

Mock Trial

- **SCENE 1**

 - 2nd Date for Oral Argument - Explanatory Session -**

- **Procedures thereafter**

- **SCENE 2**

 - 3rd Date for Oral Argument - Rendering of Judgment -**

SCENE 1

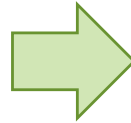
2nd Date for Oral Argument

September 16, 2022

- Explanatory Session -

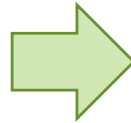
○ Procedures to be conducted on this date

Confirmation of the fact to be proven



Confirmation of the outcome of proceedings to arrange issues and evidence and the fact to be proven in the oral argument

Examination of evidence



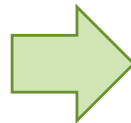
Examination of evidence related to the fact to be proven

Explanatory Session



Final presentation for summarizing and orally explaining allegations of both parties

Participation of Technical Advisors



Explanation on the specialized, technical matters in dispute

Confirmation of the fact to be proven

● Point at issue 1

(Whether the System Satisfies Elements of the Invention)

- Does the “Data Management Device” of the System fall under the “measurement terminal” constituting the “frame measurement unit” of the Present Invention

● Point at issue 2

(Whether Patent Infringement is established)

- Whether the defendant infringes the Patent Right in the System involving multiple actors

Plaintiff's allegations ①

Point at issue 1 - Descriptions of the Scope of Claims

(B2) (wherein the frame measurement unit comprises:)

a measurement terminal configured

to calculate the rim circumferential length along a groove of the rim based on the rim shape data and

to transmit the data of the rim circumferential length to the lens edging unit,

and

(C3) (wherein the lens edging unit comprises:)

an edger terminal configured

to calculate the lens circumferential length along the bevel top of the beveled spectacle lens based on the lens shape data and

to determine that the beveled spectacle lens can be fitted to the rim of the spectacle frame if the difference between the lens circumferential length **and the rim circumferential length received from the measurement terminal of the frame measurement unit** is within a prescribed range.

Plaintiff's allegations ②

Point at issue 1 - Descriptions of the Specification

[Problem to be solved by the Invention]

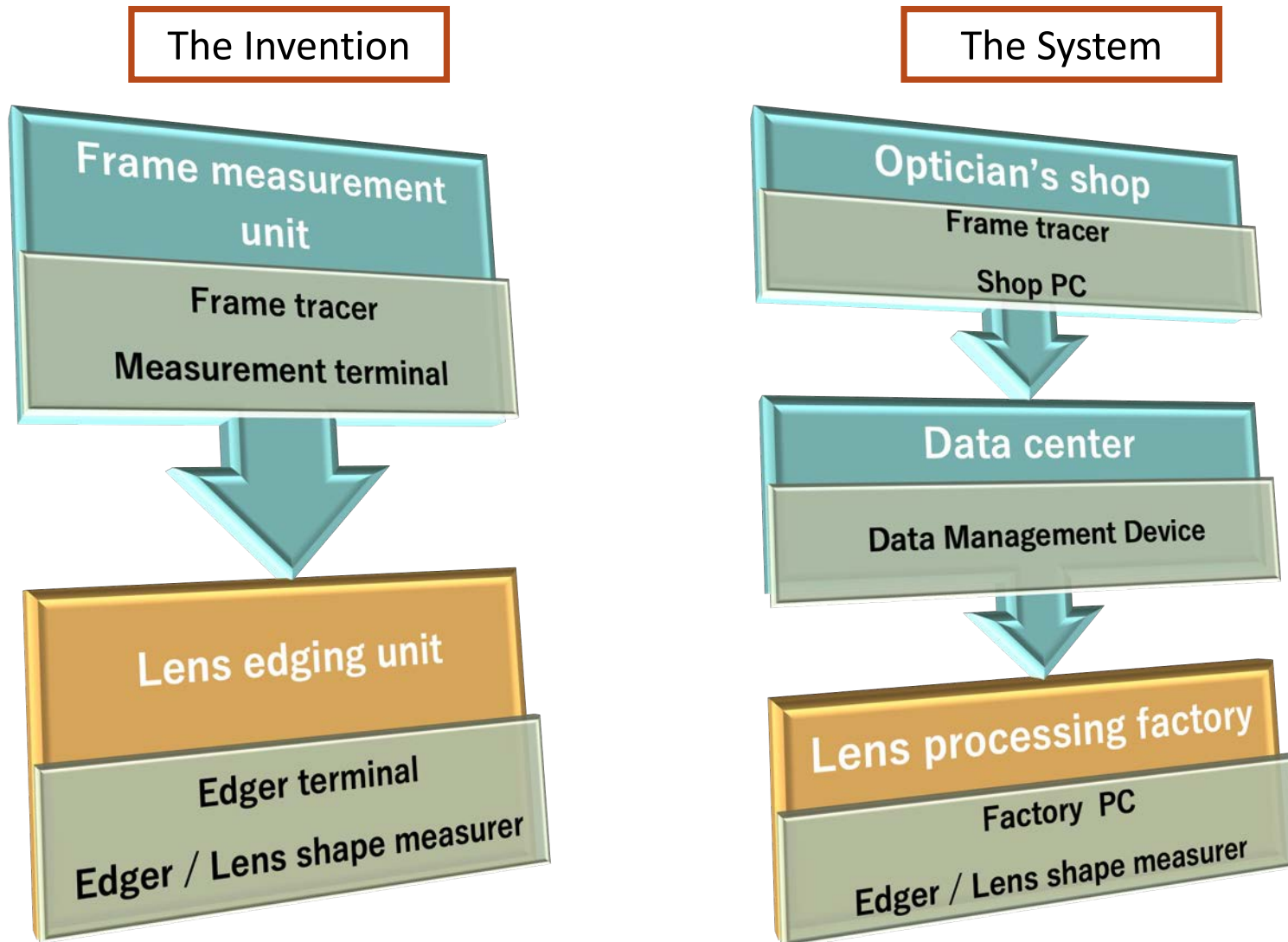
When lenses are processed outside the optician's shop, the lens processing factory will not have the spectacle frame itself, so at the lens processing factory it is unable to confirm that the processed lenses will be accommodated in the rim, resulting in poor yield (0005).

