Judgment rendered on September 25, 2019

2018 (wa) No. 12345 Case of Seeking Injunction against Patent Right Infringement, etc.

Date of conclusion of oral argument: July 25, 2019

Judgment

Chiyoda-ku, Tokyo (the-rest is omitted.)

Plaintiff: Pony Co., Ltd.

Representative Director of Said Company: Hanako Chizai

Legal counsel for the Plaintiff: Matoko Hattori

Minato-ku, Tokyo (the rest is omitted.)

Defendant: Donkey Co., Ltd

Representative Director of Said Company: Taro Shinpo

Legal counsel for the Defendant: Harumi Kojo

Main text

1 The Defendant shall not use the method described in the Item 1 of the List appended to this judgment.

2 The Defendant shall not manufacture, lease, or offer for lease of the mobile terminal described in the Item 2 of the List appended to this judgment.

3 The Defendant shall dispose of the mobile terminal described in the Item 2 of the List appended to this judgment, and the media in which the program described in the Item 3 of the List appended to this judgment is recorded.

4 The Defendant shall pay the Plaintiff 1 billion yen and delinquency charges at the annual rate of 5% from September 27, 2018 to the date of full payment.

5 The Defendant shall bear the court costs.

6 This judgment may be provisionally enforced as far as paragraphs 1, 2 and 4 are concerned.

Facts and Reasons

I Claims

Main Text to the Same Effect

II Outline of the Case

1 Summary of the Case

The Plaintiff, who holds the Patent Right prescribed in 2(1), alleges that the Defendant's use of the method described in the Item 1 of the List appended to this judgment (hereinafter referred to as the "D method") infringes the Patent Right.

Based on this allegation, Plaintiff seeks ; (1) injunction against the use of the D method (Article 100, Paragraph 1 of Patent Act), (2) injunction against the manufacture, lease, or offering for lease of the terminal device described in the Item 2 of the List appended to this judgment (hereinafter referred to as the "D terminal") (Article 101, Item 4 and Article 100, Paragraph 1 of Patent Act) (3) disposal of D terminal and storage media in which the program described in the Item 3 of the List appended to this judgment (hereinafter referred to as the "D server program") is recorded, and (4) payment of 1 billion yen as damage compensation for the amount Plaintiff would have been entitled to receive for the working of the Invention and the delinquency charges at the annual rate of 5% from September 27, 2018, which is the date immediately following the day of service of complaint and the date after the tort, to the date of full payment (Article 709 of Civil Code, Article 102, Paragraph 3 of Patent Act.)

2 Assumed facts (Undisputed facts or facts that are easily recognized by evidence)

(1) Patent Right

The Plaintiff holds the following patent right (hereinafter referred to as the "Patent Right", and this patent is referred to as the "Patent").

Patent No.: 20190925

Title of the Invention: Control method of car navigation system

Application date: September 25, 2002

Registration date: September 25, 2008

(2) Invention (Claim 1)

The statement in the claim 1 of the Patent is as follows (hereinafter the invention relating to claim1 shall be referred to as the "Invention.") The Invention is segmented into the following 6 technical elements (hereinafter technical elements pertaining to segmentation are referred to as "Technical Element A" or the like with alphabets assigned there to.) The patent specifications and drawings attached to the application of the Patent shall be referred to as the "Specifications.")

Control method of car navigation system characterized by;

A Control method for car navigation system that displays a map on a display screen, the method comprising steps of:

B reading, from first memory means in which facility data comprising display data indicative of a plurality of service facilities and coordinate data indicative of existing positions of the service facilities have previously been stored, the display data to display the plurality of service facilities on the display screen;

C designating one of the plurality of service facilities displayed on the display screen in accordance with an operation;

D reading coordinate data corresponding to the designated one service facility from the first memory means;

E storing the read coordinate data as user registered data in second memory means;

F displaying a position indicated by the coordinate data read from the second memory means by superimposing a predetermined pattern on to the map when the map is displayed on the display screen.

(3) Acts of Defendant

The Defendant has been offering a car navigation service named "DK Car Navi" (hereinafter

referred to as "D service") to users as a business since September 25, 2013.

In providing the D service, the Defendant manufactures D terminals in which an application program exclusively used for the D service is preinstalled, and leases them to the users. In addition, the Defendant creates a server program which is dedicated for the D service, prepares a master CD thereof, and installs the program on the server operated by the Defendant (hereinafter referred to as "D server") , and data communication is undertaken between the D server and the D terminal.

A monthly charge of 300 yen is required for the use of the D service.

(4) Features of D method

A D method is a car navigation method that provides a car route guidance service by displaying a map on the screen of D terminal by a system comprising D terminal installed in the vehicle and a remote D server.

