Mock Trial

- **SCENE 1**

  2nd Date for Oral Argument - Explanatory Session -

- **Procedures thereafter**

- **SCENE 2**

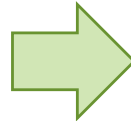 **3rd Date for Oral Argument** - Rendering of Judgment -

SCENE 1

2nd Date for Oral Argument

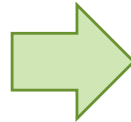## September 16, 2022

- Explanatory Session -

○ **Procedures to be conducted on this date**

Confirmation of the fact to be proven	➡ **Confirmation of the outcome of proceedings to arrange issues and evidence** and the fact to be proven in the oral argument
Examination of evidence	➡ Examination of evidence related to the fact to be proven
Explanatory Session	➡ Final presentation for summarizing and orally explaining allegations of both parties
Participation of Technical Advisors	➡ Explanation on the specialized, technical matters in dispute

Confirmation of the fact to be proven

● **Point at issue 1**
  (Whether the System Satisfies Elements of the Invention)

  ➢ <u>Does the "Data Management Device" of the System fall under the "measurement terminal" constituting the "frame measurement unit" of the Present Invention</u>

● **Point at issue 2**
  (Whether Patent Infringement is established)

  ➢ <u>Whether the defendant infringes the Patent Right in the System involving multiple actors</u>

Plaintiff's allegations ①

Point at issue 1 - Descriptions of the Scope of Claims

(B2) (wherein the frame measurement unit comprises:)

a measurement terminal configured

to calculate the rim circumferential length along a groove of the rim based on the rim shape data and

to transmit the data of the rim circumferential length to the lens edging unit,

and

(C3) (wherein the lens edging unit comprises:)

an edger terminal configured

to calculate the lens circumferential length along the bevel top of the beveled spectacle lens based on the lens shape data and

to determine that the beveled spectacle lens can be fitted to the rim of the spectacle frame if the difference between the lens circumferential length and the rim circumferential length received from the measurement terminal of the frame measurement unit is within a prescribed range.