[Effect of the Invention]

According to the present invention, in determining whether lenses will fit a frame, by using as a decision criterion the gap between the rim circumferential length of a frame and the lens circumferential length along the bevel top of a lens, it is possible to allow lenses to be fitted to a frame with a high degree of certainty and efficiency (0009).

Plaintiff's allegations ③

Point at issue 1 - Comparison of the Invention and the System



Plaintiff's allegations ④

Point at issue 1 - Applicability

- **Viewing the System from the functional aspect,**
 - ① **The “rim shape data” measured by the frame tracer at the optician’s shop is transmitted to the data management device.**
 - ② **The measured data is transmitted from the data management device to the lens edging unit.**
 - ③ **The Shop PC at the optician's shop just relays the data and does not perform any substantial function in the relationship to the scope of claims.**
- **Therefore, the data management device falls under the “measurement terminal.”**

Plaintiff's allegations ⑤

Point at issue 2 - Joint Patent Infringement

- **Joint relevance**
 - ① **Only objective relevance is sufficient for joint relevance to be established.**
 - ② **Even if subjective joint relevance is required, if there is a continuous business relationship between the two parties, they are mutually aware of the content of their acts, and therefore subjective joint relevance is found.**
- **Even if there is no joint relevance, if a party uses another party as a pawn or tool, the act is deemed to be the act of the party who uses the other party.**

Plaintiff's allegations ⑥

Point at issue 2 - Applicability

- **Since the defendant entrusted Turtle to develop the System and operate the data management device and Optician's shops have entered into transaction agreements with the defendant, having been provided with the Software and making the Shop PCs into devices of the System, they are jointly using the entire System.**
- **Subjectively, there is a subjective joint relevance between the defendant and Turtle, and between the defendant and Optician's shops, as each recognizes the other's role.**
- **The defendant can be regarded as having used Turtle and the Optician's shops as a pawn or tool.**