Therefore, D method has the following feature a:

a A control method for car navigation system comprising a server and a terminal that displays a map on a screen of D terminal,

B Since D method displays a list of the names of plurality of spots (e.g., sushi restaurants) on the screen of the D terminal, it uses the name data of the plurality of spots (hereinafter referred to as "D name data"), and is equipped with a means to display service facilities on the screen based on these D name data.

In the system related to the D method, the data consisting of the D name data pertaining to the names of the spots and the location data indicating of existing positions of the spot (hereinafter referred to as "D position data", and the spots consisting of the D name data and the D position are referred to as "D spot data") are held in D server.

Therefore, D method has the following feature b:

b holding D spot data including D name data indicative of a plurality of spots and D position data indicative of existing positions of the spots in D server of the car navigation system in order to display the plurality of spots corresponding to the D name data on the screen;

C D method accepts an instruction to register "IP Sushi Ginza", which is one of the spots displayed on the screen, as a "memo position" by operating the D terminal.

Therefore, D Method has the following feature c:

c receiving an instruction to register one of the plurality of spots displayed on the screen as a “memo position”;

D D Method acquires the D position data corresponding to a spot instructed to be registered as a “memo position” from the D server, and stores the D position data as D memo data in D server.

Therefore, D method has the following features d and e:

d obtaining D position data corresponding to the designated spot from D server to be registered according to the instruction;

e storing the D position data as D memo data in D server;

E D method reads out D position data from the D server, and displays the location indicated by the D position data by superimposing an icon on the map.

Therefore, D method has the following feature f:

f superimposing an icon on the map indicated by D position data of D memo data read from D server when the map is displayed on the screen.

F According to the above, D method has the following features:

a A control method for car navigation system that displays a map on a screen of D terminal, which includes:

b holding D spot data including D name data indicative of a plurality of spots and D position data indicative of existing positions of the spots in D server of the car navigation system in order to display the plurality of spots corresponding to the D name data on the screen;

c receiving an instruction to register one of the plurality of spots displayed on the screen as a “memo position”

d obtaining D position data corresponding to the designated spot from D server to be registered according to the instruction;

e storing the D position data as D memo data in D server;

f superimposing an icon on the map indicated by D position data of D memo data read from D server when the map is displayed on the screen.

(5) Satisfaction of the technical element C

There is no dispute between the parties over the fact that D Method satisfies the technical element C.

(6) The statement of the Written Opinion

The written opinion (hereinafter referred to as the "Written Opinion") submitted by the Plaintiff in response to the examiner's notice of reasons for refusal in the course of examination of the Patent has the following statement:

"We disagree with the examiner's finding that the invention of the present application could have been easily conceived based on Cited Invention 1 and Cited Invention 2.

Cited Invention 1 is similar to the Invention in the feature of a navigation apparatus in which map data is stored in a recordable medium. However, Cited Invention 1 relates to a portable navigation apparatus for pedestrians and does not disclose a control method for car navigation system as in the case of the invention of the application. Cited Invention 1 is directed to solve the problem unique to the navigation apparatus for pedestrians and such a problem would not have been solved by the navigation apparatus for automobiles.

The Invention of the present application involves "second memory means for storing the read coordinate data as user registered data" as specified in Claim 1. By providing this second memory means using RAM that is backed up by being supplied with power from a battery even when the power source of the system is shut down so as not to extinguish the data such as a user registration flag (specification, [0009]), user registration data can be continuously stored and held even when the power source is turned off, thus exhibiting an effect of improving convenience for users. Such an effect can be obtained only because the system according to the invention of the application is

installed in the vehicle and constant power supply from a vehicle battery with a large capacity to RAM is possible."

3 Issues

(1) Whether or not D method falls within the technical scope of the Invention of the Case (Issue 1)

(a) Whether or not D method satisfies the Technical Element A (Issue 1-1)

(b) Whether or not D method satisfies the Technical Elements B and D (Issue 1-2)

(c) Whether or not D method satisfies the Technical Elements E and F (Issue 1-3).

(2) Amount of damages (Issue 2)

III Allegations of the parties concerning Issues

1 Issue 1-1 (Whether or not D method satisfies the Technical Element A

(1) Argument of the Plaintiff

A The “control method for car navigation system comprising a server and a terminal” (a) of D method falls within the scope of “control method for car navigation system” of the Invention because the “car navigation system” of the Invention is not limited to a car navigation system which is configured to be installed in a vehicle as an integrated device.

The "screen of D terminal“(a) of D method falls under the "display screen” of the Invention as well.

Therefore, D method satisfies "control method of the car navigation system to display a map on the display screen” (Technical Element A).

B Counterargument to the Defendant’s allegation

(A) Because the Invention does not specify any device configuration, the system to implement the Invention is not limited to the one where the device configuration is installed in a vehicle as an integrated device. Although the Specification discloses a car navigation system comprising sensors such as an azimuth sensor, an angular velocity sensor, a distance sensor and a GPS device, a system controller, a means for reading data from an external storage medium (CD-ROM), a display device, and an input device, all of which are connected by a bus line ([0009]-[0017], FIG. 1), it is merely an embodiment of the Invention.

