

Trial Decision

Invalidation No. 2013-800087

Tokyo, Japan

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The case of trial regarding the invalidation of Japanese Patent No. 4077866 "Call Connecting Device, Call Connecting Method, Call Connecting Program, and Call Accepting Server" between the parties above has resulted in the following trial decision:

Conclusion

The correction shall be approved as requested.

The patent regarding the inventions according to Claims 1, 3, 8, 15, and 20 of Japanese Patent No. 4077866 was invalidated.

The costs in connection with the trial shall be borne by the demandee.

Reason

No. 1. History of the Procedures

The history of the procedures of the case is as follows:

August 2, 2006	Filing of the international application of the case (Japanese Patent Application No. 2007-529516) (Priority Claim: August 3, 2005, Japan and December 28, 2005, Japan)
February 8, 2008	Registration of establishment of the patent right (Japanese Patent No. 4077866)
May 20, 2013	Demand for Invalidation Trial of the case
August 6, 2013	Submission of Written Reply
October 17, 2013	Submission of Oral Proceedings Statement Briefs by the Demandant and the Demandee
October 31, 2013	Oral Proceeding
November 22, 2013	Advance notice of the trial decision
January 29, 2014	Submission of the Written Correction Request
March 27, 2014	Submission of the Written Refutation
May 14, 2014	Submission of the Written Reply
June 4, 2014	Submission of the Written Statement by the demandant

No. 2. Regarding the Request for Correction

1. Contents of the Request for Correction

The contents of the Written Correction Request submitted by the demandee on January 29, 2014 are as follows:

(1) Correction A

In Claim 1, the description "database having an identification number and a contact destination number, as associated information" is corrected to read "database having an identification number and a contact destination number as associated information, the identification number for identifying advertising information based on which a call is made." (Claim 3 and Claim 8 citing the description of Claim 1 are corrected in a similar manner.)

(2) Correction B

In Claim 1, the description "a call-connection device, comprising... a

connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number" is corrected to read " a call-connection device, comprising... a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, and a message-providing unit configured to provide an advertiser associated with the contact destination number with a message saying that the call is made based on the advertising information." (Claim 3 and Claim 8 citing the description of Claim 1 are corrected in a similar manner.)

(3) Correction C

In Claim 2, the description "a call-connecting device according to claim 1, wherein the database has one identification number and a plurality of contact destination numbers, as associated information" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, wherein the database has one identification number and a plurality of contact destination numbers as associated information".

(4) Correction D

In Claim 4, the description "a call-connecting device according to claim 1, wherein the call-accepting unit extracts the identification number from the telephone number after making an incoming call response to the call" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said

extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, wherein the call-accepting unit extracts the identification number from the telephone number after making an incoming call response to the call."

(5) Correction E

In Claim 5, the description "a call-connecting device according to claim 1, wherein the call-accepting unit extracts the identification number from the telephone number without making an incoming call response to the call" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, wherein the call-accepting unit extracts the identification number from the telephone number without making an incoming call response to the call."

(6) Correction F

In Claim 6, the description "a call-connecting device according to claim 1, wherein the connection-processing unit comprises: a response-detecting unit configured to detect an incoming call response of the second telephone; and a conversation-connecting unit configured to connect a call from the first telephone to said second telephone so as to enable the conversation, according to the incoming call response of said second telephone" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a

second telephone corresponding to said contact destination number, according to said extracted contact destination number, wherein the connection-processing unit comprises: a response-detecting unit configured to detect an incoming call response of the second telephone; and a conversation-connecting unit configured to connect a call from the first telephone to said second telephone so as to enable the conversation, according to the incoming call response of said second telephone." (Claim 7 citing the description of Claim 6 is corrected in a similar manner.)

(7) Correction G

In Claim 9, the description "a call-connecting device according to Claim 8, further comprising a history-output unit configured to output telephone call history information corresponding to each of the identification numbers, according to at least the call history or the conversation history" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, and the call-connecting device further comprising: a history-recording unit configured to record at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number, and a history-output unit configured to output telephone call history information corresponding to each of the identification numbers, according to at least the call history or the conversation history."

(8) Correction H

In Claim 10, the description "a call-connecting device according to Claim 8, further comprising a charge-processing unit configured to generate information of charges corresponding to each of the identification numbers, according to at least the call history or the conversation history" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a

telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, and the call-connecting device further comprising: a history-recording unit configured to record at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number, and a charge-processing unit configured to generate information of charges corresponding to each of the identification numbers, according to at least the call history or the conversation history."

(9) Correction I

In Claim 11, the description "a call-connecting device according to Claim 1, further comprising an error-detecting unit configured to detect an error according to the frequency of calls" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, the call-connecting device further comprising an error-detecting unit configured to detect an error according to a frequency of calls."

(10) Correction J

In Claim 12, the description "a call-connecting device according to Claim 1, further comprising an identification number-generating unit configured to generate the identification number automatically" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit

configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, the call-connecting device further comprising an identification number-generating unit configured to generate the identification number automatically."

(11) Correction K

In Claim 13, the description "a call-connecting device according to Claim 1, further comprising a timer unit configured to measure a current time, wherein the connection-processing unit connects the call to a second telephone corresponding to said contact destination number, only in the case in which the time of the call, which has been measured by said timer unit, is within the range of a specific period" is corrected to read "a call-connecting device, comprising: a database having an identification number and a contact destination number, as associated information, a storage device containing said database inside, a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as for extracting the identification number from said telephone number, a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number, and a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, the call-connecting device further comprising a timer unit configured to measure a current time, wherein the connection-processing unit connects the call to a second telephone corresponding to said contact destination number, only in the case in which the time of the call, which has been measured by said timer unit, is within the range of a specific period."

