Patent Right	Date	January 11, 2022	Court	Intellectual Property High Court, Third Division
	Case number	2020 (Gyo-Ke) 10128		
- A case in which with regard to the invention titled "Safety confirmation system, receiver, safety confirmation method, and program," the court found that the Japan Patent Office (the "JPO") made an error in its finding of common features and, as a result, overlooked the difference, and the court rescinded the decision made by the JPO.				

Case type: Rescission of Appeal Decision of Refusal
Results: Granted
References: Article 29, paragraph (2) of the Patent Act
Related rights, etc.: Patent Application No. 2015-106553
Decision of the JPO: Appeal against Examiner's Decision of Refusal No. 2019-14345

Summary of the Judgment

1. This case is a lawsuit seeking rescission of a decision made by the JPO (the "JPO Decision") regarding the Invention in the Application titled "Safety confirmation system, receiver, safety confirmation method, and program" to the effect that the claim for an appeal against the examiner's decision of refusal was found to be groundless. The summary of the grounds for the JPO Decision is that a person skilled in the art could have easily made the Invention in the Application based on the Cited Invention and well-known art. The Plaintiff alleged an error in the finding of common features as grounds for rescission of the JPO Decision.
2. In this judgment, the court held as stated below and rescinded the JPO Decision.
(1) Technical meaning of the "ID numbers related to installation sites in the facility" in the Invention in the Application

The safety confirmation system in the Invention in the Application is a safety confirmation system under a cloud environment; which is equipped with a server that constitutes a cloud, a lighting device for which location ID numbers related to the facility where the lighting devices are installed and the installation sites in the facility have been registered in advance on the server and that transmits signals based on the turning on or off status of lighting, and a receiver that receives the signal from the lighting device and makes inquiries related to the location ID number to the server; and the system is characterized by the server reporting information related to the turning on or off status of the lighting device to the external terminal of a watcher as safety

information of the person subject to watching based on the location ID number sent by the receiver and according to the pre-determined conditions.

And, it is found that, in the Invention in the Application, the lighting device is equipped with a transmitter; the installation site (room) of the lighting device is identified based on the "ID number related to the facility where it is installed and installation site in the facility" (information that can identify each room, such as the living room, toilet, bedroom, etc.; the "internal management ID number" as stated in the description); and safety is judged in accordance with the safety notification rules based on the identified installation site; and when judging safety, location information that is the installation site of the lighting device (in concrete terms, each room, such as the living room, toilet, bedroom, etc.) is used.

(2) Technical meaning of the "sensing unit ID" in the Cited Invention

In the Cited Invention that is found based on the Unexamined Patent Application Publication No. 2011-29778 ("Cited Document 1"), the Power Strip 4 that is connected to a lighting device one by one transmits measurement data and the "sensing unit ID," etc. via the Transmitter 3 and whether the lighting device operation status falls under alert status judgment conditions or not is judged based on these pieces of information.

The "sensing unit ID" in the Cited Invention is a code for identifying the "Power Strip 4" uniquely in a residence; however, in Cited Document 1, it is not stated at all that the "sensing unit ID" is related to the information that describes the installation site of the "Power Strip 4." In addition, taking into account the general use pattern of a power strip, it is understood that where to install a power strip in a residence and to what electric equipment a power strip is connected is determined optionally by the user of the power strip.

In Cited Document 1, the ways of the lighting device being connected to the "Power Strip 4" are also disclosed ([Figure 6]); however, the lighting device is used by any sites in a residence, such as in the living room, toilet, bedroom, etc., and everyplace in a residence can be assumed as an installation site of a power strip that is connected to the lighting device. Therefore, even if the "Power Strip 4" is identified by the "sensing unit ID" uniquely, it is only an identification of the "Power Strip 4" and no basis can be seen to consider that the installation site of the "Power Strip 4" in question can also be identified.

In other words, in order to identify the installation site in a residence based on the "sensing unit ID" of the "Power Strip 4," it is necessary to have additional information that links the "sensing unit ID" and the installation site of the "Power Strip 4" in question in a residence. It cannot be found that a code for identifying a power strip

uniquely, which is the "sensing unit ID" of the "Power Strip 4," can identify the installation site of the "Power Strip 4" in question.
(3) Based on the above, the "sensing unit ID" of the Cited Invention does not identify the installation site of the "Power Strip 4" in a residence and, therefore, its technical meaning is different from that of the "internal management ID number," which identifies the installation site in a residence (in concrete terms, each room, such as the living room, toilet, bedroom, etc.) from the location information in the Invention in the Application.

Nevertheless, the JPO determined that the "sensing unit ID" in the Cited Invention corresponds to the "internal management ID number" in the Invention in the Application and included that the "ID number related to the installation site in the facility" is used for safety confirmation in the recognition of common features. As mentioned above, as a result of an error in its finding of common features, the JPO erred in overlooking differences and this error affected the conclusion of the JPO Decision.

Judgment rendered on January 11, 2022
2020 (Gyo-Ke) 10128, Case of seeking rescission of the JPO decision
Date of conclusion of oral argument: October 13, 2021

Judgment

Plaintiff: Boxyz, inc.

Defendant: Commissioner of the Japan Patent Office

Main text

1. The decision made by the Japan Patent Office ("JPO") on September 8, 2020, concerning the case of Appeal against Examiner's Decision of Refusal No. 2019-14345, shall be rescinded.
2. The Defendant shall bear the court costs.

Facts and reasons

No. 1 Claim

Same as the main text.

No. 2 Outline of the case

1. Outline of procedures at the JPO

(1) The Plaintiff filed a patent application (Patent Application No. 2015-106553) for the invention titled "Safety confirmation system, receiver, safety confirmation method, and program" on May 26, 2015.

(2) The application was refused on July 24, 2019, and the Plaintiff filed an appeal against the examiner's decision (Examiner's Decision of Refusal No. 2019-14345) on October 28, 2019.

(3) The JPO made the decision that "the request for the appeal in question is groundless" (hereinafter referred to as the "JPO Decision") on September 8, 2020, and a certified copy of the JPO Decision was served to the Plaintiff on September 29, 2020.

(4) The Plaintiff filed this lawsuit on October 29, 2020.

2. Statement of the claims

The statement in Claim 1 from the claims after amendment as of July 14, 2020 is described below (hereinafter the invention related to Claim 1 is referred to as the "Invention in the Application" and the description and drawings (Exhibit Ko 5) after

the aforementioned amendment are collectively referred to as the "Description, etc.").
[Claim 1]

"A safety confirmation system under the cloud environment,

which is equipped with a server that constitutes a cloud,

a lighting device, for which ID numbers related to the facility where lighting devices are installed and the installation sites in the facility have been registered in advance on the server, and a receiver;

and the safety confirmation system is characterized by the following:

the receiver receives management screen information that is sent by the server and displays a screen to configure, change, and add safety notification rules;

the server registers information on the configuration, change, and addition of the safety notification rules;

the lighting device has a transmitter that transmits signals on which the ID numbers are superimposed based on the turning on or off status of the lighting device;

the transmitter is exchangeable; and

the server reports to the external terminal of a watcher the information related to the turning on or off status of the lighting device as safety information of persons subject to watching based on the ID numbers superimposed on the signals transmitted by the transmitter and according to the safety notification rules that were registered through the screen of the receiver."

3. Summary of the grounds for the JPO Decision

The JPO Decision determined as stated below that the Invention in the Application lacks an inventive step in relation to the invention indicated in Unexamined Patent Application Publication No. 2011-29778 (Exhibit Ko 1; hereinafter referred to as "Cited Document 1") (hereinafter the invention is referred to as the "Cited Invention").

(1) Finding of the Cited Invention

"It is a remote monitoring system for living conditions that consists of an In-House Device 2 and a Remote Monitoring Device 1 ([0019]);

the aforementioned In-House Device 2 is installed at each residence and the Remote Monitoring Device 1 covers one or more residences and supervises those residences ([0036]);

the aforementioned In-House Device 2 is equipped with a Power Strip 4 and a Transmitter 3 ([0019], [Figure 1]);

the Power Strip 4 judges the operation status of an Electric Equipment 6 that is connected one by one, and transmits the measurement data, which is the operation status that the Power Strip 4 judges, to Transmitter 3 with lower power radio by attaching a

sensing unit ID, which is a code to identify Power Strip 4 uniquely in the residence ([0020], [0022], [0023], [Figure 1], [Figure 6], [Figure 10]);

the aforementioned Electric Equipment 6 is a lighting device ([0021]);

the aforementioned Power Strip 4 and Electric Equipment 6 are connected by connecting wiring through terminals, etc.; for example, there is a structure wherein it is connected to a lighting device that is installed on the ceiling or a wall through a switch box that is installed on the wall ([0054]);

the aforementioned Transmitter 3 receives measurement data and a sensing unit ID from the Power Strip 4 and transmits observed data and observation time to a Remote Monitoring Unit 1 through Telecommunication Network 7 (internet) while adding a residence ID, which is a code to identify the residence uniquely, a sensing unit ID, and an equipment type ([0024], [0031]);

the aforementioned Remote Monitoring Unit 1 receives the operation status of the Electric Equipment 6 from the In-House Device 2 and displays the operation status of the Electric Equipment 6 for each residence, and it is equipped with a Receiving Unit 11, a Control Unit 12, a Memory Unit 14, and an Equipment Operation Status Display Unit 13, and stores the operation status of the Electric Equipment 6 based on the residence ID and the sensing unit ID (in Figure 4, it is understood to be displayed as the "Measurement value ID") ([0019], [0033], [0040], [Figure 1], [Figure 4]);

the aforementioned Equipment Operation Status Display Unit 13 displays alert information to have a person in charge from a government office or a fire department or a condominium caretaker recognize the need, when he/she notices an abnormality or change, to directly visit the residence in that situation ([0043]);

the aforementioned Remote Monitoring Device 1 is equipped with an Alert Status Judging Unit 18 in a Control Unit 12, retains an Alert Status Judgment Condition 17 in a Memory Unit 14, judges whether being in alert status automatically when it receives Equipment Operation Data 15, displays the results, and when the Alert Status Judging Unit 18 judges that a residence with a certain Residence ID is in alert status, the Remote Monitoring Device 1 displays the residence ID that is judged to be in alert status, the residence corresponding to the residence ID, or the name of the resident, and the event to be watched on the Equipment Operation Status Display Unit 13 ([0056], [0068], [0070]-[0073], [Figure 10], [Figure 14]); and

the aforementioned Alert Status Judgment Condition 17 is provided from the outside through input-output interface and judgment conditions can be changed based on the conditions to be monitored ([0057], [0069], [0074])."

