Patent Right	Date	September 11, 2019	Court	Intellectual Property High Court, Third Division
	Case number	2018 (Ne) 10071		
- A case in which infringement under the doctrine of equivalent for the invention titled "HUMAN RELATIONS REGISTRATION SYSTEM, METHOD AND DEVICE FOR REGISTERING HUMAN RELATIONS, PROGRAM FOR REGISTERING HUMAN RELATIONS, AND COMPUTER-READABLE RECORDING MEDIUM WITH THE PROGRAM RECORDED" was denied.				

Case type: Compensation

Result: Appeal dismissed

References: Article 70, paragraph (1) of the Patent Act

Number of related rights, etc.: Patent No. 3987097

Summary of the Judgment

1. This case is a case in which Appellant, who is a patentee of the patent right (Patent No. 3987097) titled "HUMAN RELATIONS REGISTRATION SYSTEM, METHOD AND DEVICE FOR REGISTERING HUMAN RELATIONS, PROGRAM FOR REGISTERING HUMAN RELATIONS, AND COMPUTER-READABLE RECORDING MEDIUM WITH THE PROGRAM RECORDED", alleges that the server (Defendant's server) used in a social networking service (Defendant's service) provided by Appellee belongs to the technical scope of the invention according to Claims 1 and 3 in the scope of claims of the present patent (each of the present inventions) and claimed payment of compensation for damage from Appellee on the ground of tort.

The judgment in prior instance dismissed the Appellant's claim by stating that the Defendant's server does not belong to the technical scope of each of the present inventions and thus, Appellant instituted an appeal against the judgment.

The main issue of this case is whether or not infringement under the doctrine of equivalent is established.

2. This judgment held as follows and dismissed the appeal.

(1) First requirement of equivalence

A. The essential part of the patent invention should be found from the scope of claims and the description in Description or particularly from the comparison with the prior art described in Description, and it is interpreted that, [i] if the degree of contribution of the patent invention is evaluated to be larger than in the prior art, a part of the description in the scope of claims is found to be made into a superordinate concept

thereof; and [ii] if the degree of contribution of the patent invention is evaluated not to be so larger than the prior art, it is found to have substantially the same meaning as the description in the scope of claims. However, if the problem that could not be solved by the prior art as described in the Description is objectively insufficient in view of the prior art at the priority date, the feature part configuring the unique technical idea of the patent invention not found in the prior art should be found also by considering the prior arts not described in the Description. In such a case, the essential part of the patent invention becomes more proximate to the description in the scope of claims than in the case in which it is found only from the description in the scope of claims and the Description, and it is interpreted that a range where the equivalence is found becomes narrower.

B. According to the description in the scope of claims of each of the present inventions and the present Description, it is interpreted that each of the present inventions enables a first registrant to search personal information or identification information of a third registrant having human relations with a second registrant by using a search keyword including the personal information or identification information of the second registrant with whom the first registrant has human relations, by storing the personal information or identification information of the registrant with whom the human relations are formed in association in a server including recording means when the human relations are formed on agreement between the registrants, and the human relations with the third registrant can be formed, whereby the problem of providing a human relations registration system actively supporting the wider and deeper human relations can be solved.

C. According to the description in the document before the priority date of the present patent, in the configuration in which the server computer 330 and the client computer 370 are connected through the world wide web 360, and the user information database 340 including the contact counterpart information input by the user registered in the server computer 330 is provided, there are descriptions of the configuration that [i] when the member A (the first registrant in each of the present inventions) is linked to the member B (the second registrant in each of the present inventions) at an arbitrary permission level, and the member B is linked to the member C (the third registrant in each of the present inventions) at an arbitrary permission level, if the member C gives the friend of friends permission to the member B, and the member B also gives the friend of friends permission to the member A, the member A is qualified to receive the friend of friends notice on the member C; [ii] the "friend's table" associates the users (the registrants in each of the present inventions) with each other; [iii] by means

of the "friend of friends system", the first user (first registrant in each of the present inventions) can search the name of a contact counterpart of the contact counterpart living in the same city as the city where the first user lives or belonging to the group to which the first user belongs, and after the first user makes a friend of friends search and specifies a place of the second user (the third registrant in each of the present inventions) who is a friend of the friend, the first user can link to the second user in order to add the second user to the personal address book of the first user; [iv] when the first user specifies the second user, the second user receives a notice of the first user having "linked" to the second user; and [v] when the second user selects to accept the link, the second user sets a data field permission and transmits a notice of permission of viewing of the personal information and the like for the first user, and when the notice is received, the vocation, the personal information, and the like of the second user are displayed on the personal address book of the first user.

In view of the prior art at the time of the priority date of this case as above, it can be considered that there was the solution as above to the problem of providing a human relations registration system actively supporting formation of wider and deeper human relations.

