Appeal decision

Appeal No. 2015-11400

Switzerland
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The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2011-540088, entitled "METHOD OF MANAGING DATA OF ANALYSIS DEVICE, ANALYSIS DEVICE, AND SYSTEM EQUIPPED WITH ANALYSIS DEVICE" (the application internationally published on June 17, 2010, International Publication No. WO 2010/066816, and nationally published on May 24, 2012, National Publication of International Patent Application No. 2012-51175) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The present application was submitted on December 09, 2009 as an international filing date (Priority Date, December 12, 2008, US), and a notice of reasons for refusal was issued on September 3, 2013. Against that, a written opinion and written amendment were submitted on December 4, on 2013, and a notice of reasons for refusal was issued on May 09, 2014. Despite submission of a written opinion and written amendment on October 31, 2014, a decision for refusal was issued on February 23, 2015, and a certified copy of the decision was delivered on March 3, 2015. Against this,

an appeal against the examiner's decision of refusal was demanded on June 17, 2015, an amendment was simultaneously submitted, and a reconsideration report was produced on July 09, 2015.

No. 2 Conclusion of decision to dismiss amendment about the amendment dated July 09, 2015

[Conclusion of decision to dismiss amendment]

The amendment dated July 09, 2015 (hereinafter, referred to as the "Amendment") is dismissed.

[Reasons]

1. The Amendment

(1) By the Amendment, Claim 1 of the scope of claims for patent was amended as follows (the underlined parts are amended parts.).

By the Amendment, Claim 1 of the scope of claims for patent was amended to "A method of transferring data between a first analysis device and a second analysis device, wherein the first analysis device newly creates or modifies data in an internal memory medium, and during normal operation in which an error is not generated, continuously stores the newly created or modified data in a redundant manner in a non-volatile removable storage medium immediately after the creation or the modification,

the non-volatile removable storage medium is directly inserted in a slide-in module of the first analysis device, or is connected to the first analysis device,

the data redundantly stored on the removable storage medium of the first analysis device are imported to an internal memory medium of the equivalent second analysis device, by physically moving the external removable storage medium between the analysis devices, and

the data redundantly stored in the removable storage medium are configuration data of the first analysis device." (The underlined parts are amended parts.)

(2) The description of Claim 1 of the scope of claims for patent by the amendment dated October 31, 2014 before the Amendment is as follows.

"A method of transferring data between a first analysis device and a second analysis device, wherein the first analysis device newly creates or modifies data in an internal memory medium, and during operation, continuously stores the newly created or

modified data in a redundant manner in a non-volatile removable storage medium,

the non-volatile removable storage medium is directly inserted in a slide-in module of the first analysis device, or is connected to the first analysis device,

the data redundantly stored on the removable storage medium of the first analysis device are imported to an internal memory medium of the equivalent second analysis device, by physically moving the external removable storage medium between the analysis devices, and

the data redundantly stored in the removable storage medium are configuration data of the first analysis device."

(3) The above amendment adds the limitation "during normal operation in which an error is not generated" and the limitation "immediately after the creation or the modification" to a timing of "storing 'the data' in a redundant manner in a non-volatile removable storage medium" which is a necessary matter for specifying the invention described in Claim 1, and falls under aiming the restriction of the scope of claims for patent of Article 17-2(5) (ii) of the Patent Act.

Then, we will examine whether or not the invention described in Claim 1 after the amendment (hereinafter, referred to as the "Amended Invention") should be patented independently at the time of filing of the patent application (whether or not it falls under the provision of Article 126(7) of the Patent Act which is applied mutatis mutandis pursuant to the provisions of Article 17-2(6) of the Patent Act) as below.

2 Examination on independent requirements for patentability of the Amended Invention

(1) Cited Documents

A Cited Document 1

Japanese Unexamined Patent Application Publication No. 2008-209328 (hereinafter, referred to as the "Cited Document 1") cited in reasons for refusal stated in the examiner's decision (reasons for refusal dated May 09, 2014) (as cited document 3) describes the following matters with drawings. (The underlines were drawn by the body.)

"[0001]

The present invention relates to an automatic analyzer which measures chemical and physical properties of biological materials such as blood and urine, and especially to an automatic analyzer provided with storage means for storing information in a device.

[Background of the Invention]
[0002]

The automatic analyzer which measures chemical and physical properties of biological materials such as blood and urine may be required to execute measurement urgently, on the characteristic of being used for diagnosis of illness. Therefore, it is required to operate at any time of the day or night.

[0003]

On the other hand, in the automatic analyzer (automatic analysis system), a possibility of the occurrence of troubles hard to be predicted due to a plurality of causes, such as an increase in kinds of substances to be measured, and the advancement and complication of a measuring method, in addition to having measured unknown sample is increased. When such unknown troubles are encountered, it is preferable to stop the working operation of the system in which the trouble occurs, and to perform a cause inquiry. However, in a medical institution and inspection institute which hold the system concerned, if new measurement is still needed even after the occurrence of the troubles, unless the problem is fatal, it is preferable to continue the working operation of the system and to separately analyze about the trouble simultaneously. In this case, there is a case that performs analysis on the basis of the information stored in the system, or a reappearance experiment is conducted by newly setting terms and conditions relating to the measurement of the system to another system.

[0004]

In such a system, functions of setting the system, managing consumable goods and waste used for the system, calibration to each item to be measured, selecting a measured item of a sample unit, and periodically performing a measurement result of the sample unit and measurement of known samples and managing those for a long term may be mounted. Therefore, in order to conduct the reappearance experiment in a device other than the device which becomes a problem truly, it is necessary to complete the above mentioned information."