Plaintiff's allegations ②

Point at issue 1 - Descriptions of the Specification
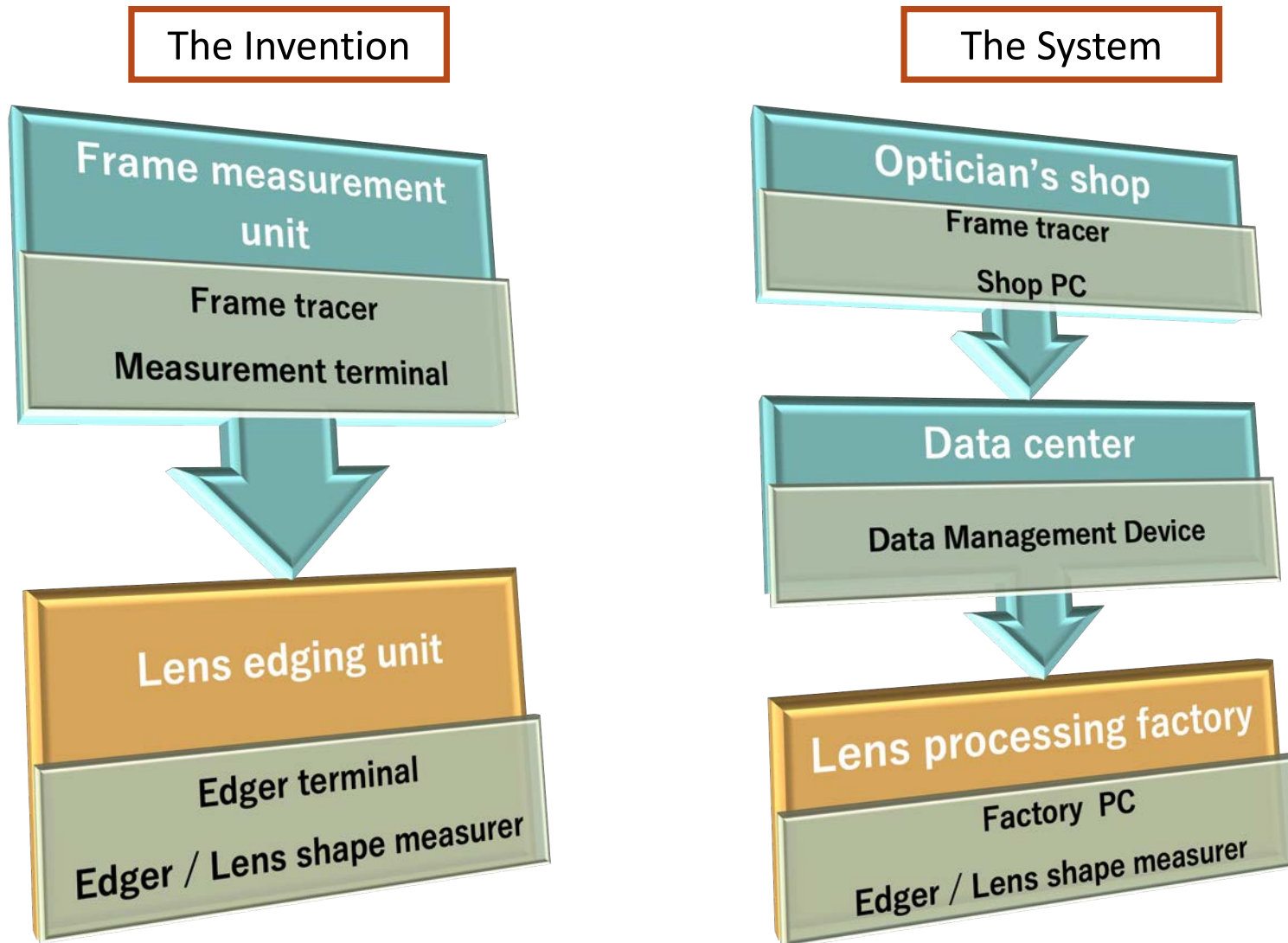
[Problem to be solved by the Invention]

When lenses are processed outside the optician's shop, the lens processing factory will not have the spectacle frame itself, so at the lens processing factory it is unable to confirm that the processed lenses will be accommodated in the rim, resulting in poor yield (0005).

[Effect of the Invention]

According to the present invention, in determining whether lenses will fit a frame, by using as a decision criterion the gap between the rim circumferential length of a frame and the lens circumferential length along the bevel top of a lens, it is possible to allow lenses to be fitted to a frame with a high degree of certainty and efficiency (0009).

Plaintiff's allegations ③

Point at issue 1 - Comparison of the Invention and the System

The Invention

The System

Frame measurement unit

Frame tracer

Measurement terminal

Lens edging unit

Edger terminal

Edger / Lens shape measurer

Optician's shop

Frame tracer

Shop PC

Data center

Data Management Device

Lens processing factory

Factory PC

Edger / Lens shape measurer

SCENE 1 ～ 2nd Date for Oral Argument
－Explanatory Session－

Plaintiff's allegations ④

Point at issue 1 - Applicability

- **Viewing the System from the functional aspect,**
  - ① **The "rim shape data" measured by the frame tracer at the optician's shop is transmitted to the data management device.**
  - ② **The measured data is transmitted from the data management device to the lens edging unit.**
  - ③ **The Shop PC at the optician's shop just relays the data and does not perform any substantial function in the relationship to the scope of claims.**

- **Therefore, the data management device falls under the "measurement terminal."**

Plaintiff's allegations ⑤

Point at issue 2 - Joint Patent Infringement

- **Joint relevance**

    ① **Only objective relevance is sufficient for joint relevance to be established.**