Therefore, the D method, which is a method to control a system displaying the data of D server on the screen of D terminal via a mobile phone network communication between the remote D server and the D terminal installed in a vehicle, satisfies the "car navigation system" of the Invention.

(B) The Written Opinion explains the difference between the technical field of the Invention and that of the Cited Invention 1, which is a navigation system for pedestrians. It indicates that the car navigation system disclosed as an embodiment is configured to be installed in the vehicle, and its data can be backed up even when the power source is shut down because it is supplied with power from a battery. The Written Opinion does not intend to limit the scope of the “car navigation system” of the Invention to a navigation system which is configured to be installed in a vehicle as an integrated device.

(2) Argument of the Defendant

A The Specification discloses a device configuration which comprises sensors such as an azimuth sensor, an angular velocity sensor, a distance sensor and a GPS device, a system controller, a means of reading data from an external storage medium (CD-ROM,) a display device, and an input device, all of which are connected by a bus line; and which reads out the coordinate data and position display pattern data of the facility from the CD-ROM and then writes them down to the RAM, when a facility is selected or specified by the operation of the user registration key ([0008]-[0017], FIG.1.) The Specification does not disclose any other device configuration.

Thus, the "car navigation system" disclosed in the Specification is the one where the device configuration is installed in a vehicle as an integrated device.

Therefore, D method is different from the method which is exploited by the "car navigation system" of the Invention.

B According to the Written Opinion, the Plaintiff emphasized that "the system installed in the vehicle and constant power supply from a vehicle battery with a large capacity” enhances the user convenience. Thus, it is clear that the Plaintiff claimed that, as the technical scope of the Invention, the configuration of the car navigation system should be installed in the vehicle as an integrated device.

C Therefore, the system that implements D method does not satisfy the Technical Element A

because it is different from the "car navigation system" of the Invention.

2 Issue 1-2 (Whether or not D method satisfies the Technical Elements B and D)

(1) Argument of the Plaintiff

A The D method has following steps: “holding D spot data including D name data indicative of a plurality of spots and D position data indicative of existing positions of the spots in D server of the car navigation system in order to display the plurality of spots corresponding to D name data on the screen”(b); and “receiving an instruction to register one of the plurality of spots displayed on the screen as a memo position (c), and "obtaining D position data corresponding to the designated spot from D server (d).

The "spot" corresponds to the "service facility" of the Invention. The "D name data indicative of a plurality of spots" correspond to the "display data indicative of a plurality of service facilities" of the Invention. The "D position data indicative of the existing positions of the spots" are equal to "coordinate data indicative of the existing positions of the service facilities" of the Invention. In the D method, the "D spot data" composed of the above data are "held" and stored in the D server, and "the plurality of spots corresponding to D name data are displayed on the screen ". Therefore, the D method has a configuration of “reading…the display data” to “display the plurality of service facilities on the display screen."

Furthermore, in the D method, when an instruction to register one of the plurality of spots displayed on the screen as a memo position is received, the D position data, which corresponds to the "D name data corresponding to the designated spot…to be registered", is "obtained from D server", hence similar to the Invention, "coordinate data corresponding to the designated one service facility are read out from the first memory means."

Therefore, D method satisfies the Technical Element B, that is, the step of "reading” “the display data” “from the first memory means in which facility data comprising display data indicative of a plurality of service facilities and coordinate data indicative of the existing positions of the service facilities have previously been stored,” and displaying “the plurality of service facilities on the display screen,” as well as the Technical Element D, that is, the step of "reading coordinate data corresponding to designated one service facility from the first memory means."

B Counterargument to the Defendant's allegation

The "first memory means" of the Invention does not specify a memory medium, thus not limited to a CD-ROM given as an embodiment in the Specification. As described in the section A above, the D method comprises the "first memory means" because the D server functions as the "first memory means."

(2) Argument of the Defendant

In the Specification, only a CD-ROM ([0010]) is given as a specific example of "first memory means in which facility data including display data indicative of a plurality of service facilities and coordinate data indicative of the existing positions of service facilities are previously stored." In addition, according to the Paragraph [0015] which states that "[b]y storing longitude and latitude data and position display pattern data as facility data in a CD-ROM, which is an inexpensive memory medium, and storing user registered data in a rewritable RAM, improvement of convenience and cost reduction can be both achieved," it is recognized that cost can be reduced by adopting a CD-ROM, which is an inexpensive memory medium, as the first memory means. Therefore, "first memory means" mentioned in the Invention is construed as indicating a CD-ROM.

On the other hand, D method does not have the "first memory means" because the D name data and the D position data are stored in the D server.

Therefore, D method does not satisfy the Technical Elements B or D.