(2) Comparison between the Invention in the Application and the Cited Invention

A. Common features

Being "a safety confirmation system under the cloud environment,

which is equipped with a server that constitutes a cloud,

a lighting device that turns lights on and off, for which ID numbers related to the facility where lighting devices are installed and the installation sites in the facility have been registered in advance on the server, and a transmitter that transmits signals on which the ID numbers are superimposed based on the turning on or off status of the lighting device; and the safety confirmation system is characterized by the following:

the server registers information on the configuration, change, and addition of the safety notification rules; and

the server reports to a watcher the information related to the turning on or off status of the lighting device as safety information of persons subject to watching based on the ID numbers superimposed on the signals transmitted by the transmitter and according to the safety notification rules that were registered."

B. Difference 1

The Invention in the Application is equipped with a "receiver" that "receives management screen information that is sent by the server and displays a screen to configure, change, and add safety notification rules" and "the safety notification rules" are "registered (on the server) through the screen of the receiver"; however

in the Cited Invention, the "Alert Status Judgment Condition 17 is provided from the outside through input-output interface" and is retained (in the "Memory Unit 14" of the "Remote Monitoring Device 1").

C. Difference 2

In the Invention in the Application, "a server" "reports to the external terminal of a watcher"; however,

in the Cited Invention, the "Remote Monitoring Device 1" displays an "alert status" on the "Equipment Operation Status Display Unit 13" and thereby reports to "a person in charge from a government office or a fire department or a condominium caretaker."

D. Difference 3

In the Invention in the Application, the "lighting device" is "equipped with" "a transmitter"; however,

in the Cited Invention, the "Electric Equipment 6" and the "Power Strip 4" are connected one by one.

E. Difference 4

In the Invention in the Application, "a transmitter is exchangeable"; however,

in the Cited Invention, it is not clear whether the "Power Strip 4" is exchangeable.

(3) Determination on whether the Invention in the Application is easily conceived of by a person skilled in the art

A. Difference 1

In Cited Document 1, the specific structure of the "input-output interface (to provide the Alert Status Judgment Condition 17 to the Remote Monitoring Device 1 from the outside)" is not disclosed; however, input-output interfaces using a screen display are well-known art to a person skilled in the art without the need to cite publications and it is common general technical knowledge that when using an input-output interface using a screen display, the input-output interface needs to receive display data, etc. necessary for the screen display.

Therefore, no difficulty is found in designing an "input-output interface" in the Cited Invention as "a receiver" that "receives management screen information that is sent by the server and displays a screen to configure, change, and add safety notification rules" as stated in the Invention in the Application by using the input-output interface through a screen display and thereby to have "the safety notification rules" be "registered (on the server) through the screen of the receiver."

B. Difference 2

Sending safety information to a terminal that is held by a watcher is well-known art for a person skilled in the art and, therefore, instead of displaying an "alert status" on the "Equipment Operation Status Display Unit 13" in the Cited Invention, sending an "alert status" to the external terminal of the "Remote Monitoring Device 1" that is held by "a person in charge from a government office or a fire department or a condominium caretaker" can be easily invented by a person skilled in the art as the Invention in the Application.

C. Differences 3 and 4

In the Cited Invention, the "Electric Equipment 6" and the "Power Strip 4" are "connected by connecting wiring through terminals, etc." one by one. When installing them, their physical relationship is optional and, at the same time, exchanging a broken device, etc. is generally implemented regardless of the technology field. Therefore, installing the "Power Strip 4" on the "Electric Equipment 6" in an exchangeable manner, in other words, designing the "Electric Equipment 6" to be equipped with the "Power Strip 4" and the "Power Strip 4" to be exchangeable can be invented by a person skilled in the art as necessary.

(4) Conclusion

The Invention in the Application can be easily invented by a person skilled in the art based on the Cited Invention and well-known art and, therefore, the Invention in the

Application lacks an inventive step.

(omitted)

No. 4 Judgment of this court
1. Invention in the Application
(1) Scope of the claim

The claim of the Invention in the Application (Claim 1) is as stated in No. 2, 2. above.

(2) Statement in the Descriptions, etc.

The Description, etc. have the following statements and the drawings as shown in Attachment 1.

A. Technical field

"The Invention is related to a safety confirmation system, receiver, safety confirmation method, and program, for example, to confirm the safety of persons who require watching, such as elderly people, people living alone, etc." (paragraph [0001])

B. Background art

"In recent years, the number of people living alone is increasing. In particular, in association with the progress of an aging society, the number of elderly people living alone or the number of households with elderly couples alone is growing steadily. In addition, due to depopulation, decreases in association with neighbors, etc., being watched over by neighbors cannot be expected. Furthermore, since support by assistive personnel, etc. is limited, safety confirmation of elderly people and people living alone cannot be implemented sufficiently often and delays in responding to unexpected events often occur." (paragraph [0002])

"As one of the countermeasures against such situation, a system to inform a watcher in a remote site of the safety of elderly people, etc. based on the turning on and off status of a lighting device has been known (for example, see Patent Document 1)." (paragraph [0003])

"[Patent Document 1] Unexamined Patent Application Publication No. 2012-27787" (paragraph [0004])

C. Problem to be solved by the invention

"However, according to the technology disclosed in Patent Document 1, there is a problem that it is necessary to add a lighting operation sensor, etc. and other special incidental devices to the lighting device and, therefore, it requires a cost in terms of installation and operation and it becomes troublesome. In addition, a person who

requires watching (hereinafter referred to as a "person subject to watching"), such as elderly people, etc., is aware of always being watched and it cannot be denied that they feel uncomfortable." (paragraph [0005])

"The present invention (the "Invention") is made to solve the aforementioned problem and aims to provide a safety confirmation system, receiver, safety confirmation method, and program that understand the behavior of a person subject to watching by the turning on or off status of the "lighting" that is essential for people's lives, that does not give the person subject to watching the sense of always being watched, and for which a system can easily be built at a low cost." (paragraph [0006])

D. Means to solve the problem

"(1) The safety confirmation system related to the first perspective of the Invention is a safety confirmation system under a cloud environment; which is equipped with a server that constitutes a cloud; a lighting device for which location ID numbers related to the facility where the lighting devices are installed and the installation sites in the facility have been registered in advance on the server and that transmits signals based on the turning on or off status of the lighting device; and a receiver that receives the signal from the lighting device and makes inquiries related to the location ID number to the server; and the system is characterized by the server reporting information related to the turning on or off status of the lighting device to the external terminal of a watcher as safety information of the person subject to watching based on the location ID number sent by the receiver and according to the pre-determined conditions." (paragraph [0007])

E. Embodiment of the invention

"For this reason, a watcher installs multiple lighting devices, such as LEDs (Light Emitted Diodes) on which an electronic tag transmitter is installed, etc., in a living room, toilet, etc. that constitute the living environment of the person subject to watching, such as an elderly person, etc., and, in addition, installs a receiver within the area where signals from the electronic tag transmitters that are installed on each of the multiple lighting devices can be received. Then, a user obtains an application program (hereinafter simply referred to as the "app") to confirm the safety of an elderly person by using an electronic tag transmitter, by downloading the app from a cloud computing system and installs it on the receiver. Then, the user configures and registers the installation sites of lighting devices, safety confirmation rules, destinations of messages (email), etc. on the receiver in accordance with the obtained app. When registering installation sites of the lighting devices, the user activates the app that was installed on the receiver when the lighting device turns on, puts the receiver close to the lighting

device, and registers the sites through near field communication." (paragraph [0019])

"A lighting device does not have to be an LED, but may be an incandescent light bulb or a fluorescent light. In addition, lighting devices may be installed in the entrance, bathroom, bedroom, etc. as well as in the living room or toilet. A receiver is installed in an area that signals can reach from these rooms so that even if lighting devices are installed closely with each other, they can be easily distinguished. Based on the system, lighting devices can identify the daily lifestyle of a person subject to watching based on the accumulated turning on and off status history data of each of them, such as whether the bathing time of the person subject to watching is longer than usual (for example, bathing time is usually 30 minutes, but it is now over one hour, etc.), etc., and lighting devices automatically send a message to a watcher registered in advance to notify him/her of the abnormality. For example, a lighting device sends an alert message to the external terminal of a watcher, 'Bathing time of Ms./Mr. ○○ seems to be long. The light has been turned on for one hour. Please check.'" (paragraph [0020])

"For this reason, a business operator registers the location information of the facility to which an LED beacon 10a is shipped (address of the facility where installation sites exist, latitude and longitude of each installation site, and floor number, etc. where the LED beacon 10a is installed by the facility) on a Cloud Server 30 beforehand for each LED beacon 10a. Then, the business operator creates a location ID number that is linked to the location information and assigns the location ID number to the LED beacon 10a. The LED beacon 10a is shipped to the facility where the aforementioned settings are implemented and it is to be used (the facility may be a home, office, or public facility). Figure 2 (a) (b) shows an example of the data format of a location ID number that is transmitted from an LED beacon 10a as shown in Figure 1, and the data structure of management information that is stored on the DB (database) in the Cloud Server 30, respectively." (paragraph [0024])