    ② **Even if subjective joint relevance is required, if there is a continuous business relationship between the two parties, they are mutually aware of the content of their acts, and therefore subjective joint relevance is found.**

- **Even if there is no joint relevance, if a party uses another party as a pawn or tool, the act is deemed to be the act of the party who uses the other party.**

Plaintiff's allegations ⑥

Point at issue 2 - Applicability

- **Since the defendant entrusted Turtle to develop the System and operate the data management device and Optician's shops have entered into transaction agreements with the defendant, having been provided with the Software and making the Shop PCs into devices of the System, they are jointly using the entire System.**

- **Subjectively, there is a subjective joint relevance between the defendant and Turtle, and between the defendant and Optician's shops, as each recognizes the other's role.**

- **The defendant can be regarded as having used Turtle and the Optician's shops as a pawn or tool.**

Defendant's allegations ①

Point at issue 1 - Structure of the System

A   A spectacle lens edging system comprising:

         ... **a frame measurement unit** ... and **a lens edging unit**,

B   wherein the frame measurement unit comprises:

    B1   ... **a frame tracer**, and

    B2   **a measurement terminal** configured to ***calculate the rim circumferential length*** along a groove of the rim based on the rim shape data and to ***transmit data of the rim circumferential length to the lens edging unit***,

and

C   wherein the lens edging unit comprises:

    C1   ... **an edger**

    C2   ... **a lens shape measurer**, and

    C3   ... **an edger terminal** configured to calculate the lens circumferential length along the bevel top of the beveled spectacle lens based on the lens shape data and to determine that the beveled spectacle lens can be fitted to the rim of the spectacle frame if the difference between the lens circumferential length and ***the rim circumferential length received from the measurement terminal of the frame measurement unit*** is within a prescribed range.

> ***Construction of (a system comprising) all elements => "Production"***
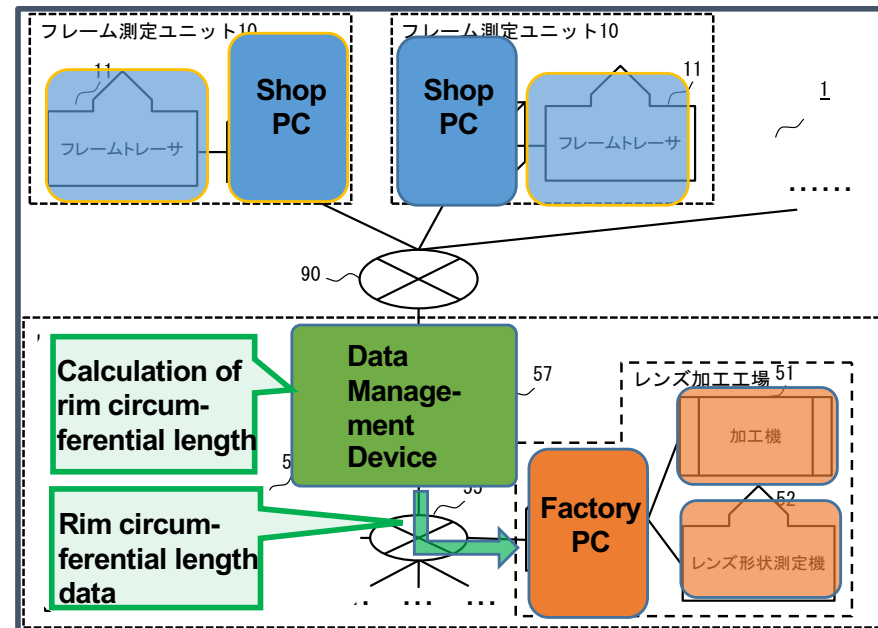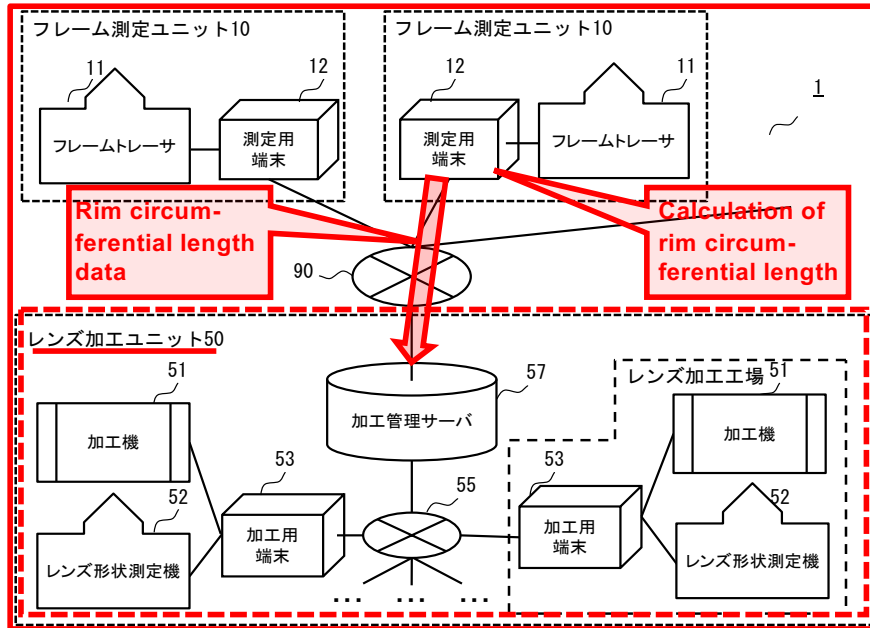> ***Use and benefits of (a system comprising) all elements => "Use"***