3 Issue 1-3 (Whether or not D method satisfies the Technical Elements E and F)

(1) Argument of the Plaintiff

A Since “D position data” obtained from the D server are to be stored as “D memo data in D server” (e), the D method satisfies the method comprising step of “storing the read coordinate data as user registered data in second memory means(Technical Element E)”.

Moreover, D method reads “D position data of D memo data…from D server when the map is displayed on the screen” and superimposes “an icon on the map indicated by the D position data” (f). Therefore, the D method satisfies the method comprising a step of “displaying a position indicated by the coordinate data read from the second memory means by superimposing a predetermined pattern on to the map when the

map is displayed on the display screen (Technical Element F)."

B Counterargument to the allegation of the Defendant

The Invention is not limited to the embodiment with CD-ROM as the "first memory means" and RAM as the "second memory means" in the Specification.

The Invention uses "first memory means" in which facility data comprising of display data indicative of a plurality of service facilities and coordinate data indicative of existing positions of the service facilities have previously been stored, and "second memory means" in which coordinate data are stored as user registered data.

Although D spot data and D memo data are both stored in the D server, it is obvious that those data are stored distinctively. Because the D server serves the functions of the "first memory means" and the "second memory means", it can be said that D method has the "first memory means" and the "second memory means."

(2) Argument of the Defendant

In the Invention, the "second memory means" and the "first memory means" are clearly distinguished by using different terms. In addition, the "first memory means" is described as a CD-ROM and "the second memory means" is described as a RAM ([0009]) in the Specification. Therefore, it is obvious that the "second memory means" is a storage medium different from the "first memory means". Furthermore, it is described in [0015] that by using a CD-ROM as the first memory means and a RAM as the second memory means, improvement of convenience and cost reduction can both be achieved. These lead to the conclusion that different media such as a CD-ROM as the "first memory means" and a RAM as the "second memory means" are supposed to be used in the Invention.

On the other hand, in the D method, all the data that are used for the D service are stored in the D server. Regardless of whether or not the D server is the "first memory means," D method does not satisfy the "second memory means" because there is no medium for storing D memo data which is different from the D server that stores D spot data.

Therefore, the D method does not satisfy the Technical Elements E and F.

4 Issue2 (Amount of Damages)

(Omitted)

IV Court Decision

1 Significance of the Invention

(1) The Specification contains the following statements.

A Conventional Art

[0003] A conventional car navigation system has a user registering function such that a desired position is registered as a registered position on a map by the user and when the map is displayed, the location of the registered position is displayed on the map.

[0004] In the conventional car navigation system, however, in order to use the user registering function, the user needs to indicate the position to be registered on the map and therefore needs to accurately know a location of the position previously, in which complicated operations are needed for displaying the location on the screen.

B Objective of the Invention

[0005] The invention provides a car navigation system control method which allows the user to register a user registration without performing complicated operations for displaying service facilities on the map.

C Features of the Invention

[0006] The method of the invention is for controlling a car navigation system that displays a map on a display screen. The system comprises first memory means in which facility data have previously been stored and second memory means in which registered positon data are stored. The facility data comprise display data and coordinate data. The display data indicate a plurality of service facilities. The coordinate data are locational data of the service facilities. According to the method, the system reads the display data from first memory means and displays a plurality of service facilities on the display screen corresponding to the said display data. In response to selecting one of the plurality of service facilities on the display screen by a user, the system reads the coordinate data corresponding

to the selected service facility from the first memory means and stores the coordinate data in second memory means as user registered data. When the system displays a map on the display screen, the system reads the coordinate data from the second memory means and superimposes a predetermined pattern upon the map at the position indicated by the coordinate data.

D Mode of Operation of the Invention

[0007] In the car navigation system control method of the invention, the display data indicative of a plurality of service facilities and the coordinate data indicative of the existing positions of the service facilities are previously stored in the first memory means. By designating one of the plurality of service facilities displayed on the display screen by the operation, the coordinate data corresponding to the designated one service facility is read out from the first memory means and the user position is registered into the second memory means. Then, when the map is displayed on the display screen, the coordinate data stored as user registered data are read out and the position indicated on the map by the coordinate data are superimposed onto the map by a predetermined pattern and can be displayed on the display screen.

E Embodiment

[0008] FIG. 1 is a block diagram showing an embodiment of a preferred car navigation system for working the invention. In the navigation system, an azimuth sensor 1 detects a running direction of the vehicle, an angular velocity sensor 2 detects an angular velocity of the vehicle, and a distance sensor 3 detects a running distance of the vehicle. A GPS (Global Positioning System) 4 detects the absolute position of the vehicle from latitude and longitude information or the like. Detection outputs of these sensors (system) are supplied to a system controller 5.