D. According to the prior art found from the description in the document before the priority date of the present patent, since the description in the present Description as the problem that could not be solved by the prior art is objectively insufficient in view of the prior art as of the priority date, the feature part configuring the unique technical idea not found in the prior art should be found also by considering the prior art not described in the Description.

In view of the prior art found from the aforementioned document, each of the present inventions only discloses substantially the same art as that illustrated in the prior example in the major points, and since the prior example is not one that specifically points out technical difficulty which had not been solved and discloses specific means for overcoming the difficulty, the degree of contribution of each of the present inventions is not so great, and in view of the aforementioned prior art, it is reasonable to find that the part configuring the unique technical idea not found in the prior art has substantially the same meaning as the scope of claims in each of the present inventions.

E. Since the Defendant's server does not include the configurations of Constituent Features 1D and 2D, the Defendant's server is not considered to include the configuration of the essential part of each of the present inventions and does not fulfill the first requirement of equivalence.

Judgment rendered on September 11, 2019
2018 (Ne) 10071 Appeal case of seeking compensation (Court of Prior Instance: Tokyo District Court 2017 (Wa) 22417)
Date of conclusion of the oral argument: May 15, 2019

Judgment

Appellant: MEKIKI Co. Ltd.

Appellee: DMM GAMES LLC.
Representative Partner: DMM GAMES Holdings Co., Ltd.

Main text

1. This appeal shall be dismissed.
2. Appellant shall bear the cost of the appeal.

Facts and reasons

No. 1 Gist of the appeal

1. The judgment in prior instance shall be reversed.
2. Appellee shall pay the money of 15 million yen and a rate of 5% per annum to Appellant from July 25, 2017 until completion of the payment.

No. 2 Outline of the case (the abbreviations shall follow those in the judgment in prior instance unless otherwise specified.)

1. This case is a case in which Appellant who is a patentee of the patent right (Patent No. 3987097) of the invention titled "human relations registration system, method and device for registering human relations, program for registering human relations, and computer-readable recording medium with the program recorded" alleges that the server (Defendant's server) used in a social networking service (Defendant's service) provided by G.K. DMM.com, the Defendant before succession of the lawsuit and DMM.com Lab Co., Ltd., the same (Defendants before succession) belongs to the technical scope of the invention according to Claims 1 and 3 in the scope of claims of the present patent (each of the present invention) and claimed joint payment of damages in the amount of 15 million yen on the ground of tort and delay damages at a rate of 5 % per annum prescribed in the Civil Code from July 25, 2017 which is the

day following the tort until completion of the payment from the Defendants before succession, and Appellee succeeded the rights and obligations due to the company split on March 1, 2018.

2. The judgment in prior instance dismissed the Appellant's claim by stating that the Defendant's server does not belong to the technical scope of each of the present inventions and thus, Appellant instituted an appeal against that.

3. Basic facts

The basic facts are as in the "Facts and reasons" in the judgment in prior instance, No. 2, 2 (page 1, line 26 to page 5, line 8 in the judgment in prior instance), which are cited herein.

(omitted)

No. 3 Judgment of this court

This court also judges that the Defendant's server does not belong to the technical scope of each of the present inventions in terms of wording and it cannot be found to belong to the technical scope as equivalence to each of the present inventions.

1. Meaning of each of the present inventions, configuration of the Defendant's server, and Issue 1 (whether the Defendant's server belongs to the technical scope of each of the present inventions in terms of wording)

(1) Since the determination on the meaning of each of the present inventions, configuration of the Defendant's server, and Issue 1 (whether the Defendant's server belongs to the technical scope of each of the present inventions in terms of wording) is as described in the judgment in prior instance, "Facts and reasons", No. 4, 1 to 3 (page 18, line 10 to page 25, line 3 in the judgment in prior instance) other than that the phrase from "personal information" on page 22, line 10 in the judgment in prior instance to "by means of" on line 11 of the same page is revised to "by using a search keyword including personal information or identification information of a second registrant with whom the first registrant has a human relationship", and the judgment on the Appellant's supplementary allegation in this court as described below is added, which is cited herein.

(2) Judgment on the supplementary allegation in this court

Appellant alleges that, with regard to "when transmitted" in the constituent features 1D and 2D, there is no description on the step for confirming transmission of the second message or storage in association in the present Description, and the wording of "when transmitted" cannot be understood to be limited to a form in which

the storage is associated with the fact of "transmitted" as a condition. However, as described in the judgment in prior instance according to the aforementioned citation, the description in the scope of claims is interpreted to mean that the transmission precedes the association of the storage, and this judgment is not influenced by the point alleged by Appellant.

(3) Summary

As described above, the Defendant's server does not fulfill the constituent features 1D and 2D and thus, the Defendant's server does not belong to the technical scope of each of the present inventions in terms of wording.

