Judicial Symposium on Intellectual Property / TOKYO 2019
First day (September 25th), Case of the Mock Trial

1 Outline of the case

Pony Corporation was granted registration of establishment of a patent (patent No. 20190925) (hereinafter referred to as "Patent" and the patent right as "Patent Right") on September 25, 2008 in connection with the patent application filed on September 25, 2002 with regard to the invention relating to a car navigation system control method (hereinafter referred to as "Invention").

Donkey Corporation 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.

To use D service, the user needs to pay a monthly service charge of 300 yen (3 USD) to Donkey for communication with D server using D terminal.

Pony filed a patent infringement lawsuit on September 25, 2018, alleging that D method is infringing Patent Right and demanding the following against Donkey:

[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; and
[iii]   Payment of 1 billion yen (10M USD) as damage compensation for the amount Pony would have been entitled to receive for the working of the Invention.

2 Invention (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.

3　Specification (extract)

[0005] [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; a CPU (central processing unit) 7; a ROM (read only memory) 8; and a RAM (random access memory) 9. 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, service list display data, detailed display data, longitude and latitude data as coordinate data, and position display pattern data have also previously been stored in the CD-ROM. A read output of the CD-ROM drive 11 is sent to a bus line L.

[0013] The user registering operation executed by the CPU 7 will now be described.

[0014] The CPU 7 first displays the service list on the display screen 17. The service list includes restaurants and hotels in each district. 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 the detailed information 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.　The read longitude and latitude data and position display pattern data are written as a pair of data in the RAM 9. 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.

[0017] The operation to display the user registered data on the display screen 17 which are executed by the CPU 7 will now be described. The CPU 7 reads out the longitude and latitude data (x_n, y_n) from the user registration data table. In the case of the longitude and latitude data (x_n, y_n) within the range of the map which are at present being displayed, the position display pattern data D_n are read out from the user registration data table, and the longitude and latitude data (x_n, y_n) and the position display pattern data D_n are supplied to the graphic controller 19. On the display screen 17, thus, the display pattern shown by the position display pattern data D_n is displayed at the position on the map indicated by the longitude and latitude data (x_n, y_n). For instance, in the case of restaurant, a display pattern "R" is displayed at the position on the map where such a restaurant exists (FIG. 6).

[0020] [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 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
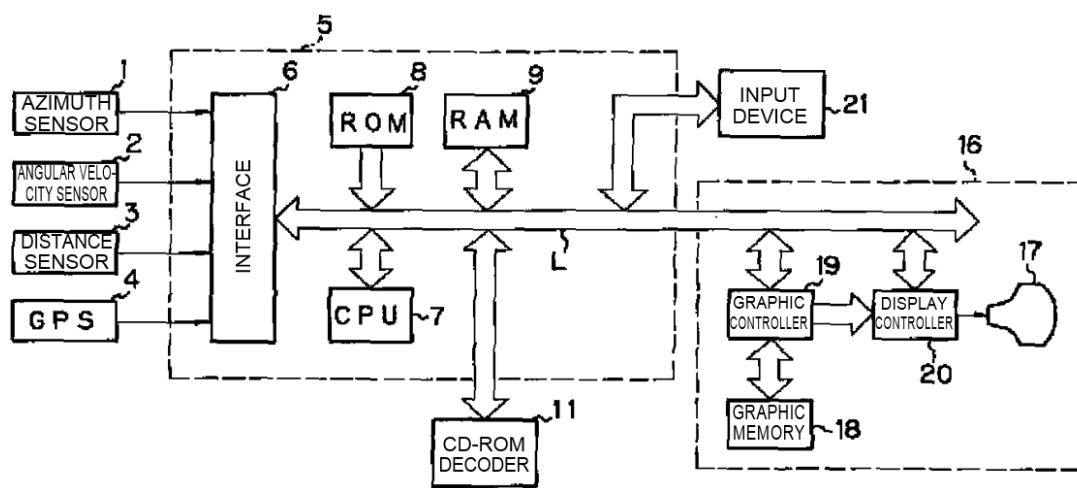
[Fig. 2] User registration data table

[Fig. 6] Display screen when driving
(R indicates the user registered position)

Address	Longitude/ latitude data	Position display pattern data
A1	(x_1, y_1)	D1
A2		
A3		
A4		
⋮	⋮	⋮
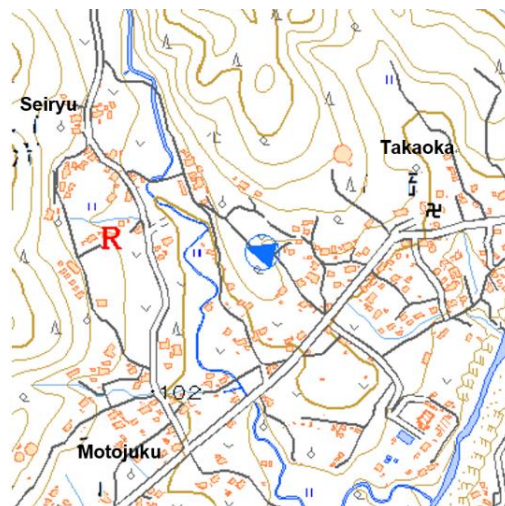
4. Written opinion found in the prosecution history of application (extract)