[0009] The system controller 5 comprises: an interface 6 which inputs the detection outputs of the sensors (system) 1 to 4; a CPU (central processing unit) 7 for processing various image data and for calculating the running distance, running direction, present location coordinates (longitude, latitude), and the like of the vehicle on the basis of the output data of the sensors (system) 1 to 4 which are sequentially sent from the interface 6; a ROM (read only memory) 8 in which various kinds of processing programs of the CPU 7 and other necessary information have previously been written; and

a RAM (random access memory) 9 into/from which information necessary to execute the programs is written and read out. The RAM 9 is backed up by being supplied with a voltage even when the power source of the navigation system is shut out so that the data such as longitude and latitude data, position display pattern data, user registration flag, and the like, will not be extinguished, which will be explained below. A user registration data table in which longitude and latitude data and position display pattern data are stored as a pair for every address is formed in the RAM 9 as shown in FIG. 2.

[0010] For instance, a CD-ROM is used as an external memory medium. In addition to the map data obtained by converting each point on the roads of the map into digital values (numerical values), service list display data, detailed display data, longitude and latitude data as coordinate data, and position display pattern data, which will be explained below, have also previously been stored in the CD-ROM. Memory information in the CD-ROM is read out by a CD-ROM drive 11. A read output of the CD-ROM drive 11 is sent to a bus line L.

[0011] When the vehicle is running, the CPU 7 obtains the longitude and latitude data as coordinate data of the present location of the vehicle based on the output data of each of the sensors. The CPU 7 collects the map data of the district of a predetermined range including the present position coordinates from the CD-ROM and supplies the map data to a display apparatus 16.

[0013] The user registering operation executed by the CPU 7 will now be described in accordance with a service display routine shown as a flowchart in FIG. 3. The service display routine is accessed and executed when the service display menu is selected by the key operation of the user in the input device 21 during the execution of the main routine (not shown) such that a group of map data of the district of a predetermined range including the present location of the vehicle is read out from the CD-ROM while recognizing the present location of the vehicle and is displayed on the display screen 17 as a map around the present location of the vehicle, and the position indicative of the present location of the vehicle is displayed on the map, and the like.

[0014] In the service display routine, the CPU 7 first displays the service list on the display screen 17 (step S1). The service list includes restaurants and hotels in each district. For instance, in the case of restaurants, the names of the restaurants regarding Japanese cuisine, French cuisine, Chinese cuisine, and the like are displayed on a unit basis of the town or city. The CPU 7 reads out the

detailed display data from the CD-ROM in accordance with the cursor position when the selection key has been operated, and supplies the read-out detailed display data to the graphic controller 19 (step S2). The detailed information (locations, telephone numbers, menu, prices, and the like in the case of restaurants) is displayed on the display screen 17.

[0015] When the user registration key is operated, the pair of longitude and latitude data and the position display pattern data corresponding to the read detailed display data are read out from the CD-ROM (step S3). The read longitude and latitude data and position display pattern data are written as a pair of data in the RAM 9 (step S4). By storing longitude and latitude data and position display pattern data as facility data in a CD-ROM, which is an inexpensive memory medium, and storing user registering data in rewritable RAM, improved convenience and cost reduction can be both achieved.

F Effect of the Invention

[0020] In the car navigation system control method of the invention, by merely designating one of the plurality of service facilities displayed as the service list in accordance with an operator input, the coordinate data corresponding to the designated one service facility are read out from the first memory means and stored in the second memory means as user registered data. Each user, therefore, can register the user position by a simple operation, even if each user does not know accurate locations of service facilities.

(2) According to the statements described in (1) above, the Specification discloses the following (i) to (iii): (i) in the conventional car navigation system, the user needed to indicate the position to be registered on the map in order to use the user registering function, and there were problems that the user needed to know an accurate location of the position previously, and that complicated operations were needed for displaying the location on the screen: (ii) in order to solve this problem, the Invention adopted the following features: according to the method, the system reads the display data from the first memory means in which facility data comprising display data (indicative of a plurality of service facilities) and coordinate data (indicative of locational data of the service facilities) have previously been stored, and displays a plurality of service facilities on the display screen; the coordinate data corresponding to the designated one service facility among the plurality of service facilities displayed on the display screen is read out from the first memory means, and the read coordinate data are stored

in the second memory means as user registered data; when a map is displayed on the display screen, the coordinate data are read out from the second memory means, and the position indicated on the map by that coordinate data are superimposed onto the map by a predetermined pattern and can be displayed on the display screen. (iii) the above features of the Invention enable users to register the position of the desired service facility by a simple operation even if users do not know accurate locations of service facilities because the coordinate data corresponding to the designated one service facility are read out from the first memory means and stored in the second memory means as user registered data by merely designating one of the plurality of service facilities displayed as the service list in accordance with an operator input. ([0003] to [0007], [0020]).

2. Issue 1-2 (Whether or not D method satisfies the Technical Elements B and D)

The Court first determines the Issue 1-2 due to its significance in this case.

(1) Significance of the "first memory means" in the Invention

A The statement of the claim 1

The statement of the claim 1 of the Patent is as described in the aforementioned II 2 (2).