Defendant's allegations ①

Point at issue 1 - Structure of the System

- A A spectacle lens edging system comprising:
... **a frame measurement unit** ... and **a lens edging unit**,
- B wherein **the frame measurement unit** comprises:
- B1 ... **a frame tracer**, and
- B2 **a measurement terminal** configured to **calculate the rim circumferential length** along a groove of the rim based on the rim shape data and to **transmit data of the rim circumferential length to the lens edging unit**,
- and
- C wherein **the lens edging unit** comprises:
- C1 ... **an edger**
- C2 ... **a lens shape measurer**, and
- C3 ... **an edger terminal** configured to calculate the lens circumferential length along the bevel top of the beveled spectacle lens based on the lens shape data and to determine that the beveled spectacle lens can be fitted to the rim of the spectacle frame if the difference between the lens circumferential length and **the rim circumferential length received from the measurement terminal of the frame measurement unit** is within a prescribed range.

Construction of (a system comprising) all elements => "Production"
Use and benefits of (a system comprising) all elements => "Use"

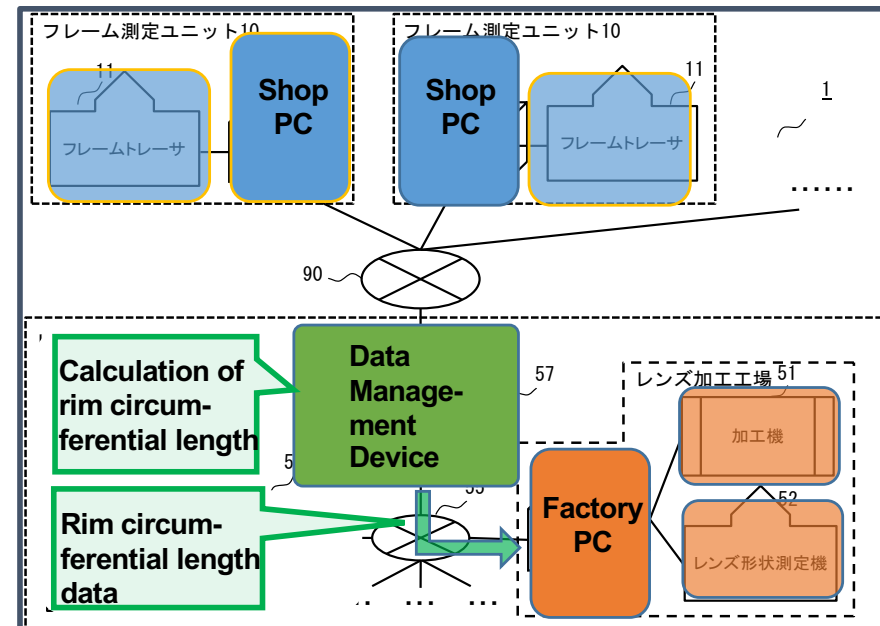
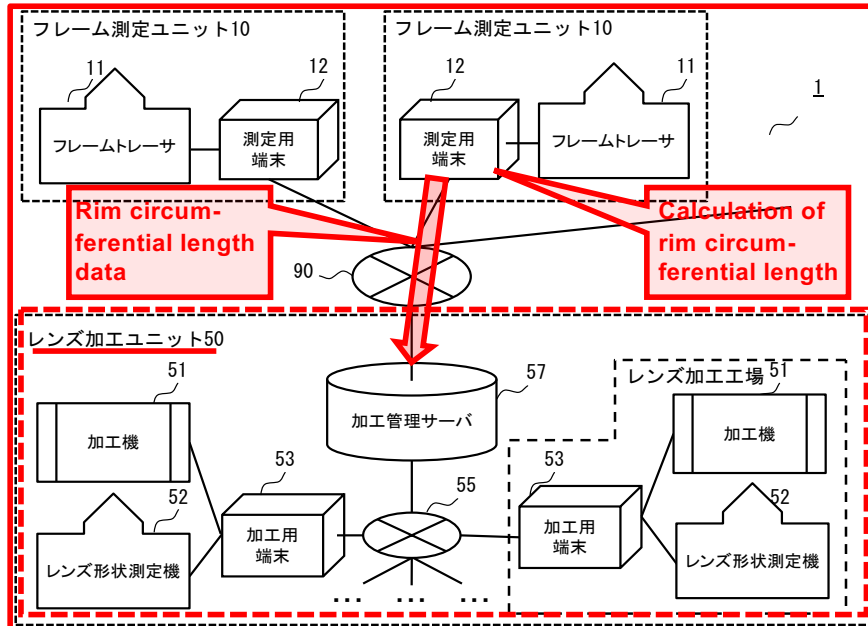
Defendant's allegations ②