"According to Figure 2 (a), an identifier showing that it is an electronic tag (LED beacon 10a) is assigned to the first byte, a cryptosystem showing a decryption pattern type is assigned to the next byte, and location ID numbers are assigned to the next 13 bytes, and a check digit is assigned to the last byte, out of 16-byte data. The 13-byte area of the location ID numbers may be used as a data area based on the information of the identifier and this is, for example, effective when there is an external interface." (paragraph [0025])

"Figure 2 (b) shows an example of a data structure of DB that is built in the Cloud Server 30. According to Figure 2 (b), management information that is accumulated on the database includes the following information for each location ID: the shipping ID

number that is assigned uniquely for each Lighting Device 10, the facility ID number that is assigned for each facility, and the internal management ID number that is linked to the shipping ID number and is assigned for each installation site for each facility ID number. In addition, if the information of the Lighting Device 10 consists of the address of a facility where installation sites exist and the latitude and longitude of the installation site, and the facility has multiple stories, the Lighting Device 10 is managed by linking it with the floor number of the installation site." (paragraph [0026])

"In other words, the same facility ID number is assigned within the same facility and an internal management ID number is assigned for each installation site of the facility by branching from the facility ID number. If the living space of a home is considered as a facility, the facility ID number of each room in the facility is A, internal management ID numbers 1 to 3 are assigned to living room, toilet, and bathroom, respectively." (paragraph [0027])

"Hereinafter, the operation of the Safety Confirmation System 100 related to the embodiment in question (the "Embodiment") is explained by referring to Figure 3: Sequence diagram. First, a manager who is a watcher, etc. operates the Receiver 20 and accesses the Cloud Server 30, and thereby, obtains the app (a receiver program related to the Embodiment) by downloading it from the Cloud Server 30. Next, when the watcher selects "Manager Setting" by reference to, for example, the configuration screen for setting the app, as shown as an example of the screen structure on the left column of Figure 8, which is displayed on the Receiver 20, and then, the screen moves to the Manager Setting screen, as shown as an example of the screen structure in Figure 9. Then, the watcher inputs the necessary information, which enables the watcher to obtain a URL (Uniform Resource Locater) necessary to access the management screen from the Cloud Server 30, as well as a user ID, and a password." (paragraph [0029])

"When a watcher logs into the management screen based on the obtained URL, etc. (Step S10), the management screen menu, as shown as an example of the screen structure on the right column of Figure 8, is displayed through a browser of the Receiver 20. Then, the watcher selects the menu to configure and register the management screen (Step S11), such as configuration of the installation sites of the lighting devices (living room, toilet, bathroom, etc.), configuration of safety notification rules, configuration of notification destination, etc., on the Cloud Server 30. When selecting the menu, the watcher can view, for example, the turning on and off status history of the Lighting Device 10, as shown as an example of the screen structure in Figure 12, based on the accumulated data. Information that is configured and registered in this step is sent to the Cloud Server 30 (Step S12)." (paragraph [0030])

"The Cloud Server 30 generates management information that is memorized on the DB based on the configuration and registration information that is sent by the Receiver 20 (Step S13). The term "management information" as used here refers to, as shown in Figure 2 (b), a group of the shipping ID number that is assigned uniquely for each location ID number of the LED beacon 10a that is installed in the facility, the facility ID number that is assigned for each facility, and the internal management ID number that is linked to the shipping ID number and is assigned for each installation site for each facility ID number. In addition, if the information of the Lighting Device 10 consists of the address of a facility where installation sites exist and the latitude and longitude of the installation site, and the facility has multiple stories, the Lighting Device 10 may be managed by linking it with the floor number of the installation site." (paragraph [0031])

"Assuming that after the aforementioned preliminary processing, the Receiver 20 receives a signal that includes the unique location ID number from the LED beacon 10a when a lighting device turns on, in the receivable area of the signal (Step S14), the Receiver 20 that received the signal makes an inquiry to the Cloud Server 30 (Step S15). Whenever receiving inquiries from the Receiver 20, the Cloud Server 30 accumulates the turning on and off status history of the Lighting Device 10 in question and generates safety information based on the configured and registered safety notification rules by referring to the history (Step S16)." (paragraph [0032])

"When the Cloud Server 30 receives an inquiry from the Receiver 20, it refers to the turning on and off status history of the Lighting Device 10 in question; for example, when the Lighting Device 10 in the toilet continues to be turned on for one hour or longer, it judges the status to be abnormal (a person subject to watching may have fallen in the toilet), or when the light in the living room was not turned on from 7:00 to 10:00 in the evening, it judges the status to be abnormal (a person subject to watching may be sick in bed); and generates a message (safety confirmation mail), for example, as shown in Figure 1, "Ms./Mr. ○○ has not turned on the light. Time: ○○:○○ to ○○:○○. Please check. Contact information of Ms./Mr. ○○:090-XXXX-XXXX." according to the safety notification rules that have been configured and registered beforehand (Step S17); and sends the message to the External Terminal 40 that is held by a watcher who has been configured as a reporting destination beforehand (Step S17). The safety confirmation mail is displayed on the External Terminal 40; the watcher who viewed the message can check the safety of a person subject to watching by phone call or by visiting the site (Step S18)." (paragraph [0033])

"Figure 4 shows the structure of the LED beacon 10a. The LED beacon 10a includes

and consists of a Control Unit 100a and an RF (Radio Frequency) Unit 101a. The RF Unit 101a is a high-frequency circuit that generates high-frequency energy to generate signals including signal source, modulation circuit, and power amplifier that are not shown in the Figure. In the Embodiment, it uses 2.4GHz-band frequency and sends signals that are generated under control by the Control Unit 100a to equipment that is equipped with Bluetooth (registered trademark) (the "Receiver 20") that is located in the area within a radius of 10 to 100m. In this case, the specification is a one-way transmission conforming to version 4.0 Bluetooth (registered trademark) that enables activation for several years by one button battery only." (paragraph [0034])

"The Control Unit 100a broadcasts a location ID number that specifies the installation site (living room, toilet, bedroom, or entrance, etc.) of the Lighting Device 10. In this case, the Control Unit 100a encrypts the location ID number with one or more encryption patterns and sends them while adding information indicating the encryption pattern type. For this reason, the Control Unit 100a implements control by sending a location ID number that consists of the data format as shown in Figure 2 (a) by superimposing it on signals that are generated by the RF Unit 101a." (paragraph [0035])

"Therefore, if the app function that is executed by the Control Unit 200 is shown in a block development diagram, it includes and consists of an ID Number Recognition Unit 201 and an App Execution Control Unit 202. The ID Number Recognition Unit 201 obtains and recognizes the location ID number that is broadcast by signals from the LED beacon 10a, which is installed in the facility and that can identify the installation site of the Lighting Device 10, and delivers it to the App Execution Control Unit 202." (paragraph [0040])

"The App Execution Control Unit 202 makes an inquiry as to the turning on and off status history of the Lighting Device 10 in question to the Cloud Server 30 based on the location ID number that the ID Number Recognition Unit 201 recognized. The Cloud Server 30 generates safety confirmation information for the person subject to watching based on the inquiry and by reference to accumulated turning on and off status history of the Lighting Device 10 in question and sends the safety confirmation information to the External Terminal 40 that is held by a watcher via the Mobile Network 50. In addition, the App Execution Control Unit 202 also configures and registers the installation site of the Lighting Device 10, safety notification rules, and the destination of notifications that are input by the watcher, etc. in advance in order for the Receiver 20 to achieve the aforementioned function. The Control Unit 200 may include an Radio Field Strength Measurement Unit 203 that measures radio field strength of signals

(RSSI: Received Signal Strength Indication) received from the LED beacon 10a." (paragraph [0041])

"Operation area is assigned to and memorized in the Memory Unit 210, in addition to the program area in which the program (App) of the Receiver 20 related to the Embodiment is stored. The receiver program that is stored in the program area includes at least the processing procedure that transmits signals based on the turning on and off status of the Lighting Device 10 and that receives signals transmitted by the Lighting Device 10 and the processing procedure that makes an inquiry to the Cloud Server 30, which constitutes a cloud computing system, based on the location ID number of the LED beacon 10a, which is included in received signals. In order for the Cloud Server 30 to transmit history information related to the turning on and off status of the Lighting Device 10 to the External Terminal 40 of a watcher as safety information based on the location ID number sent by the Receiver 20 and according to pre-determined conditions (safety notification rules), the location ID number includes the shipping ID number that is assigned uniquely for each LED beacon 10a, the facility ID number that is assigned for each facility where the LED beacon 10a is installed, and the internal management ID number that is linked to the shipping ID number and that is assigned for each installation site in the facility for each facility ID number." (paragraph [0042])

(3) Significance of the Invention in the Application

According to the above, the Invention in the Application can be recognized as stated below.

The Invention in the Application is the invention of a safety confirmation system that confirms the safety of elderly people, people living alone, and others who require being watched (paragraph [0001]);

Previously, a system to report the turning on and off status of a lighting device of a residence to a watcher in a remote location to confirm the safety of people living alone (in particular, elderly people) has been known as prior art (paragraphs [0002] and [0003]); however, in the prior art, there were problems that the lighting operation sensor and other special incidental devices needed to be added to the lighting device, its installation and operation required high costs and were troublesome, and the person subject to watching, such as an elderly person, etc., felt uncomfortable because they recognized that they were always being watched (paragraph [0005]);

The purpose of the Invention in the Application is, in order to solve the aforementioned problem, to provide a safety confirmation system that identifies the behavior of a person subject to watching by the turning on or off status of the "lighting," so that the person subject to watching does not have the sense of always being watched,

and for which a system can easily be built at a low cost (paragraph [0006]);

As a means to solve the aforementioned problem, the Invention in the Application provides a safety confirmation system under a cloud environment; which is equipped with a server that constitutes a cloud, a lighting device for which location ID numbers related to the facility where the lighting devices are installed and the installation sites in the facility have been registered in advance on the server and that transmits signals based on the turning on or off status of lighting, and a receiver that receives the signal from the lighting device and makes inquiries related to a location ID number to the server; and the system is characterized by reporting information related to the turning on or off status of the lighting device to the external terminal of a watcher as safety information of the person subject to watching based on the location ID number sent by the receiver and according to the pre-determined conditions (paragraph [0007]).