According to the claim 1, the "first memory means" has “previously been stored” with “facility data comprising display data indicative of a plurality of service facilities and coordinate data indicative of existing positions of the service facilities," read "display data" from thereof to display "a plurality of service facilities on the display screen," and when "one of the displayed service facilities" is designated, read "coordinate data corresponding to the designated one service facility" from thereof.

However, the claim of the Patent does not specify the structure or the device configuration of the "first memory means."

B The statement of the Specification

(A) In the Specification, there are following descriptions of an embodiment. Paragraph [0010] states that a CD-ROM in which map data, service list display data, detailed display data, longitude and latitude data as coordinate data, and position display pattern data have previously been stored is installed in a vehicle, the stored information in the CD-ROM is read out by a CD-ROM drive, and the read output is sent to a bus line L. Paragraph [0015] describes that “[b]y storing…facility

data in a CD-ROM, which is an inexpensive memory medium, and storing user registering data in rewritable RAM, improved convenience and cost reduction can be both achieved.”

These descriptions disclose the use of a CD-ROM as the "first memory means" and a RAM as the "second memory means".

However, the above descriptions are presented as "a preferred embodiment of a car navigation system for working the Invention" ([0008]), and there is no description limiting the "first memory means" to a specific structure or device configuration in the Specification.

(B) From the claim 1 of the Patent, it is recognized that the "first memory means" of the Invention has previously stored “facility data comprising display data indicating a plurality of service facilities and coordinate data indicating the existing positions of the service facility,” and "display data" and "coordinate data" are read out thereof.

Additionally, in the detailed description of the Specification, Paragraph[0020] describes that the elements of claim 1 enabled each user to “register the user position by a simple operation, even if each user does not know accurate locations of service facilities,” because “the coordinate data corresponding to the designated one service facility are read out from the first memory means and stored in the second memory means as user registered data” “by merely designating one of the plurality of service facilities displayed as the service list in accordance with an operator input.”

Comprehensively taking into account those statements of the claim 1 and the detailed description in the Specification, the Court finds that the technical significance of the Invention is to enable each user to register the position of the desired service facility by a simple operation even if each user doesn’t know accurate locations of service facilities, through the following process: reading the display data from the “first memory means in which facility data comprising of display data indicating a plurality of service facilities and coordinate data indicative of existing positions of the service facilities” to display “the plurality of service facilities” on the display screen., “designating one of the plurality of service facilities displayed on the display screen,” “reading coordinate data corresponding to the designated one service facility from the first memory means,” and “storing the read coordinate data as user registered data in the second memory means.”

(C) Considering above (A) and (B), the Court comes to the conclusion that there is no

reasonable ground for limiting the "first memory means" to a CD-ROM, even though there is a disclosure of a CD-ROM as an embodiment of the "first memory means" in the Specification. It is not reasonable to limit the scope of the "first memory means" in the light of the technical significance of the Invention disclosed in the Specification.

C Summary

According to the statements of the claim1 of the Patent and the Specification, it is recognized that the "first memory means" of the Invention denotes a means “in which facility data comprising display data indicative of a plurality of service facilities and coordinate data indicative of existing positions of the service facilities have previously been stored.” It reads “the display data to display the plurality of service facilities on the display screen”, and when “one of the plurality of service facilities displayed on the display screen is accordance with an operation” was designated, reads “coordinate data corresponding to the designated one service facility” thereof. Therefore, the “first memory means” is not limited to a CD-ROM described in the Specification.

(2) Satisfaction of the Technical Elements B and D

D method is a method that holds D spot data including D name data indicative of a plurality of spots and D position data indicative of the existing positions of spots in the D server, displays the plurality of spots corresponding to the D name data on the screen of the D terminal. Upon receiving an instruction to register one of the displayed plurality of spots as a memo position, D method obtains D position data corresponding to the designated spot from the D server to be registered.

It is obvious that a “spot” of D method corresponds to a “service facility” of the Invention, similarly, “D name data” corresponds to “display data,” “D position data” corresponds to “coordinate data,” “D spot data” corresponds to “facility data,” and “screen of D terminal” corresponds to “display screen.” In addition, "Holding" D spot data encompasses previously storing the data.

The D method reads out the display data from the D server “in which the facility data comprising display data indicative of a plurality of service facilities and the coordinate data

indicative of existing positions of the service facilities" to display "the plurality of service facilities on the display screen," and reads "coordinate data corresponding to the designated one service" from the D server when one of the plurality of service facilities is designated. Hence, the D server serves the function of the "first memory means," and falls within the scope of the "first memory means."

In conclusion, D method satisfies the Technical Elements B and D of the Invention.

3 Issue 1-3 (Whether or not D method satisfies the Technical Elements E and F)

(1) **Significance of the "second memory means" in the Invention**

A The statement of the claim 1

The description of the claim 1 of the Patent is as described in the aforementioned II 2(2).

