PATENT COURT OF KOREA

THIRD DIVISION

DECISION

Case No.: 2019GAHAP1234 Injunction against infringement

(Patent)

Plaintiff: Pony Corporation

  Counsels for the Plaintiff Attorney Sangwook Han

Defendant: Donkey Corporation

  Counsels for the Defendant Attorney Hoodong Lee

Date of Closing Argument: September 1, 2019

Decision Date: September 25, 2019

ORDER

1. The plaintiff's petition is dismissed.

2. The cost arising from this litigation shall be borne by the plaintiff.

PLAINTIFF'S DEMAND

[i]   Injunction of use of D method and manufacturing and lease or offer for lease of

       D terminal;

[ii]   Destruction of D terminal and any media recorded on D server program;

[iii]   Payment of 1 billion yen (10M USD) for damages equivalent to royalty

OPINION

1. Basic Facts

A. Plaintiff's Subject Invention at Issue

1) Title of Invention : Control method for car navigation system

2) Filing Date of Application/ Date of Registration/ Registration Number : September

25, 2002/ September 25, 2009 /No. 2190295

3) Claims

Claim 1. Control method for car navigation system that displays a map on a display

screen, the method comprising steps of:

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;

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

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

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

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.

4) Summary of Invention

[Objective of the Invention]

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.

[0007]

[Mode of Operation of the Invention]

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.

[0008]

[Embodiment]

FIG. 1 is a block diagram showing an embodiment of a preferred car navigation system for working the invention….

[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.

[Effect of the Invention]

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

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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.

<FIG. 1> Car navigation system shown as embodiment
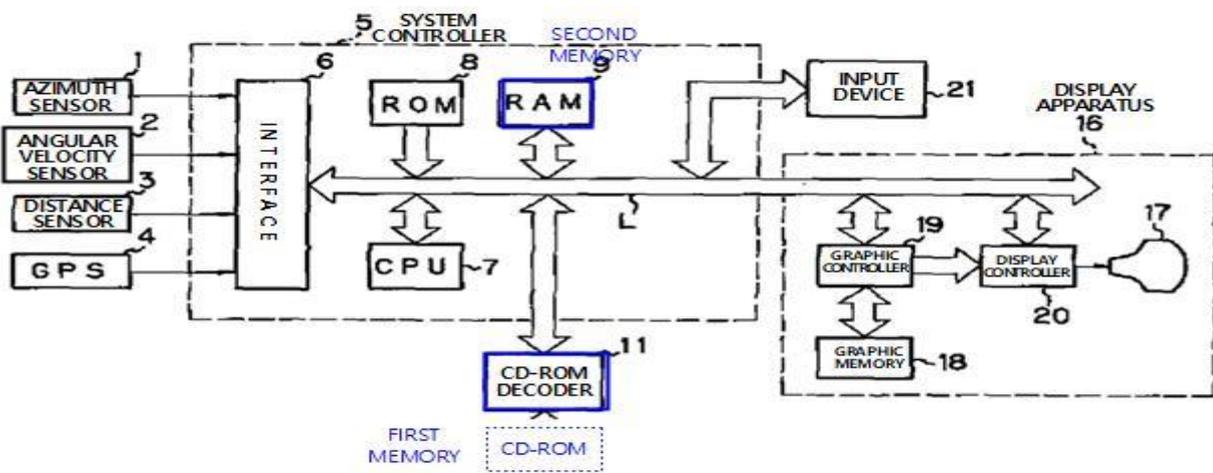
<FIG. 5> Display screen when registering
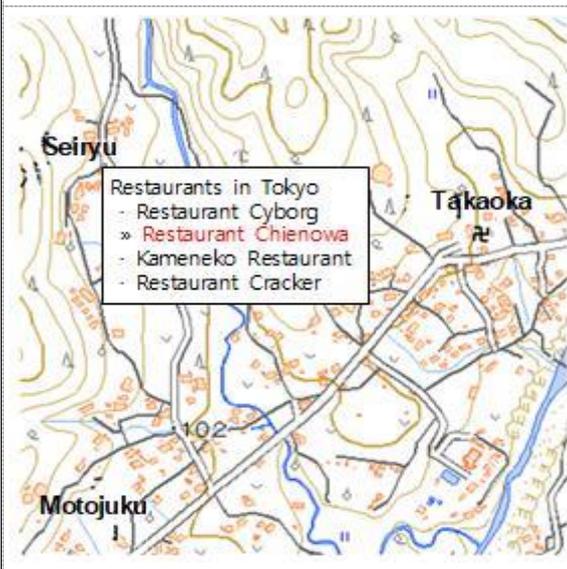
<FIG. 6> Display screen when driving
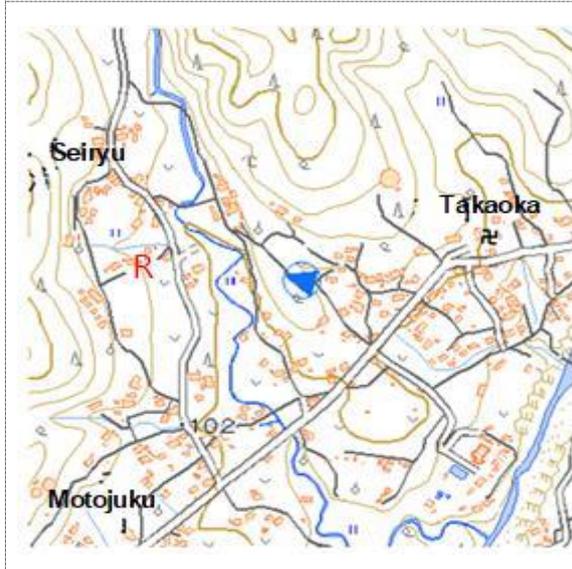
B. Defendant's Product