2. Cited Invention

(1) Statement in the Cited Document 1

The Cited Document 1 has the following statements and drawings as shown in Attachment 2.

A. Technical field

"This Invention is related to a remote monitoring system for living conditions that monitors the use status of electric equipment in each residence and a remote monitoring method for living conditions." (paragraph [0001])

B. Embodiment of the invention

"(Embodiment 1)

Figure 1 shows an example of the structure of a remote monitoring system for living conditions related to the first embodiment of the Invention. The remote monitoring system consists of an In-House Device 2 and a Remote Monitoring Device 1. The In-House Device 2 is equipped with a Power Strip 4 and a Transmitter 3. The Remote Monitoring Device 1 receives the operation status of an Electric Equipment 6 from the In-House Device 2 and displays the operation status of the Electric Equipment 6 of each residence." (paragraph [0019])

"The Power Strip 4 of the In-House Device 2 lies between an electrical outlet of the power supply line and the Electric Equipment 6. The Power Strip 4 includes a Plug 24, a Sensing Unit 25, an Outlet 26, a Judging Unit 28, a Measurement Data Memory Unit 27, and a Sensing Unit ID Memory Unit 29. The Plug 24 of the Power Strip 4 is plugged into an electrical outlet in a residence and supplies power to the Electric Equipment 6 that is connected to the Outlet 26. The Sensing Unit 25 is placed between the Plug 24 and the Outlet 26. Electrical current flows from the electrical outlet to the Electric

Equipment 6 by way of the Plug 24, the Sensing Unit 25, and the Outlet 26. The Sensing Unit 25 is equipped with a power meter or an ammeter and detects the electric power that the Electric Equipment 6, which is connected to the Outlet 26, consumes or the electric current that flows through the Electric Equipment 6. The Sensing Unit 25 measures the current consumption or power consumption of the Electric Equipment 6 for a pre-determined time unit and generates records of a pair of measurement time and current consumption or power consumption at the measurement time." (paragraph [0020])

"The Electric Equipment 6 that is connected to the Outlet 26 is optional. It may be any electric equipment, such as a television, refrigerator, air-conditioner, vacuum cleaner, lighting device, electric thermo pot, electric rice cooker, microwave, or personal computer, etc." (paragraph [0021])

"The Judging Unit 28 judges the operation status of the Electric Equipment 6, which is connected to the Outlet 26, based on electric current or power data, which was detected with the Sensing Unit 25. Operation status of the Electric Equipment 6 is judged by two statuses, for example, the in-operation status where the electric current or power consumed by the Electric Equipment 6 is higher than the threshold and the non-operational (stopping) status where it is lower than the threshold. Or it may be judged by three statuses, including stoppage, standby, and in-operation, or it may be judged by dividing the in-operation status into multiple stages. The Judging Unit 28 memorizes the data detected by the Sensing Unit 25 and/or measurement data of the in-operation status as judged in the Measurement Data Memory Unit 27. (paragraph [0022])

"The Measurement Data Memory Unit 27 continuously retains measurement time and measurement data at the measurement time for a pre-determined period of time. The Measurement Data Memory Unit 27 is prepared for each electrical outlet in the residence. The Sensing Unit ID Memory Unit 29 memorizes the sensing unit ID that is a code for identifying the Power Strip 4 uniquely in the residence. The Judging Unit 28 sends measurement data along with the sensing unit ID to the Transmitter 3. The Power Strip 4 and the Transmitter 3 communicate through, for example, a power-line carrier, wireless LAN, low power radio station, or analog or PHS standard cordless phone." (paragraph [0023])

"The Transmitter 3 includes a Transmitting Unit 22, a Residence ID Memory Unit 21, and an Equipment Type Memory Unit 23. The Transmitting Unit 22 receives measurement data and the sensing unit ID from the Power Strip 4. The Residence ID Memory Unit 21 memorizes the residence ID that is a code for identifying the residence

uniquely. The Residence ID is an identification code assigned to the Transmitter 3. Since one piece of the Transmitter 3 is installed in a residence usually, it serves as a code for identifying the residence. The Remote Monitoring Device 1 identifies a residence for each residence ID of the Transmitter 3." (paragraph [0024])

"The Transmitter 3 of the In-House Device 2, as shown in Figure 1, transmits to the Remote Monitoring Device 1 by way of the Telecommunication Network 7 observation data and observation time along with the residence ID, the sensing unit ID, and the equipment type. As the Telecommunication Network 7 that connects the In-House Device 2 and the Remote Monitoring Device 1, for example, the internet, telephone network, cell phone network, or PHS, etc. may be used. As a transmission path to access the internet, for example, ADSL (Asymmetric Digital Subscriber Line), cable television (coaxial cable), optical transmission system, wireless LAN, or ISDN (Integrated Services Digital Network), etc. may be used." (paragraph [0031])

"The Remote Monitoring Device 1 in Figure 1 is equipped with a Receiving Unit 11, a Control Unit 12, a Memory Unit 14, and an Equipment Operation Status Display Unit 13. The Receiving Unit 11 receives the residence ID, the sensing unit ID, the equipment type, and the observation data and observation time from the In-House Device 2. The Control Unit 12 memorizes received data for each residence ID and sensing unit ID in the Memory Unit 14, as the Equipment Operation Data 15. In addition, it memorizes the data by linking it with the sensing unit ID and the equipment type for each residence ID, as the Existing Equipment Information 16." (paragraph [0033])

"An In-House Device 2 is installed at each residence, and one piece of a Remote Monitoring Device 1 covers one or more residences and it is installed in an organization that supervises these residences or manages and monitors these residences. For example, one piece of a Remote Monitoring Device 1 exists in one village, in concrete terms, one Remote Monitoring Device exists in a government office or a fire department. Or a Remote Monitoring Device 1 is installed as one piece in one condominium, for example, in such manner as there is one Remote Monitoring Device 1 in the condominium caretaker's office." (paragraph [0036])

"Figure 4 shows an example of a Remote Monitoring Device 1 in which the operation status is stored concretely. In this case, it is reported every 10 minutes that an electric thermo pot is in operation." (paragraph [0040])

"The Control Unit 12 displays the Equipment Operation Data 15, which is received by the Receiving Unit 11 and memorized in the Memory Unit 14 for a pre-determined time unit for each residence, on the Equipment Operation Status Display Unit 13. If a person in charge from a government office or a fire department or a condominium

caretaker recognizes the results in the display and notices an abnormality or change, it serves as alert information to have him/her recognize the need to directly visit the residence in that situation." (paragraph [0043])

"Embodiment 1 explains the form where the Power Strip 4 of the In-House Device 2 is connected to an electrical outlet and the Plug 24 of the Electric Equipment 6. The Power Strip 4 may be connected to a power wire of the residence, instead of an electrical outlet, and wiring of the Electric Equipment 6 may be connected through a terminal, etc. For example, a structure wherein the Power Strip 4 is connected to a lighting device that is installed on the ceiling or a wall through a switch box that is installed on the wall may be allowed." (paragraph [0054])

"(Embodiment 2)

Figure 10 is a block diagram that shows an example of the structure of a remote monitoring system for living conditions related to Embodiment 2. In Embodiment 2, the status where reminder information should be displayed (alert status) to a person who monitors living conditions at a subject residence is judged automatically. The remote monitoring system for living conditions in Embodiment 2 is equipped with the Alert Status Judging Unit 18 in the Control Unit 12 in addition to the structure of Embodiment 1. In addition, the Memory Unit 14 retains the Alert Status Judgment Condition 17. Other structures are the same as Embodiment 1. In Embodiment 2, whether it is in alert status or not is displayed on the Equipment Operation Status Display Unit 13 for each residence ID." (paragraph [0056])

"The Alert Status Judgment Condition 17 of the Memory Unit 14 stores one or more groups of records where conditions to judge alert operation status are paired with the alert event names, based on chronological operation status data of the Electrical Equipment 6. The Alert Status Judgment Condition 17 is supplied externally through input-output interface (not shown in the Figure) or through memory medium." (paragraph [0057])

"When the Alert Status Judging Unit 18 judges that a residence with a residence ID is in alert status, the Control Unit 12 displays that the residence is in alert status. In concrete terms, the Control Unit 12 displays a residence ID that is judged to be in alert status, the residence corresponding to the residence ID, or the name of the resident and the alert event name on the Equipment Operation Status Display Unit 13. (paragraph [0068])

"Use status of the Electric Equipment 6 differs by individual. Therefore, the Alert Status Judgment Condition 17 may be changed for each residence. In addition, existing Electric Equipment 6 differs by residence. Therefore, the Alert Status Judgment

Condition 17 may be set based on the logical sum of the operation statuses of multiple pieces of an Electric Equipment 6 or Alert Status Judgment Condition 17 may be expressed in logical operations where multiple conditions are combined." (paragraph [0069])

"Figure 14 is a flow chart that shows an example of actions on the alert status display related to Embodiment 2. In the actions on the alert status display in Embodiment 2, alert status judgment and alert status display are added to the living condition display in Embodiment 1. Actions from Step S31 through Step S35 in Figure 14 are the same as Step S21 through Step S25 in Figure 9." (paragraph [0070])

"After judging whether equipment type should be added to the Existing Equipment Information 16 and implementing the addition of equipment type, the Alert Status Judging Unit 18 of the Control Unit 12 retrieves the Alert Status Judgment Condition 17. Based on the memorized Equipment Operation Data 15 and received Equipment Operation Data 15, whether it is in alert status or not is judged (Step S36)." (paragraph [0071])