(12) Correction L

In Claim 15, the description "accepting a call from a first telephone designating a telephone number including an identification number that has been stored within a database by being associated with a contact destination number," is corrected to read "accepting a call from a first telephone designating a telephone number including an identification number that has been stored within a database by being associated with a contact destination number, the identification number being for identifying advertising information based on which the call is made." (Claim 20 citing the description of Claim

15 is corrected in a similar manner.)

(13) Correction M

In Claim 15, the description "a call-connecting method comprising ... connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number" is corrected to read "a call-connecting device, comprising the steps of connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, and providing an advertiser associated with the contact destination number with a message stating that the call is made based on the advertising information." (Claim 20 citing the description of Claim 15 is corrected in a similar manner.)

(14) Correction N

In Claim 16, the description "a call-connecting method according to claim 15, wherein, in the step of extracting the identification number, the identification number is extracted from the telephone number after making an incoming call response to the call" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, and connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, wherein, in the step of extracting the identification number, the identification number is extracted from the telephone number after making an incoming call response to the call."

(15) Correction O

In Claim 17, the description "a call-connecting method according to claim 15, wherein, in the step of extracting the identification number, the identification number is extracted from the telephone number without making an incoming call response to the call" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, and connecting a call from the first telephone to a second telephone corresponding to the contact destination number,

according to said extracted contact destination number, wherein, in the step of extracting the identification number, the identification number is extracted from the telephone number without making an incoming call response to the call."

(16) Correction P

In Claim 18, the description "a call-connecting method according to claim 15, wherein the step of connecting the call comprises: detecting an incoming call response of the second telephone, and connecting a call from the first telephone to said second telephone so as to enable a conversation, according to the incoming call response of said second telephone" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, and connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, wherein the step of connecting the call comprises: detecting an incoming call response of the second telephone, and connecting a call from the first telephone to said second telephone so as to enable a conversation, according to the incoming call response of said second telephone."

(Claim 19 citing the description of Claim 18 is corrected in a similar manner.)

(17) Correction Q

In Claim 21, the description "a call-connecting method according to claim 20, further comprising outputting telephone call history information corresponding to each of the identification numbers, according to at least the call history or the conversation history" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, recording at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number, and outputting telephone call history information corresponding to each of the identification numbers, according to at least the call history or the conversation history."

(18) Correction R

In Claim 22, the description "a call-connecting method according to claim 20, further comprising generating information of charges corresponding to each of the identification numbers, according to at least the call history or the conversation history" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, recording at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number, and generating information of charges corresponding to each of the identification numbers, according to at least the call history or the conversation history."

(19) Correction S

In Claim 23, the description "a call-connecting method according to claim 15, further comprising detecting an error according to frequency of calls" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said identification number from the database, according to said extracted identification number, connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, and detecting an error according to frequency of calls."

(20) Correction T

In Claim 24, the description "a call-connecting method according to claim 15, wherein, in the step of connecting the call, the call is connected to the second telephone corresponding to said contact destination number, only in a case in which a time of the call is within a range of a specific period" is corrected to read "a call-connecting method, comprising: accepting a call from a first telephone designating a number including an identification number that has been stored within a database by being associated with a contact destination number, extracting the identification number from said number, extracting the contact destination number associated with said

identification number from the database, according to said extracted identification number, and connecting a call from the first telephone to a second telephone corresponding to the contact destination number, according to said extracted contact destination number, wherein, in the step of connecting the call, the call is connected to the second telephone corresponding to said contact destination number, only in a case in which a time of the call is within a range of a specific period."

2. Judgment on the Request for Correction

The Request for Correction will be examined.

(1) Correction A

In Correction A, correction of the description "identification number" to "identification number for identifying advertising information based on which the call is made" is made in order to disclose and clarify the meaning of the "identification number" based on the description in paragraph [0073] of the specification of the case, and the correction is made for "clarification of an ambiguous description" as defined in item (iii) of the proviso to Article 134-2, paragraph (1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(2) Correction B

Because, in Correction B, addition of the description "message-providing unit configured to provide an advertiser associated with the contact destination number with a message saying that the call is made based on the advertising information" is restrictive addition of a constituent feature in series; the correction is made for "restriction of the scope of claims" as defined in item (i) of the proviso to Article 134-2, paragraph (1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(3) Correction C

This correction is made to change Claim 2, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(4) Correction D

This correction is made to change Claim 4, which previously cited the

description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(5) Correction E

This correction is made to change Claim 5, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(6) Correction F

This correction is made to change Claim 6, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(7) Correction G

This correction is made to change Claim 9, which previously cited the description of Claim 8 (and Claim 1 from which Claim 8 depends), so as not to cite the description of Claim 8 (and Claim 1 from which Claim 8 depends), and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso o Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(8) Correction H

This correction is made to change Claim 10, which previously cited the description of Claim 8 (and Claim 1 from which Claim 8 depends), so as not to cite the description of Claim 8 (and Claim 1 from which Claim 8 depends), and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(9) Correction I

This correction is made to change Claim 11, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(10) Correction J

This correction is made to change Claim 12, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(11) Correction K

This correction is made to change Claim 13, which previously cited the description of Claim 1, so as not to cite the description of Claim 1, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(12) Correction L

Because, in Correction L, correction of the description "identification number" to "identification number for identifying advertising information based on which the call is made" is made to disclose and clarify the meaning of the "identification number" based on the description in paragraph [0073] of the specification of the case, the correction is made for "clarification of an ambiguous description" as defined in item (iii) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(13) Correction M

In Correction M, addition of the description "providing an advertiser associated with the contact destination number with a message stating that the call is made based on the advertising information" is restrictive addition of a constituent feature in series, and the correction is made for "restriction of the scope of claims" as defined in item (i) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change

the scope of claims.