"[0012]

The present invention is to solve a problem in view of the actual condition of a clinical laboratory test, concerning such a backup method of system information.

[Means for solving problem]

[0013]

As that method, at least two or more storage media which always hold

information on a system are prepared, and writing operation of those are carried out at a timing which can be considered simultaneous, thereby eliminating the need for copy work upon an trouble. At least one of the storage media can be removed from the system, and at least one of the storage media can be removed at any time. Furthermore, it is made possible to specify a file including personal information in advance, and the file is erased when the storage medium is removed from the system or encoded so as to enable reading only when connected to the system. By this configuration, the analysis of the trouble is conducted outside without stopping the system, and enables the protection of the personal information. When the sufficient speed of system processing cannot be obtained, in view of the operation state of the whole system, the backup work is executed at a predetermined timing.

[Effect of the Invention]

[0014]

According to the present invention, in obtaining the information about the system from the system, it can be obtained substantially without stopping the system."

"[0016]

A preferable embodiment of the present invention is described by Fig. 1. The system is composed of a keyboard 101 serving as input means, a display screen 102, and a CPU system 103, and the CPU system 103 is connected with an analysis portion 110. The analysis portion 110 is equipped with a part 111 in which a sample container is installed, information reading means 112 attached to the sample container, means 113 for fractionating a liquid sample stored in the sample container, means 114 for processing the fractionated sample, means 115 for measuring chemical and physical properties of the processed sample, and means for transmitting a measurement result to the CPU 103. The CPU 103 is equipped with a hard disk 104 as a first recording medium, and a hard disk 105 as a second recording medium. The system is connected with a host information system 120 by communication means 121. The selection contents of measurement items to individual specimen transmitted through the communication means may be called "request contents". For the means 114 for processing the sample, an automatic analysis system such as shown in Japanese Unexamined Patent Application Publication No. 2000-46842, may be used.

[0017]

When the sample container is installed in the part 111 in which the sample container is installed, information on the sample container is read by the sample container information reading means 112, and the information is sent to the CPU 103

through the analysis portion 110. The CPU 103 sends inquiries to the host information system 120 through the communication means 121 with a system ID. The host information system 120 receiving the inquiries, has stored the measurement items which were decided in advance before extracting a sample from a patient, and sends the measurement items corresponding to the system ID, among the stored information, to the CPU 103 through the communication means 121, and the CPU 103 sends the measurement items to the analysis portion 110. Information about the specimen, and information about the specimen and a request may be directly sent to the system by the input device 101. The analysis portion 110 makes the liquid sample fractionating means 113, the sample processing means 114, and the measuring means 115 work in association with each other to obtain a measurement result. The measurement result is sent to the CPU 103. The CPU 103 simultaneously records that in the first recording medium 104 and the second recording medium 105, and the measurement result recorded in the first recording medium 104 is displayed in the display screen 102 and reported to the host information system 120 through the communication means 121.

[0018]

Here, an outline of the information stored in a file in the system is shown in Fig. 2. A file system 201 is composed of a plurality of files, and as a personal information file, information about the attribute of a specimen and an internal processing number capable of tracking the specimen inside the system are associated with each other in processing information 202. Files other than this are files which do not include personal information directly, and in request information 203, a relation between the internal processing number and the measurement items is recorded. In result information 204, a relation between the internal processing number and the measurement result is recorded. Information other than those is information required for measurement by the system, such as calibration information 205 which is based on the measurement of a substance of known concentration performed in advance for a combination of measurement items and components relating to the measurement, article management information 206 which manages the residue of a reagent used for measurement or consumable goods, device operation information 207 which records the actual operation of the device in preparation for an trouble, accuracy management information 208 which periodically measures the substances of the known concentration to a measuring system, and proves that each analysis item can be properly measured, and the like. The information shown here is common for an analysis system, and there may be other information necessary for the system besides this. A file configuration shown here explains that, although personal information is necessary for the system, almost all processing can be actually

processed with the internal processing number inside the system, and indicates that such a data element including the personal information can be stored by being limited to a specified file.

[0019]

In such a configuration, as a disk selection window 301 of a removal screen of a storage medium shown in Fig. 3, a selection screen of a removal disk is displayed. When the first hard disk 104 is removed from the system, a main hard disk 302 is selected, and when the second hard disk 105 is removed, a secondary hard disk 303 is selected. Since the system is required to be equipped with at least one hard disk, the screen in which either one of them is removed is displayed here. Furthermore, a check box 304 to erase the personal information is provided, and it is enabled to instruct the erasure of the personal information from this screen. In the case of canceling the processing at that time, it is necessary to push a cancel button 305 or 307. In the case of removing the recording medium, a button 306 is pushed. By such operation, the system enables proper removal of the recording medium."

According to the description of the Cited Document 1 above, it is acknowledged that the invention including the following matters (hereinafter, referred to as the "Invention of Cited Document 1") has been disclosed in the Cited Document 1.