"When the Alert Status Judging Unit 18 judges that it is in alert status (Step S37: YES), the Control Unit 12 displays that the residence in question is in alert status on the Equipment Operation Status Display Unit 13 (Step S38). When it is judged to be not in alert status (Step S37: NO), alert status is not displayed. In both cases, the Control Unit 12 displays the Equipment Operation Data 15 on the Equipment Operation Status Display Unit 13 for each residence (Step S38)." (paragraph [0072])

"As explained above, the remote monitoring system for living conditions in Embodiment 2 automatically judges whether it is in alert status or not based on the Equipment Operation Data 15 according to judgment conditions, and displays the result. As a result, operators do not have to watch the Equipment Operation Data 15 for a specified period and make a judgment. In addition, operators do not have to monitor equipment operation status always." (paragraph [0073])

"The remote monitoring system for living conditions in Embodiment 2 can be switched to both careful services and monitoring or rather general services and monitoring by changing the fineness of the description of judgment conditions. For example, the way to use the system, such as creating the judgment condition of 'a person subject to watching always watches television from 8:15 to 8:30 every day' and making the alert status reported if the condition is not met, is effective when monitoring the person carefully. However, there may be a case where a person subject to watching feels uncomfortable because he/she feels that being watched so acutely is like being watched by a camera. The remote monitoring system for living conditions in Embodiment 2 may

change judgment conditions depending on the person subject to watching and the status to be monitored." (paragraph [0074])

"(Embodiment 3)

Figure 15 is a block diagram that shows an example of the structure of a remote monitoring system for living conditions related to Embodiment 3. In Embodiment 3, information that describes the type of the Electric Equipment 6, which is connected to the Outlet 26 of the In-House Device 2, is input from the outside. The Power Strip 4 of the In-House Device 2 is equipped with the Equipment Type Input Unit 20. Other structures are the same as Embodiment 1." (paragraph [0075])

"In Embodiment 3, the type of the Electric Equipment 6 that is connected to the Outlet 26 does not have to be identified with the Judging Unit 28 or the Receiver 3 based on current consumption or power consumption. Information that describes the type of the Electric Equipment 6, which is connected to the Outlet 26, is input by the Equipment Type Input Unit 20." (paragraph [0076])

"Figure 16 shows an example of the Power Strip 4 and the Equipment Type Input Unit 20. In the example in Figure 16, a Slide Switch 20a, which sets equipment type, is installed for each Outlet 26. For example, the Slide Switch 20a generates 4-bit data in response to the position of a Knob 20b of the Slide Switch 20a. The Judging Unit 28 in Figure 15 retrieves 4-bit data (status), which is generated by the Slide Switch 20a, and obtains the type of the Electric Equipment 6 that is connected to the Outlet 26 based on the pre-set 4-bit data and correspondence with the equipment type." (paragraph [0077])

"The Equipment Type Input Unit 20 may be a Slide Switch 20a as shown in Figure 16 or a dial switch or may present a list of the Electric Equipment 6 candidates on a liquid crystal touch panel and have an operator select one of them by touching the touch panel. Other equivalent means may be also used. If data that describes the type of the Electric Equipment 6 can be input, it is not limited to the aforementioned examples." (paragraph [0078])

(2) Finding of the Cited Invention

According to the above, the Cited Invention can be found to be as stated in No.2, 3, (1) above.

3. Grounds for Rescission 1 (Error in finding of common features and overlook of differences between the Invention in the Application and the Cited Invention)

(1) Technical meaning of the "ID numbers related to installation sites in the facility" in the Invention in the Application

In light of the details of the Invention in the Application related to the aforementioned finding, in the Invention in the Application, the transmitter that is

installed on the lighting device transmits "(signals superimposed by) ID numbers related to the facility where lighting devices are installed and the installation sites in the facility" and a cloud server, which received the "ID number" in question via network, confirms safety based on the "ID number" and according to the safety notification rules that were registered in advance. In addition, referring to the statement in paragraph [0020] and [Figure 1] in the Description, etc., it can be understood that the term "facility" refers to the residence of "a person subject to watching" and the term "installation site" refers to the individual room (living room, toilet, bedroom, etc.).

Then, in order to show intended operation effects, "safety confirmation," in the Invention in the Application, it is understood that the "ID number" that is transmitted by the lighting device and the "ID number" that is registered on the cloud server must be the ID number that can identify the "installation site" of the lighting device and the "ID number" that is transmitted by the lighting device and the "ID number" that is registered on the cloud server must be able to detect which "installation site" is in abnormal status by comparing them to each other.

Based on the above, it is found that, in the Invention in the Application, the lighting device is equipped with a transmitter; the installation site (room) of the lighting device is identified based on the "ID number related to the facility where it is installed and installation site in the facility" (information that can identify each room, such as the living room, toilet, bedroom, etc.); and safety is judged in accordance with the safety notification rules based on the identified installation site; and when judging safety, location information that is the installation site of the lighting device (in concrete terms, each room, such as the living room, toilet, bedroom, etc.) is used.

(2) Technical meaning of the "sensing unit ID" in the Cited Invention

Whether the "sensing unit ID" of the Cited Invention related to the aforementioned finding identifies the installation site of the "Power Strip 4" in a residence is examined below.

The "sensing unit ID" of the Cited Invention is a code for identifying the "Power Strip 4" uniquely in a residence; however, in Cited Document 1, it is not stated at all that the "sensing unit ID" is related to information that describes the installation site of the "Power Strip 4." In addition, taking into account the general use pattern of a power strip, it is understood that where to install a power strip in a residence and to what electric equipment a power strip is connected is determined optionally by the user of the power strip.

In Cited Document 1, the ways of the lighting device being connected to the "Power Strip 4" are also disclosed ([Figure 6]); however, the lighting device is used by any sites

in a residence, such as in the living room, toilet, bedroom, etc., and everyplace in a residence can be assumed as an installation site of a power strip that is connected to the lighting device. Therefore, even if the "Power Strip 4" is identified by the "sensing unit ID" uniquely, it is only an identification of the "Power Strip 4" and no basis can be seen to consider that the installation site of the "Power Strip 4" in question can also be identified.

In other words, in order to identify the installation site in a residence based on the "sensing unit ID" of the "Power Strip 4," it is necessary to have additional information that links the "sensing unit ID" and the installation site of the "Power Strip 4" in question in a residence. It cannot be found that a code for identifying a power strip uniquely, which is the "sensing unit ID" of the "Power Strip 4," can identify the installation site of the "Power Strip 4" in question.

(3) Allegation of the Defendant

A. The Defendant pointed out in paragraph [0024] of the Description, etc. that, as the ID numbers that are transmitted by lighting devices, only "location ID numbers" are disclosed; it is not clear whether location information that is linked to location ID numbers includes installation sites (individual rooms) or not.

However, in light of (A) through (C) below, it is understood that "location ID numbers" in the Invention in the Application include "internal management ID numbers" that identify each room in a residence. Therefore, the aforementioned allegation of the Defendant does not overturn the aforementioned finding.

(A) In paragraphs [0026] and [0027], it is stated that the "internal management ID numbers" that identify individual rooms in a residence are registered in the database on the cloud server side, which receives the information, and paragraph [0029] and after explain in detail the structure wherein the action of a safety confirmation system judges in which room (installation site) in a residence an abnormality occurred. Given the above, the overall statements of the Descriptions, etc. cannot be understood reasonably unless understanding that "location ID numbers," which are transmitted by a receiver, include "internal management ID numbers," which are held by a cloud server.

(B) Apart from paragraph [0024], paragraphs [0035], [0040], and [0042] clearly state that "location ID numbers" identify the installation site (each room, such as the living room, toilet, bedroom, etc.) of a lighting device.

(C) In paragraph [0024], "location information" that is linked to "location ID numbers" is the "address of the facility where installation sites exist, latitude and longitude of installation sites, and floor number, etc. of the facility where devices are installed " (underlined by the court). It cannot be said that it is not allowed to understand that a

location ID number includes information for identifying the installation site (information corresponding to an "internal ID number" on a cloud server) by including the name of each room (living room, toilet, bedroom, etc.), which is an installation site, in "etc." in question.

It is also possible to understand that it is not allowed to include the name of each room, which is an installation site, in "etc." in question or it only states that location information is registered on a cloud server, and that the location information of the "installation site" (each room) in the facility is registered on a cloud server using an app after a user installs lighting devices. In addition, taking into account the statement in paragraph [0019], "the user configures and registers the installation sites of lighting devices, ... in accordance with the obtained app," it can be said that the aforementioned understanding is rather the main point.

As mentioned in (1) above, the Invention in the Application can show intended operation effects only when an "ID number" that is transmitted by a lighting device and an "ID number" that is registered on a cloud server can be compared to each other. Therefore, the understanding of a person skilled in the art who accesses the Descriptions, etc. is considered to be either of the aforementioned understandings.

B. The Defendant alleged as follows: the installation site (room) of electric equipment that is connected to a power strip is usually specified by the type of electric equipment; therefore, the "sensing unit ID" in the Cited Invention is not only "a code for identifying the Power Strip 4 uniquely," which means a code for identifying "which" electric equipment in the residence, but a code for identifying "where" it is installed in the residence; it has a meaning as location information and has the same role as the "internal management ID number" of the Invention in the Application.

It is true that, in [Figure 5] of Cited Document 1, which the Defendant uses as the basis of its allegation, equipment operation data, which consists of the "residence ID," the "sensing unit ID" (it is found that the statement of "measurement unit ID" in Figure 5 is a description error of "sensing unit ID"), the "equipment type," the "operation status," and other information, is listed. For example, the following examples are indicated: if the "sensing unit ID" is "id13," the "equipment type" is "electric rice cooker" in both cases where the "residence ID" is "hid7" and "hid2"; if the "sensing unit ID" is "id17," the "equipment type" is "PC," "clothes iron," or "electric thermo pot." Therefore, it is presumed that there is a correlation between the "sensing unit ID" and the electric equipment type or the installation site of the "Power Strip 4."