The description "call-connecting device" included in Correction M (the Written Correction Request, page 8, lines 6 and 7) is accepted as a typographical error of the "call-connecting method."

(14) Correction N

This correction is made to change Claim 16, which previously cited the description of Claim 15, so as not to cite the description of Claim 15, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(15) Correction O

This correction is made to change Claim 17, which previously cited the description of Claim 15, so as not to cite the description of Claim 15, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(16) Correction P

This correction is made to change Claim 18, which previously cited the description of Claim 15, so as not to cite the description of Claim 15, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(17) Correction Q

This correction is made to change Claim 21, which previously cited the description of Claim 20 (and Claim 15 from which Claim 20 depends), so as not to cite the description of Claim 20 (and Claim 15 from which Claim 20 depends), and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(18) Correction R

This correction is made to change Claim 22, which previously cited the description of Claim 20 (and Claim 15 from which Claim 20 depends), so as not to cite

the description of Claim 20 (and Claim 15 from which Claim 20 depends), and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(19) Correction S

This correction is made to change Claim 23, which previously cited the description of Claim 15, so as not to cite the description of Claim 15, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(20) Correction T

This correction is made to change Claim 24, which previously cited the description of Claim 15, so as not to cite the description of Claim 15, and the aim of the correction is to "change a claim which cites the description of the other claims so as not to cite the description of the other claims" as defined in item (iv) of the proviso to Article 134-2(1) of the Patent Act. In addition, the correction does not fall under the addition of new matter and does not substantially expand or change the scope of claims.

(21) Summary

Thus, the above-noted corrections are approved because the corrections fall under the provisions of Article 134-2(1) of the Patent Act and the provisions of Article 126-4 to 6 of the Patent Act which is applied *mutatis mutandis* in the provisions of Article 134-9 of the Patent Act.

No. 3. Corrected Invention of the Case

Because the corrections are approved as above, in light of the corrected specification, the corrected claims, and the drawings attached to the Written Correction Request of January 29, 2014, the inventions according to Claims 1, 3, 8, 15, and 20, which are objects of the invalidation trial of the case (hereinafter respectively referred to as "Corrected Invention 1 of the case," "Corrected Invention 2 of the case," "Corrected Invention 3 of the case," "Corrected Invention 4 of the case," and "Corrected Invention 5 of the case," and generally referred to as "Corrected Invention of the case"), are specified by the matters described in Claims 1, 3, 8, 15, and 20 in the Claims as follows:

"[Claim 1]

A call-connecting device, comprising:

- a database having an identification number and a contact destination number, as associated information, the identification number being for identifying advertising information based on which the call is made,
- a storage device containing said database inside,
- a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number as well as extract the identification number from said telephone number,
- a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number,
- a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number, and
- a message-providing unit configured to provide an advertiser associated with the contact destination number with a message saying that the call is made based on the advertising information.

[Claim 3]

A call-connecting device according to claim 1, wherein the database has a plurality of identification numbers and one or a plurality of contact destination numbers, as associated information.

[Claim 8]

A call-connecting device according to claim 1, further comprising a history-recording unit configured to record at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number.

[Claim 15]

A call-connecting method, comprising:

- accepting a call from a first telephone designating a telephone number including an identification number that has been stored within a database by being associated with a contact destination number, the identification number being for identifying advertising information based on which the call is made,
- extracting the identification number from said telephone number,
- extracting the contact destination number associated with said identification number from the database, according to said extracted identification number,
- connecting a call from the first telephone to a second telephone corresponding to

the contact destination number, according to said extracted contact destination number, and

providing an advertiser associated with the contact destination number with a message stating that the call is made based on the advertising information.

[Claim 20]

A call-connecting method according to claim 15, further comprising recording at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number."

No. 4. Demandant's Allegation

The demandant requests a trial decision that "the patent according to Claims 1, 3, 8, 15, and 20 of Japanese Patent No. 4077866 is invalidated. The costs in connection with the trial shall be borne by the demandee." The gist and the means of proof of the allegation are as follows:

1. Gist of the Demandant's Allegation (Before Corrections)

Because the patent inventions 1 to 5 are identical to the invention disclosed in Evidence A No.1 or they would have been easily invented by a person ordinarily skilled in the art based on the invention disclosed in Evidence A No.1, the patent inventions violate the provisions of Article 29-1(3) or Article 29-2 of the Patent Act. Therefore, Article 123-1(2) of the Patent Act is applicable, and the patent inventions should be invalidated.

The allegation that the invention according to Claims 8 and 20 of the patent (the patent inventions 3 and 5) breaches Article 29-1(3) of the Patent Act was withdrawn in the Oral Proceeding (Demandant 2 in the Oral Proceeding Record).

2. Gist of the Demandant's Allegation (After Corrections)

The Corrected Invention of the case would have been easily invented by a person ordinarily skilled in the art based on the invention disclosed in Evidence A No. 1 and common general technical knowledge; the reasons for invalidation of the patent are not solved.

