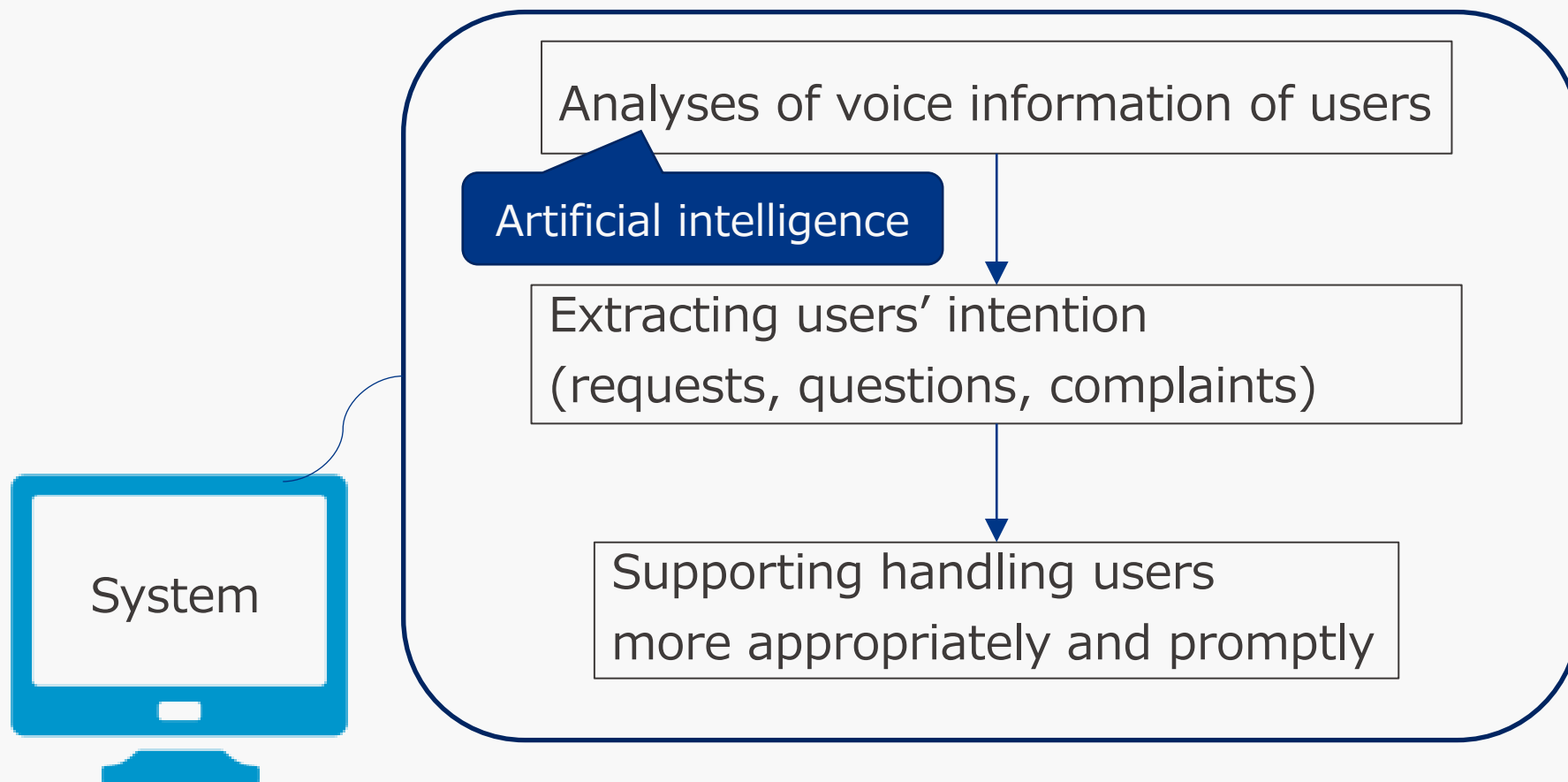


An Interactive Answer Display Terminal Case

Judicial Symposium on Intellectual Property 2021



Background information (One example)



Various Support systems for operator work which has been dealt with in business operators have been created