"An automatic analyzer (automatic analysis system) which measures chemical and physical properties of biological materials such as blood and urine is prepared
with at least two or more storage media which always hold information on a system;
eliminates the need of copy work upon an trouble by carrying out the writing operation of those at a timing which can be considered simultaneous;
makes at least one of the storage media can be removed from the system and makes at least one of the storage media can be removed at any time; and
enables the analysis of the trouble to be conducted outside without stopping the system, by this configuration, wherein
the system is composed of a keyboard 101 serving as input means, a display screen 102, and a CPU system 103, and the CPU system 103 is connected with a analysis portion 110;
the analysis portion 110 is equipped with a part 111 in which a sample container is installed, information reading means 112 attached to the sample container, means 113 for fractionating a liquid sample stored in the sample container, means 114 for processing the fractionated sample, means 115 for measuring chemical and physical

properties of the processed sample, and means for transmitting a measurement result to the CPU 103;
the CPU 103 is equipped with a hard disk 104 serving as a first recording medium, and a hard disk 105 serving as a second recording medium;
the analysis portion 110 makes the liquid sample fractionating means 113 relating to analysis, the sample processing means 114, and the measuring means 115 work in association with each other to obtain a measurement result, and the measurement result is sent to the CPU 103;
the CPU 103 simultaneously records that in the first recording medium 104 and the second recording medium 105;
a file system 201 is composed of a plurality of files as information stored in the file in the system;
in result information 204, a relation between the internal processing number and the measurement result is recorded, and information other than those is information required for measurement by the system, such as calibration information 205 based on the measurement of a substance of known concentration performed in advance to each measurement item or a combination of components relating to the measurement, article management information 206 which manages the residue of a reagent used for measurement or consumable goods, device operation information 207 which records the actual operation of the device in preparation for an trouble, accuracy management information 208 which periodically measures the substances of the known concentration to a measuring system, and proves that each analysis item can be properly measured, and the like;
in such a configuration, as a disk selection window 301 in a removal screen of a storage medium, a selection screen of a removal disk is displayed, and when the first hard disk 104 is removed from the system, a main hard disk 302 is selected, and when the second hard disk 105 is removed, a secondary hard disk 303 is selected; and
since the system is required to be equipped with at least one hard disk, the screen in which either one of them is removed is displayed here."

B Cited Document 2

Japanese Unexamined Patent Application Publication No. 2001-53913- (hereinafter, referred to as the "Cited Document 2") cited in reasons for refusal stated in the examiner's decision (reasons for refusal dated May 09, 2014) (as cited documents 4) describes the following matters with drawings. (The underlines were drawn by the body.)

"[0001]

[Field of the Invention] The present invention relates to an image processor which has a single or multiple functions and to a method of controlling the image processor.

[0002]

[Description of the Prior Art] In a conventional image processor such as a copying machine, a multifunctional copying machine (multifunction machine) added with an accessory device for materializing a printer function which outputs image information from a computer by a printer, a scanner function which reads a document image placed on a document platen of a reader portion and inputs the read image into the computer, and a facsimile function which is connected with other facsimile machines or the like through public networks such as a telephone line and the Internet connection, and can transmit and receive an image, is put into practical use.

[0003] In the above-mentioned multifunction machine, it is possible to receive a plurality of jobs by one multifunction machine, and in order to store the data of these jobs, the multifunction machine provided with a storage device such as a HDD (hard disk drive) of a quite large capacity, is proposed.

[0004] The storage device has various uses, such as temporarily storing job data received from the outside, being used as an area enabling a user to take out the job data received from the outside according to necessity, and applying security on a certain storage area and enabling use of the area only by each user or each group.

[0005] As the above-mentioned multifunction machine, a multifunction image processor having various functions is equipped with storage means such as the HDD (hard disk drive) for storing a large number of jobs (data for printing instructed by a user, transmission data and instruction information of the same, and the like) based on demands from a plurality of users, improves the efficiency of processing by effectively using a storage area of the HDD, can change a priority of the job, is provided with a special storage area to be used as an area enabling only specific individual or group to read and write, and can store a document (job data) with secrecy by applying security in the area.

[0006] In addition, in a storage portion in the device represented by the HDD, various types of setup information (configuration information, an address book for FAX, and setting of each user) and application software which operates using the functions in the complex image processor, and the like are stored while being scattered.

[0007]

[Problem to be solved by the invention] However, the above-mentioned conventional complex image processor is not equipped with means for enabling another complex image processor to use various setup information and the like stored in a storage portion of a certain complex image processor, and means for backing up the same.

[0008] There are not provided guarantee of data stored in the HDD in the multifunction image processor to a fatal trouble and failure of the complex image processor itself, and means for shifting the data stored in the HDD to a HDD in another complex image processor, when the complex image processor is replaced with another complex image processor. Therefore, there is a problem that lots of time and effort, and labor are required for restoring the data created by a user and stored in the HDD, the address book for FAX, and the setting of each user and the like, in failure of or replacing the multifunction image processors.

[0009] Since data relating to jobs during processing or before processing are not guaranteed when an abnormal condition or a failure occurs during the processing of the job such as a print job in a multifunction copying machine, print job processing which a computer instructs the multifunction image processor to execute through a network has to be resent to another device equipped with a print function from the computer, so that there is a problem that an operator (user) is required to take excessive time and efforts, and consequently the efficiency of work is deteriorated.

[0010] Furthermore, there is a problem of lack of provision of means for moving the data while including security information (including information to identify the user permitted to carry out operation such as outputting and editing to the data, e.g. a password) when the data with high secrecy are moved, by using the area in the HDD.

[0011] The present invention is made to solve the above mentioned problem, and the purpose of this invention is to provide an image processor and a method of controlling the image processor, which collects information about the image processor stored in first storage means, enables a removable storage medium to back up various setup information stored in the image processor, software, user data, job information, and the like, by storing the collected information in the removable storage medium, and to certainly preserve the information stored in the image processor even if failure occurs."