Point at issue 1 - The System is different from the Invention

The Invention



The System

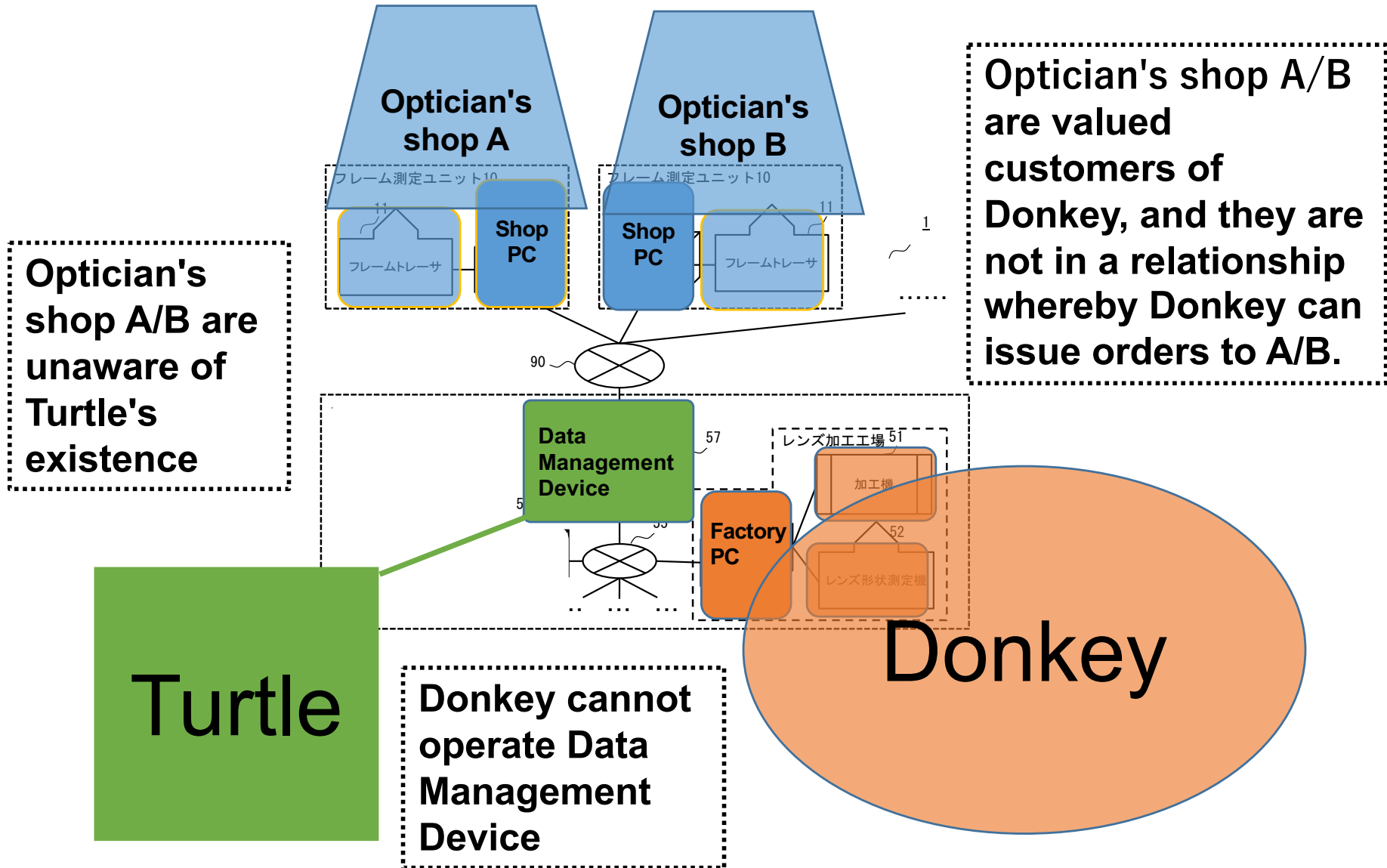


The measurement terminal of the frame measurement unit calculates the rim circumferential length and transmits the rim circumferential length data to the lens edging unit (Element B2/C3, Specification 0017/0019)

