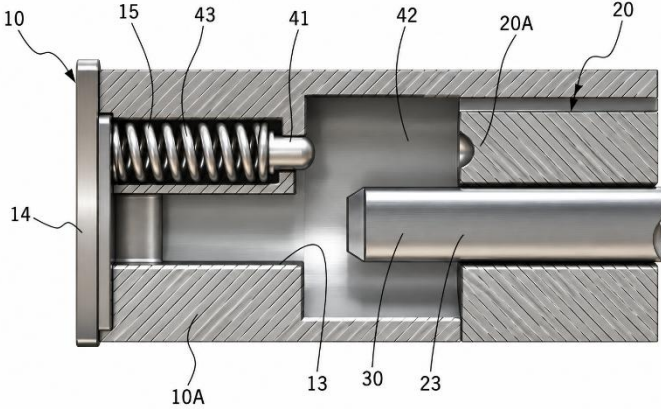
Configuration of the Accused Product	
a	A stand for a mobile device comprising a mounting portion on which a mobile device is placed, and a base portion to which said mounting portion is rotatably connected via a hinge shaft, comprising:
b	a plurality of recesses formed in said base portion along the periphery of the hinge shaft;
c	a protrusion protruding from the mounting portion side and mating with said recesses at a predetermined position; and
d	<u>a metal leaf spring</u> that biases said protrusion.
e	(Concluding clause characterizing the stand)

1. Comparison Between the Invention and the Accused Product

The combined structure of A, B, C, and E is identical; the spring shape of D alone differs

The Invention

D “metal compression coil spring”



• Common structure

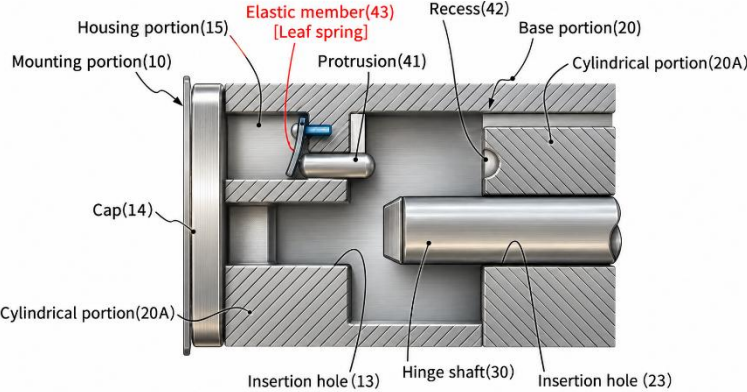
Hinge shaft·Elastic member(spring)·Protrusion·Recess·Housing portion

• Spring shape

Compression coil type·Axial compression/Restoring force

The Accused Product

d “metal leaf spring”



• Common structure

Hinge shaft·Elastic member(spring)·Protrusion·Recess·Housing portion

• Spring shape

Leaf type·Bending/Restoring force

The overall structure is identical; only the specific shape of the spring differs
The Accused Product is equivalent to the Invention and infringes the Patent right

2. Prior Art and the Invention

Cited Document 1

Rubber stopper

Technical drawings of a rubber stopper mechanism. Figure 1 shows a side view of a base (110) with a vertical mounting portion (120) and a protrusion (140). A rubber stopper (123) is shown in its retracted position, with a red arrow indicating its movement. Figure 2 shows the rubber stopper (123) engaged with the protrusion (140), with a red arrow indicating its movement. Labels include 110, 120, 123, 130, 140, 141, and 142.

- Engagement of the protrusion with the recess → Stopper fixed to the base portion
- Rubber elasticity and friction maintain the mounting portion at a constant angle

The Invention

Metal compression coil spring

Technical drawing and 3D model of a metal compression coil spring mechanism. The drawing shows a cross-section of a base (10A) with a mounting portion (13) and a protrusion (14). A metal compression coil spring (1) is shown in its compressed state, with a red arrow indicating its movement. The 3D model shows the spring (1) in its uncompressed state, with a red arrow indicating its movement. Labels include 1, 10A, 13, 14, 20, 20A, 23, 30, and 42.