Donkey Corporation (Defendant) has been offering a car navigation service called "DK car navigation" (hereinafter referred to as "D service") in the course of trade since September 25, 2013 through leasing of a dedicated portable terminal called "DK terminal" (hereinafter referred to as "D terminal") to the user.

D service is offered by a method (hereinafter referred to as "D method") to control a car navigation system composed of a server managed and operated by Donkey (hereinafter referred to as "D server") and D terminal held by the user. Donkey created a server program exclusively used for D method (hereinafter referred to as "D server program"), created a master CD thereof, and installed the program in D server.

Features of D method

A. D method relates to a car navigation method for providing a car route guidance service by displaying a map on a screen of D terminal based on a system comprising D terminal installed in the vehicle and a remote D server (Description of Defendant's Method 1(1)).

B. In the system according to D method, Defendant's spot data (hereinafter referred to as "D spot data") composed of data relating to names and locations of spots are held in D server (Description of Defendant's Method 1(2)).

D method displays a list of names of spots (e.g. Sushi restaurants) (e.g. "IP Sushi Ginza", "IQ Sushi Ginza", "Ginza IT Sushi") on the screen of D terminal (Description of Defendant's Method 2A[v]), whereby using Defendant's name data of spots (hereinafter referred to as "D name data").

C. D method receives an instruction to register "IP Sushi Ginza", which is one of spots displayed on the screen, as a "memo position" in accordance with an operation of D terminal (Description of Defendant's Method 2B).

D. D method obtains position data corresponding to the spot (hereinafter referred to as "D position data") from D server, which are to be registered as a "memo position" according to the instruction, and D position data can be stored as Defendant's memo data (hereinafter referred to as "D memo data") (Description of Defendant's Method 2B).

E. In order to display the position on a map, D method reads out D memo data from D server and superimposes an icon on the map indicated by the D position data (Description of Defendant's Method 2C).

F. From the above, D method has the following features:

"A control method for car navigation system comprising a server and a terminal that displays a map on a screen of D terminal, which includes: 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; receiving an instruction to register one of the plurality of spots displayed on the screen as a "memo position"; obtaining D position data corresponding to the designated spot from D server to be registered according to the instruction in order to store the D position data as D memo data; and superimposing an icon on the map indicated by the D position data of D memo data read from D server when the map is displayed on the screen."

【Factual Basis】 Undisputed facts, Plaintiff's Exhibits, and purport of the overall argument

2. Parties' Arguments

A. Plaintiff

The essence of the technical idea underlying the solution to the problem unique to the patented invention at issue (hereinafter referred to as the "patented invention") is that the navigation system is equipped with a power backup system even if the power of the navigation system is cut off. The technology for differentiating the functions of the first and second memories is disclosed in prior arts and not the essence of the technical concept.

The defendant's D method includes all of the elements identical or equivalent to those of the patented invention, thereby being within the scope of the rights thereof. The allegedly infringing invention includes all of the elements of claims 1, 8, and 16, thereby being within the scope of the rights of claims 1, 8, and 16 of the patented invention.

B. Defendant

The defendant's D method has some elements of the car navigation system in a remote server and does not distinguish between the first and second memories, which makes the method different from the patented invention, thereby not falling within the scope of the rights thereof.

