

Patent Right	Date	June 11, 2020	Court	Tokyo District Court, 47th Civil Division
	Case number	2019(Wa)7178		
- A case in which the court dismissed the Plaintiff's claim relating to patent rights for a series of inventions titled "Vehicle guidance system," finding that the configuration of the system used by the Defendant does not satisfy the constitutional elements of the relevant inventions.				

Summary of the Judgment

The Plaintiff, a patentee of a series of patents relating to a vehicle guidance system (a vehicle guidance system for an ETC-dedicated gate such as a toll gate)(collectively, the "Patent"), filed this action against the Defendant seeking compensation for damages in tort or return of unjust enrichment, by alleging that a series of systems installed at rest areas on a highway by the Defendant (collectively, the "Defendant's System") falls under the technical scope of a series of inventions relating to the Patents (collectively, the "Invention") and the use thereof constitutes the infringement of the patent rights mentioned above.

The issues disputed in this case include: [i] whether the configuration of the Defendant's System falls under the technical scope of the Invention (satisfaction of constituent features of the invention in question); and [ii] whether or not the Patent is considered invalid on the ground of the violation of the clarity requirement or the lack of an inventive step (invalidity of patents). The court dismissed the Plaintiff's claim by holding that the configuration of the Defendant's System does not fall under the technical scope of the Invention, based on the following findings: (1) In light of the principle for solving problems underlying the Invention (i.e., technical idea), the configuration of the Invention requires that a "crossing bar 1" should be placed closer to an ETC-dedicated lane gate than a "data transmission device." The technical significance of this configuration lies in that it can prevent the backward movement of a vehicle that was prevented from entering its desired lane and a collision with a vehicle behind it by activating the crossing bar when detecting a vehicle attempting to enter into a toll gate. On the other hand, the first crossing bar of the Defendant's System is placed ahead of the data transmission device, and thus cannot prevent the backward movement of a vehicle that was blocked from entering its desired lane, so the configuration of the Defendant's System does not satisfy the description of the Invention mentioned above. (2) The "means to guide vehicles to the second lane" of the

Invention need to be configured to guide a vehicle, including a non-ETC vehicle that erroneously entered the ETC lane and was prevented from moving forward by the activation of the crossing bar and an ETC-vehicle with data transmission failure, to the second lane without requiring any further action such as calling an operator by the intercom. On the other hand, in the case of the Defendant's System, a vehicle that is incapable of paying tolls via an ETC system needs to take some actions, such as calling an operator by the intercom, to be guided to the second lane, so the configuration of the Defendant's System does not satisfy the description of the Invention mentioned above.