However, it should be said that these examples in [Figure 5] in Cited Document 1 only show a correspondence relationship between the "sensing unit ID" and the electric

equipment that is connected, which occurs as a result of a user installing each power strip optionally in a residence and connecting the power strip to electric equipment. For example, taking into account that the aforementioned electric thermo pot is used in any of the kitchen, living room, dining room, and bedroom, it cannot be determined based on the statement in [Figure 5] that any correlation has been determined between the "sensing unit ID" of the "Power Strip 4" and the installation site of the "Power strip 4" in question.

In addition, in paragraphs [0075] through [0078] in Cited Document 1, it is stated that, under a monitoring system for living conditions related to Embodiment 3, the "Slide Switch 20a," which configures the equipment type, is installed on the "Power Strip 4." In [Figure 16], as the equipment type, "refrigerator," "electric rice cooker," "television," "clothes iron," "microwave," and "other" are listed as examples and it is shown that the "Slide Switch 20a" optionally selects the equipment type from these equipment types.

Then, the "Power Strip 4" stated in Cited Document 1 is on the assumption of being connected to various kinds of electric equipment, including "refrigerator," "electric rice cooker," "television," etc. and the installation site of the "Power Strip 4" in question is assumed to be at various sites in a residence, such as the kitchen, living room, etc. Therefore, there is originally no relationship between the "sensing unit ID" of the "Power Strip 4" and the installation site of the "Power Strip 4" in question.

Based on the above, it cannot be found that, based on the "sensing unit ID" for identifying the "Power Strip 4" uniquely, a technical idea for identifying the installation site of the "Power Strip 4" in question is disclosed in Cited Document 1 and, therefore, the aforementioned allegation of the Defendant cannot be adopted.

C. The Defendant alleged as follows: in consideration of the fact that it is normal for power strips in a residence and home appliances connected to the power strip not to be moved when once they are installed and that, in the Cited Invention, whether it is in alert status or not can be defined as the installation site of the "Power Strip 4" is known, the "sensing unit ID" of the "Power Strip 4" is the information that can identify the installation site and is not different from the location information (including information on the installation site) of the Invention in the Application.

However, as mentioned below, the aforementioned allegation of the Defendant cannot be adopted.

(A) In [Figure 13] of Cited Document 1, examples of conditions to judge whether it is in alert status or not are stated. Based on this statement, the technical idea to judge alert status based on the electric equipment type (television, electric rice cooker, clothes iron,

etc.) and its operation status (in-operation or non-operational) can be understood; however, the technical idea to differentiate judgment conditions (for example, differentiating judgment conditions between televisions in a living room and a bedroom) depending on the installation site of electric equipment if type of the electric equipment is the same, cannot be understood.

For example, the following condition is understood to be a technical idea of the Cited Invention: from judgment conditions stated in [Figure 13], "if 'electric rice cooker' continues to be 'non-operational' for three days or longer," it seems to be a situation that a resident has not eaten, and, therefore, this case is registered as an "alert operation status" as stated in paragraph [0057]. The installation site of an electric rice cooker is usually in a specific room in a residence, "kitchen"; however, whether a resident enters the kitchen or not during that time is not used as a condition to judge whether it is in alert status or not.

As mentioned above, in the Cited Invention, as information to judge whether it is in alert status or not, the type of electric equipment that is connected to a specified power strip is used; however, there is no disclosure or suggestion to use information related to the installation site of the power strip in question and electric equipment that is connected to the power strip.

(B) [Figure 6] of Cited Document 1 is a form where the same type of electric equipment, a lighting device, is connected to the "Power Strip 4" in each of two rooms. It is found that the "Power Strip 4" that is installed in each of two rooms transmits the "sensing unit ID" to the "Remote Monitoring Device 1." Even in this case, as mentioned in (A) above, the "sensing unit ID" is only a code for identifying each power strip and electric equipment that is connected to the power strip, but not the information to describe the installation site of the "Power Strip 4." Therefore, no technical basis that the "sensing unit ID" can identify each room can be found.

(4) Based on the above, the "sensing unit ID" of the Cited Invention does not identify the installation site of the "Power Strip 4" in a residence and, therefore, its technical meaning is different from that of the "internal management ID number," which identifies the installation site in a residence (in concrete terms, each room, such as the living room, toilet, bedroom, etc.) from the location information in the Invention in the Application.

Nevertheless, the JPO determined that the "sensing unit ID" in the Cited Invention corresponds to the "internal management ID number" in the Invention in the Application and included that the "ID number related to the installation site in the facility" is used for safety confirmation in its finding of common features. Therefore, it must be said

that there is an error in this finding. As a result, the JPO Decision overlooked Difference 5 related to the allegation of the Plaintiff and the aforementioned error in the finding of common features is an error that affects the conclusion of the JPO Decision.

4. Grounds for Rescission 2 (Error in the determination on the effect from exchanging lighting devices)

(1) The Plaintiff alleged that, in the Invention in the Application, the "lighting device" itself is equipped with a "transmitter," and therefore, only by exchanging the existing lighting device to the "lighting device" in the Invention in the Application, it shows an effect that the "existing lighting device can be exchanged with the lighting device in the Invention in the Application without requiring construction and a safety confirmation system related to the Invention in the Application can be introduced." This is examined below.

(2) In the Cited Invention, the "Power Strip 4" is connected to the "Electric Equipment 6" one by one. In paragraph [0020], [Figure 1], etc. of Cited Document 1, it is disclosed as an embodiment of the Cited Invention that the "Power Strip 4" and the "Electric Equipment 6" are connected via an outlet; however, special technical difficulty cannot be found in integrating the "Electric Equipment 6" and the "Power Strip 4," both of which are connected to an outlet, and in considering them as one structure, and it is found to be possible for a person skilled in the art as necessary.

In addition, in paragraph [0021] of Cited Document 1, it is stated that "the Electric Equipment 6 that is connected to the Outlet 26 is optional. It may be any electric equipment, such as a television, refrigerator, air-conditioner, vacuum cleaner, lighting device, electric thermo pot, electric rice cooker, microwave, or personal computer, etc."; however, since a desk lamp and other lighting device equipped with an outlet can be assumed, if such a lighting device and a power strip are integrated, no construction is necessary and the power strip is exchanged only by exchanging the desk stand.

Then, also in the Cited Invention, it is possible to show the effect of introducing a remote monitoring system for living conditions in the Cited Invention "without requiring construction," but by only exchanging the existing "lighting device." Therefore, the aforementioned allegation of the Plaintiff does not support the inventive step of the Invention in the Application and cannot be adopted.

5. Grounds for Rescission 3 (Error in the determination as to whether Differences 3 and 4 could have been easily conceived of by a person skilled in the art)

(1) The Plaintiff alleged that in order for a person skilled in the art who comes across the Cited Invention consisting of the "Electric Equipment 6" and the "Power Strip 4," for which an outlet is essential, to conceive of the structure to embed a "transmitter" in

the "lighting device" in the Invention in the Application, the presence of an outlet is a barrier and there is technical difficulty. Therefore, it is examined below.

(2) The Invention in the Application only specifies a "lighting device" to be a "lighting device that turns a light on or off." Therefore, it is understood that the "lighting device" in the Invention in the Application includes any lighting device as long as it is a "lighting device that turns a light on or off" and, naturally, the "lighting device" in the Invention in the Application includes a lighting device that is used by being connected to an outlet as long as it "turns a light on or off."

And, as examined in 4 (2) above, it is found that, in the Cited Invention, integrating the "Electric Equipment 6" and the "Power Strip 4," both of which are connected to an outlet, can be achieved by a person skilled in the art as necessary. In cases where the "Electric Equipment 6" is a lighting device that is connected to an outlet, the lighting device is integrated with the "Power Strip 4" and it results in a structure where a "transmitter" is embedded in the "lighting device" in the Invention in the Application. No technical difficulty is found in this process.

Consequently, the aforementioned allegation of the Plaintiff cannot be adopted.

6. Conclusion

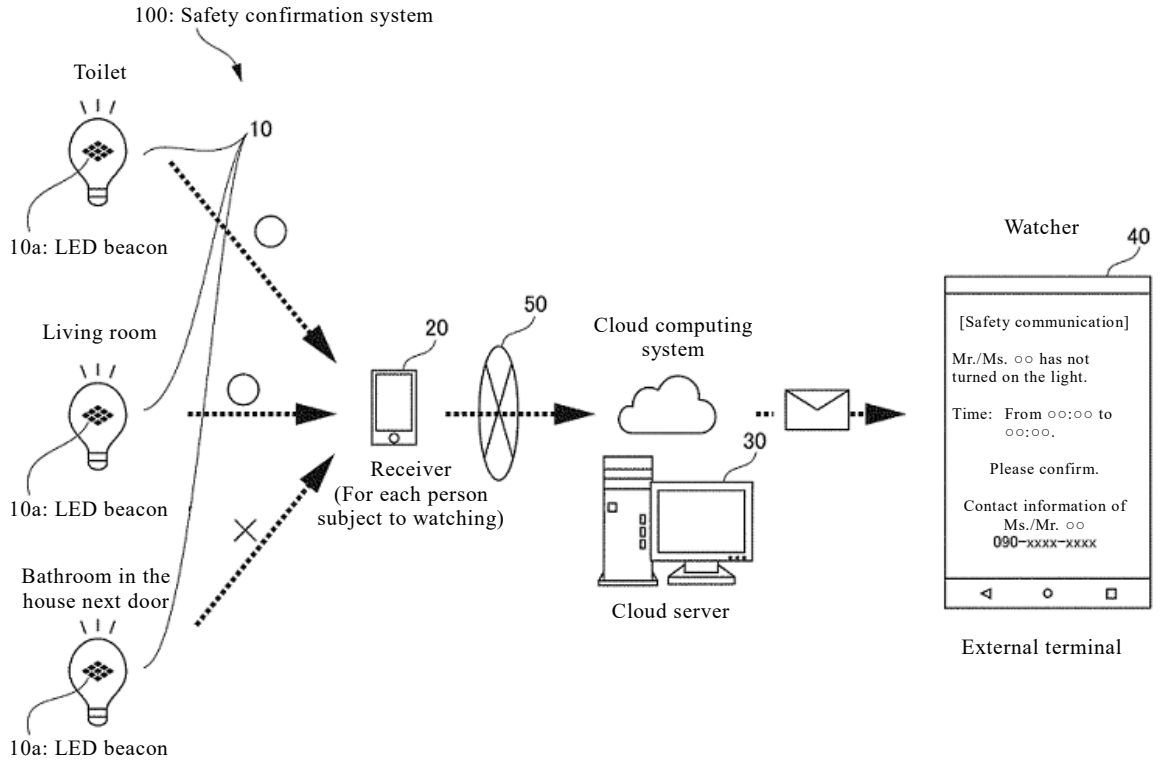
As mentioned above, there are no grounds in the allegation of the Plaintiff related to the Grounds for Rescission 2 and 3; however, there are grounds in the allegation of the Plaintiff related to the Grounds for Rescission 1. Therefore, the JPO Decision is illegal and should be rescinded.