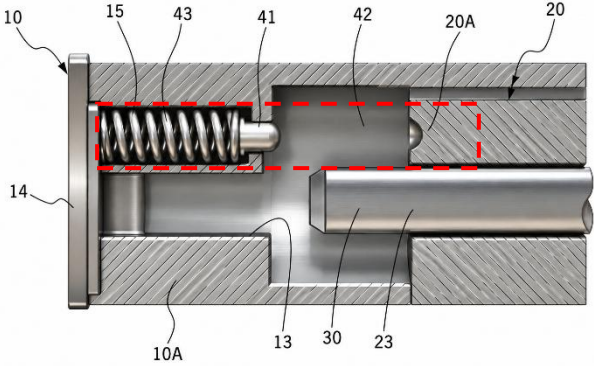
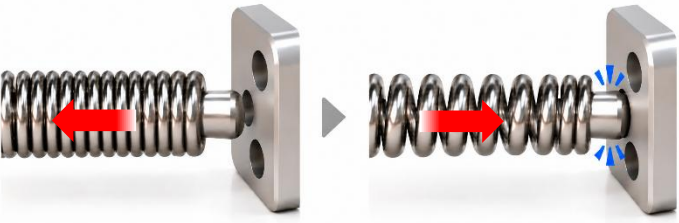
- Elastic member and protrusion arranged in the mounting portion
- Axial compression → elastic restoring force biases the protrusion
- At a predetermined position, the protrusion instantaneously mates with the recess, holding the angle of the mounting portion
- Use of metal spring prevents wear, degradation over time prevention

3. Comparison of Operating Mechanisms Between the Compression Coil Spring and the Leaf Spring

Although the two products differ in the manner of spring deformation, they both implement a distinct tactile click sensation and a stable angle-holding function through the common operating principle of biasing the protrusion with the **elastic restoring force of a metal spring** to engage it with the recess.

The Invention

Metal compression coil spring



Axial compression

elastic restoring force biases the protrusion

Common operating principle

- 1

Biasing the protrusion with the elastic restoring force of a metal spring
- 2

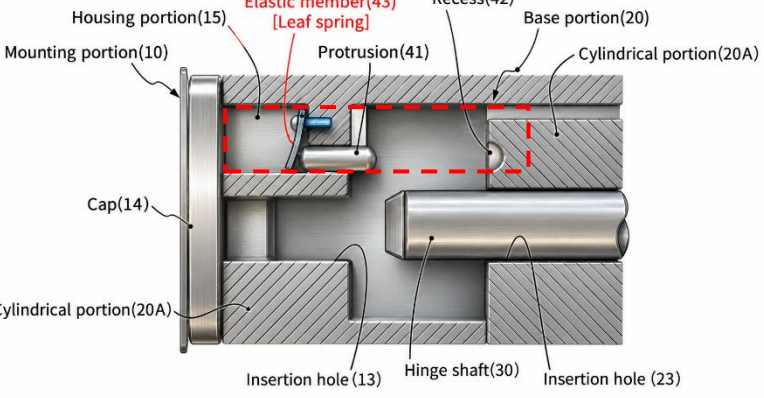
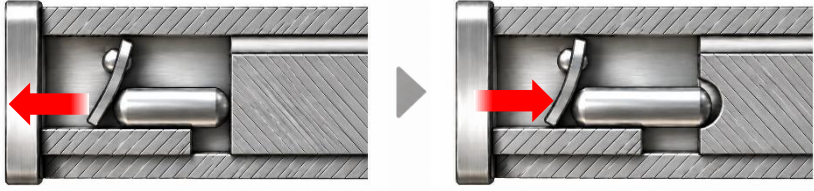
Instantaneous engagement of the protrusion with the recess at a predetermined position
- 3

Prevention of degradation over time; generation of a distinct tactile click sensation
- 4