The Data Management Device of the lens edging unit calculates the rim circumferential length

Defendant's allegations ③

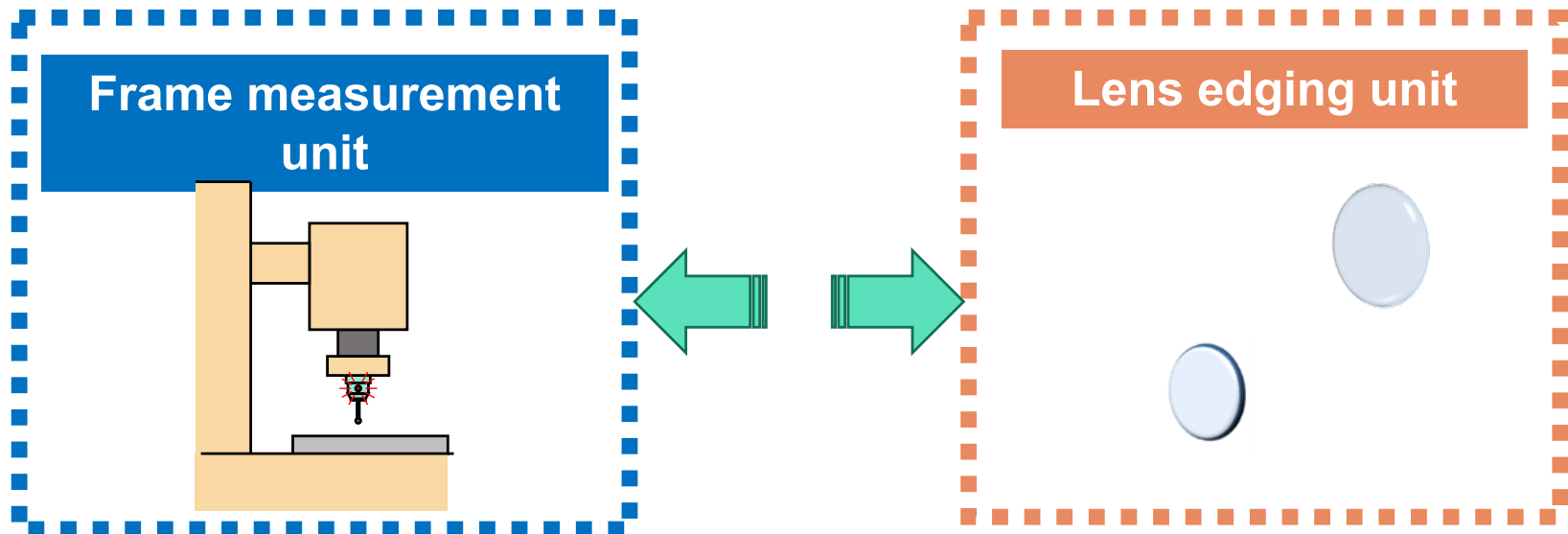
Point at issue 2 - The System is not "Used"



○ Q and A Session

● Question 1 - “Units”

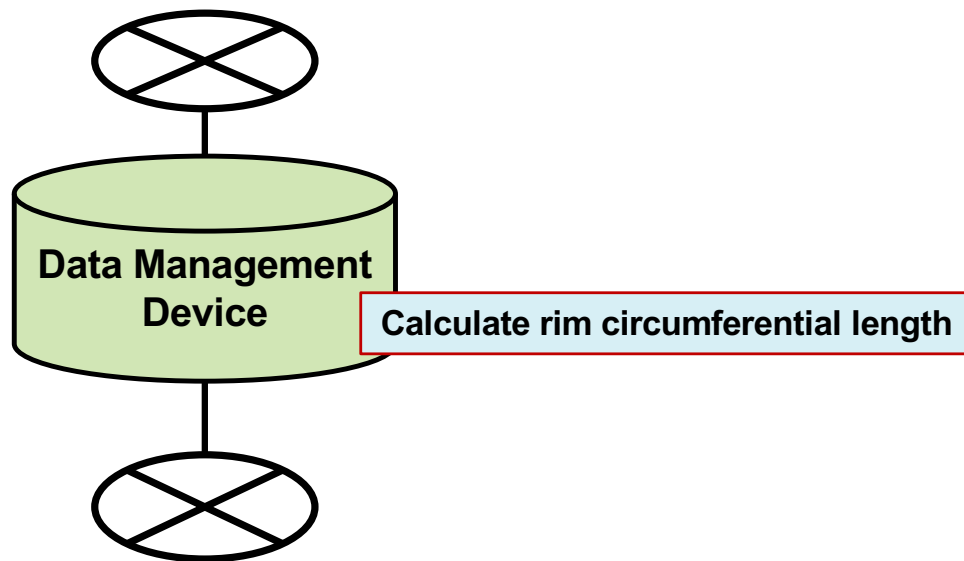
Reasons that various devices are considered to fall under either "Frame measurement unit" or "Lens edging unit"