"[0034] Fig. 2 is a block diagram which describes the control configuration of the image processor showing the embodiment.

[0035] In Fig. 2, reference numeral 101 denotes an image input device (hereinafter, referred to as a "reader section") which optically reads a document and converts the same into image data. The reader section 101 is composed of a scanner unit 103 with a

function of actually reading the document optically, and a DF unit 102 with a function of automatically feeding the document so that the scanner unit 103 can read the document.

[0036] Reference numeral 105 denotes an image output device (hereinafter, referred to as a "printer section") which has plural kinds of recording paper cassettes (upper stage and lower stage recording paper cassettes 331, 332), and outputs the image data as a visible image on recording paper carried from the recording paper cassette according to a print order. The printer section 105 is composed of a printer unit 106 with a function of transferring and fixing the image data on the recording paper, and a finisher unit 107 carrying out the sorting and stapling of the recording paper on which the image was fixed.

[0037] Reference numeral 104 denotes a control device (hereinafter, referred to as a "control section") which is electrically connected with the reader section 101 and the printer section 105, carries out the general control of an image input/output device 100 and various devices and the like connected to the image input/output device 100, and has various functions. The control section 104 is equipped with a facsimile communicating portion, each computer I/F (interface) communicating portion, an image processing portion, a PDL formatter portion, and an operation part I/F, as circuits executing the various functions.

[0038] Reference numeral 108 denotes an operation part of the image input/output device 100, is equipped with a large-sized liquid crystal touch panel 108a, and is a user I/F section enabling a user to easily give an execution instruction and the like to the image input/output device 100.

[0039] The image input/output device 100, composed of the reader section 101, the control section 104, the printer section 105, and the operation part 108, can communicate with external various devices through the control section 104.

[0040] Reference numerals 112 and 118 denote personal computers (PC) used usually by a user, which create a document and the like. The PC 112 is connected with the control section 104 through a network (LAN (Local Area Network)), and a WAN (Wide Area Network) and the like) 120. The PC 118 is connected with the control section 104 through a computer I/F 121.

[0041] Concerning the PC 112, it is possible to exchange E-mail with other computers connected to the network 120, and to browse an HTML file by service of servers such as an HTTP server on the network 120.

[0042] Reference numeral 114 denotes a computer which has a function as a workstation (WS), and 113 and 117 denote facsimile machines (fax). The facsimile

machine 113 can communicate with the image input/output device 100 through the network 120, and the facsimile machine 117 can communicate with the image input/output device 100 through a public line (G3 or G4 which is an international-telecommunications standard of fax). Reference numeral 111 denotes a printer, and reference numeral 115 a scanner.

[0043] Reference numeral 123 denotes an information recording reproducing device and is connected to the control section 104 to be enabled to use a removable storage medium 124 of a large capacity as a storage device. The information recording reproducing device 123 is a device for recording and playing back the various information and jobs handled by the image input/output device 100.

[0044] As the network 120, Ethernet and the like are generally mentioned. Furthermore, as a computer I/F 1212, RS232C, Centronics I/F, IEEE 1284, SCSI, and the like are generally mentioned.

[0045] As mentioned above, the image input/output device 100 is an example of the image processor equipped with the control section 104 capable of connecting the accessory device having the plurality of functions, and is especially equipped with the information recording reproducing device 123 driving the removable storage medium 124 of a large capacity, can be connected with the PC 112, 118 through a connection medium such as the network 120 to perform print output, facsimile transmission, and the like of the data on the PC 112, 118, and has a function of recording the data in the image input/output device 100 in the storage medium 124."

"[0047] Fig. 3 is a block diagram which describes the configuration of the control section 104 shown in Fig. 2.

[0048] In Fig. 3, reference numeral 201 denotes a controller chip, which is a one chip microcomputer mainly constituted by a CPU 202, an RIP 203, and the like. The CPU 202 makes each functional block equipped on the control section 104 to execute the following processing.

The RIP 203 has a function of developing a PDL format such as a PS and a PCL inputted in the control section 104 from the PC 112, 118 and the like shown in Fig. 2, according to the instruction of the CPU 202, and converting the same into an image format (bit map data) which the printer section 105 connected to the control section 104 can output. The controller chip 201 includes a PCI controller, not shown, for controlling a PCI bus mentioned below.

(omitted)

[0067] Reference numeral 232 denotes the PCI bus, which is controlled by an arbitration of a PCI arbiter 230 which executes an arbitration function of the PCI bus. The CPU 202 can transfer data onto the PCI bus 232, through the PCI controller which is not shown and built in the controller chip 201, and can access I/O 227 and communicate with other peripheral equipment connected via a PCI connector 231.
[0068] Reference numeral 228 denotes an HD I/F, which is an I/F for connecting a HDD 229. Generally, an interface such as E-IDE and SCSI are mentioned. The HDD 229 is a large-capacity nonvolatile storage device and accumulates a plurality of applications for operating the CPU 202, image data, and the like. Job information including job data (image data) of most jobs executed in the image input/output device 100 and various data required for executing the jobs and the like are temporarily recorded to the HDD 229 (storage device), and the data are transmitted to external devices (the PC 112, 118, the WS 114, the printer 111, the fax 113, and the like) through the printer section 105, the network connector 211, and the like.
[0069] Also, the information recording reproducing device 123 which performs the recording and reproducing of the removable storage medium 124 connected via the HD I/F 228 is connected by a I/F such as SCSI. By the information recording reproducing device 123, it is enabled to record and reproduce the information in the image input/output device 100, to and from the removable storage medium 124."