Firm and stable angle-holding of the mobile device mounting portion

The Accused Product

Metal leaf spring

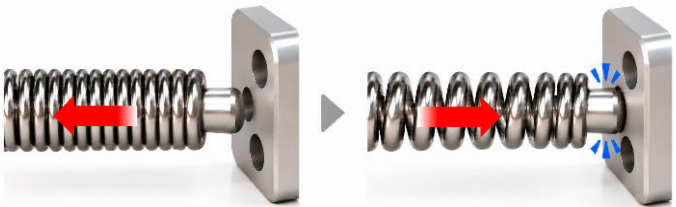
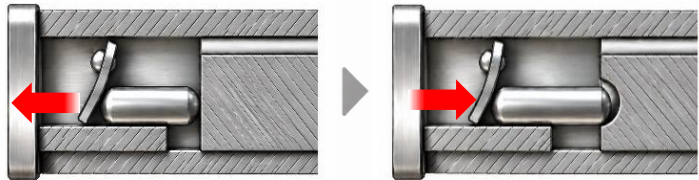


Bending deformation

elastic restoring force biases the protrusion

4. The Accused Product Shares the Same Problem-Solving Principle as the Invention

In assessing the identity of the problem-solving principle for infringement under the Doctrine of Equivalents, one must not merely compare a portion of the claim elements formally; taking into account the specification and the prior art at the time of filing, one must substantively explore **the core of the technical concept unique to the Invention** (2012Hu1132, 2017Hu424)

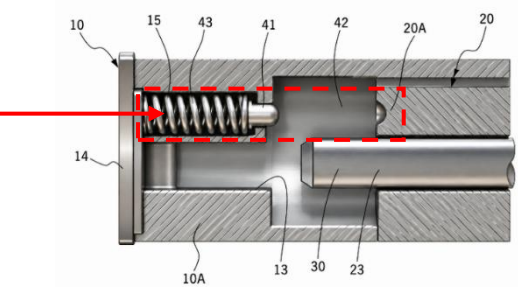
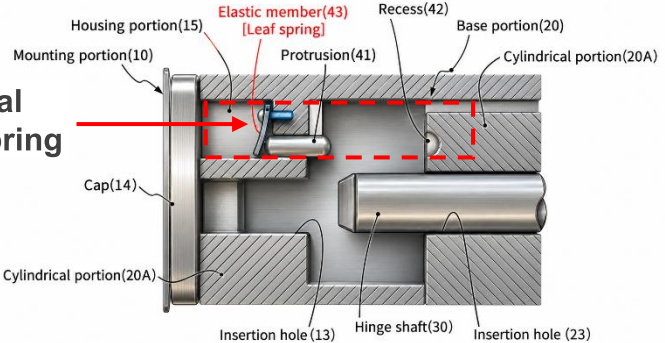
The Invention	Metal compression coil spring	Common problem-solving principle		The Accused Product	Metal leaf spring
		<p>Although the shapes differ, the core operating principle is the same</p> <div><div>Problems with prior art</div><ul style="list-style-type: none">Long-term use causes wear, making it difficult to maintain frictiondegradation over time makes it difficult to maintain the desired angle</div> <p>Biasing the protrusion with the elastic restoring force of a metal spring Instantaneous engagement of the protrusion with the recess</p> <div><div>Problem solved</div><ul style="list-style-type: none">Prevention of member wear or degradation over time preventionFirm and stable angle-holding</div> <div><div>Core of the technical concept</div><p>Engaging the protrusion with the recess using the restoring force of a metal spring</p></div>			
<p>Operating principle of the Invention</p> <div>Elastic restoring force → biasing the protrusion → mating with the recess</div>				<p>Operating principle of the Accused Product</p> <div>Elastic restoring force → biasing the protrusion → mating with the recess</div>	

Core of the problem-solving principle

The technical problem is to overcome wear of the friction hinge and degradation over time of the rubber stopper, thereby achieving firm and stable angle-holding over an extended period. Both the Invention and the Accused Product employ the same problem-solving principle of biasing the protrusion with the elastic restoring force of a metal spring to engage it with the recess.