Consequently, the judgment shall be rendered as indicated in the main text.

Intellectual Property High Court, Third Division
Presiding judge: SHOJI Tamotsu
Judge: UEDA Takuya
Judge: TSUNO Michinori

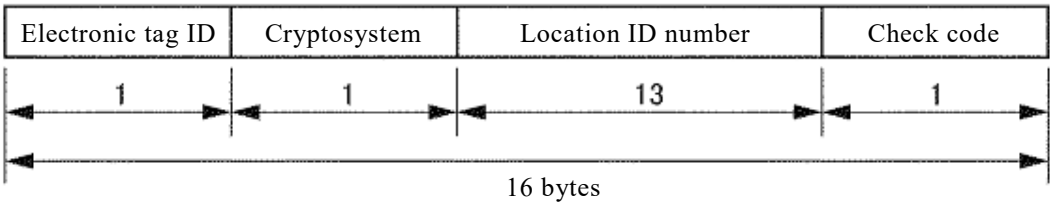
Attachment 1: Drawings in the Description, etc. in the Application

[Figure 1]



[Figure 2]

(a)

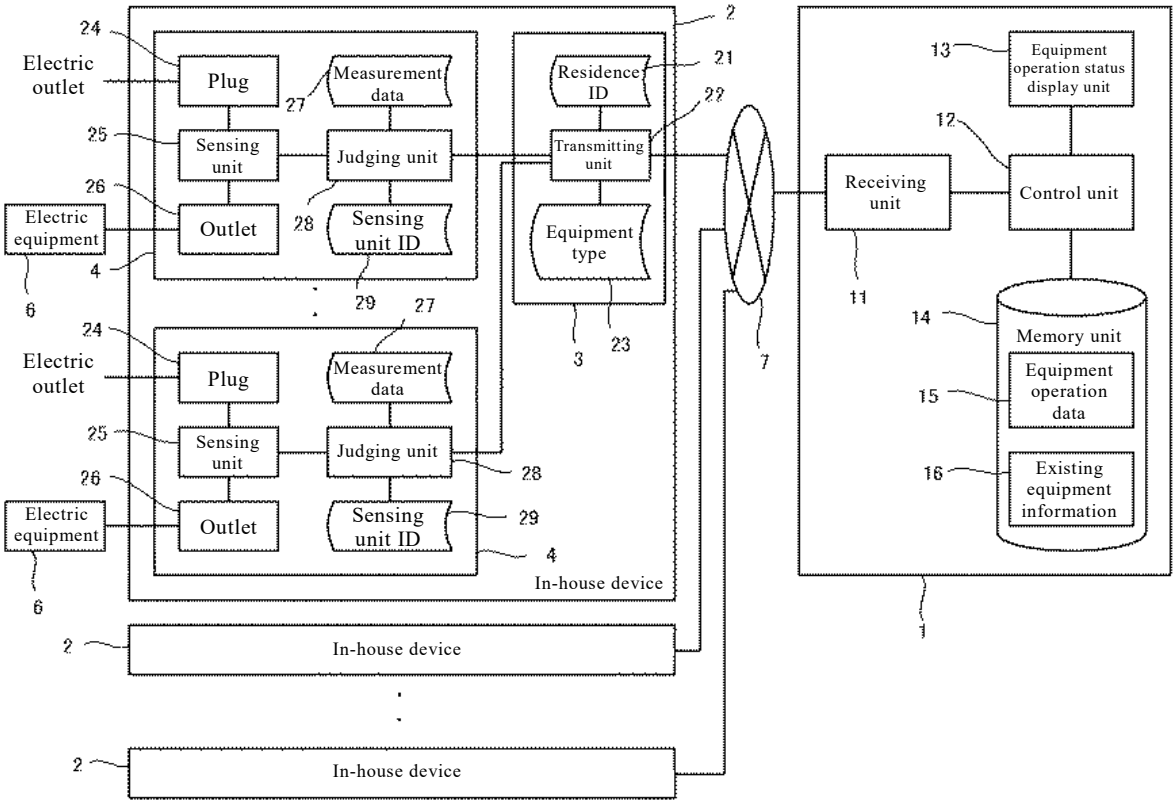


(b)

Location ID number	Shipping ID number	Facility ID number	Internal management ID	Facility address (floor number)	Latitude and longitude

Attachment 2: Drawings of Cited Document 1

[Figure 1]



[Figure 4]

Residence ID	Measurement value ID	Equipment type	Time	Status
hid4	id17	Electric thermo pot	2009/Jun./3/13:10	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/13:20	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/13:30	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/13:40	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/13:50	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:00	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:10	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:20	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:30	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:40	In-operation
hid4	id17	Electric thermo pot	2009/Jun./3/14:50	In-operation
. . .	. . .	. . .	. . .	. . .

[Figure 5]

Residence A

Transmitting Unit 22

Residence ID	Measurement value ID	Equipment type	Time	Operation status
hid7	id13	Electric rice cooker	T3	In-operation
hid7	id23	Vacuum cleaner	T4	In-operation
hid7	id5	Refrigerator	T5	In-operation
hid7	id17	PC	T4	Non-operational

Residence B
Transmitting Unit 22

Residence C
Transmitting unit 22

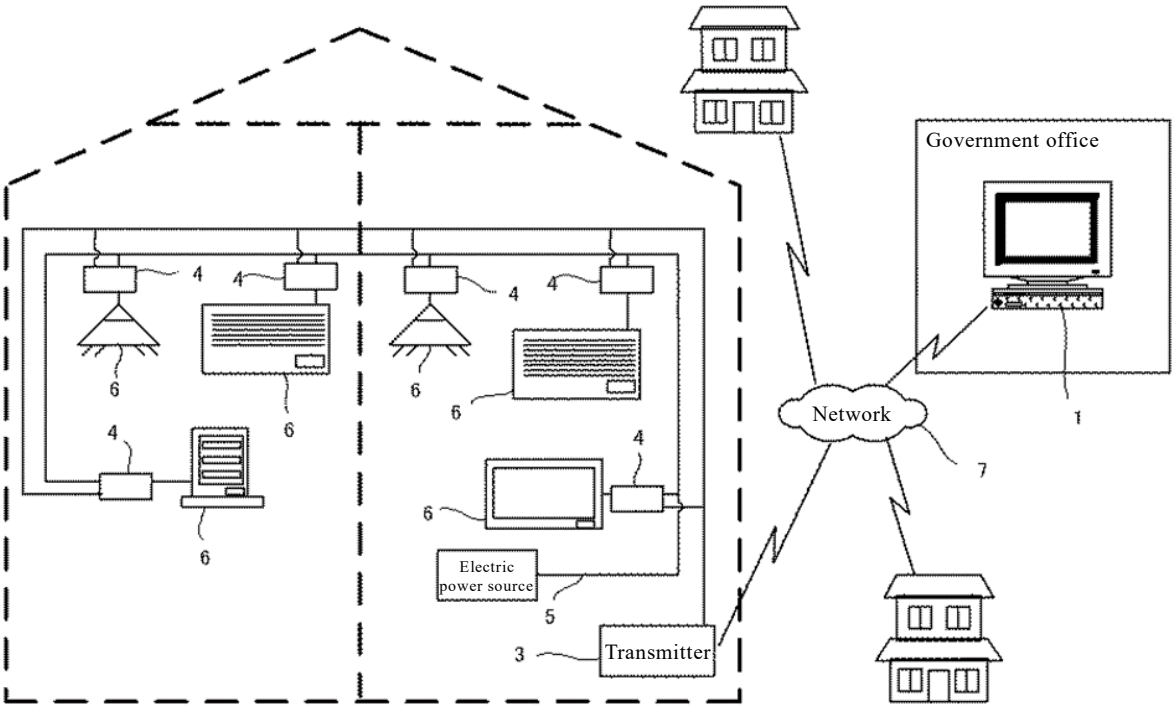
Equipment Operation Data 15

Residence ID	Measurement value ID	Equipment type	Time	Operation status
hid7	id13	Electric rice cooker	T3	In-operation
hid7	id23	Vacuum cleaner	T4	In-operation
hid7	id5	Refrigerator	T5	In-operation
hid7	id17	PC	T4	Non-operational
hid2	id13	Electric rice cooker	T1	Non-operational
hid2	id23	Television	T1	In-operation
hid4	id5	Refrigerator	T6	In-operation
hid4	id17	Clothes iron	T2	In-operation
hid4	id17	Electric thermo pot	T5	In-operation