3. Means of Proof

- Evidence A No. 1: Japanese Unexamined Patent Application Publication No. 2004-171105

- Evidence A No. 2: Kojien Dictionary, 6th edition, colophon, pages 1815 ("extract"), 2158 ("pull out"), and 326 ("pick out"), January 11, 2008, Edited by Izuru SHINMURA, Iwanami Shoten, Publishers

(the above documents were attached to the Written Demand for Trial)

- Evidence A No. 3: Webpage of NTT Communications Corporation titled "Free Dial (Toll-Free Call)" (archive), February 4, 2005, The Internet Archive (copy)
- Evidence A No. 4: The article titled "Launch of Forwarding Service 'Voice Warp'", May 14, 1996, Nippon Telegraph and Telephone Corporation (copy)
- Evidence A No. 5: Document titled "User Guide of Otoku Line Multifunction Forwarding Service" 2005 May, Nihon Telecom Co., Ltd. (copy)
- Evidence A No. 6: The January 12, 2000 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by the Asahi Shimbun, The Asahi Shimbun Company (copy)
- Evidence A No. 7: The December 13, 1997 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by Toyota Tokyo Corolla Corporation, The Asahi Shimbun Company
- Evidence A No. 8: The December 8, 1999 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by Toshiba Corporation, The Asahi Shimbun Company (copy)
- Evidence A No. 9: The February 2, 1998 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by Tokyo Nissan Motor Corporation, The Asahi Shimbun Company (copy)
- Evidence A No. 10: The December 31, 1997 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by Matsushita Electric Industrial Co., Ltd., The Asahi Shimbun Company (copy)
- Evidence A No. 11: The December 4, 1997 edition of the Asahi Shimbun newspaper, Newspaper advertisement advertised by Nippon Telegraph and Telephone Corporation, The Asahi Shimbun Company (copy)
- Evidence A No. 12: "KOHKOKU", the March and April number, Volume 297, cover, pages 4 to 25, colophon, March 15, 1993, Hakuhodo Inc. (copy)
- Evidence A No. 13: Webpage titled "Advertisement Example Database [Wired Broadband Networks]", The Asahi Shimbun Company (copy)
- Evidence A No. 14: Webpage titled "Advertisement Example Database [Jupitar Telecom]", The Asahi Shimbun Company (copy)
- Evidence A No. 15: "Mechanical Engineering" Vol. 53 No.1, Issue 677, Back cover, January 1, 2005, The Nikkan Kogyo Shimbun Ltd. (copy)

- Evidence A No. 16: Japanese Unexamined Patent Application Publication No. 2001-274910 (copy)
 - Evidence A No. 17: Japanese Unexamined Patent Application Publication No. 2000-270099 (copy)
 - Evidence A No. 18: Article titled "Providing New Functions of Free Dial (toll free) Intelligent Service", January 24, 2002, NTT Communications Corporation (copy)
- (The above documents were attached to the Written Refutation of March 27, 2014)

No. 5. Demandee's Allegation

The Demandee requests a trial decision that "the demand for trial of the case is groundless. The costs in connection with the trial shall be borne by the demandant." The gist of the allegation is as follows:

1. Gist of the Demandee's Allegation (Before Corrections)

Because the patent inventions 1 to 5 are not identical to the invention disclosed in Evidence A No. 1 or they would not have been easily invented by a person ordinarily skilled in the art based on the invention disclosed in Evidence A No. 1, the patent inventions 1 to 5 should not be invalidated.

2. Gist of the Demandee's Allegation (After Corrections)

The corrected invention of the case has inventive step over the invention obtained by combining the features disclosed in Invention A-1 and other evidences (those submitted along with the Written Refutation of March 27, 2014), and therefore, the corrected invention of the case is valid.

3. Means of Proof

Evidence B No. 1: Comments on the Supreme Court Lipase Decision by the Law Clerk, "The Supreme Court Explanation of Precedents, Civil Case Edition, 1991"

Evidence B No. 2: Japanese Unexamined Patent Application Publication No. H2-112368

Evidence B No. 3: Japanese Unexamined Patent Application Publication No. 2005-86497

Evidence B No. 4: Japanese Unexamined Patent Application Publication No. 2005-175999

Evidence B No. 5: User's Manual of FOMA D902iS

Evidence B No. 6: NTT DoCoMo, Website

Evidence B No. 7-1: NTT DoCoMo, Website

Evidence B No. 7-2 to 5: Photographs of operation of actual machine P900iV

Evidence B No. 8: User's manual of TF-VR350E2/TF-VRH360E2

(The above documents were attached to the Oral Proceeding Statement Brief.)

Evidence B No. 9: The decision of the Tokyo District Court on December 25, 2013

(court decision of 2012 (Yo) 22096)

(The above documents were attached to the Written Correction Request of January 29, 2014)

Evidence B No. 10: Wikipedia website, "Database"

Evidence B No. 11: NTT Communications website "Free Dial"

(The above documents were attached to the Written Reply of May 14, 2014)

No. 6. Judgment on the Reasons for Invalidation

1. Disclosed Contents of Means Proof

(1) Evidence A No. 1 (Japanese Unexamined Patent Application Publication No. 2004-171105)

The publication of Evidence A No. 1 which had obviously been distributed before the priority date of the application of the case, discloses, regarding "Advertisement Effect Analysis Method and Advertising System," the technical matters below with the drawings.

A. "[0020]

[DETAILED DESCRIPTION OF THE INVENTION]

An advertisement system according to a first embodiment of the present invention is explained below with reference to drawings.