○ Q and A Session

● Question 2 - “Data Management Device”

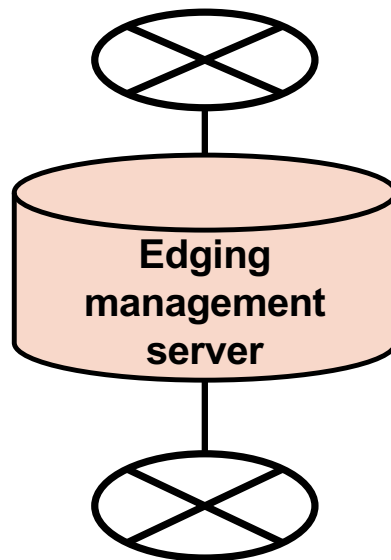
The reason that the Data Management Device is configured to “Calculate rim circumferential length”



○ Q and A Session

● Question 3— “Determination of whether processing is possible”

Positioning of determination of whether processing is possible in the spectacle lens edging system

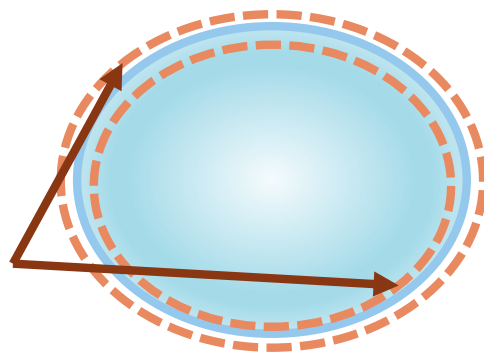


○ Q and A Session

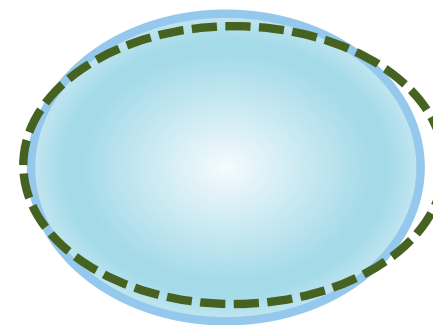
● Question 4—“Circumferential length”

Technical significance of focusing on circumference rather than shape

The difference between the rim circumferential length and the lens circumferential length is NOT within a prescribed range.



Not fitted



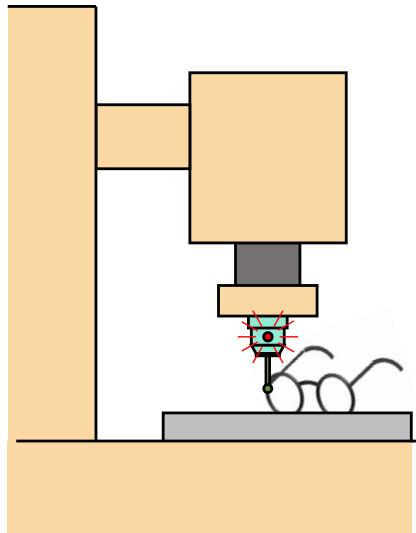
Fitted

The difference between the rim circumferential length and the lens circumferential length is within a prescribed range.