In the prosecution history of the application, there is a written opinion filed by Pony in response to the notice of reasons for rejection by the examiner, in which the following statement is found:

" 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."
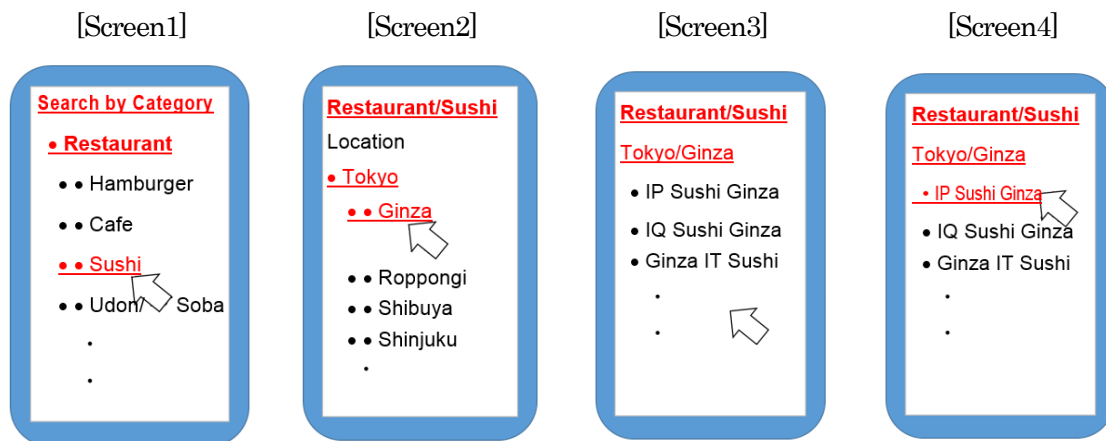
5. D method

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.
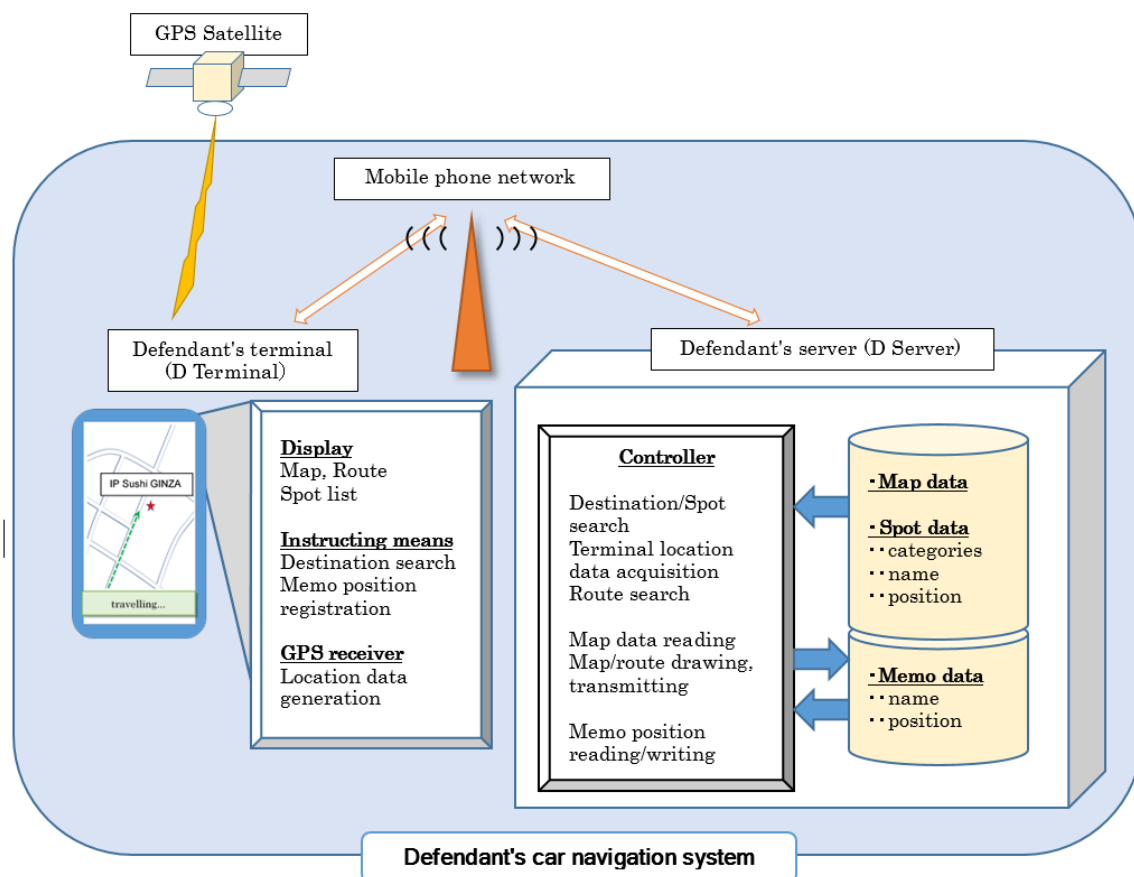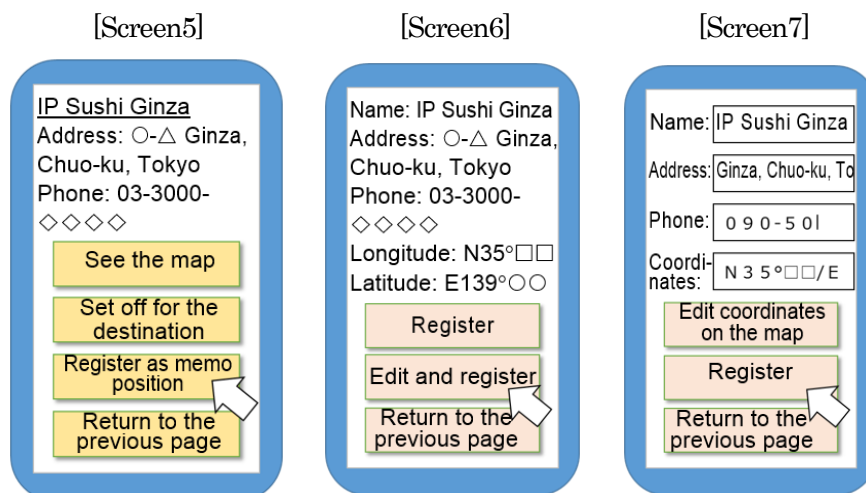
It is possible to search for a spot in a local area and to display a list of names of spots by sequentially narrowing down spot categories such as hotel and restaurant on the screen of D terminal and selecting a local area in which a spot is located.