"[0078] Fig. 5 is a diagram which illustrates a recording area of the removable storage medium 124 shown in Fig. 2.
[0079] Reference numeral 501 denotes a device ID preservation area which stores an ID number and the like of the image input/output device 100. Reference numeral 502 denotes a device configuration information preservation area, and stores the configuration information on the image input/output device 100 indicating the configuration (functional configuration) of the image input device 100."

"[0101] Referring to flow charts in Fig. 8 and Fig. 9, a control procedure when reading out the information stored in the storage medium 124 is explained.
[0102] Fig. 8 is a flow chart describing an example of a third data processing procedure in the image processor of the embodiment, and corresponds to a control procedure executed by the CPU 202 on the basis of a control program stored in the ROM 204 shown in Fig. 3. Also, (801)-(807) show each step. The case in which device configuration information recorded in the storage medium 124 and device configuration information stored in the image input/output device 100 are the same is described.

[0103] First, when the information recorded in the storage medium 124 is read out, the storage medium 124 recording various types of device information (such as information recorded in each area shown in Fig. 5) is inserted in the device (801), the various types of device information recorded in the storage medium 124 are read out (802), an administrator inputs an administration password of the device recorded in the storage medium 124 (803), comparison of the password is performed (804), and the processing is finished when the password is not matched.

[0104] On the other hand, when the password is matched, it becomes possible to access all the information recorded in the storage medium 124, items of the information recorded in the storage medium 124 are displayed in a large-sized liquid crystal touch panel 108a such as a reading item selection screen 1100 shown in Fig. 11 mentioned below (805), an item to be read out is selected on the item reading selection screen 1100 by an administrator (selection input to a check box 1001), it is determined whether or not the information on the selected item is instructed (an OK key is pushed down) (806), if it is determined that the instruction is not made, returning to the step (806), the reading instruction from the administrator is awaited, when the administrator gives the reading instruction, if the item instructed to be read out is included, the information on the instructed item is read out from the storage medium 124 and is written in a storage device in the image input/output device storing the read out information (807), and then, the processing is finished.

[0105] Furthermore, although this embodiment describes the case in which the information of the selected item is stored in the HDD 229, the SDRAM 205, and the like after the administration password inputted by the administrator is compared, the controller chip 201 may be configured to automatically read out the information stored in the storage medium 124 and store the same in the HDD 229 and the SDRAM 205 when the storage medium 124 is equipped to the information recording reproducing device 123,.

[0106] Furthermore, for example, when an trouble (life limit and breakage of the HDD, a failure of a backup power source of the SDRAM 205, and the like) of the recording device in the image input/output device 100 or a functional disorder of a part configuring the image input/output device 100 such as the reader section 101 occurs, or when the image input/output device 100 itself is replaced with another image input/output device, by carrying out the processing mentioned above on the repaired or recovered image input/output device or the newly replaced image input/output device, various types of information held in the previous image input/output device can be easily restored, without newly setup inputting or creating various data, merely by simple

operation of reading the information written in the storage medium."

"[0133] Furthermore, although an image processor is mentioned as an example and described in the above-mentioned embodiment, the present invention or the technology shown in the embodiment may be applied to various image processors, such as an electronic photographic device, a digital copying machine, a monochrome copying machine, a color laser copying machine, a laser beam printer, a color laser printer, an ink-jet printer, a thermal transfer printer, a facsimile machine, and a multifunction copying machine equipped with a copy function, and/or a print function and/or a facsimile function, a control device controlling various image processors, an information processing device, a data processing device, and the like."

"[0148] According to the fifth invention, when the storage medium is equipped to the reading means, the control means automatically makes the reading means read out the information on the image processor from the removable storage medium, and makes the first storage means store the same, so that the information in the device can be easily and speedy restored."

According to the description of the Cited Document 2 above, it is acknowledged that the invention including the following matters (hereinafter, referred to as the "Invention of Cited Document 2") has been disclosed in the Cited Document 2.

"A control method of an image processor, which collects information about an image processor stored in first storage means, and enables a removable storage medium to back up various types of setup information stored in the image processor, software, user data, job information, and the like, by storing the collected information in the removable storage medium, and to certainly preserve the information stored in the image processor even if failure occurs, and

can easily restore various types of information held in the previous image input/output device, by being carried out on the repaired or recovered image input/output device or the newly replaced image input/output device, without newly setup inputting or creating various types of data and the like, merely by simple operation of reading the information written in the storage medium, when an trouble (life limit and breakage of the HDD, a failure of a backup power source of the SDRAM 205, and the like) of the recording device in the image input/output device 100 or a functional disorder of a part configuring the image input/output device 100 such as

printer section 105 and the reader section 101 occurs, or when the image input/output device 100 itself is replaced with another image input/output device, wherein
when the storage medium is equipped to the reading means, the control means automatically makes the reading means read out the information on the image processor from the removable storage medium, and makes the first storage means store the same, so that the information in the device can be easily and speedy restored."

(2) Comparison

The Amended Invention and the Invention of Cited Document 1 are compared.

A It can be said that the Invention of Cited Document 1 and the Amended Invention belong to a common technical field of a method of managing data of an analysis device, and have a common task in that data are stored in a plurality of storage media during the operation of the analysis device.

B "The automatic analyzer (automatic analysis system)" of the Invention of Cited Document 1 corresponds to "the first analysis device" of the Amended Invention.