5. Replacing with a Leaf Spring Produces the Same Function and Effect as the Invention

Where the accused invention solves the same technical problem that remained unresolved by the prior art and was solved by the patented invention, the function and effect of the accused invention should, in principle, **be deemed substantially identical to those of the patented invention.**(2022Hu10722、 2021Hu10589)

The Invention	Metal compression coil spring		The Accused Product	Metal leaf spring
 <p>Metal compression coil spring</p> <p>Metal coil spring elastic restoring force</p> <p>Axial compression → Elastic restoring force → biases the protrusion</p>		<p>Common Function and Effect</p> <p>Technical concept</p> <ul style="list-style-type: none">Elastic restoring force of a metal springInstantaneous engagement of the protrusion with the recess at a predetermined position <p>Function and effect</p> <ul style="list-style-type: none">Prevention of wear or degradation over time of componentsFirm and stable angle-holding of the mobile device mounting portion <p>Although the two springs differ in specific shape, both achieve the same function and effect by engaging the protrusion with the recess through the elastic restoring force of a metal spring</p>	 <p>Metal leaf spring</p> <p>Metal leaf spring elastic restoring force</p> <p>Bending deformation → Elastic restoring force → biases the protrusion</p>	

Conclusion

The compression coil spring generates restoring force through axial compression, and the leaf spring through bending, but both achieve the same function and effect

6. The Leaf Spring Was Not Intentionally Excluded During Prosecution

Supreme Court Decision 2022Hu10210, rendered on February 2, 2023

“The mere fact that a narrowing amendment was made to the claims during prosecution does not warrant the conclusion that every configuration encompassed by the difference between the pre-amendment and post-amendment claim language was intentionally excluded from the scope of the claims.”

⚙ **Whether there was intentional exclusion is determined by comprehensively considering the following circumstances**
(Supreme Court 2018. 8. 1. rendered 2015Da244517 Decision, Supreme Court 2023. 2. 2. rendered 2022Hu10210 Decision).

1

Reasons for rejection presented by the examiner

2

Applicant’s amendment and arguments

3

Specific reasons for the amendment

4

Applicant’s intent as revealed during prosecution

6. The Leaf Spring Was Not Intentionally Excluded During Prosecution



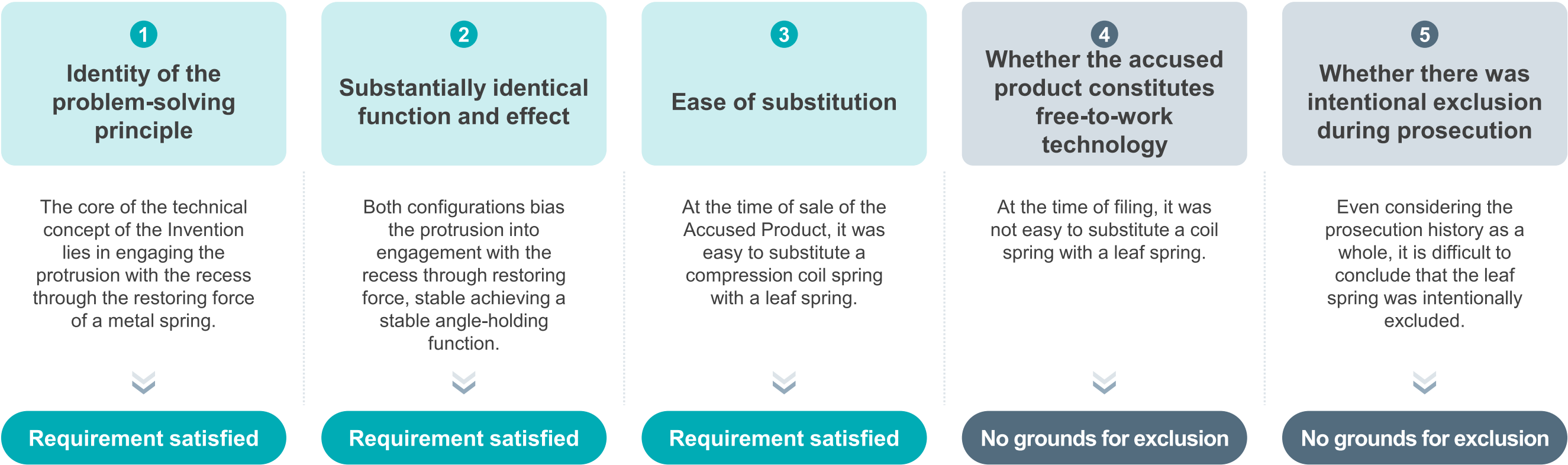
Objective circumstances as revealed in the prosecution history	
Reasons for rejection	Cited Document 1 discloses a structure in which a protrusion of a rubber stopper, which serves as an elastic member, is biased against and mates with a recess. °
Arguments of Amendment	The Plaintiff amended “elastic member” to “metal compression coil spring.” <ul style="list-style-type: none">• Rubber stopper: problem of degradation over time; lack of click sensation.• Metal compression coil spring: utilizes the mechanical mechanism of linear compression and restoring force.
Circumstances regarding the leaf spring	At the time of filing, substitution of the coil spring with a leaf spring was not easy for a person skilled in the art.

