

Summary of the Judgment

I. Main Text

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

5 II. Outline of the Case

1. The Plaintiff is a holder of the Patent for an invention named "Spectacle Lens Edging System," and the Defendant allegedly operates the System named "Meganetic." The Plaintiff asserts that the use of the System by the Defendant constitutes infringement of the Patent Right. The Plaintiff seeks an injunction pursuant to paragraph (1), Article 100 of Patent Act to claim against the Defendant for the injunction of the use of the System.

2. (1) Descriptions of the scope of claims

Claim 1 of the Patent is described as follows. The invention claimed in Claim 1 is hereinafter referred to as the "Invention".

15 (A) A spectacle lens edging system comprising:

a frame measurement unit for measuring a three-dimensional shape of a rim of a spectacle frame; and a lens edging unit, connected to the frame measurement unit via a network, for beveling a spectacle lens,

(B) wherein the frame measurement unit comprises:

20 (B1) a frame tracer configured to obtain rim shape data regarding the three-dimensional shape of the rim;

(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

25 (C) wherein the lens edging unit comprises:

(C1) an edger configured to bevel a spectacle lens based on prescribed

edging conditions;

(C2) a lens shape measurer configured to obtain lens shape data regarding the three-dimensional shape of the beveled spectacle lens; 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.

(2) Fulfillment of the Elements of the Invention

Although whether the System satisfies Elements B2 and C3 (only the part “the rim circumferential length received from the measurement terminal of the frame measurement unit”) is contested, the parties acknowledge that the System satisfies all other elements.

3. The points at issue in this case are as follows.

(1) Whether the System satisfies Elements B2 and the part “the rim circumferential length received from the measurement terminal of the frame measurement unit” of Element C3:

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

(2) Whether infringement of the Patent Right by the Defendant is found:

Whether shall the Defendant be found to infringe the Patent Right by using the System with multiple actors?

III. Summary of the Determinations concerning the Points at Issue

1. Whether the System satisfies Elements B2 and the part “the rim circumferential

length received from the measurement terminal of the frame measurement unit” of Element C3

(1) Whether or not the System satisfies each of the aforementioned Elements is determined by whether or not the “Data Management Device” of the System falls under 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.”

Next, the Description also states as follows: when lenses are processed only with the shape data about the rim of it, so at the lens processing factory it is unable to be confirmed that the processed lenses will be accommodated in the rim and the processed rim does not fit the spectacle frame ([0005.]), therefore, the purpose of the Invention is to provide a spectacle lens edging system that allows spectacle lenses to be fitted to the rim of a spectacle frame with a high degree of certainty and efficiency ([0007.]), as a means of solving the problem, attention has been paid to the fact that the spectacle lens can be fitted to the rim of the spectacle frame thanks to the flexibility of the spectacle frame if the difference between the rim circumferential length along the groove of the rim of the spectacle frame and the lens circumferential length along the bevel top of the spectacle lens is within a predetermined range, the Invention adopts the structure to determine whether spectacle lenses will fit a spectacle frame, by using as a decision criterion the gap

between the rim circumferential length and the lens circumferential length, thereby it is possible to allow spectacle lenses to be fitted to the rim of a spectacle frame with a high degree of certainty and efficiency, even when the spectacle lenses are processed at a location where the spectacle frame is not immediately at hand ([0009.]

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In view of the Scope of Claims and the Description based on the premise that data is received and transmitted between parties at such distance, the "measurement terminal" constituting the "frame measurement unit " is not limited as to the physical location of the device or the manner of connection of the said device.

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(2) 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 via a network and is not involved in any way in the calculation of a rim circumferential length. On the other hand, the Data Management Device calculates the rim circumferential length using the "rim shape data" transmitted from the frame tracer to calculate the rim circumferential length, and the Data Management Device transmits the rim circumferential length data to the Factory PC which constitutes the "lens edging unit" via a network. Therefore, the Data Management Device should be regarded as falling under a "measurement terminal" constituting the "frame measurement unit" of the Invention, and 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.

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Based on the above, the System is found to satisfy all of the aforementioned

elements.

(3) The Defendant asserts that the "measurement terminal" is equipped in each "frame measurement unit" in the Invention whereas the Data Management Device of the System is connected to a plurality of Shop PCs and constitutes the "lens edging unit" of the Invention.

However, since the Scope of Claims has no limitation in the wording such that a "measurement terminal" is separately equipped in each frame measurement unit, the aforementioned finding is not affected by whether or not there are a plurality of "frame tracers" connected to the "measurement terminal."

Therefore, the Defendant's aforementioned assertion shall not be admitted.

2 Whether the Defendant infringes the Patent Right in the System involving multiple actors

(1) A system is an invention of a product, and in order for a product to fall within the technical scope of the invention, the product must satisfy all of the elements of the invention, and infringement of a patent on an invention of a product occurs when a product that satisfies all of the elements is produced, used, assigned, or leased. Therefore, infringement of a patent on an invention of a product is usually established by a single actor which produces, uses, assigns, or leases a product that satisfies all of the said elements. On the other hand, 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 that does not satisfy the said elements, patent infringement will not, in principle, be established.

However, it should be construed that, 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 the 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.

(2) Applying the foregoing theory to this case, the System was developed by Turtle pursuant to a contract with Donkey, and Donkey also knows much about the System. In addition, 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. Meanwhile, Donkey itself 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. The acts of Donkey, Turtle and optician's shops are therefore 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.

Based on the above, Donkey is found to infringe the Patent Right jointly with Turtle and the optician's shops.

(3) The Defendant asserts that the optician's shops, Turtle, and Donkey are

involved in just part of the System as totally individual and independent actors and that they do not share the same subjective intention to act jointly.

As stated above, 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.

Therefore, the Defendant's aforementioned assertion shall not be admitted.

10 5. Conclusion

Based on all of the foregoing, infringement of the Patent Right by the Defendant is found and the Plaintiff's claim has a ground. Therefore, the court renders a judgment as indicated in the main text.