Problem to be solved, Means for solving the problem in this case

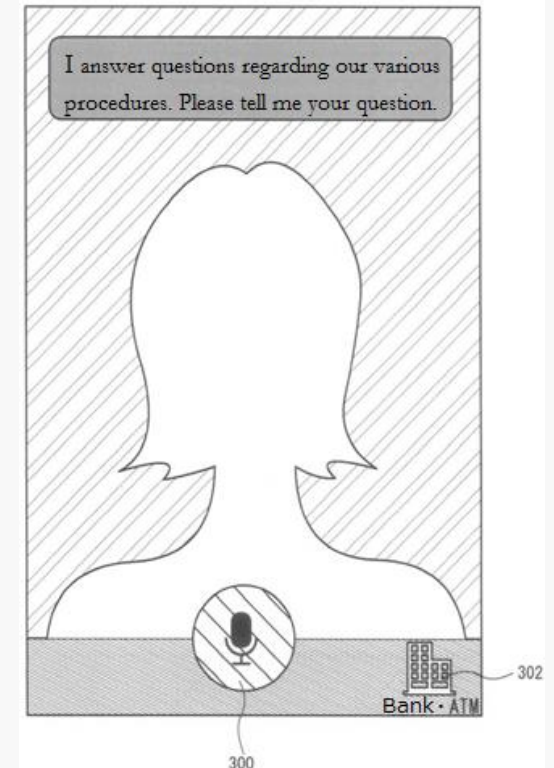
Problem to be solved

- To reduce a feeling of distance between users and business operators, and to build a closer user-business operator relationship



Means for solving the problem

- Displaying a virtual operator imitating an employee who handles users on a communication terminal
- A part of the virtual operator has larger movement when a message is played



Claim of Patented Invention

“Information providing system including a server and a communication terminal: wherein,
said server transmits an answer message for a user's voice information transmitted from a communication terminal, or an inquiry message if the answer message cannot be specified, to the communication terminal;

said communication terminal displays a virtual operator for imitating an employee who handles users;

wherein the virtual operator is displayed so that a part of the virtual operator has larger movement when the answer message or the inquiry message is played than when the answer message or the inquiry message is not played.”

Document 1 (D1)

- An interactive processing system that responds to a user's voice question only by text and voice
- A terminal device is a mobile phone such as a smartphone, tablet terminal, or the like
- **D1 does not disclose the problem to be solved by the patented invention** (to reduce a feeling of distance between users and business operators and build a closer user-business relationship)
- **Displaying a virtual operator is not disclosed**

D1 Invention

“An interactive processing system including a server unit and a user terminal device:

wherein the user terminal device transmits a user voice question to the server unit, the server unit transmits an expected answer or an inquiry question corresponding to the user voice question, to the user terminal device, and the user terminal device outputs by voice and displays the expected answer or the inquiry question.”

Identical features between patented invention and D1 invention

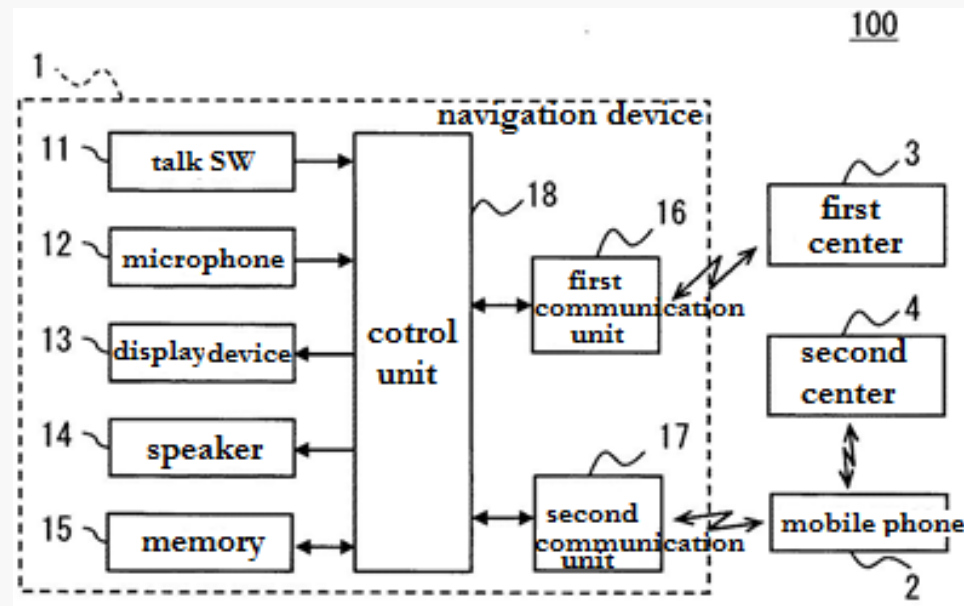
“Information providing system including a server and a communication terminal: wherein,
said server transmits an answer message for a user's voice information transmitted from a communication terminal, or an inquiry message if the answer message cannot be specified, to the communication terminal;
said communication terminal plays the answer message or the inquiry message.”