Defendant's allegations ②

Point at issue 1 - The System is different from the Invention

The Invention ⟷ The System

The Invention diagram labels: フレーム測定ユニット10, 11, 12, フレームトレーサ, 測定用端末, 90, 1, Rim circumferential length data, Calculation of rim circumferential length, レンズ加工ユニット50, 51, 加工機, 加工管理サーバ, 57, レンズ加工工場, 53, 55, 52, レンズ形状測定機, 加工用端末

The System diagram labels: フレーム測定ユニット10, 11, フレームトレーサ, Shop PC, 90, 1, Calculation of rim circumferential length, Rim circumferential length data, Data Management Device, 57, レンズ加工工場, 51, Factory PC, 加工機, 52, レンズ形状測定機
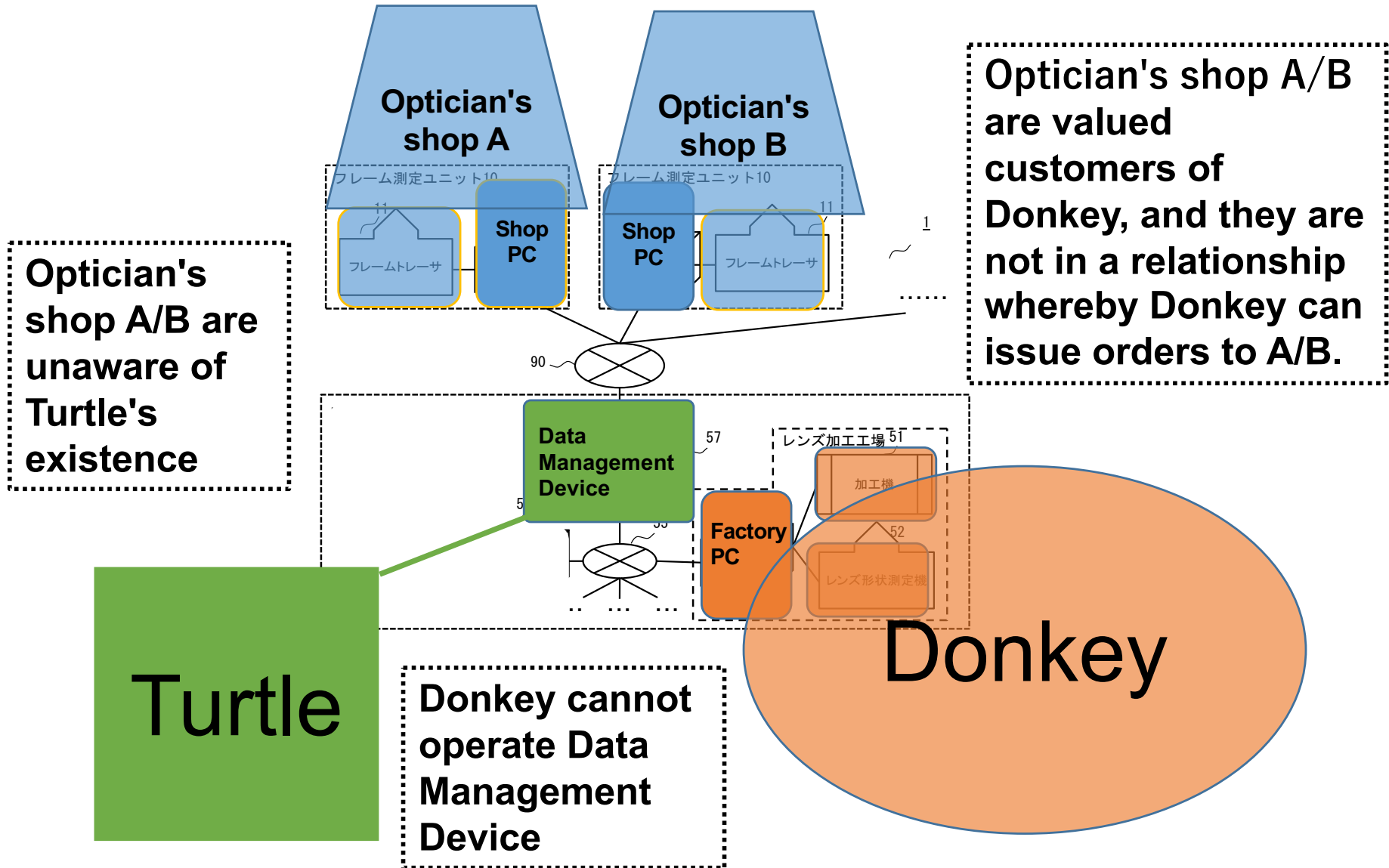
The measurement terminal of the frame measurement unit calculates the rim circumferential length and transmits the rim circumferential length data to the lens edging unit (Element B2/C3, Specification 0017/ 0019)

The Data Management Device of the lens edging unit calculates the rim circumferential length

Defendant's allegations ③

Point at issue 2 - The System is not "Used"

Optician's shop A

Optician's shop B

フレーム測定ユニット10

11

フレームトレーサ

Shop PC

Shop PC

11

フレームトレーサ

1

Optician's shop A/B are valued customers of Donkey, and they are not in a relationship whereby Donkey can issue orders to A/B.

Optician's shop A/B are unaware of Turtle's existence

90

Data Management Device

57

レンズ加工工場 51

加工機

Factory PC

52

レンズ形状測定機

Turtle

Donkey cannot operate Data Management Device

Donkey

◯ **Q and A Session**

● **Question 1 - "Units"**

Reasons that various devices are considered to fall under either "Frame measurement unit" or "Lens edging unit"