Application of legal principles
Objective purpose of the Amendment <ul style="list-style-type: none">① Avoidance of overlap with the “rubber stopper” of Cited Document 1② Adoption of a metal spring to solve the problem of rubber degradation over time <p>→ Insufficient basis to view this as excluding “all non-coil metal elastic members”</p>

Conclusion

Considering the prosecution history as a whole, it is difficult to conclude that the “metal leaf spring” was intentionally excluded from the technical scope of the Invention

7. Conclusion Based on the Requirements for Infringement Under the Doctrine of Equivalents in Korean Patent Law



Conclusion

The Accused Product is equivalent to the Invention and infringes the Patent right

Defendant's Arguments and Technical Explanation Materials

Defendant's Counsel: Attorney Hoodong Lee, NOWH Law Office



The Defendant's Summary of Arguments

- 1 The Accused Product and the Invention differ in their problem-solving principles**
- 2 Function and effect are also not substantially identical**
- 3 Ease of substitution**
- 4 Whether the accused product constitutes free-to-work technology**
- 5 There was intentional exclusion during prosecution**

1. Difference in the Problem-Solving Principle

1 Standards for Ascertaining the Problem-Solving Principle

Supreme Court 2014. 7. 24. rendered 2012Hu1132 Decision

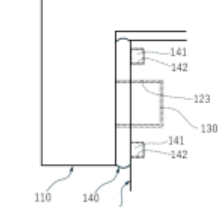
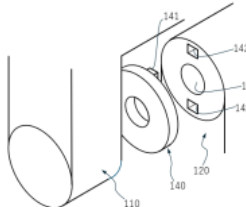
- In determining whether the problem-solving principle of the accused configuration and that of the Invention are identical, one must not formally extract only some of the elements described in the claims. Rather, one must substantively examine and determine what constitutes **the core of the technical concept underlying the particular means of solving the problem unique to the Invention, taking into account the description of the invention set forth in the specification and the prior art known at the time of filing, as compared with the prior art.**
- The reason for considering not only the description of the invention in the specification but also the prior art known at the time of filing when identifying the problem-solving principle of the Invention is to **objectively ascertain the substantive value of the Invention according to the degree of its contribution in relation to the overall prior art, and to afford it commensurate protection.** Accordingly, taking such prior art into account, one must determine how broadly or narrowly to construe the problem-solving principle of the Invention according to the degree to which the Invention contributed to the advancement of technology.

