

- Rendering of Judgement -

● Main Text

- 1. The Defendant shall not use the System.**
- 2. The Defendant shall bear the court costs.**

Summary of the Reason

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

- Whether or not the System satisfies Elements B2 and C2 is determined by whether or not the “Data Management Device” of the System corresponds to the “measurement terminal” constituting the “frame measurement unit” of the Invention.
- The Scope of Claims defines that the “measurement terminal” “calculates the rim circumferential length ... based on the rim shape data” obtained by the frame tracer and “transmits data of the rim circumferential length ... to the lens edging unit,” with no further limitations. Therefore, a device that calculates the rim circumferential length based on the rim shape data and transmits it to the lens edging unit can be regarded as a “measurement terminal.”

Summary of the Reason

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

- **In the Description, there is a statement that the Invention is based on the premise that data is received and transmitted between parties at such distance.**
- **In view of the Scope of Claims and the Description, whether or not falling under the “measurement terminal” is not limited as to the physical location of the device or the manner of connection of the said device.**

Summary of the Reason

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

- In the System, the Shop PC at the optician's shop just relays the “rim shape data” measured by the frame tracer to the data management device. On the other hand, the data management device calculates the rim circumferential length using the “rim shape data” transmitted to calculate the rim circumferential length, and this data management device transmits the rim circumferential length data to the Factory PC which constitutes the “lens edging unit” via a network.
- In the System, the data management device that corresponds to the “measurement terminal” constituting the “frame measurement unit” calculates the rim circumferential length and the Factory PC constituting the “lens edging unit” receives the rim circumferential length data from the data management device constituting the “frame measurement unit” via a network.

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- If the production, use, assignment, or lease of a product that satisfies all of the said elements cannot be formed without combining the acts of multiple actors that produced, used, assigned, or leased a product, patent infringement will not, in principle, be established.
- Even in cases where the production, use, assignment, or lease of a product that satisfies all of the elements occurs for the first time through the combined acts of multiple actors, if the acts of these multiple actors can be regarded as interrelated and integrated and if one of multiple actors is aware of acts corresponding to the said elements and makes use of the acts of the other actors to achieve the said elements, one of those multiple actors can be regarded as an entity who jointly infringes the said patent with other actors.

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- The System was developed by Turtle pursuant to a contract with Donkey, and Donkey also knows much about the System.
- Under the contract with Turtle, Donkey makes Turtle operate the data management device of the System, and under the transaction agreements with optician's shops, Donkey provides the optician's shops with the Software and makes them install it in the Shop PCs, thereby allowing them to use the "measurement terminals" and "frame tracers" that constitute the "frame measurement unit" of the Invention.
- Donkey operates the System that supplies processed lenses by using the Factory PC, the edger, and the lens shape measurer that correspond to the "edger terminal," "edger," and "lens shape measurer," respectively, that constitute the "lens edging unit" of the Invention.

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- **The acts of Donkey, Turtle and optician's shops are regarded as integrated, and there is relationship that Donkey is aware of the System as a whole, and makes use of the acts of Turtle and the optician's shops to achieve the System while each of Turtle and the optician's shops makes use of the acts of Donkey.**
- **Donkey is found to infringe the Patent Right jointly with Turtle and the optician's shops.**

Summary of the Reason

(Point at issue 2. Whether Patent Infringement is established)

- **The Defendant asserts that it is necessary that all of the actors involved in acting jointly share the same subjective intention. However, in pursuing Donkey's liability, the acts performed by the optician's shops, Turtle, and Donkey can be regarded as interrelated and integrated and it should be construed that it is sufficient that Donkey has an intention just to make use of the other actors. Therefore, it is not necessary that all of the actors involved in acting jointly mutually have a further intention to act jointly with all of them individually.**

Thank you!