Frame measurement unit

Lens edging unit
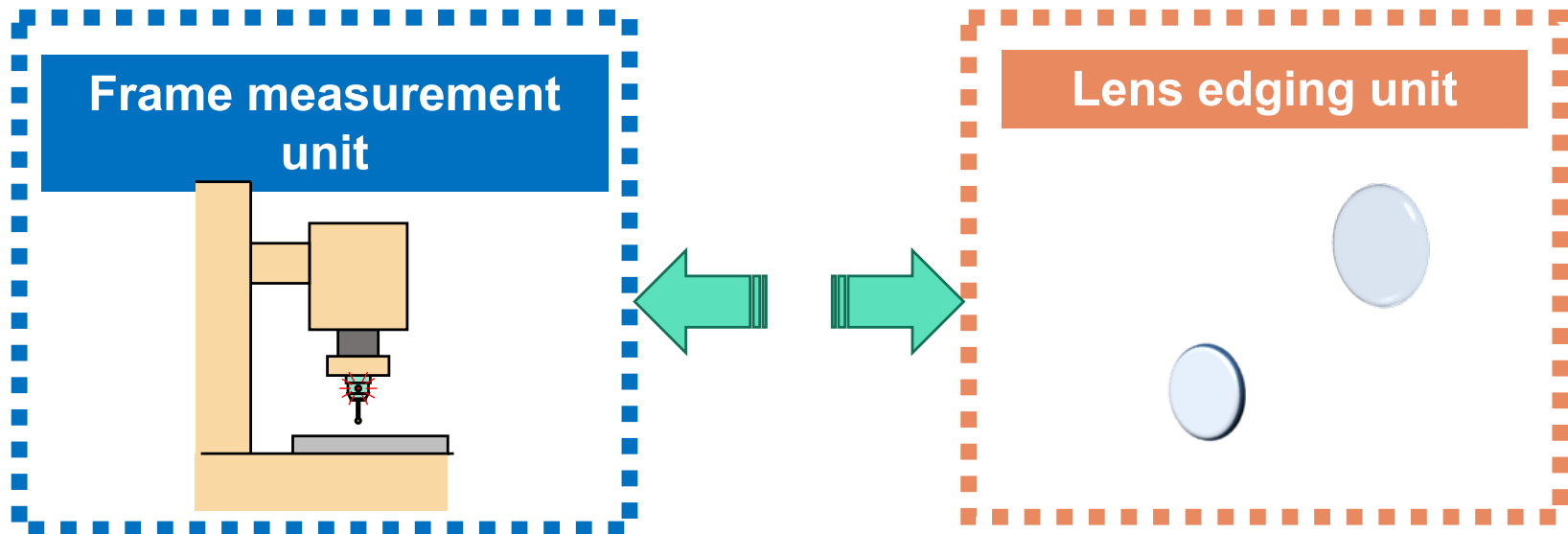
○ **Q and A Session**

● **Question 2 - "Data Management Device"**

The reason that the Data Management Device is configured to "Calculate rim circumferential length"

Data Management Device

Calculate rim circumferential length
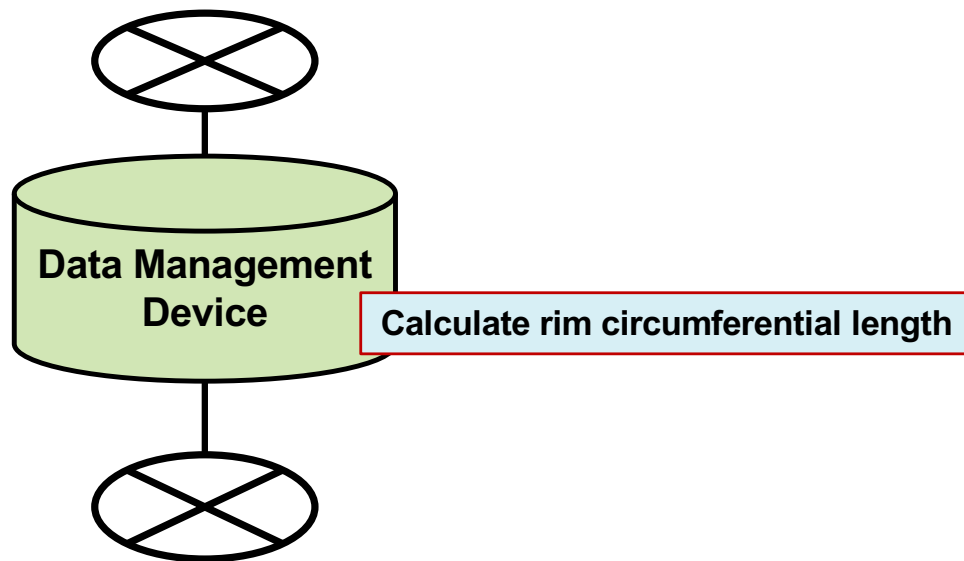
○ Q and A Session