- ✓ Compared with the prior art
- ✓ The core of the technical concept upon which the unique solution of the Invention is based
- ✓ The degree of the Invention's contribution

The scope of the problem-solving principle should be determined based on the substantial technical contribution compared with the prior art at the time of filing

1. Difference in the Problem-Solving Principle

2 Prior Art of the Invention - Cited Document 1

Technical Problem	Solution - Rubber stopper + Pressure engagement through elasticity	Configuration
<ul style="list-style-type: none">Maintaining the mounting portion at an appropriate tilt angle in a stand for a mobile device	<p>Rubber stopper + press-engagement through elasticity</p> <p>A rubber stopper is installed between the mounting portion and the base portion and maintained in a compressed and elastically deformed state</p> <p>([圖 1])</p>  <p>([圖 2])</p>  <p>Restoring force of the rubber elasticity</p> <p>The protrusion press-engages with the recess</p> <p>Mounting portion angle- holding</p>	<p>Elastic member + Protrusion + Recess</p> <p>Limitation</p> <ul style="list-style-type: none">Component wear and degradation over time of rubber materials → Reduced elasticity → Weakened angle-holding capability <p>→ The problem addressed by the Invention</p>

Elastic member (Rubber stopper) compression → Elastic restoring force biases the protrusion → Press-engages with the recess → Angle-holding of the mounting portion

1. Difference in the Problem-Solving Principle

3 Problem-Solving Principle of the Invention

Technical Problem

Reduction in angle-holding force due to wear and degradation over time of materials in a stand for a mobile device in which the mounting portion maintains an appropriate tilt angle

Prosecution History

Original Claim

Biasing the protrusion with an “elastic member”

Rejection for lack of novelty on the ground that “it was identical to the rubber stopper in Cited Document 1”

After Amendment

Biasing the protrusion with a “metal compression coil spring”

The operating mechanism of the Invention

01

Axial compression | Metal compression coil spring

02

Restoring | Linear compression and restoring force

03

Protrusion Biases | Protrusion at the tip of the spring

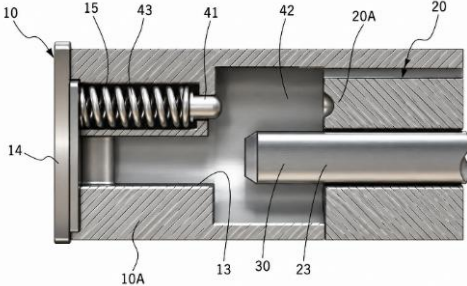
04

Engagement with the recess | Rotation prevention of the mounting portion

05

Firm angle-holding | Long-term stability

Compared with the prior art, the only specific technical means added by the Invention is the metal compression coil spring



1. Difference in the Problem-Solving Principle

3 Problem-Solving Principle of the Patent Invention

Technical Contribution of the Present Invention

- A structure in which a convex portion is held down by a rubber elastic member already exists in Prior Art Document 1.
→ When compared with the prior art, the only specific technical means added by the patent invention is a metal compression coil spring.
- By selecting a “metal compression coil spring,” the problem of wear of components and age-related deterioration of materials was solved.
→ The substantive technical contribution lies in the selection of a specific technical means, namely the metal compression coil spring.

Problem-Solving Principle of the Present Invention

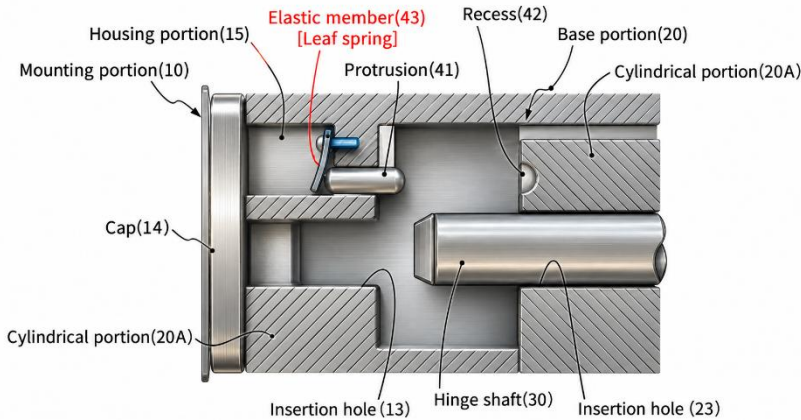
- A metal compression coil spring is placed in the mounting portion, and the protrusion is biased by the compression and restoring force of the spring.