Differences features between patented invention and D1 invention

The patented invention displays **“a virtual operator for imitating an employee who handles users”** on the communication terminal, whereas the D1 invention does not display a virtual operator. Furthermore, the patented invention states **“the virtual operator is displayed so that a part of the virtual operator has larger movement when the answer message or the inquiry message is played than when the answer message or the inquiry message is not played”**, whereas the D1 invention does not disclose the specific matter.

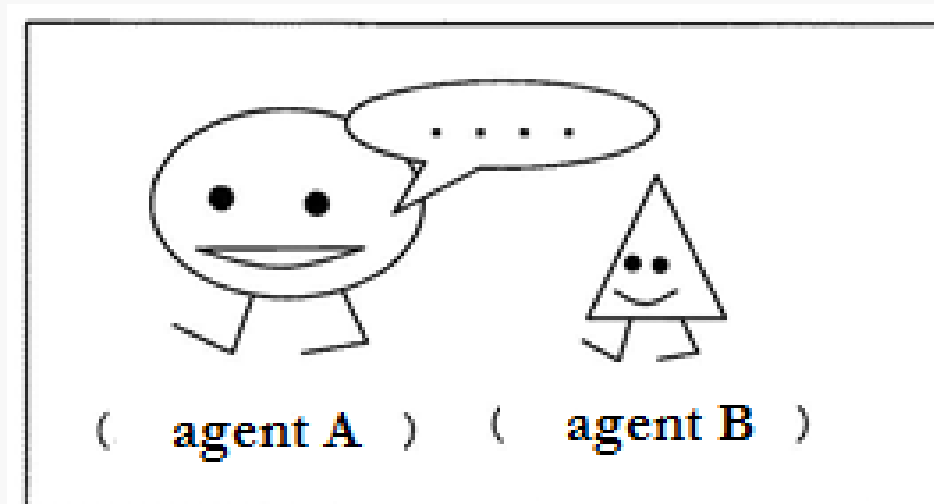
Document 2 (D2)

- It is premised that a plurality of answer systems responding to a user's voice input are available via a communication terminal
- The communication terminal is a navigation device
- **D2 does not disclose the problem to be solved by the patented invention**



Document 2 (D2)

- **An agent image corresponding to each answer system is displayed on one screen** while the plurality of answer systems are available
- These agents are **simplified characters such as animals**
- The agent corresponding to the answer system is displayed when answering so **that it opens the mouth** as if it is speaking