2. Issue 2-2 (even if it is not stored in association with "when transmitted", whether it is equivalent to each of the present inventions)

(1) Requirements of equivalence

Even if there is a portion different from the product manufactured or the like by the counterpart or the method in use (hereinafter, referred to as a "target product or the like") in the configuration described in the scope of claims, if [i] the portion is not the essential part of the patent invention (first requirement); [ii] the object of the patent invention can be achieved even if the portion is replaced by that in the target product or the like, and the identical function and effect can be exerted (second requirement); [iii] a person ordinarily skilled in the art could have easily conceived of the replacement as above at the time of the manufacture or the like of the target product or the like (third requirement); [iv] the target product or the like is not identical to the art publicly known at the filing of the patent invention or not a product that would have been easily conceived of by the person ordinarily skilled in the art therefrom (fourth requirement); and [v] there are no special circumstances that the target product or the like is applicable to those intentionally excluded from the scope of claims in the filing procedure of the patent invention, it is interpreted that the target product or the like is equivalent to the configuration described in the scope of claims and belongs to the technical scope of the patent invention (see Supreme Court 1994 (O) 1083, February 24, 1998, Third Petty Bench Judgment / Civil Court Precedents Vol. 52, No. 1, page 113, Supreme Court 2016 (Ju) 1242, March 24 2017, Second Petty Bench Judgment / Civil Court Precedents Vol. 71, No. 3, page 359).

(2) First requirement of equivalence

A. The substantial value of the invention to be protected by the Patent Act resides in a point that a solution based on the unique technical idea unprecedented in the prior art for realizing the solution to a technical problem which could not have been achieved by the prior art is disclosed to society with a specific configuration and thus, the

essential part in the patent invention should be interpreted to be a feature part configuring the unique technical idea not found in the prior art in the description in the scope of claims of the patent invention. Moreover, the aforementioned essential part should be found by finalizing the feature part configuring the unique technical idea not found in the prior art in the description in the scope of claims according to the patent invention after the problem and the solution of the patent invention and the function and effect thereof are grasped on the basis of the description in the scope of claims and the detailed description of the invention in the Description.

In view of the fact that the substantial value of the patent invention is determined in accordance with a degree of contribution as compared with the prior art in the technical field thereof, the essential part of the patent invention should be found from the description in the scope of claims and the Description or particularly from the comparison with the prior art described in the Description, and it is interpreted that, [i] if the degree of contribution of the patent invention is evaluated to be larger than in the prior art, a part of the description in the scope of claims is found to be made into a superordinate concept thereof; and [ii] if the degree of contribution is evaluated not to be so larger than the prior art, it is found to have substantially the same meaning as the description in the scope of claims. However, if the problem that could not be solved by the prior art as described in the Description is objectively insufficient in view of the prior art at the filing, the feature part configuring the unique technical idea of the patent invention not found in the prior art should be found also by considering the prior arts not described in the Description. In such a case, the essential part of the patent invention becomes more proximate to the description in the scope of claims than in the case in which it is found only from the description in the scope of claims and the Description, and it is interpreted that a range where the equivalence is found becomes narrower.

Moreover, at the determination on the first requirement; that is, at the determination on whether or not the portion different from the target product or the like is a non-essential part, it should not be interpreted such that, after the constituent features described in the scope of claims are divided into the essential part and the non-essential part, the equivalence is not found at all for the constituent feature applicable to the essential part, but whether the target product or the like includes in common the essential part of the patent invention finalized as above should be determined, and if the essential part is found to include it, the different portion should be determined not to be the essential part. Even if the target product or the like has a different portion other than the feature part configuring the unique technical idea not

found in the prior art, that does not constitute a reason for denying the fulfillment of the first requirement.

B. Description in the present Description

(A) The present description describes that each of the present inventions relates to a human relations registration system, a method and device for registering human relations, program for registering human relations, and a computer-readable recording medium with the program recorded for forming wider and deeper human relations, and when experts in various specific fields related to vocations and the like are to be known and specialized knowledge and information are to be obtained, there had not been a system/method capable of efficiently knowing that, and in order to form wider and deeper human relations, there had been no other way than relying on individual efforts, and there had not been any system for actively supporting that ([0001], [0002]).

Moreover, with regard to the problems to be solved by the invention of each of the present inventions, an object is to provide a human relations registration system, a human relations registering method and server, a human relations registering program, and a computer-readable recording medium with the program recorded for actively supporting the formation of the wider and deeper human relations, and to provide a human relations registration system, a human relations registering method and server, a human relations registering program, and a computer-readable recording medium with the program recorded by which the human relations information can be created and can be known easily and efficiently is an object when the experts in the various specific fields related to the vocation and the like are to be known and the specialized knowledge and information are to be obtained ([0003]).

According to the description in the scope of claims in each of the present inventions and the present Description, each of the present inventions enables a first registrant to search personal information or identification information of a third registrant having human relations with a second registrant by using a search keyword including the personal information or identification information of the second registrant with whom the first registrant has human relations by storing the personal information or identification information of the registrant with whom the human relations are formed in association in a server including recording means when the human relations are formed on agreement between the registrants, and the human relations with the third registrant can be formed, whereby the problem of providing the human relations registration system actively supporting the wider and deeper

human relations can be solved.