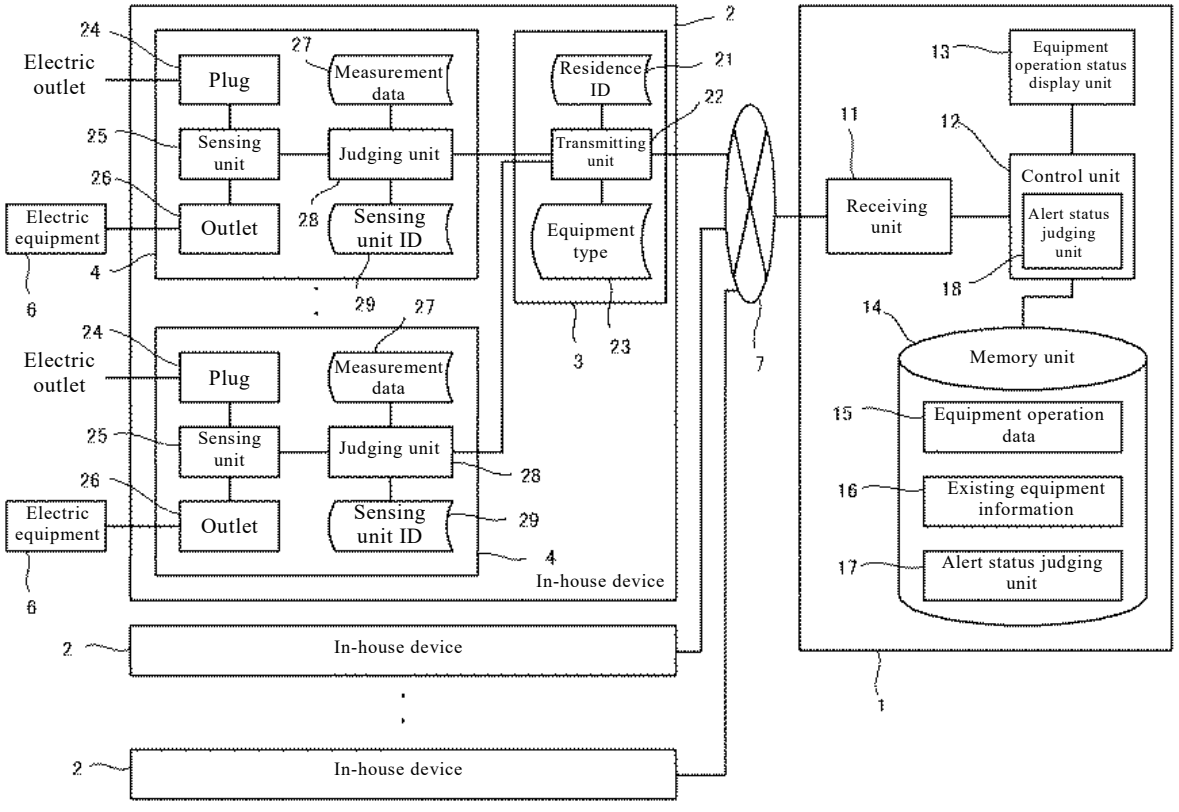
Existing Equipment Information 16

Residence ID	Existing equipment list
hid2	Electric rice cooker, television
hid4	Refrigerator, clothes iron, electric thermo pot
hid7	Electric rice cooker, vacuum cleaner, refrigerator, PC
・・・	・・・

[Figure 6]



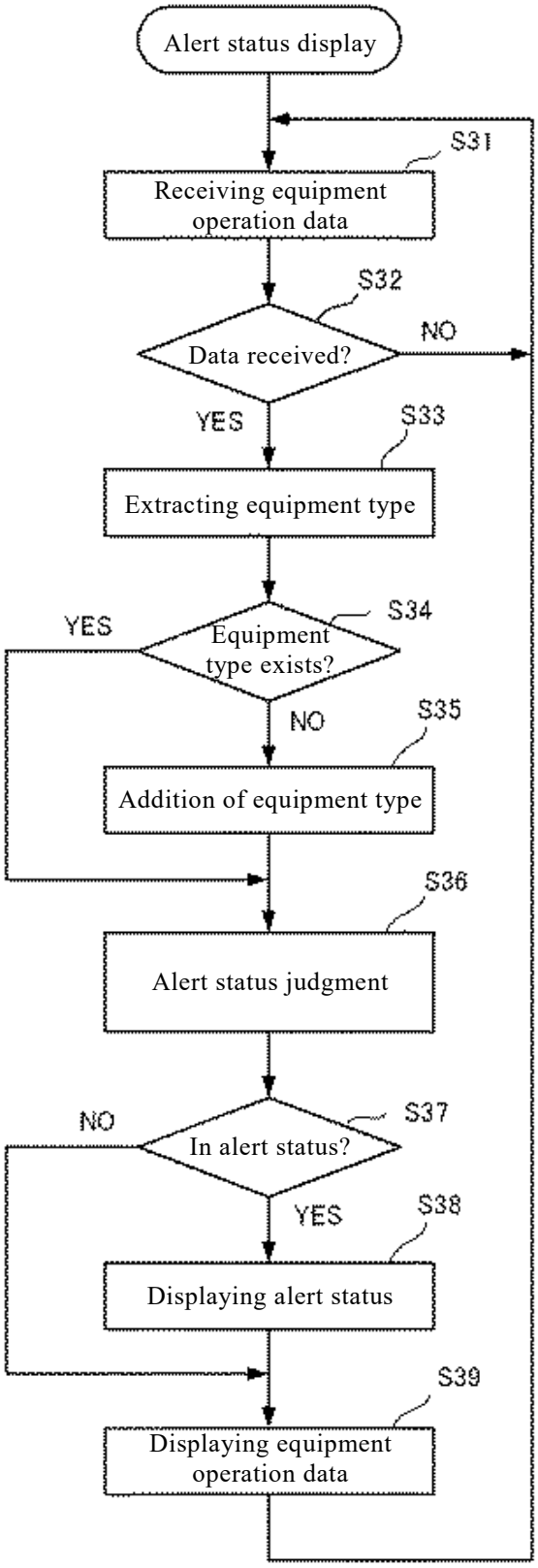
[Figure 10]



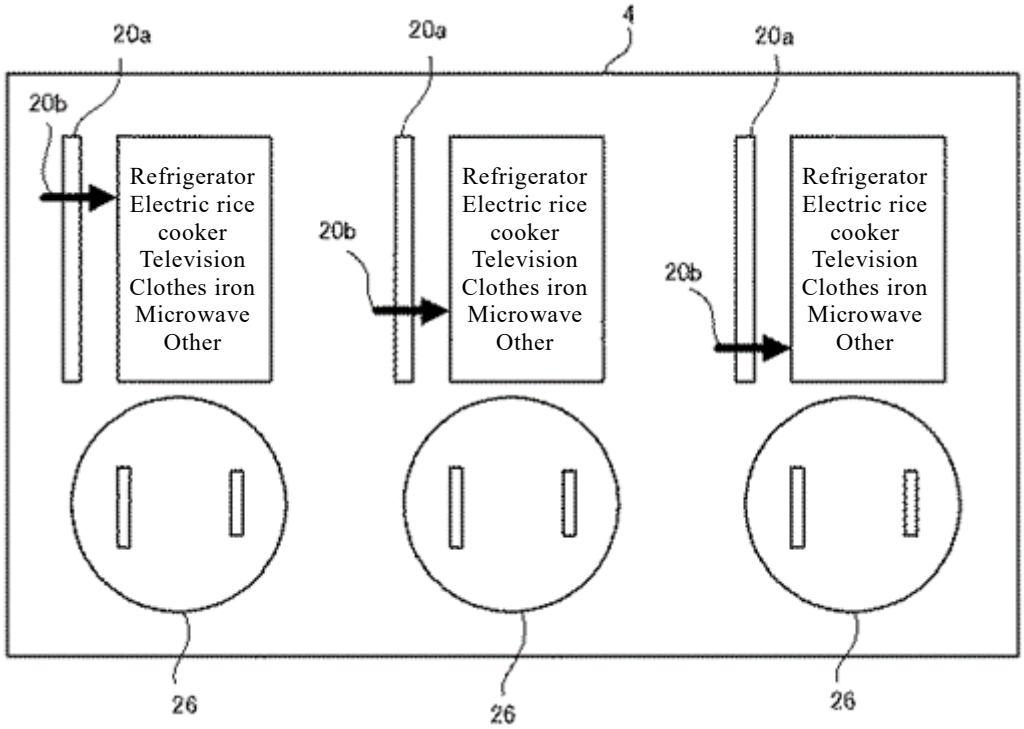
[Figure 13]

- If "television" continues to be "in-operation" for 24 hours or longer.
- If "electric rice cooker" continues to be "non-operational" for three days or longer.
- If "television" continues to be "non-operational" for two days or longer.
- If "clothes iron" continues to be "in-operation" for three hours or longer.
- If "electric thermo pot" continues to be "in-operation" for two days or longer.
- If "hair dryer" continues to be "in-operation" for one hour or longer.

[Figure 14]


Alert status display
S31
Receiving equipment operation data
S32
Data received?
NO
YES
S33
Extracting equipment type
S34
Equipment type exists?
YES
NO
S35
Addition of equipment type
S36
Alert status judgment
S37
In alert status?
NO
YES
S38
Displaying alert status
S39
Displaying equipment operation data

[Figure 16]


4
20a
20a
20a
20b
20b
20b
Refrigerator
Electric rice cooker
Television
Clothes iron
Microwave
Other
Refrigerator
Electric rice cooker
Television
Clothes iron
Microwave
Other
Refrigerator
Electric rice cooker
Television
Clothes iron
Microwave
Other
26
26
26