According to the claim 1, the "second memory means" stores the "coordinate data corresponding to the designated one service facility" read from the "first memory means," in which facility data "have previously been stored," as "user registered data," and reads coordinate data therefrom "when the map is displayed on the display screen." Hence, it can be understood that the "second memory means" is a memory means different from the "first memory means."

B The statement of the Specification

(A) In the Specification, there are following descriptions of the "second memory means" as an embodiment. Paragraph [0009] discloses "a RAM into/from which information necessary to execute the program is written and read out," and Paragraph [0015] describes that "[b]y storing…facility data in a CD-ROM, which is an inexpensive memory medium, and storing user registering data in rewritable RAM, improved convenience and cost reduction can be both achieved."

However, the above description just refers to "an embodiment of preferred car navigation system for working the Invention" ([0008]), and there is no description limiting the feature of the "second memory means" in the Specification.

(B) As described in aforementioned 1(1)B, the technical significance of the Invention is to enable each user to register the position of the desired service facility by a simple operation even if each user doesn't know accurate locations of service facilities, through the following process: reading

the display data from the "first memory means in which facility data comprising of display data indicating a plurality of service facilities and coordinate data indicative of existing positions of the service facilities" to display "the plurality of service facilities" on the display screen., "designating one of the plurality of service facilities displayed on the display screen," "reading coordinate data corresponding to the designated one service facility from the first memory means," and "storing the read coordinate data as user registered data in the second memory means."

However, there is no significance in using separate storage media for the facility data and for the read coordinate data as user registered data.

The "second memory means" should be construed as a means for storing user registered data distinct from facility data. Its significance lies in its function for storing the coordinate data read out from the first memory means as "user registered data." Therefore, it is not required to use separate media for the "first memory means" and the "second memory means."

C Summary

According to the claim 1 of the Patent and the description of the Specification, the "second memory means" of the Invention, which is a means for storing the coordinate data read out from the first memory means as user registered data, is construed as a means distinct from the first memory means. However, it should not be limitedly construed as to use separate media for the "first memory means" and the "second memory means."

(2) Satisfaction of the Technical Elements E and F

D method reads out D position data from the D server, stores the data as D memo data in the D server, and superimposes an icon on the map indicated by the D position data of D memo data.

In D method, the medium for holding D spot data and the medium for storing D memo data are both equipped in the D server.

As aforementioned above, the "second memory means" should be construed as a means for storing user registered data distinct from facility data. In D method, it is recognized by the evidence that D spot data which can be read by all users are stored in the D server, distinct from D memo data which can only be read by the user who has registered the memo point.

Therefore, since the D server serves the function of the "second memory means" to store D

memo data as well as the function of the “first memory means” to hold D spot data, it can be said that the D method comprises the “second memory means.”

In conclusion, D method satisfies the Technical Elements E and F of the Invention.

4. Issue 1-1 (Whether or not D method satisfies the Technical Element A)

(1) Significance of the "car navigation system" in the Invention

A The statement of the claim 1

The scope of the claim 1 of the Patent is as described in aforementioned II 2(2), and there is no description specifying whether the "car navigation system" is configured to be installed in a vehicle as an integrated device.

B The statement of the Specification

(A) In the Specification, a "car navigation system" which comprises (1) various sensors, including an azimuth sensor, an angular velocity sensor, a distance sensor and a GPS, (2) a system controller comprising an interface, a CPU, a ROM and a RAM, (3) a reading means for reading map data from an external memory medium (e.g. a CD-ROM), (4) a display apparatus composed of a display screen, a graphic memory, a graphic controller and a display controller, and (5) an input device, integrated into a single unit by a bus line, is described as an embodiment of a car navigation system working the Invention ([0008]-[0017], FIG.1,) disclosing a car navigation system where the device configuration is installed in a vehicle as an integrated device.

However, the above descriptions are presented as "a preferred embodiment of a car navigation system for working the Invention" ([0008]), and there is no description limiting the "car navigation system” to this configuration in the Specification.

(B) As described in aforementioned 1(2), the technical significance of the Invention is to enable each user to register the position of the desired service facility by a simple operation even if each user doesn’t know accurate locations of service facilities, through the following process: reading the display data from the “first memory means in which facility data comprising of display data indicating a plurality of service facilities and coordinate data indicative of existing positions of the service facilities” to display “the plurality of service facilities” on the display screen., “designating one of the plurality of service facilities displayed on the display screen,” “reading

coordinate data corresponding to the designated one service facility from the first memory means," and "storing the read coordinate data as user registered data in the second memory means."

In light of such technical significance, there is no reason to construe the Invention as limited to the case where the device configuration of car navigation system is installed in a vehicle as an integrated device.

C Consideration of the Written Opinion

As described in the aforementioned II 2(5), the Written Opinion states that "the invention of the present application" exhibits "an effect of improving convenience for users" because "user registered data can be continuously stored and held even when the power source is turned off," and it is "only because the system according to the invention of the application is installed in the vehicle and constant power supply from a vehicle battery with a large capacity to RAM is possible".