3. Whether the Product Practiced by Defendant Falls within the Scope of Rights of the Patented Invention

A. Element-by-element Comparison

Element	Claim 1	D method
1	Control method for car navigation system that displays a map on a display screen, the method comprising steps of:	A control method for car navigation system comprising a server and a terminal that displays a map on a screen of D terminal, which includes
2	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;	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;
3	designating one of the plurality of service facilities displayed on the display screen in accordance with an operation;	receiving an instruction to register one of the plurality of spots displayed on the screen as a "memo position";
4	reading coordinate data corresponding to the designated one service facility from the first memory means;	obtaining D position data corresponding to the designated spot from D server to be registered according to the instruction in order to store the D position data as D

5	storing the read coordinate data as user registered data in second memory means; and	memo data;
6	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.	and superimposing an icon on the map indicated by the D position data of D memo data read from D server when the map is displayed on the screen.
	■ first memory 　○ facility data 　　= display data + coordinate data ■ second memory 　○ coordinate data → user registered data	■ D server 　○ spot data 　　= name data + position data ■ D server 　○ position data → memo data

B. Literal Infringement

1) Commonalities and differences

⒜ Element 1

Element 1 of claim 1 of the patented invention and the corresponding element of D method are the same in that the elements relate to a control method for car navigation system that displays a map on a display screen.

⒝ Element 2

Element 2 and the corresponding element of D method are the same in that facility data (D spot data) includes display data (D name data) and coordinate data (D position data) and that facility data is stored in the car navigation system in order to display a plurality of spots corresponding to display data (D name data) on the display screen.

⒞ Element 3

Element 3 and the corresponding element of D method are the same in that one of the plurality of service facilities displayed on the display screen is designated in accordance with the user's instruction.

⒟ Elements 4, 5

Elements 4, 5 and the corresponding element of D method have some in common in that coordinate data corresponding to the designated service facility is read out and stored as user registered data (D memo data). However, claim 1 stores facility data including coordinate data in the first memory means and the user registered data in the second memory means whereas D method stores D spot data and D memo data all in D server.

⒠ Element 6

Element 6 and the corresponding element of D method are the same in that a position indicated by the coordinate data is displayed by superimposing a predetermined pattern or an icon when the map is displayed on the display screen. However, the coordinate data is read from the second memory means under claim 1 while D method reads the data from D server.

This is because the elements 4 and 5 store user registered data (D memo data) in different locations.

2) Whether the plaintiff deliberately excluded the technology for installing some composition of the car navigation system remotely from the scope of the rights of the patented invention

The defendant argued that "The Plaintiff claimed in the written opinion that the car navigation system of claim 1 is installed in the vehicle and thus claim 1 should be regarded as intentionally excluding the same server connection method as D method."

In view of the circumstances below, however, the car navigation system of claim 1, instead of being construed to be limited to the installation of all elements of the system in the vehicle, includes the composition where some elements are remotely connected as D method if external power other than the power of the system itself can be supplied.

(A) Claim 1, which relates to the car navigation system, should be regarded as at

least some of the elements constituting the car navigation system, such as a display,
provided in a vehicle. Claim 1, however, does not limit all elements of the car navigation
system to be installed in the vehicle. In addition, the technology for building a memory
server remotely is already publicly known before the application filing of the patented
invention. Considering these, it is difficult to conclude that all elements constituting the car
navigation system of the patented invention should be installed in the vehicle, and it seems
that the case where some elements are connected remotely is included.

(B) Regarding this, the plaintiff submitted the following written opinion in response to
the notice of reasons for rejection during the examination stage.

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. <u>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.</u>

It is described in the last paragraph of the contents of the above written opinion that the effect of the patented invention occurs only when the car navigation system according to the patented invention is installed in the vehicle.

Then, according to the above written opinion, Cited Invention 1, which relates to a portable navigation apparatus for pedestrians, does not operate unless the power source of the navigation system itself is supplied while claim 1, which relates to the car navigation system installed in the vehicle, may be supplied with power from other sources such as vehicle battery even if the power of the system itself is not supplied to the elements of the navigation system, especially RAM, the second memory means. In other words, the overall purpose of the plaintiff's claim in the written opinion is to emphasize the difference that the navigation system can operate with other power sources such as vehicle when the power of the system itself is not supplied. It is difficult to perceive that the plaintiff's argument is that all elements of the car navigation system must be included in the vehicle, and there is not enough data to acknowledge otherwise. Therefore, although claim 1 can be regarded as excluding the navigation apparatus which cannot receive a separate power supply as in

Cited Invention 1, it cannot be seen as limiting the installation location of the elements of the navigation apparatus or even excluding all the elements being installed away from the vehicle and supplied with a separate power from the scope of the rights of claim 1.