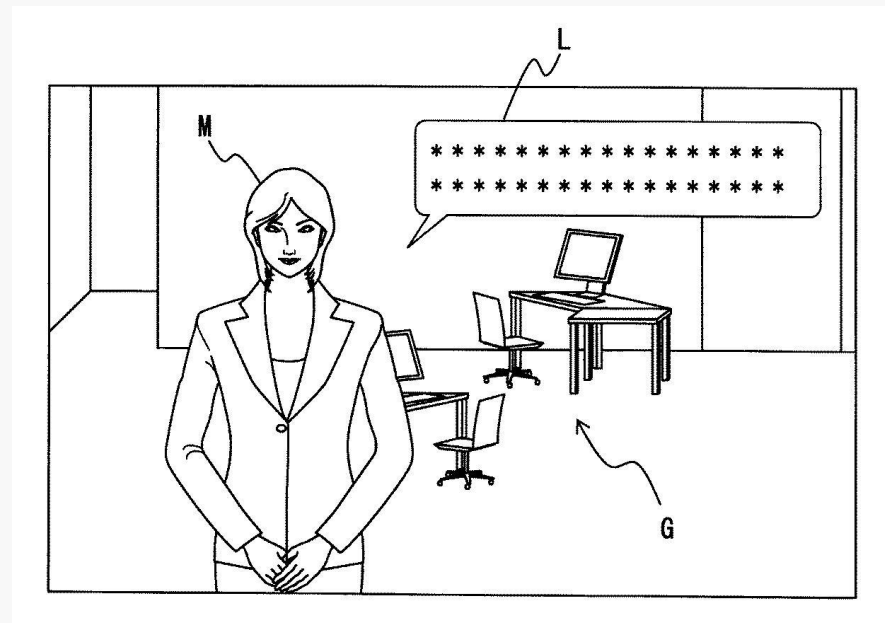


D2 Technology

“A navigation device for displaying an agent on a display: wherein the agent is displayed so that the agent's mouth is opened when an answer voice data of a responding center is output from a speaker as compared with the case of waiting in order to display as if the agent is speaking.”

Document 3 (D3) (Well-known matter)

- **Displaying a person imitating an employee who handles users as a still image** in a voice dialogue system
- A communication terminal is a reception terminal of a visitor reception system.
- **D3 does not disclose the problem to be solved by the patented invention**



Well-known matter exemplified in D3

“In a voice dialogue system, a person who imitates an employee who handles users is displayed as a still image.”

The well-known matter is described in many documents other than Document 3, and there is no contention between the parties regarding the well-known matter.

Discussion Point 1 (Problem to be solved)

Is it reasonable to recognize an issue which is not explicitly disclosed in D1 and D2, such as “to facilitate media communication”, as a well-known issue that does not need to exemplify literature, and motivate it to apply D2 technology to the D1 invention?

Between the parties, there is no contention that the issue is well known and doesn't need to exemplify literature

Discussion Point 2 (Teaching away)

Is it reasonable to apply D2 technology, which is premised on multiple answer systems, to the D1 invention of a single interactive processing system?

The patentee insists, “In D2, the reason why the agent is displayed to open the mouth is that users can recognize at a glance which center corresponds to the user's voice input. Moreover, from the problem to be solved in D2 (to provide an answer system which can save a user the hassle of selecting an answer system when a plurality of answer systems responding to a user's voice input are available), there is an obstacle to applying D2 technology to a single interactive processing system such as the D1 invention. ”

Discussion Point 3 (Application of secondary reference and well-known matter to primary reference)

Is it reasonable to deny the inventive step of the patented invention by applying D2 technology and the well-known matter exemplified in D3 to the D1 invention?

The patentee insists, “Combining the D1 invention applied to the D2 technology with the well-known matter exemplified in D3 means a two-step change so that we cannot accept the combination. Moreover, it is premised that the D2 technology operates the mouth of the agent (simplified characters such as animals) in response to a statement, and the well-known matter exemplified in D3 is displayed as a still image, so that it is hindsight to apply the well-known matter to the D2 technology.”

Discussion Point 4 (Conclusion)

Considering the problem to be solved, teaching away, and application of secondary reference and well-known matter to primary reference, is the patented invention invalid?

(Reference) Problem-Solution Approach

Problem-Solution Approach has three main stages:

- i. determining the "closest prior art",
- ii. establishing the "**objective technical problem**"* to be solved, and
- iii. considering whether or not the claimed invention, starting from the closest prior art and the objective technical problem, would have been obvious to the skilled person.

(*) the difference (also called "the **distinguishing feature(s)**" of the claimed invention) in terms of features between the claimed invention and the closest prior art, **identifies the technical effect resulting from the distinguishing features**, and then formulates the **technical problem**.

We look forward to your participation in the Symposium.