C "The automatic analyzer (automatic analysis system)" of the Invention of Cited Document 1 takes out data for performing the analysis and the like of the trouble outside, and it can be said that the data are transferred, similarly to "the first analysis device" of the Amended Invention. However, those are different in that in "the first analysis device" of the Amended Invention, the data are transferred to the second analysis device, whereas, it is not clear to which "the automatic analyzer (automatic analysis system)" of the Invention of Cited Document 1 transfers the data.

D "The internal memory medium" of the Amended Invention is described as "the analysis device is equipped with a memory portion (for example, a 2.5 inch hard disk serving as a main data memory device). The memory portion is also called an internal memory medium."(The underlines were drawn by the body)" in Paragraph 0006 of the specification of the present invention describing the background, and described as "in the specification, a term of 'the internal memory' means a volatile or non-volatile memory which should not be removed during the operation of the analysis device, and is required for the operation of the analysis device. The internal memory could be designed as, for example, a semiconductor memory or a magnetic memory (hard disk) or an optical memory." (The underlines were drawn by the body) in Paragraph 0019, so

that it is acknowledged that "a memory medium" does not always mean the semiconductor memory, but is a concept encompassing the hard disk. Therefore, it can be said that "the hard disk 104 serving as the first recording medium" of the Invention of Cited Document 1 corresponds to "the internal memory medium" of the Amended Invention. However, those are different in that "the internal memory medium" of the Amended Invention is equipped in the inside of the analysis device, whereas it is not clear whether or not "the hard disk 104 serving as the first recording medium" of the Invention of Cited Document 1 is equipped in "the inside" of "the automatic analyzer".

E "The hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 is able to beremoved (removable) non-volatile (stored contents are not erased even if a power supply is turned off) storage medium, similar to "the non-volatile removable storage medium" of the Amended Invention, so that it can be said that "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 corresponds to "the non-volatile removable storage medium" of the Amended Invention.

F "The automatic analyzer (automatic analysis system)" of the Invention of Cited Document 1 records the measured measurement result in "the hard disk 104 serving as the first recording medium", so that it can be said that the automatic analyzer (the automatic analysis system) newly creates data in the memory medium, similarly to "the first analysis device" of the Amended Invention. However, as mentioned above, those are different in that "the internal memory medium" of the Amended Invention is equipped in the inside of the analysis device, whereas it is not clear whether or not "the hard disk 104 serving as the first recording medium" of the Invention of Cited Document 1 is equipped in "the inside" of "the automatic analysis device".

G "The automatic analysis device (automatic analysis system)" of the Invention of Cited Document 1 prepares at least two storage media which always hold information on a system, carries out writing operation of those at a timing which can be considered as simultaneous, thereby eliminating the need of copy work upon an trouble, and simultaneously records the measured measurement result in "the hard disk 104 serving as the first recording medium" and "the disk 105 serving as the second recording medium". The measurement result can be obtained and recorded, so that it can be said that "the automatic analysis device (automatic analysis system)" performs recording even during normal operation in which an error is not generated. Then, since other

recording means of the measurement result are not disclosed, it can be said that the measurement result is also stored in "the hard disk 105 as the second recording medium" immediately after the measurement (the creation of measurement data). Since the same measurement result is recorded in "the hard disk 104 serving as the first recording medium" and "the hard disk 105 serving as the second recording medium", it can be said that the measurement result is redundantly stored. Therefore, it can be said that "the automatic analyzer (the automatic analysis system)" of the Invention of Cited Document 1 continuously stores newly created data in a redundant manner in a non-volatile removable storage medium immediately after the creation of the same during normal operation in which an error is not generated, similarly to "the first analysis device" of the Amended Invention. However, those are different in that "the first analysis device" of the Amended Invention redundantly stores the modified data in the non-volatile removable storage medium immediately after the modification, whereas it is not clear whether or not "the automatic analyzer (the automatic analysis system)" of the Invention of Cited Document 1 redundantly stores the modified data in the non-volatile removable storage medium immediately after the modification.

H It can be said that "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1, similarly to "the non-volatile removable storage medium" of the Amended Invention, is connected to the analysis device. However, those are different in that "the first analysis device" of the Amended Invention is equipped with a slide-in module as a selective configuration, and the non-volatile removable storage medium can be directly inserted, whereas, "the automatic analyzer (the automatic analysis system)" of the Invention of Cited Document 1 is not equipped with a slide-in module.

I Since the data recorded in "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 can be removed to execute analysis the trouble outside, it can be said that, similarly to the data stored in "the non-volatile removable storage medium" of the Amended Invention, the data can be transferred by physically moving. However, those are different in that the data stored in "the non-volatile removable storage medium" of the Amended Invention are imported to the internal memory medium of the equivalent second analysis device, whereas it is not clear how the data recorded in "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 are used for performing the analysis and the like of the trouble outside.

J "The configuration data" of the Amended Invention include calibration, referring to Paragraph 0028 of the specification, and the data recorded in "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 include not only the measurement result, but also calibration information and the like based on the measurement of a substance of known concentration performed in advance to each measurement item or a combination of components relating to the measurement, so that the data recorded in "the hard disk 105 serving as the second recording medium" of the Invention of Cited Document 1 and the data stored in "the non-volatile removable storage medium" of the Amended Invention are common in a point of including the calibration information which is one of the configuration data of the analysis device (here, both "較正 (kousei)" and "校正 (kousei)" are used as the meaning of calibration in English, in the technology field of the measuring device. Although "較正 (kousei)" is the more proper indication, "較 (kou)" is not a Chinese character in common use, so that the indication of "校正 (kousei)" is used in JIS standards and the like). However, those are different in that in the Amended Invention, the configuration data of the analysis device other than the calibration information are also stored, whereas in the Invention of Cited Document 1, it is not clear whether or not the configuration data of the analysis device other than the calibration information are stored.