(B) However, in view of the prior arts at the time of the priority date of this case as below, the description in the present Description as the problem which could not have been solved by the prior art as in the aforementioned (A) should be considered to be objectively insufficient.

a. That is, Exhibit Otsu 2-1, a document published before the priority date of this case, has the following description (the translation is as in the Exhibit Otsu 2-2, hereinafter referred to simply as the "Exhibit Otsu 2"; for the drawings, see the list of drawings in the attachment Exhibit Otsu 2).

[0018]

As illustrated in Figure 5, a preferred embodiment conforms to the standard internet architecture, and in the architecture, a client computer 370 and a server computer 330 are connected through the world wide web 360 and modems 338 and 378 or other communication channels. A user accesses the server 360 through the client computer 370 operating a web browser 382 or another software application which is present in a memory 374 and allows information downloaded from the server computer 330 to be displayed by the client computer 370. The server computer system 330 executes server software 342, and the server software includes a network computer-based personal contact counterpart managing portion 343 of the present invention which interacts with the client computer 370 and a user information database 340. In a commercial embodiment of the present invention, the personal contact counterpart managing portion 343 is a core of a web-based personal contact counterpart management service called Planet A11. The database 340 includes contact counterpart information input by a registered user. The personal contact counterpart managing portion 343 notifies update to the database 340 made by another user to which a set of the user is related to the set of the user in some circumstances.

[0022]

A friend's table 460 is indispensable means for this invention, since it associates the users to each other. Each record in the table indicates a relation between one user identified by CustomerID 460-4 together with a specific permission level 460-10 and another user identified by FriendID 460-6. A user interface of this invention provides many methods for the user to view information of the other users, and all these methods rely on a database query of the friend's table 460 in order to determine a list of the other users whose information might be seen by a specific user. ...

[0039]

By referring to Figure 9, here, a pseudo GUI600 allows a first user to specify

whether a viewing permission is to be given to a specific second user in any one of the types of data fields from a personal data record of the first user. As described in the description for Figure 8, when the first user is to specify the second user to be added to his/her personal address book, the second user receives a notice that the first user "links" to the second user (issued by the contact counterpart managing portion program 343 in Figure 5). When the second user selects acceptance of the link to the first user, in the preferred embodiment of this invention, the pseudo GUI600 illustrated in Figure 9 is displayed together with the name 600-5 of the first user so that the second user can set a data field permission for the first user. Unlike the prior art in which the first user cannot specify the data field permission for each of the other users, according to the preferred embodiment of this invention, the first user can specify the permission individually for each of the other users who selected to include the first user in his/her personal database.

[0043]

When a member A is to link to a member B, the member A can give any one of the permissions discussed below to the member B.

Even if the member B does not accept the link to the member A, an electronic mail transfer destination address for the member B is included in a virtual address book for the member A. An electronic mail address "memberB@planetall.com" mapped to an actual electronic mail address input by the member B in his/her own record appears in the virtual address book of the member A, for example, but nothing other than that appears.

When the member A links to the member B for the first time, the member B is notified on a website and by an electronic mail.

When the member B selects not to give any permission to the member A, the member A does not appear in the virtual address book of the member B.

When the member B gives an arbitrary permission to the member A, a list in the virtual address book of the member B is created for the member A, and the list includes any information for which the member B gave a permission of viewing.

When the member B gives a personal information 600-8 permission to the member A, the home address and the telephone number (if available) of the member B appear in the virtual address book of the member A, and the member A is notified of a change made by the member B in the related information in his/her own list.

When the member B gives a work information 600-10 permission to the member A, the worksite address and the telephone number (if available) of the member B appear in the virtual address book of the member A, and the member A is notified of a

change made by the member B in the related information in his/her own list.

When the member B gives a crossing paths notification permission 600-6 to the member A, if the member B and the member A are in the same city, it can be notified to the member A. If both the member A and the member B have their bases in the same city, the member A is notified only when the member A and the member B are traveling to the same destination.

When the member B gives a birthday notice 600-12 permission to the member A, the birthday and anniversaries (if available) of the member B appear in the virtual address book of the member A, and the member A is notified that the birthday or the anniversary of the member B is coming.

When the member B gives a friend information 600-14 permission to the member A, if the member A is to search information on his/her contact counterparts such as who lives in a specific city or who is associated with a specific group or the like, information from the contact counterpart circle of the member B is included in a search result if applicable. ...

[0051]

In the preferred embodiment of the present invention, when the second user gives an arbitrary type of a data field permission to the first user, an electronic mail address 634-2 of the first user is displayed. Only when the second user gives a work information permission to the first user, a workplace address and telephone number 634-4 of the second user is displayed. Only when the second user gives a personal information permission to the first user, a home address and telephone number 634-6 of the second user is displayed. ...