(C) In D method, some elements of the car navigation system such as storing spot data and memo data are carried out in a remote server. In general, the server is known to have a system that provides a stable supply of power including backup power. Thus, there is no difference in the effect that a stable power can be supplied to the memory.

(D) In consideration of the above, the car navigation system of claim 1 includes a composition in which the memory is installed remotely as in D method. Therefore, the defendant's claim cannot be accepted.

3) Whether the plaintiff deliberately excluded the remotely installed memory from the scope of the rights of the patented invention

Although an inexpensive medium such as CD-ROM is described as the first memory means in the subject specification at issue, this is just one embodiment. Therefore, the first memory means included in claim 1 cannot be limited to portable storage medium such as CD-ROM. That is, it should be understood that claim 1 includes not only a portable storage medium but also ROM embedded in the system, and an inexpensive memory other than a relatively expensive memory such as RAM is all included. In addition, it should be deemed

that the first memory means of claim 1 does not exclude the memory composition of the remote server wirelessly connected as described above.

4) Literal Infringement

As described above, claim 1 includes not only a composition in which memory is installed in a vehicle but also a composition in which memory is installed remotely. The defendant's D method, however, does not distinguish the memory provided in the remote server by function while claim 1 distinguishes between the first and second memories and the functions thereof. As such, there is a difference in composition and thus the defendant's D method is not literally included in the scope of the rights of the patented invention.

C. Infringement under Doctrine of Equivalents

1) Standard

Even if a product manufactured by the other party of a patent infringement lawsuit involves a modification of the composition described in the claims of the patented invention at issue (hereinafter referred to as the "invention"), unless there are special circumstances, the product must be considered equivalent to the corresponding composition of the invention, thereby infringing the invention if the means to solve the problem is the same as those of the invention, the invention obtains essentially the same effect despite the

modification, and such modification is what could be easily conceived by a person having ordinary skill in the art. In addition, when determining whether "the principles to solve the problem are the same," it is necessary to substantively investigate and determine the essence of the technical idea on which the solution unique to the patented invention is based compared with the description of the invention in the specification and the publicly known technology at the time of filing, instead of formally extracting a part of the composition described in claims (See Supreme Court Decision 2014Da7964, decided August 27, 2015).

2) Analysis

Claim 1 clearly distinguishes between the first memory means in which facility data is stored and the second memory means in which user registered data is stored. The specification at issue also describes as follows.

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 (Bottom of Paragraph [0015]).

It may be suggested from the above description that convenience and cost reduction are both satisfied by using a low-cost memory medium such as CD-ROM as the first memory means to store a large amount of data and by using RAM as the second memory

means to improve performance even though it is relatively expensive. In view of these circumstances, the technology of the patented invention to configure the system at low cost and improve convenience by differentiating the memory where facility data is stored and the memory where user registered data is stored is the essence of the technical idea on which the solution unique to the patented invention is based.

D method, however, stores spot data and memo data all in D server without distinguishing where each data is stored. Thus, it is difficult to expect cost reduction and convenience as in claim 1 from the method. D method is not relevant to the technology that constitutes an economical system by distinguishing the frist and second memories and only relates to the technology to install the memory in a remote server.

Therefore, since the two inventions are different at the core of the technical idea, it is difficult to believe that the principles to solve the problem are the same. As a result, the composition of storing and reading data in the first and second memory means under claim 1 and the composition of storing and reading data in D server under D method are not in an equivalent relationship.

In response, the plaintiff argues that "the technology to differentiate the functions of the first and second memories is disclosed in prior arts and is what could be easily conceived by a person having ordinary skill in the art."

If the first and second memories are not distinguished in claim 1, however, user registered data and coordinate data would be all stored in the same memory, making it difficult to achieve the effects of cost reduction and convenience of claim 1. In addition, claims that the technology to store what becomes relatively more important due to a user's selection from coordinate data stored in the first memory as registered data in the second memory is publicly known or could be easily derived from the prior have no ground.

D. Summary of Analysis

The defendant's D method does not have elements literally identical to or in an equivalent relationship with the patented invention, thereby not being within the scope of the rights of the patented invention.

4. Conclusion

The defendant's D method does not infringe the patented invention, and the plaintiff's claim based on a different premise is without merit and therefore dismissed as ordered.

Judge LEE KYU HONG