FIG. 1 is a block diagram showing a general structure for an advertisement system according to the first embodiment of the present invention. In the advertisement system, a portable information terminal 1, a personal computer 2, a telephone 3, an inputting terminal 5 such as a facsimile 4, and a server 7 are connected to each other via the Internet or a communication line 6. Here, it is acceptable to use a private line or a public line for the communication line. Also, it is acceptable to use any of various other wired or wireless communicating networks.

[0021]

Also, construing tables 8a to 8d are stored in the storing section in the server 7. The advertisement type information transmitted from the inputting terminal 5 is

received by using the construing tables 8a to 8d such that the server 7 should have functions to extract an advertisement type that corresponds to a code indicated by the advertisement type information (contents in a posted advertisement, client of the advertisement, advertisement agent, and an advertising conditions), a URL (uniform resource locator) address by which it is possible to access details of the advertisement indicated by the advertisement type information, and access information such as a telephone number and a facsimile number. Consequently, the server 7 records the number of the encoded advertisement type information receipts for each type received from the inputting terminal 5. Here, the above construing tables 8a to 8d make the code indicated by the advertisement type information, the advertisement type, and access information related to each other so as to be stored therein." (page 6, lines 19 to 35)

B. "[0025]

Also, for example, it is assumed that a viewer of a certain advertisement finds an advertisement for a new TV (television) TTT carried in a newspaper B, knows an inquiry telephone number 0120-xxx-xxxx-01-11-31-41-77-33, and makes a phone call to the inquiry telephone number from the portable information terminal 1 or the telephone 3. In such a case, the portable information terminal 1 or the telephone 3 is connected to the server 7 which such an inquiry phone call is supposed to reach. The server 7 acknowledges that such an access is actually directed to a telephone number 0120-xxx-xxxx-01 for an inquiry for the 'new TV TTT' based on '01' in the advertisement type information '01-11-31-41-77-33' according to the construing table 8c for the telephone number. Thus, the server 7 handles the inquiry telephone number so as to be connected thereto. Therefore, the information for the new TV is provided to the viewer of the advertisement. Furthermore, according to the advertisement type information '01-11-31-41-77-33' added to the telephone number, it is construed that the 'contents of the advertisement' are '01: new TV TTT,' the 'client of the advertisement' is '11: EEE electronics corporation,' and the 'advertisement agent' is '31: DDD newspaper advertisement company,' and that the 'conditions of the posted advertisement' are '41: medium (newspaper B), 77: place in which the advertisement is posted (page 7), and 33: date for posting the advertisement (July 3rd to 9th).' The number of receipts for each advertisement type information, indicated by a code in the advertisement type information, is counted so as to be recorded in the server 7. Here, when the viewer of the advertisement makes a 'product inquiry' for the 'new TV TTT,' the viewer of the advertisement is connected to an operator 9, and access information for such a 'product

inquiry' is recorded in the server 7. Also, the server 7 records the advertisement type information received by inputting the advertisement type information in the server 7 from the portable information terminal 1 or the telephone 3." (page 7, lines 22 to 39)

C. "[0030]

Next, processes for calculating an advertisement effect and desirable advertising conditions by the computer 20 are explained.

The number of advertisement type information receipts for each type, indicated by a code in the advertisement type information accumulated in the server 7 via the inputting terminal 5, is transmitted to the computer 20 via the Internet or a private (or public) communication line 6. Consequently, the computer 20 calculates an advertisement effect and desirable advertising conditions according to the number of receipts for each type. For example, if an advertisement for a ZZZ concert is posted in a train A, it is assumed that the server 7 receives more than one thousand bits of encoded advertisement type information for the ZZZ concert in a month. In such a case, the computer 20 calculates the number of advertisement type information receipts indicated by encoded advertisement type for the ZZZ concert and acknowledges that more than one thousand receipts are recorded in the server 7 in a month. Thus, the computer 20 outputs a result that indicates the advertisement has substantial effect. By doing this, it is possible to determine that the advertisement effect is realized if the number of receipts for each advertisement type indicated by a code in the advertisement type information exceeds a threshold for the number of receipts." (page 9, lines 3 to 15)

When the above-noted description and drawings of Evidence A No. 1 and common general technical knowledge are considered, it is recognized that Evidence A No. 1 discloses the following invention (hereinafter referred to as "A-1 Invention") regarding the server used in the "advertisement effect analysis method."

"a server comprising:

a construing table configured to associate advertisement type information with an access destination telephone number and store them; and

a storage unit configured to store the construing table therein,
wherein the server

accepts a call from a telephone 3 to an inquiry telephone number including the advertisement type information;

extracts the access destination telephone number associated with the

advertisement type information from the construing table based on the advertisement type information in the inquiry telephone number; and

handles the call from the telephone 3 to be connected to an access destination telephone associated with the access destination number based on the extracted access destination telephone number."

(2) Evidence A No. 3 (Webpage of NTT Communications Corporation, titled "Free Dial (Toll-Free Number)" (archive), February 4, 2005, The Internet Archive (copy))

The publication of Evidence A No. 3, which had obviously been distributed and made available to public via telecommunication lines before the priority date of the application of the case, discloses the technical matters below with the drawings:

D. "Guidance of Transmission area

Summary

Guidance service to give a transmission area from which a calling customer made a call, to a customer who receives the call (sending a guidance message at the beginning of a conversation)" (1/1 page).

E. In the bottom line of the table titled "(Example) In a case where a caller makes a free-dial call from Soka city in Saitama prefecture," a guidance message that "this is a free-dial call" is described as a "guidance for a free dial contractor" (1/1 page).