K According to A-J, they correspond in a point of
"a method of transferring data from a analysis device, wherein the analysis device newly creates data in a memory medium, and during normal operation in which an error is not generated, continuously stores the newly created data in a redundant manner in a non-volatile removable storage medium immediately after the creation,

the non-volatile removable storage medium is connected to the analysis device,

the data redundantly stored on the removable storage medium of the analysis device can be transferred by physically moving the removable storage medium, and

the data redundantly stored in the removable storage medium include the calibration information which are one of configuration data of the analysis device.", and are different in the following points.

[The different feature 1] In the analysis device of the Amended Invention, the data are transferred to the equivalent second analysis device, whereas it is not clear to which device the analysis device of the Invention of Cited Document 1 transfers the data.

[The different feature 2] The memory medium of the Amended Invention is equipped in the inside of the analysis device, whereas it is not clear whether or not the memory medium of the Invention of Cited Document 1 is equipped in the inside of the analysis device.

[The different feature 3] The data stored in the non-volatile removable storage medium of the Amended Invention are imported to the internal memory medium of the equivalent second analysis device, whereas it is not clear how the data recorded in the non-volatile removable storage medium of the Invention of Cited Document 1 are used for performing the analysis and the like of the trouble outside.

[The different feature 4] In the Amended Invention, the configuration data of the analysis device other than the calibration information are also included, whereas it is not clear whether or not, in the Invention of Cited Document 1, the configuration data of the analysis device other than the calibration information are stored.

Also, different features relating to the selective configuration of the Amended Invention are enumerated by way of precaution.

[The different feature 5] In the analysis device of the Amended Invention, the modified data are also stored in the internal memory and the non-volatile removable storage medium, whereas it is not clear whether or not, in the Invention of Cited Document 1, the modified data are also stored in the internal memory and the non-volatile removable recording medium.

[The different feature 6] In the analysis device of the Amended Invention, the non-volatile removable storage medium is directly inserted in the slide-in module of the analysis device, whereas it is not clear how, in the Invention of Cited Document 1, the non-volatile removable storage medium is connected with the analysis device.

(3) Judgment

[Regarding the different features 1 and 4]

In Paragraphs 0003 and 0004 of the Cited Document 1, the background of the Invention of Cited Document 1 is described as follows.

"In the automatic analyzer (automatic analysis system), a possibility of the

occurrence of troubles hard to be predicted due to a plurality of causes, such as an increase in kinds of substances to be measured, and the advancement and complication of a measuring method, in addition to having measured unknown sample is increased. When such unknown troubles are encountered, it is preferable to stop the working operation of the system in which the trouble occurs, and to perform a cause inquiry. However, in the medical institution and inspection institute which hold the system concerned, if new measurement is still needed even after the occurrence of the troubles, unless the problem is fatal, it is preferable to continue the working operation of the system and to separately analyze about the trouble simultaneously. In this case, there is a case that performs analysis on the basis of the information stored in the system, or a reappearance experiment is conducted by newly setting terms and conditions relating to the measurement of the system to another system.

[0004]

In such a system, functions of setting the system, managing consumable goods and waste used for the system, calibration to each item to be measured, selecting a measured item of a sample unit, and periodically performing a measurement result of the sample unit and measurement of known samples and managing those for a long term may be mounted. Therefore, in order to conduct the reappearance experiment in the device other than the device which becomes a problem truly, it is necessary to complete the above mentioned information." (The underlines were drawn by the body.)

Namely, in the Cited Document 1, it is suggested that to analyze the trouble various conditions relating to the measurement of the system are set anew in another system, and a reappearance experiment is conducted. It is obvious to a person skilled in the art, that when the reappearance experiment is conducted in another system, a system equivalent to the system in which the trouble occurs is prepared, and all data such as system setup of the system in which the trouble occurs must be transferred to the other equivalent system, from the necessity of making the preconditions of the reappearance experiment the same.

Therefore, it could have been easily conceived by a person skilled in the art before the priority date of the present application, that the data including the configuration data of the analysis device are transferred to the equivalent second analysis device, also in the Invention of Cited Document 1, similarly to the Amended Invention.

[Regarding the different feature 2]

Paragraph 0016 of the Cited Document 1 describes that "the CPU system 103" equipped to the automatic analysis system "is equipped with a hard disk 104 serving as a first recording medium, and a hard disk 105 serving as a second recording medium". In the technology field of the CPU system, a configuration including a hard disk and using the same as an internal memory is a configuration normally performed.

Therefore, it could have been easily conceived by a person skilled in the art before the priority date of the present application, that the normal configuration is adopted also in the Invention of Cited Document 1, and the memory medium is equipped inside, similarly to the Amended Invention.

[Regarding the different feature 3]

As mentioned above in connection with the different features 1 and 4, it is suggested in the Cited Document 1 that the data such as system setup and the like are transferred to another equivalent analysis device in order to conduct a reappearance experiment, in the analysis of the trouble. It is obvious to a person skilled in the art, that the Invention described in Cited Document 1 adopts a mirroring file system which always simultaneously records in two hard disks, and unless the removed hard disk 105 serving as the second recording medium is attached to another equivalent analysis device and then the contents of the removed hard disk 105 serving as the second recording medium are copied in the hard disk 104 serving as the first recording medium of another analysis device when conducting the reappearance experiment, the preconditions are not the same and an accurate reappearance experiment cannot be conducted.