[0072]

By referring to Figure 13, here, a diagram illustrating a friend system of a friend is shown. By means of the friend system of the friend, the first member can search the name of a contact counterpart living in the same city as the first member or of the contact counterpart belonging to a group to which the first member also belongs. When the first user makes a friend search of a friend, the personal contact counterpart managing portion 343 displays a search result on the user interface 380 (Figure 5) of the client computer 370 of the first user on a GUI similar to a friend report GUI 1688 of a pseudo friend through the web server software 342. After the location of the second member who is a friend of the friend is specified, the first member can link to the second member in order to add the second member to the personal address book of the first user as described in the description of the aforementioned Figures 8 and 9.

[0073]

In the preferred embodiment of the personal contact counterpart managing portion 343, the friend system of the friend is operated as follows. When the member A680 is linked to the member B682 with an arbitrary permission level 681, and the member B682 is linked to the member C684 by an arbitrary permission level 685, if the member C684 gives a friend of friends permission 687 to the member B682, and the member B 682 also gives a friend of friends permission 683 to the member A680, the member A is qualified to receive a friend of friends notice on the member C. When the first user makes a friend of friends search, so long as the first user is qualified to receive the friend of friends notice on the second user as described above, the search result includes all the second users belonging to the group to which the first user belongs and all the second users living in the same city as the city where the first user lives. If both the member A and the member C belong to a group A686 and the member A is qualified to receive the friend of friends notice on the member C, the result of the friend of friends search 688 of the member A generated by the personal contact counterpart managing portion 343 includes the member C690.

b. According to the description in the Exhibit Otsu 2, in the configuration in which the server computer 330 and the client computer 370 are connected through the world wide web 360, and the user information database 340 including the contact counterpart information input by the user registered in the server computer 330 is provided, there are descriptions that [i] when the member A (the first registrant in each of the present inventions) is linked to the member B (the second registrant in each of the present inventions) at an arbitrary permission level, and the member B is linked to the member C (the third registrant in each of the present inventions) at an arbitrary permission level, if the member C gives the friend of friends permission to the member B, and the member B also gives the friend of friends permission to the member A, the member A is qualified to receive the friend of friends notice on the member C; [ii] the "friend's table" associates the users (the registrants in each of the present inventions) to each other; [iii] by means of the "friend of friends system", the first user (first registrant in each of the present inventions) can search the name of a contact counterpart of the contact counterpart living in the same city as the city where the first user lives or belonging to the group to which the first user belongs, and after the first user makes a friend of friends search and specifies a place of the second user (the third registrant in each of the present inventions) who is a friend of the friend, the first user can link to the second user in order to add the second user to the personal address book of the first user; [iv] when the first user specifies the second user, the second user receives a notice of "linked" to the second user; and [v] when the second

user selects to accept the link, the second user sets a data field permission and transmits a notice of permission of viewing of the personal information and the like for the first user, and when the notice is received, the vocation, the personal information, and the like of the second user is displayed on the personal address book of the first user.

c. In view of the prior art at the time of the priority date of this case as above, it can be considered that there was the solution as above to the problem of providing the human relations registration system actively supporting formation of wider and deeper human relations.

C. As described above, since the description in the present Description as the problem that could not be solved by the prior art is objectively insufficient in view of the prior art as of the priority date and thus, the feature part configuring the unique technical idea not found in the prior art should be found also by considering the prior art as in the aforementioned B(B) not described in the Description.

Moreover, in view of the prior art as in the aforementioned B(B), each of the present inventions only discloses substantially the same art as that illustrated in the prior example in the major points, and since the prior example is not such one that specifically points out technical difficult which had not been solved and discloses specific means for overcoming the difficulty, the degree of contribution of each of the present inventions is not so great, and in view of the aforementioned prior art, it is reasonable to find that the portion configuring the unique technical idea not found in the prior art has substantially the same meaning as the scope of claims in each of the present inventions.

D. Then, the Defendant's server does not include the configurations of the constituent features 1D and 2D as taught in the aforementioned 1 and thus, the Defendant's server is not considered to include the configuration of the essential part of each of the present inventions and does not fulfill the first requirement of equivalence.

E. Appellant's allegation

(a) Appellant alleges that the cited invention is specifically an invention for managing contact counterpart information through a network and is not an invention of a social networking service (SNS) which newly forms a human relation by mutually exchanging the information and thus, its technical idea is basically different from each of the present inventions and should not be referred to when finding the

essential part of each of the present inventions.

However, the present Description does not have such description that it is a social networking service (SNS), and in view of the fact taught in the aforementioned B, each of the present inventions and the cited invention have a common point that they are each an invention in which a search of a registrant having a common human relation is enabled, and a new human relation is formed and registered and thus, the cited invention can be referred to as the prior art of each of the present inventions.