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 (hereinafter, defendant's name data of spots are referred to as "D name data", and position data corresponding to the spots are referred to as "D position data".)

D method displays a list of names of spots (e.g. Sushi restaurants) on the screen of D, whereby using D name data. (See Screens 1 to 4 below)

[Screen1]

Search by Category

• Restaurant

• • Hamburger

• • Cafe

• • Sushi

• • Udon   Soba

.
.

[Screen2]

Restaurant/Sushi

Location

• Tokyo

  • • Ginza

  • • Roppongi

  • • Shibuya

  • • Shinjuku

  .

[Screen3]

Restaurant/Sushi

Tokyo/Ginza

• IP Sushi Ginza

• IQ Sushi Ginza

• Ginza IT Sushi

.
.

[Screen4]

Restaurant/Sushi

Tokyo/Ginza

• IP Sushi Ginza

• IQ Sushi Ginza

• Ginza IT Sushi

.
.

D method receives an instruction to register "IP Sushi Ginza", which is one of spots displayed on the screen, as "memo position" in accordance with an operation of D terminal. D method obtains D position data corresponding to the spot from D server, and stores the D position data as D memo data in D server, which are to be registered as a "memo position" (See Screens 5 to 7 below)

[Screen5]

IP Sushi Ginza
Address: ○-△ Ginza,
Chuo-ku, Tokyo
Phone: 03-3000-
◇◇◇◇

| See the map |
| Set off for the destination |
| Register as memo position |
| Return to the previous page |

[Screen6]

Name: IP Sushi Ginza
Address: ○-△ Ginza,
Chuo-ku, Tokyo
Phone: 03-3000-
◇◇◇◇
Longitude: N35°□□
Latitude: E139°○○

| Register |
| Edit and register |
| Return to the previous page |

[Screen7]

Name: IP Sushi Ginza

Address: Ginza, Chuo-ku, To

Phone: 0 9 0 - 5 0l

Coordi-nates: N 3 5 °□□/ E

| Edit coordinates on the map |
| Register |
| Return to the previous page |

In order to display the position on a map, D method reads out position data of the registered "memo position" (D memo data) from D server, and superimposes an icon on the map indicated by the position data (See Screen 8 below)

[Screen8]

IP Sushi GINZA

travelling...

[Assigned terms for data]

Plaintiff's Patent		D method	
facility data		D spot data	
	display data		D name data
	coordinate data		D position data
user registered data		D memo data	