F. "Advantage

- A free dial conversation and a general conversation can be distinguished.
- Because a transmission area can be identified, telemarketing information can be obtained" (1/1 page).

(3) Evidence A No. 4: The article titled "Launch of Forwarding Service 'Voice Warp'", May 14, 1996, Nippon Telegraph and Telephone Corporation (copy)

The publication of Evidence A No. 4, which had obviously been distributed and made available to public via telecommunication lines before the priority date of the application of the case, discloses the technical matters below with the drawings:

G. "Launch of Forwarding Service 'Voice Warp'" (1/3 page)

H. "Identification of a Forwarded Call at a Forwarding Address

1. Sending an Announcement

For every incoming call, an announcement saying that the call is a forwarded call is sent to a forwarding address.

'This call has been forwarded from xxxxxx-xxxx.'" (2/3 page)

(4) Evidence A-16: Japanese Unexamined Patent Application Publication No. 2001-274910

The publication of Evidence A No. 16, which had obviously been distributed before the priority date of the application of the case, discloses, regarding "Multimedia Information Communication System," the technical matters below with the drawings.

I. "[Claim 1] A multimedia information communication system configured to be connected to an external communication network via a local network and a communication interface device through which various types of data including a voice can be mutually transmitted and received, the multimedia information communication system comprising:

a call receiving means that transmits a forwarding request from a first communication terminal connected to the multimedia information communication system to a second communication terminal connected to the local network, and receives the transmitted request;

a forwarding means that performs forwarding to a communication terminal of a forwarding address based on the forwarding request from the first communication terminal;

a first acquiring means that acquires identification information of the first communication terminal when the forwarding means performs forwarding;

a first converting means that converts the identification information to voice data; and

a first transmitting means that transmits the voice data converted in the first converting means to the communication terminal of the forwarding address before the first communication terminal is forwarded" (page 2, Column 1).

J. "[0003] Also, if a call is made to a Free Dial (registered trademark) for placing an order in order to place an order of products, first, a voice message inquiring about the order is provided by a receiver, and the caller inputs necessary information according to the message, and subsequently, a conversation is made between the caller and a person in charge of the product.

[0004]

[Problem to be Solved by the Invention] As described above, with the conventional systems, it is impossible to make a voice announcement of information of the caller in advance when forwarding an incoming external call, etc., and therefore, the caller of the external call is unknown when the call is received at the forwarding address. Further, with the conventional system, it has not been realized to receive, in advance, information of a conversation carried out with the caller, etc. up to the time when a destination receiver of the call receives the external call. As such, because the information relating to the caller, such as contents of conversations carried out before forwarding is performed, is not understood at the forwarding address, there is a problem in that the same conversation must be repeated after the conversation is forwarded.

[0005] The present invention is made in order to address these problems, and the object of the present invention is to provide a multimedia communication system that can provide an announcement of various information, such as identification information of a caller, to a forwarding address and, simultaneously provide a voice announcement of information of input data, etc." (page 3, column 3)

2. Comparison and Judgement

(1) Regarding Corrected Invention 1 of the Case

When Corrected Invention 1 of the case is compared with A-1 Invention.

a. Because the "access destination telephone number" in A-1 Invention is a telephone number of a telephone to which a call is eventually connected, it corresponds to the "contact destination number" of Corrected Invention 1 of the case, and they are identical in that both are "contact destination numbers."

b. Because the "inquiry telephone number" in A-1 Invention is a number used for making a call, it corresponds to the "telephone number" in the Corrected Invention 1 of the case, and they are identical in that both are "telephone numbers."

c. The "advertisement type information" in A-1 Invention is a number included in the telephone number used when a call is made, and the number is associated with a telephone number of a telephone to which the call is eventually connected (access destination telephone number) and is used to obtain this "access destination telephone number." In addition, if the above-noted Detailed Point C is considered, the "advertisement type information" can be used to identify an advertisement based on which an advertisement viewer made the call and to measure the advertisement effect.

Thus, in terms of its usage and function, the "advertisement type information" does not differ from the "identification number" in Corrected Invention 1 of the case at

all, and the "advertisement type information" of A-1 Invention corresponds to the "identification number for identifying advertising information based on which the call is made."

d. Because the "construing table" in A-1 Invention associates the identification number (advertisement type information) with the contact destination number (access destination telephone number); that is, it has these pieces of information as associated information, it corresponds to the "database" of Corrected Invention 1 of the case, and they are identical in that they are both "databases."

e. The "storage unit" in A-1 Invention corresponds to the "storage device" of the Corrected Invention 1 of the case, and they are identical in that they are both "storage devices."

f. Because the "telephone 3" in A-1 Invention is a telephone to be used for inquiry by the advertisement viewer, and referring to this telephone as the "first telephone" is optional, it corresponds to the "first telephone" in Corrected Invention 1 of the case, and they are identical in that they are both "first telephones."

g. Because A-1 Invention "accepts a call," it is obvious that A-1 Invention has "means for accepting a call." The means is similar to the "call-accepting unit configured to accept a call as well as extract the identification number from the telephone number" of Corrected Invention 1 of the case in that they are the "call-accepting units configured to accept a call," and is different from the unit of Corrected Invention 1 of the case in that the unit of Corrected Invention 1 of the case has the step of "extracting the identification number from the telephone number."

h. Because it is obvious that when A-1 Invention "extracts the access destination telephone number" "based on the advertisement type information," "the advertisement type information" is "extracted" from the inquiry telephone number, the description "based on the advertisement type information in the inquiry telephone number" of A-1 Invention corresponds to the description "according to said extracted identification number" of Corrected Invention 1 of the case, and the inventions are identical in that they are both "according to said extracted identification number."