(b) Appellant alleges that the feature part configuring the unique technical idea not found in the prior art of the configuration of each of the present inventions resides in the "configuration in which, when intentions of the registrants are agreed to form a human relation (make friends) by mutually transmitting messages (when an agreement is made), on a basis of an art that the registrants are stored in association with each other, a search of the registrant (a friend of friends) having a common human relation is made possible so that a new human relation can be formed, whereby a wider and deeper human relation can be formed".

However, the degree of contribution of each of the present inventions is not so great in comparison with the prior art, and the essential part of each of the present inventions should be found to have substantially the same meaning as the scope of claims as taught in the aforementioned B and C.

(c) Appellant alleges that whether or not two individuals have a human relation is largely a problem of personally subjective evaluation, and permission of viewing of the personal information in the cited invention does not lead to acceptance of formation of a human relation. However, in the cited invention, when the first user links to the second user, the second user receives the notice of that gist, and when the second user accepts the link, the second user can set the data field permission for the first user, and the second user can give a personal information permission, a work information permission, a crossing paths notification permission, and the like to the first user, which is nothing other than the formation of a relation between the first user who is a human and the second user who is a human and thus, it can be understood that the first user and the second user form a human relation.

(d) Moreover, Appellant alleges that, though the expression of the "friend of friends system" in the paragraphs [0072] and [0073] in the Exhibit Otsu 2, the substance is only such that, when other members are registered in his/her own personal address book, a search is made in the personal address books of the other members, and the "friend" is different from the "human relation" formed on the basis of the agreement between the parties in each of the present inventions, but there is no

description that excludes the configuration in the cited invention regarding the meaning of "forming a human relation" in each of the present inventions, and the human relation is considered to be formed in the cited invention when the first user links, and the second user accepts the link as taught above.

(3) Brief Summary

Thus, without a need to judge the remaining issues, the Appellant's claim is not grounded.

No. 4 Conclusion

As described above, since the Appellant's claim is not grounded, the judgment in prior instance which dismissed the Appellant's claim is reasonable.

Thus, this appeal is dismissed, and the judgment is rendered as in the main text.