1. Difference in the Problem-Solving Principle

4 The Accused Product Problem-solving principle

The operating mechanism of the Accused Product

- 01 Bending | Metal leaf spring
- 02 Restoring | Elastic restoring force
- 03 Protrusion Biases | Protrusion at the tip of the spring
- 04 Engagement with the recess | Rotation prevention of the mounting portion
- 05 Firm angle-holding | Long-term stability



The metal compression coil spring of the Invention is replaced with a metal leaf spring

1. Difference in the Problem-Solving Principle

5 The Problem-Solving Principle Differs

Supreme Court 2019. 1. 31. rendered 2018Da267252 Decision

“Since the substantial value of the invention that the Patent Act seeks to protect lies in **the Invention’s contribution to technological advancement by solving a technical problem not solved by the prior art**, one must also consider the problem-solving principle unique to the invention when determining whether the modified claim element of the accused product is equivalent to the corresponding claim element of the invention.

✓ The Problem-Solving Principle Differs

- Invention: Protrusion biased by a metal compression coil spring
- Accused Product: Protrusion biased by a metal leaf spring

✓ Scope of Assessment Under the Doctrine of Equivalents

Plaintiff’s Argument: Biasing the protrusion by means of “a metal elastic member”

- Elastic member (rejected claim) ⊃ Metal elastic member ⊃ Metal compression coil spring (the Patent)

Generalization to a broader concept → Excessive abstraction of the problem-solving principle of the Invention

- Ex post expansion of the scope of the claims → Risk of undermining third-party reliance and predictability

Protection beyond the substantial technical contribution of the Invention is inconsistent with the purpose of the Doctrine of Equivalents

2. Difference in Function and Effect

Subject of Comparison of Function and Effect

Supreme Court 2019. 1. 31. rendered 2018Da267252 Decision

- Whether the function and effect are substantially identical must be determined primarily by examining whether the accused product also solves the technical problem that was not solved by the prior art but was solved by the invention.
- **Where the core of the technical concept underlying the particular means of solving the problem unique to the invention - as ascertained by taking into account the description of the invention in the specification and the prior art known at the time of filing - was already publicly known at the time of filing or was no different therefrom, such core of the technical concept cannot be regarded as unique to the invention. ... In such cases, whether the function and effect are substantially identical cannot be determined by examining whether the core of the technical concept of the invention is embodied in the accused product; rather, the determination must be made by comparing the individual functions and roles of the claim element at issue for equivalents purposes.**

2. Difference in Function and Effect

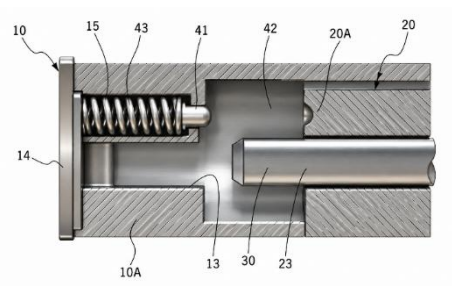
Function and Effect of the Invention and the Accused Product

The technical concept of biasing the protrusion with the restoring force of an elastic member to mate it with the recess, thereby holding the angle of the mounting portion, was already publicly known
→ The individual functions of the springs - the claim element at issue for equivalents purposes - should be compared

