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| Patent Right | Date | February 5, 2020 | Court | Tokyo District Court, 40th Civil Division |
| | Case number | 2018 (Wa)13927 | | |
| - A case in which Plaintiff's claim for injunction of use of a computer system related to electronic money service based on the patent right of the invention titled "WHITE-CARD USE LIMIT RAISING SYSTEM AND OPERATION METHOD THEREOF" was dismissed. | | | | |

Summary of the Judgment

This case is a case in which Plaintiff having the patent right (Patent No. 5775663) of the invention titled "WHITE-CARD USE LIMIT RAISING SYSTEM AND OPERATION METHOD THEREOF" asserted that the use of the computer system related to the electronic money service by Defendant infringes the patent right of Plaintiff, and made a claim against Defendant for injunction of use of the Defendant's computer system.

The issues of this case are [i] whether the Defendant's computer system belongs to the technical scope of the Present Invention; [ii] whether Defendant works the Present Invention; and [iii] whether it is found that the Present Invention should be invalidated through a trial for patent invalidation.

The judgment, first, found that the Present Invention is such an invention characterized in that [i] it is an invention related to a use limit raising system of a white card to be used for settlement at goods purchase and the like; [ii] since a use limit of a credit card is fixed to some degree at conclusion of a contract, a change such as raising of the limit or the like is difficult or requires cumbersome procedures, and even if a user's money in hand increases to an amount greater than an average income of the credit card by receipt of money transmittance from others or the like, it is not reflected in the use limit until predetermined procedures are gone through by contact with the credit card company each time and thus, the use of the credit card reflecting the increase is not possible, which is the problem, and [iii] by employing a system in which (a) when crediting to the white card, the white-card use limit raising instructing device outputs the obtained money receipt ID and the credit receipt information on the amount to which the use limit of the white card is to be raised in association with each other, (b) upon receipt of this, the raising instructing device transmits the money receipt ID to the white-card ID management device, and (c) upon receipt of this, the white-card ID management device replies the consumption use ID obtained by referring to an association table held in advance to the raising instructing device, (d) the raising instructing device transmits the raising instruction including the

obtained consumption use ID and the use limit raised amount; [iv] there can be provided to the user such a card that the increase in the usable amount at hand of the user as the result of receiving money transmittance from the others can be reflected on a real-time basis and the money can be used for payment of purchase and the like, and the effect that receipt and consumption of money can be safely performed can be obtained. Then, according to the recitation in the description and the like, it is found that the "use limit" referred to in the Present Invention means that the money is "fixed to some degree" at the contract with the user, and although shopping and the like can be done freely within the range of the limit, even if the amount of money held at hand of the user increases more than that at the contract as the result of receipt of money transmittance from the others or the like, the limit can be raised only after going through the predetermined procedures such as contact with the card company and the like and thus, the "use limit" means the "amount of money usable within a predetermined period of time that is set at the contract and fixed to some degree", and the usable amount of a prepaid card and the like that, each time electronic money is credited/debited, the usable amount is fluctuated by reflecting that does not fall under the "use limit" of the Present Invention. Moreover, according to the recitation in the description and the like, it was held that the "white card" in the Present Invention was reasonably understood to mean a credit card and could not be understood to include a prepaid card and the like. Then, since the card used in the Defendant's computer system is not a credit card, it does not fall under the "white card". And since the amount of money that the card can use for settlement and the like matches the balance of the account at all times, this is not considered to be the amount of money usable within a predetermined period of time that is set at the contract and fixed to some degree or does not constitute the "use limit", either, and the claim by Plaintiff was dismissed.