Intellectual Property High Court, Third Division

Presiding Judge: TSURUOKA Toshihiko

Judge: YAMAKADO Masaru

Judge: TAKAHASHI Aya

Attachment

Exhibit Otsu 2 list of drawings

Figure 5

Figure 5

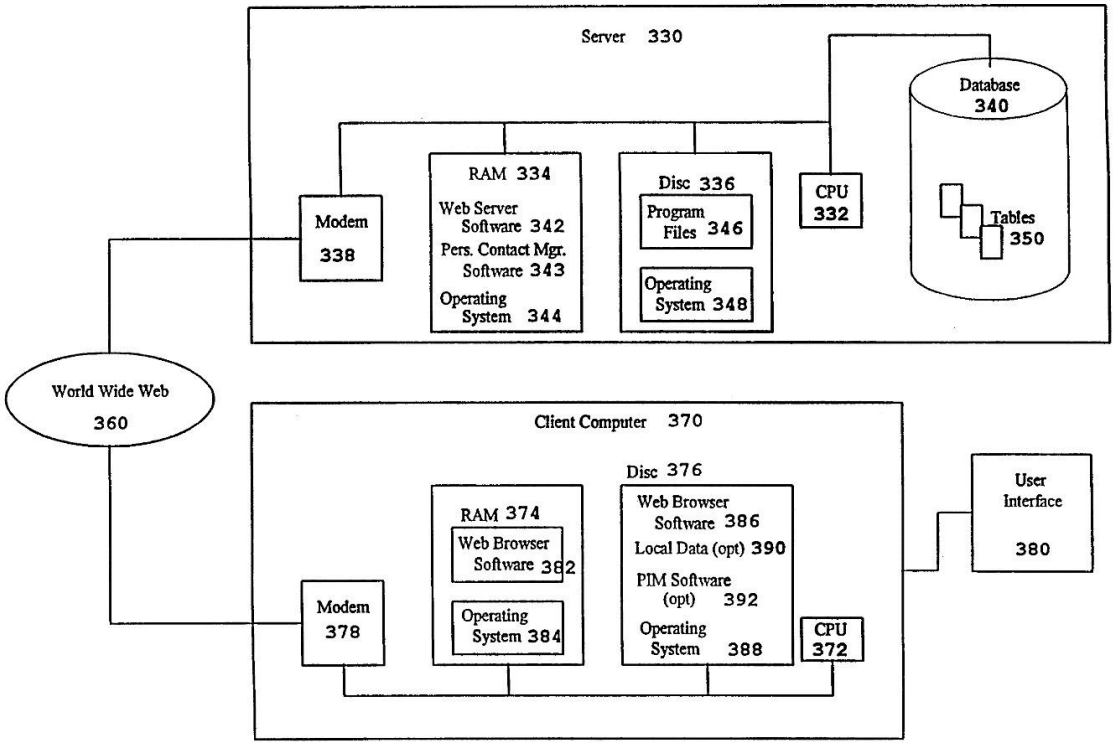

Figure 6

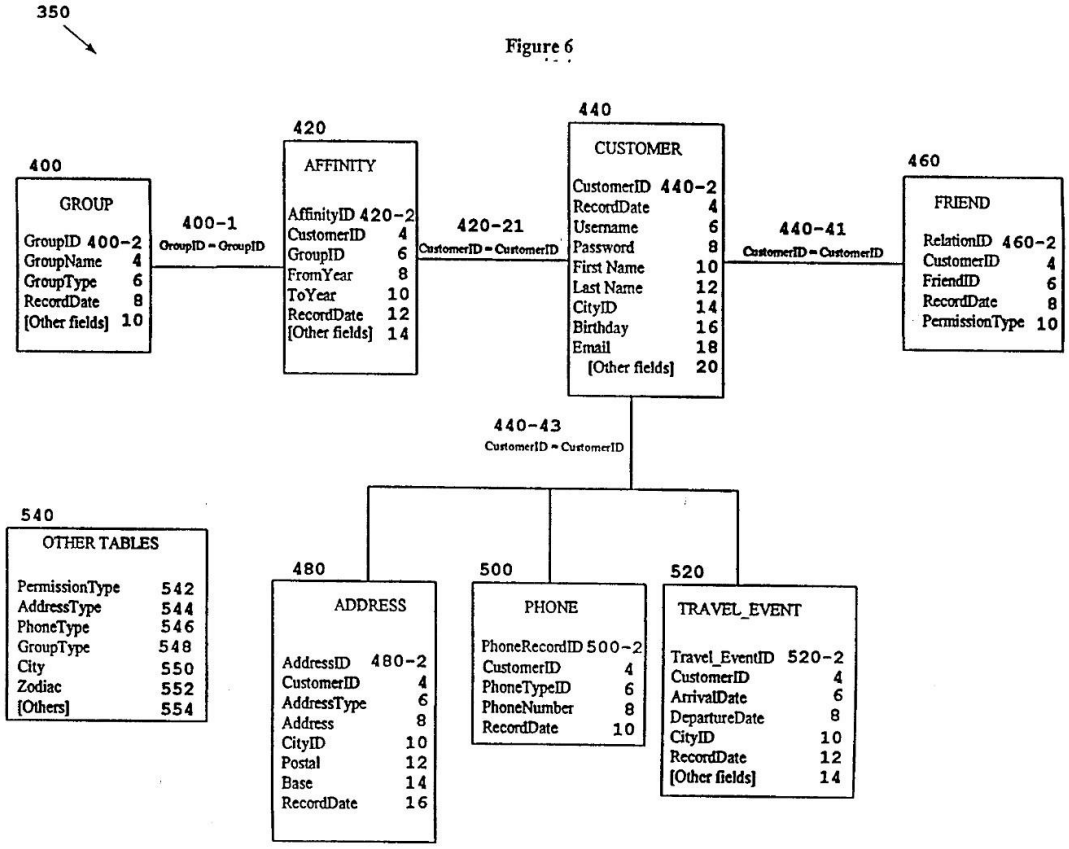
350
Figure 6
400
GROUP
GroupID 400-2
GroupName 4
GroupType 6
RecordDate 8
[Other fields] 10
400-1
GroupID = GroupID
420
AFFINITY
AffinityID 420-2
CustomerID 4
GroupID 6
FromYear 8
ToYear 10
RecordDate 12
[Other fields] 14
420-21
CustomerID = CustomerID
440
CUSTOMER
CustomerID 440-2
RecordDate 4
Username 6
Password 8
First Name 10
Last Name 12
CityID 14
Birthday 16
Email 18
[Other fields] 20
440-41
CustomerID = CustomerID
460
FRIEND
RelationID 460-2
CustomerID 4
FriendID 6
RecordDate 8
PermissionType 10
440-43
CustomerID = CustomerID
540
OTHER TABLES
PermissionType 542
AddressType 544
PhoneType 546
GroupType 548
City 550
Zodiac 552
[Others] 554
480
ADDRESS
AddressID 480-2
CustomerID 4
AddressType 6
Address 8
CityID 10
Postal 12
Base 14
RecordDate 16
500
PHONE
PhoneRecordID 500-2
CustomerID 4
PhoneTypeID 6
PhoneNumber 8
RecordDate 10
520
TRAVEL_EVENT
Travel_EventID 520-2
CustomerID 4
ArrivalDate 6
DepartureDate 8
CityID 10
RecordDate 12
[Other fields] 14