○ Q and A Session

● Question 5—”Frame tracer”

Impact of measurement errors by the frame tracer



○ Procedure thereafter

**Date for Settlement
September 27, 2021**

Consultation for Settlement

**Termination of procedure for
Settlement**

SCENE 2

3rd Date for Oral Argument

October 27, 2022

- Rendering of Judgement -

- Rendering of Judgement -

● Main Text

- 1. The Defendant shall not use the System.**
- 2. The Defendant shall bear the court costs.**

Summary of the Reason

(Point at issue 1. Whether the System Satisfies Elements of the Invention)

- Whether or not the System satisfies Elements B2 and C2 is determined by whether or not the “Data Management Device” of the System corresponds to the “measurement terminal” constituting the “frame measurement unit” of the Invention.
- The Scope of Claims defines that the “measurement terminal” “calculates the rim circumferential length ... based on the rim shape data” obtained by the frame tracer and “transmits data of the rim circumferential length ... to the lens edging unit,” with no further limitations. Therefore, a device that calculates the rim circumferential length based on the rim shape data and transmits it to the lens edging unit can be regarded as a “measurement terminal.”

Summary of the Reason

(Point at issue 1. Whether the System Satisfies Elements of the Invention)

- **In the Description, there is a statement that the Invention is based on the premise that data is received and transmitted between parties at such distance.**
- **In view of the Scope of Claims and the Description, whether or not falling under the “measurement terminal” is not limited as to the physical location of the device or the manner of connection of the said device.**

Summary of the Reason

(Point at issue 1. Whether the System Satisfies Elements of the Invention)

- In the System, the Shop PC at the optician's shop just relays the “rim shape data” measured by the frame tracer to the data management device. On the other hand, the data management device calculates the rim circumferential length using the "rim shape data" transmitted to calculate the rim circumferential length, and this data management device transmits the rim circumferential length data to the Factory PC which constitutes the “lens edging unit” via a network.
- In the System, the data management device that corresponds to the "measurement terminal" constituting the "frame measurement unit" calculates the rim circumferential length and the Factory PC constituting the “lens edging unit” receives the rim circumferential length data from the data management device constituting the “frame measurement unit” via a network.

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- If the production, use, assignment, or lease of a product that satisfies all of the said elements cannot be formed without combining the acts of multiple actors that produced, used, assigned, or leased a product, patent infringement will not, in principle, be established.
- Even in cases where the production, use, assignment, or lease of a product that satisfies all of the elements occurs for the first time through the combined acts of multiple actors, if the acts of these multiple actors can be regarded as interrelated and integrated and if one of multiple actors is aware of acts corresponding to the said elements and makes use of the acts of the other actors to achieve the said elements, one of those multiple actors can be regarded as an entity who jointly infringes the said patent with other actors.

Summary of the Reason (Point at issue 2. Whether Patent Infringement is established)

- The System was developed by Turtle pursuant to a contract with Donkey, and Donkey also knows much about the System.
- Under the contract with Turtle, Donkey makes Turtle operate the data management device of the System, and under the transaction agreements with optician's shops, Donkey provides the optician's shops with the Software and makes them install it in the Shop PCs, thereby allowing them to use the "measurement terminals" and "frame tracers" that constitute the "frame measurement unit" of the Invention.
- Donkey operates the System that supplies processed lenses by using the Factory PC, the edger, and the lens shape measurer that correspond to the "edger terminal," "edger," and "lens shape measurer," respectively, that constitute the "lens edging unit" of the Invention.

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- **The acts of Donkey, Turtle and optician's shops are regarded as integrated, and there is relationship that Donkey is aware of the System as a whole, and makes use of the acts of Turtle and the optician's shops to achieve the System while each of Turtle and the optician's shops makes use of the acts of Donkey.**
- **Donkey is found to infringe the Patent Right jointly with Turtle and the optician's shops.**

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- **The Defendant asserts that it is necessary that all of the actors involved in acting jointly share the same subjective intention. However, in pursuing Donkey's liability, the acts performed by the optician's shops, Turtle, and Donkey can be regarded as interrelated and integrated and it should be construed that it is sufficient that Donkey has an intention just to make use of the other actors. Therefore, it is not necessary that all of the actors involved in acting jointly mutually have a further intention to act jointly with all of them individually.**

Thank you!