According to the Specification," the conventional car navigation system" had a problem that "in order to use the user registration function, the user needs to indicate the position to be registered on the map and therefore needs to accurately know a location of position previously, in which complicated operations are needed for displaying the location on the screen" ([0004]) and thus the objective of the Invention is to provide "a car navigation system control method which allows the user to register a user registration without performing complicated operations for displaying service facilities on the map" ([0005]). However, there is no statement in the Specification that improving user convenience by enabling continuous power supply from a vehicle battery with a large capacity to the second memory means as a problem to be solved by the Invention. Therefore, it is obvious that the feature which the vehicle battery constantly supplies power to RAM is a mere embodiment.

The statement in the Written Opinion is made with regard to the examiner's indication that a person skilled in the art would have been easily able to make the Invention based on the Cited Inventions 1 and 2.

The Applicant (Plaintiff) explained that there is a device configuration installed in a vehicle as an integrated device enabling to continuously store user registered data even when the power is OFF by a constant power supply from the vehicle battery stated as an embodiment of the

Invention in comparison with the Cited invention 1 which is a navigation system for pedestrians. Thus, it can be understood that the intention of this opinion was to emphasize the technical field of the Invention is different from that of a navigation system for pedestrians.

Therefore, it cannot be understood that the Written Opinion was intended to limit the technical scope of the Invention to a device configuration of a car navigation system installed in a vehicle as an integrated device.

D Summary

According to the claim 1 of the Patent and the Specification, the Court construes that the "car navigation system" of the Invention is controlled by a method wherein, reading "display data" from the "first memory means in which facility data comprising display data indicative of a plurality of service facilities and coordinate data indicative of existing positions of the service facilities have previously been stored" to display "the plurality of service facilities on the display screen" (Technical Element B); “designating one of the plurality of service facilities displayed on the display screen in accordance with an operation" (Technical Element C); “reading coordinate data corresponding to the designated one service facility from the first memory means" (Technical Element D); storing the read coordinate data as user registered data in the second memory means" (Technical Element E); “displaying a position indicated by the coordinate data is read from the second memory means by superimposing a predetermined pattern on to the map when a map is displayed on the display screen” (Technical Element F).

As described in aforementioned 1(1)B, the technical significance of the Invention is to enable each user to register the position of the desired service facility by a simple operation even if each user doesn’t know accurate locations of service facilities, through the following process: reading the display data from the “first memory means in which facility data comprising of display data indicating a plurality of service facilities and coordinate data indicative of existing positions of the service facilities” to display “the plurality of service facilities” on the display screen., “designating one of the plurality of service facilities displayed on the display screen,” “reading coordinate data corresponding to the designated one service facility from the first memory means,” and “storing the read coordinate data as user registered data in the second memory means.”

However, there is no significance for configuring the car navigation system as a device installed

in a vehicle as an integrated device.

(2) Satisfaction of the Technical Element A

The system that implements D method is a car navigation system which provides a route guidance service by the communication between the D server and the D terminal via a mobile phone network. The D method is a method which satisfies the Technical Elements B to E of the Invention as in the aforementioned determination.

Therefore, the D method satisfies the Technical Element A of the Invention.

5 Issue 2 (amount of damages)

(Omitted)

6 Conclusion

As aforementioned above, the D method falls within the technical scope of the Invention. The Defendant's acts of manufacturing, leasing or offering for lease of D terminals, which are used exclusively for the D method are deemed to constitute infringement of the Patent right (Article 101, Item 4 of Patent Act).

Therefore, the Plaintiff's claim for injunction against the use of the D method, manufacturing, leasing and offering for lease of D terminals, as well as the disposal of D terminals and the media in which the D server program is recorded based on the Patent Right shall be granted by the application of Article 100, Paragraph 1 and 2 of Patent Act.

In addition, the Plaintiff's claim for payment of 1 billion yen as damage compensation for the amount the Plaintiff would have been entitled to receive for the working of the Invention and delinquency charges based on torts related to the acts of infringement of the Patent Right shall be granted by the application of Article 709 of the Civil Code and Article 103, Paragraph 3 of Patent Act.

However, the Court shall not declare provisional execution for disposal of D terminals and the media in which D server program is recorded, because the Court finds it inappropriate to do so.

Therefore, the Court renders judgment as in the main text.

Tokyo District Court Mock Trial Special Division

Presiding Judge	Makiko Takabe
Judge	Masaru Yamakado
Judge	Takafumi Kokubu

(Appendix)

List

1 A control method of a car navigation system relating to the car navigation service named "DK Car Navi"

2 A mobile terminal named "DK Terminal" for providing the car navigation service named "DK Car Navi"

3 A server program for providing the car navigation service named "DK Car Navi"