i. Because A-1 Invention "extracts" an access destination telephone number, it is obvious that A-1 Invention has "means for extraction." The means corresponds to the "contact destination-extracting unit configured to extract" of Corrected Invention 1 of the case, and they are identical in that they are both the "contact destination-extracting units configured to extract."

j. Because the "access destination telephone" of A-1 Invention is a telephone to which the call from the first telephone (telephone 3) by the advertisement viewer is

eventually connected, and referring to this telephone as the "second telephone" is optional, it corresponds to the "second telephone" in Corrected Invention 1 of the case, and they are identical in that they are both "second telephones."

k. Because A-1 Invention "handles connection," it is obvious that A-1 Invention has "means for handling connection." The means corresponds to the "connection-processing unit configured to connect" of Corrected Invention 1 of the case, and they are identical in that they are both the "connection-processing units configured to connect."

l. Because the "server" of A-1 Invention performs processing of handling connection of a telephone call, this server can be referred to as a "call-connecting device."

In light of all the above, the two inventions are identical and different in the following points:

(Corresponding Feature)

"A call-connecting device, comprising:
a database having an identification number and a contact destination number, as associated information, the identification number for identifying advertising information based on which a call is made,
a storage device containing said database,
a call-accepting unit configured to accept a call from a first telephone designating a telephone number including the identification number,
a contact destination-extracting unit configured to extract the contact destination number associated with said identification number from the database, according to said extracted identification number; and
a connection-processing unit configured to connect the call from the first telephone to a second telephone corresponding to said contact destination number, according to said extracted contact destination number.

(Different Feature 1)

Although, in Corrected Invention 1 of the case, the "call-accepting unit" "extracts the identification number from the telephone number," this feature is not clear in A-1 Invention.

(Different Feature 2)

Although Corrected Invention 1 of the case has the "message-providing unit configured to provide an advertiser associated with the contact destination number with a message saying that the call is made based on the advertising information," this feature is not clear in A-1 Invention.

The above-noted different features will be examined below.

Regarding (Different Feature 1) above

As examined in Item h. above, although it is obvious that, in A-1 Invention, the "advertisement type information" is "extracted" from the inquiry telephone number, a part of the server that performs "extraction" should be selected as appropriate, and a person ordinarily skilled in the art can enable the means for "accepting a call to an inquiry telephone number" to perform this extraction appropriately as necessary.

Regarding (Different Feature 2) above

First, as noted in the above Detailed Points D to J, Evidence A No. 3, Evidence A No. 4, and Evidence A-16, which are cited by the demandant as the evidence for common general technical knowledge, disclose, as messages provided to a forwarding address in the telephone call forwarding system, "announcements that 'this is free dial' and 'this call has been forwarded from xxxxxx-xxxx,'" and 'identification information of a caller,' respectively, and all of them can be recognized as "messages associated with calls to be forwarded".

Thus, in the telephone forwarding system, "providing a message associated with a call to be forwarded" is well-known art.

Here, the "server" of A-1 Invention can obviously be recognized as a "telephone forwarding system," and a person ordinarily skilled in the art can appropriately provide the message providing means for "providing a message associated with the call to be forwarded" to the "advertiser associated with the contact destination number" which is the forwarding address, as necessary.

Then, because, in A-1 Invention, the "call to be forwarded" is the "call from a telephone 3 to the inquiry telephone number including the advertisement type information," it is natural to select the "message saying that the call is based on the advertising information" as the "message associated with the call to be forwarded" when the above-noted well-known art is added.

Therefore, a person ordinarily skilled in the art would have easily conceived of providing the "message-providing means configured to provide an advertiser associated

with the contact destination number with a message saying that the call is made based on the advertising information" in A-1 Invention based on the above-noted well known art.

Then, the function and effect of Corrected Invention 1 of the case are also within the range that can be predicted by a person ordinarily skilled in the art from A-1 Invention and the well-known art.

In light of the above, Corrected Invention 1 of the case would have been easily invented by a person ordinarily skilled in the art from A-1 Invention and the well-known art.

(2) Regarding Corrected Invention 2 of the Case

Corrected Invention 2 of the case is obtained by limiting the "identification number and the contact destination number" held in the "database" as the "associated information" in Corrected Invention 1 of the case to "a plurality of identification numbers and one or a plurality of contact destination numbers." Corrected Invention 2 of the case and A-1 Invention are identical in the above-noted (Corresponding Feature) in "(1) Regarding Corrected Invention 1 of the Case" and are different in (Different Feature 1), (Different Feature 2), and the following point:

(Different Feature 3)

Regarding the "identification number and the contact destination number" held in the "database" as the "associated information," Corrected Invention 2 of the case has "a plurality of identification numbers and one or a plurality of contact destination numbers," while A-1 Invention has only the "identification number and the contact destination number (the advertisement type information and the access destination telephone number)."

The above-noted (Different Feature 3) will be examined below.

Because [FIG. 2] of Evidence A No. 1 shows the "construing table 8c" having the "five pieces of" advertisement type information and the "five" access destination telephone numbers, the above-noted (Different Feature 3) cannot be regarded as a substantial difference.

(Different Feature 1) and (Different Feature 2) have been examined as described in the above-noted "(1) Regarding Corrected Invention 1 of the Case," and the function

and effect of Corrected Invention 2 of the case are also within the range that can be predicted by a person ordinarily skilled in the art based on A-1 Invention and the well-known art.