The Invention

Metal compression coil spring

Linear compression and restoring force



Axial compression

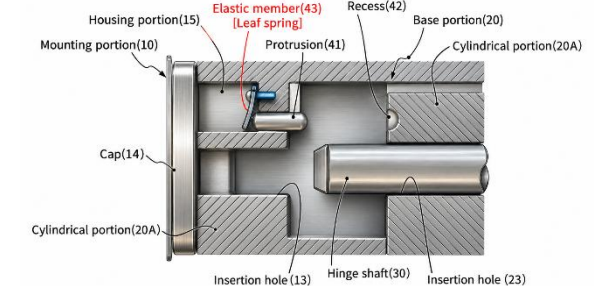
Generation of linear restoring force

Biases the protrusion

The Accused Product

Metal leaf spring

Elastic restoring force generated from bending deformation



Bending

Generation of elastic restoring force

Biases the protrusion

The individual functions and operating mechanisms of the two springs are not identical

3. Intentional Exclusion of the Leaf Spring

Comprehensive Consideration of the Prosecution History

Supreme Court 2017. 4. 26. rendered 2014Hu638 Decision

- Whether a configuration was intentionally excluded from the claims during prosecution of the Invention must be determined by taking into account not only the specification, but also the views expressed by the examiner from the filing through to the grant of the patent, as well as the applicant's intent and the reasons for the amendment as reflected in the amendments and arguments submitted by the applicant during prosecution.

Reasons for rejection

Views presented by the patent office examiner

Amendments and arguments

Applicant's intent

Specific reasons for the amendment

which prior art was the amendment intended to circumvent?

The determination must be based on a comprehensive assessment of the objective circumstances appearing in the prosecution history, such as the reasons for the amendment - not merely on whether a narrowing amendment was made.

3. Intentional Exclusion of the Leaf Spring

History of the Amendment

Original filing	Described the claim element that “biases the protrusion arranged on the mounting portion” as “elastic member”
Reasons for rejection	Lack of novelty because the rubber stopper of Cited Document 1 constitutes an “elastic member”
Amendment	“elastic member” → “metal compression coil spring”
Arguments	“a mechanical mechanism characterized by the linear compression and restoring force of a metal compression coil spring” is a distinguishing feature from the prior art
Decision to grant a patent	No reasons for rejection after the amendment → Decision to grant a patent

3. Intentional Exclusion of the Leaf Spring

Intentional exclusion during prosecution

If merely to exclude the “rubber stopper,”	a broader expression such as “metal elastic member” could have been chosen
The expression chosen nevertheless	All of “ metal(material) ”, “ compression(function) ”, “ coil spring(shape) ” were limited in the claim
Arguments made	Actively presented the specific operating mechanism of “ linear compression and restoring force ” as a distinguishing feature
Objective meaning of the prosecution history	“Metal compression coil spring” is not a mere narrowing amendment (shape limitation), but a specific technical means that made granting the patent possible → A choice to exclude from the scope of the patent right elastic members that operate in a manner different from a compression coil spring

- A leaf spring biases the protrusion not through linear compression and restoring force, but through elastic restoring force from bending
- Bringing the leaf spring back within the scope of the patent right through the Doctrine of Equivalents constitutes an ex post expansion of the scope of protection contrary to the prosecution history

4. Conclusion

The Accused Product is not Equivalent to the Invention

Problem-solving Principle	<ul style="list-style-type: none">The Invention and the Accused Product differ in their problem-solving principles	>>>	Not satisfied
Function and Effect	<ul style="list-style-type: none">The Invention and the Accused Product also differ in their function and effect	>>>	Not satisfied
Intentional Exclusion	<ul style="list-style-type: none">The Plaintiff intentionally excluded elastic members other than the metal compression coil spring from the technical scope of the invention during prosecution	>>>	Applicable

Neither literal infringement nor infringement under the Doctrine of Equivalents is established
→ The Accused Product does not constitute infringement of the Patent

Clarification from the Presiding Judge

Thank you for your attention.

South Korea Team

Presiding Judge: Judge Kisu Kim, Patent Court

Plaintiff's Counsel: Attorney Wonyoung Chung, Bae, Kim & Lee LLC

Defendant's Counsel: Attorney Hoodong Lee, NOWH Law Office