● **Question 3－ "Determination of whether processing is possible"**

**Positioning of determination of whether processing is possible in the spectacle lens edging system**

Edging management server
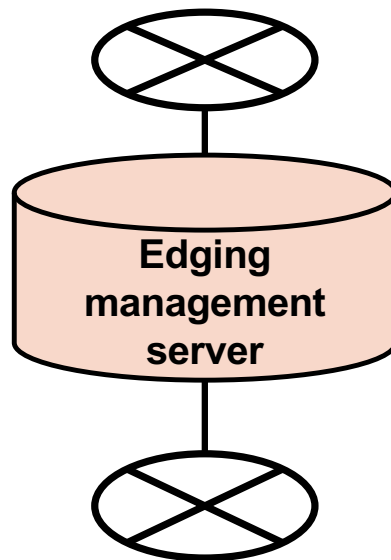
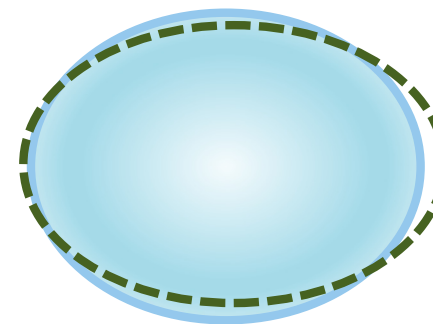# ○　**Q and A Session**

●　**Question 4－"Circumferential length"**

Technical significance of focusing on circumference rather than shape

The difference between the rim circumferential length and the lens circumferential length is NOT within a prescribed range.
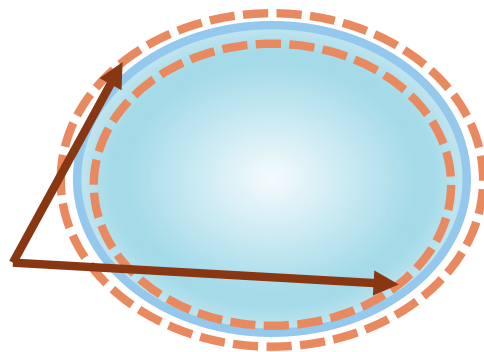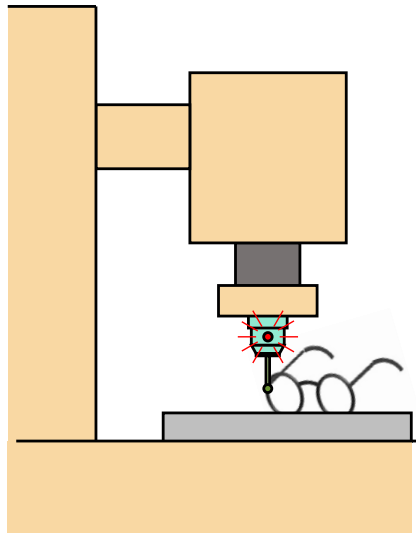
Not fitted

Fitted

The difference between the rim circumferential length and the lens circumferential length is within a prescribed range.

○　Q and A Session

●　**Question 5－"Frame tracer"**

Impact of measurement errors by the frame tracer

○ Procedure thereafter

**Date for Settlement
September 27, 2021**

Consultation for Settlement

Termination of procedure for Settlement

SCENE 2

3rd Date for Oral Argument

October 27, 2022

- Rendering of Judgement -