In light of the above, Corrected Invention 2 of the case would have been easily invented by a person ordinarily skilled in the art from A-1 Invention and the well-known art.

(3) Regarding Corrected Invention 3 of the Case

Corrected Invention 3 of the case is obtained by adding the feature of "further having a history-recording unit configured to record at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number" to Corrected Invention 1 of the case.

Thus, Corrected Invention 3 of the case and A-1 Invention are identical in (Corresponding Feature) of the above-noted "(1) Regarding Corrected Invention 1 of the Case" and are different in (Different feature 1), (Different feature 2), and the following point:

(Different Feature 4)

Although Corrected Invention 3 of the case "further has a history-recording unit configured to record at least either a history of the call or a history of a conversation connected by the connection-processing unit to the storage device, with association to the identification number," this feature is not clear in A-1 Invention.

The above-noted (Different Feature 4) will be examined below.

The above-noted Detailed Point B of Evidence A No.1 discloses that, as processing when the server receives a call from the telephone 3, "according to the advertisement type information '01-11-31-41-77-33' added to the telephone number, it is construed that the 'contents of the advertisement' are '01: new TV TTT,' the 'client of the advertisement' is '11: EEE electronics corporation,' and the 'advertisement agent' is '31: DDD newspaper advertisement company,' and that the 'conditions of the posted advertisement' are '41: medium (newspaper B), 77: place in which the advertisement is posted (page 7), and 33: date for posting the advertisement (July 3rd to 9th).' The number of receipts for each advertisement type information, indicated by a code in the

advertisement type information, is counted so as to be recorded in the server 7." Here, the above-noted "number of receipts" is none other than the "history of a call," and this is recorded in the server in association with the code "01," which is the "advertisement type information."

A person ordinarily skilled in the art would have easily conceived of performing such recording in the "storage unit" of the server and using it as the "history recording unit" based on the matter disclosed in Evidence A No. 1.

(Different Feature 1) and (Different Feature 2) have been examined as described in the above-noted "(1) Regarding Corrected Invention 1 of the Case," and the acts and the effects of Corrected invention 3 of the case are also within the range that can be predicted by a person skilled in the art from A-1 Invention and the well-known art.

In light of the above, Corrected Invention 3 of the case could have been easily invented by a person skilled in the art from A-1 Invention and the well-known art.

(4) Regarding Corrected Invention 4 of the Case

Because, in Corrected Invention 4 of the case, the processing performed by the "call-accepting unit," the "contact destination-extracting unit," and the "connection-processing unit" of the "call connection device" of Corrected Invention 1 of the case are described as the "steps," and Corrected Invention 4 is claimed as the "call-connection method," Corrected Invention 4 of the case would have been easily invented by a person ordinarily skilled in the art from A-1 Invention and the well-known art, like Corrected Invention 1 of the case.

(5) Regarding Corrected Invention 5 of the Case

Because, in Corrected Invention 5 of the case, the processing performed by the "call-accepting unit," the "contact destination-extracting unit," the "connection-processing unit," and the "history-recording unit" of the "call connection device" of Corrected Invention 3 of the case are described as the "steps," and Corrected Invention 5 of the case is claimed as the "call-connection method," Corrected Invention 5 of the case would have been easily invented by a person ordinarily skilled in the art from A-1 Invention and the well-known art, like Corrected Invention 3 of the case.

(6) Allegation by Demandee

In the Written Reply of May 14, 2014, the Demandee argues that because the

"advertisement type information" of A-1 Invention does not have an automatic telephone number forward function, a call from an advertisement viewer is not forwarded to the advertiser 11.

Hereinafter, this allegation will be examined.

It is certain that Evidence A No.1 fails to clearly describe that the access destination telephone number (0120-xxx-xxxx-01) is the telephone number of the advertiser 11.

However, "the server 7 acknowledges that such an access is actually directed to a telephone number 0120-xxx-xxxx-01 for an inquiry for the 'new TV TTT' based on '01' in the advertisement type information '01-11-31-41-77-33' according to the construing table 8c for the telephone number. Thus, the server 7 handles the inquiry telephone number so as to be connected thereto. Therefore, the information for the new TV is provided to the viewer of the advertisement." According to the description in (Detailed Point B), the access destination number (0120-xxx-xxxx-01) is a telephone number that can provide information about a new model TV, and the advertiser 11 of the new model TV can be naturally imagined as a provider of such information. Further, because Evidence A No. 1 nowhere discloses or suggests that the information to be provided is stored in a predetermined storage area of the server 7, it is not recognized that the information related to the new model TV is provided to the advertisement viewer from the server 7 without forwarding the call.

Thus, the "advertisement type information" of A-1 Invention has an automatic telephone number forward function, and a person ordinarily skilled in the art would have easily adopted an "advertiser's telephone number" as the "access destination telephone number" which is a forwarding address.

Therefore, the above-noted demandee's allegation cannot be adopted.

7. Conclusion

As described above, the patent of the case regarding Claims 1, 3, 8, 15, and 20 violate the provisions of Article 29-2 of the Patent Act, and therefore, it falls under Article 123-1(2) of the same Act and should be invalidated.

The costs in connection with the trial shall be borne by the demandee under the provisions of Article 61 of the Code of Civil Procedure which is applied mutatis mutandis in the provisions of Article 169-2 of the Patent Act.

Therefore, the trial decision shall be made as described in the conclusion.

June 16, 2014

Chief administrative judge: TANAKA, Nobuyuki

Administrative judge: SHINKAWA, Keiji

Administrative judge: YAJIMA, Shinichi