Figure 9

Figure 9

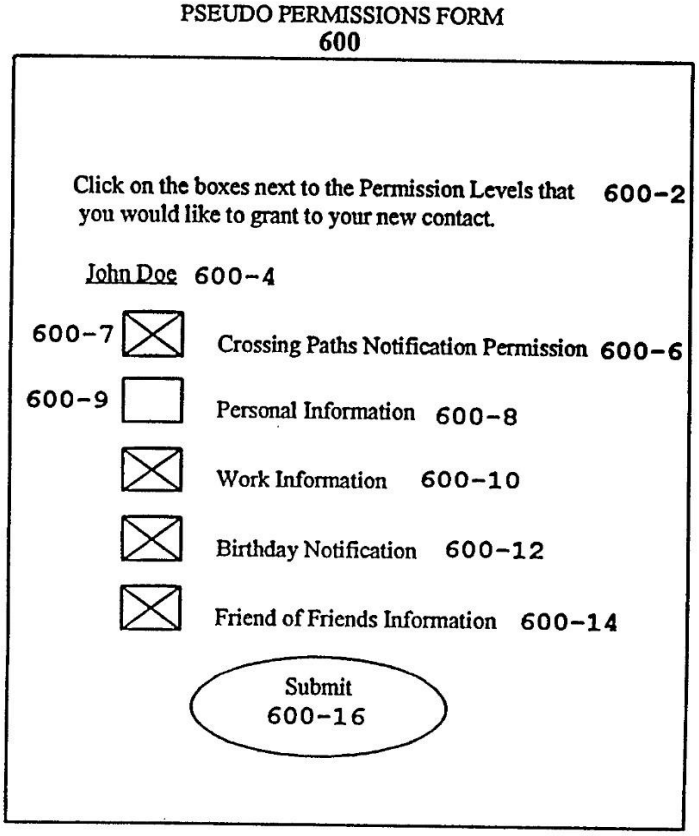

Figure 13

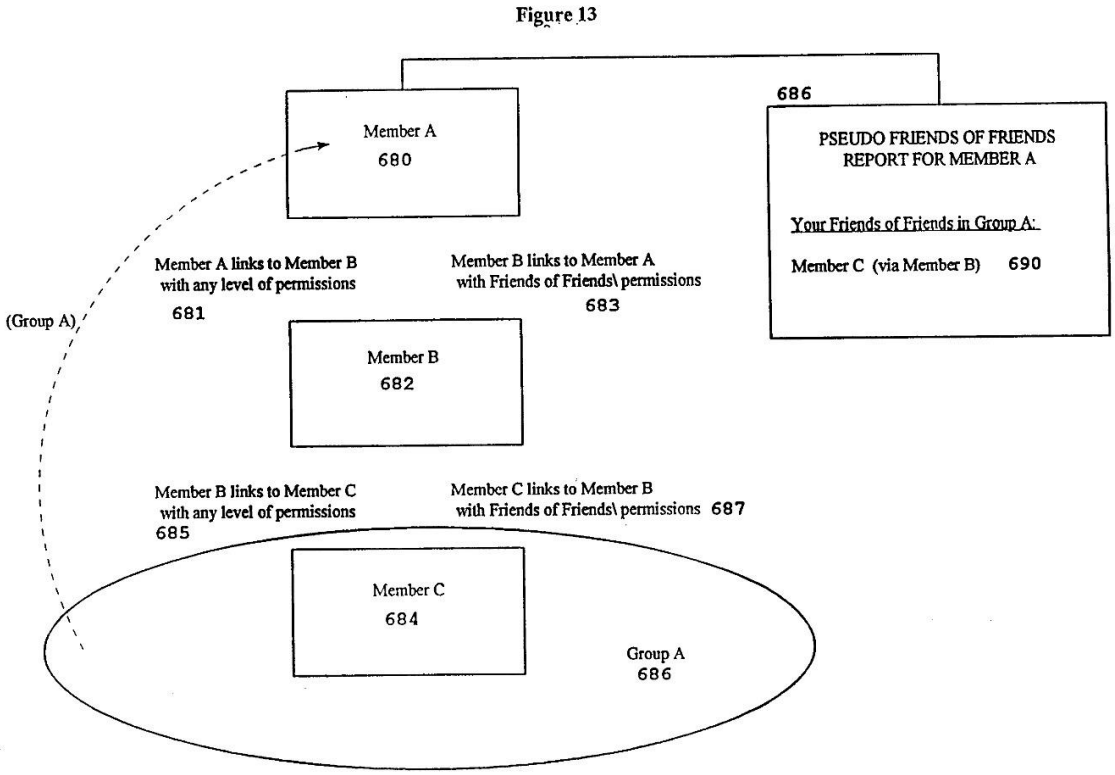
Figure 13
686
Member A
680
PSEUDO FRIENDS OF FRIENDS
REPORT FOR MEMBER A
Your Friends of Friends in Group A:
Member C (via Member B) 690
Member A links to Member B
with any level of permissions
681
Member B links to Member A
with Friends of Friends\ permissions
683
(Group A)
Member B
682
Member B links to Member C
with any level of permissions
685
Member C links to Member B
with Friends of Friends\ permissions 687
Member C
684
Group A
686