Also, as mentioned in No. 2 2(2), in the Cited Document 2, the Invention of Cited Document 2 is disclosed as follows.

"A control method of an image processor, which collects information about an image processor stored in first storage means, and enables a removable storage medium to back up various types of setup information stored in the image processor, software, user data, job information, and the like, by storing the collected information in the removable storage medium, and to certainly preserve the information stored in the image processor even if failure occurs, and

can easily restore various types of information held in the previous image

input/output device, by being carried out on the repaired or recovered image input/output device or the newly replaced image input/output device, without newly setup inputting or creating various types of data and the like, merely by simple operation of reading the information written in the storage medium, when an trouble (life limit and breakage of the HDD, a failure of a backup power source of the SDRAM 205 and the like) of the recording device in the image input/output device 100 or a functional disorder of a part configuring the image input/output device 100 such as the printer section 105 and the reader section 101 occurs, or when the image input/output device 100 itself is replaced with another image input/output device, wherein
when the storage medium is equipped to the reading means, the control means automatically makes the reading means read out the information on the image processor from the removable storage medium, and makes the first storage means store the same, so that the information in the device can be easily and speedily restored."

Both of the Invention of Cited Document 1 and the Invention of Cited Document 2 belong to a technology field of an trouble countermeasure of the device, and have a common task for certainly preserving data in the device even if an trouble occurs in the device.

In the Invention of Cited Document 1, when the reappearance experiment is conducted, so as to conduct the accurate reappearance experiment,
it could have been easily conceived by a person skilled in the art before the priority date of the present application that the Invention of Cited Document 2 is applied in the Invention of Cited Document 1, and a configuration which automatically reads out device configuration information and the like stored in the hard disk serving as the second recoding medium and stores the same in the hard disk serving as the first recording medium when the hard disk serving as the removable second recording medium storing the device configuration information and the like is equipped to another device.

Therefore, it could have been easily conceived by a person skilled in the art that, also in the Invention of Cited Document 1, a structure in which the data stored in the non-volatile removable storage medium are imported to the internal memory medium of the equivalent second analysis device is applied, on the basis of the Invention of Cited Document 2, similarly to the Amended Invention.

[Regarding the different feature 5]

Also in the Invention of Cited Document 1, it is disclosed that in addition to the measurement results which are created data, data such as the calibration information which can be properly modified, are stored. In Paragraph 0019 and Fig. 3 of the Cited Document 1, it is described that both of the hard disk serving as the first recording medium and the hard disk serving as the second recording medium can be selectively taken out, in the Invention of Cited Document 1. Furthermore, in Paragraph 0018 and Fig. 2 of the Cited Document 1, only one file configuration of the file system stored in the hard disk is described. According to those descriptions, it can be interpreted that the file system of the Invention of Cited Document 1 adopts a complete mirroring file system in which the hard disk serving as the first recording medium and the hard disk serving as the second recording medium have quite the same file configuration.

Therefore, it could have been easily conceived by a person skilled in the art before the priority date of the present application that a configuration in which not only the measurement result which are the created data, but also data such as the calibration information which is the data capable of being properly modified are always and simultaneously stored in both of the hard disk serving as the first recording medium and the hard disk serving as the second recording medium, is adopted, in the Invention of Cited Document 1.

Consequently, it could have been easily conceived by a person skilled in the art before the priority date of the present application that a configuration in which the modified data are redundantly stored in the internal memory medium and the non-volatile removable storage medium is adopted, also in the Invention of Cited Document 1, similarly to the Amended Invention.

[Regarding the different feature 6]

In the technology field of the non-volatile removable storage medium, similarly to the hard disk, a storage medium directly inserted in the slide-module such as a compact flash and an SD card was nothing but a well-known art before the priority date before the present application.

Therefore, it could have been easily conceived by a person skilled in the art before the priority date of the present application that a configuration in which the non-volatile removable storage medium is directly inserted in the slide-in module of the analysis device is adopted, also in the Invention of Cited Document 1, similarly to the Amended Invention.

Effects of the Amended Invention could also be naturally predicted according to

the adoption of the structure mentioned above, and it cannot be regarded as a particularly distinguished feature.

Therefore, the Amended Invention could have been easily made by a person skilled in the art on the basis of the Inventions described in the Cited Document 1 and the Cited Document 2, and thus the appellant should not be granted a patent for it independently at the time of patent application under the provisions of Article 29(2) of the Patent Act.

(4) Closing

As mentioned above, it cannot be said that the appellant should be granted a patent for the Amended Invention independently at the time of patent application, so that the Amendment violates the provisions of Article 126(7) of the Patent Act which is applied mutatis mutandis pursuant to the provisions of Article 17-2(6) of the Patent Act, and should be dismissed under the provisions of Article 53(1) of the Patent Act which is applied mutatis mutandis pursuant to the provisions of Article 159(1) of the Patent Act. Therefore, the appeal decision shall be made as described in the decision to dismiss the amendment.

No. 3 Regarding the Invention

1 The Invention

As the Amendment dated June 17, 2015 was dismissed as mentioned above, the invention relating to Claim 1 of the present application (hereinafter referred to as the "Invention") is acknowledged as follows, as specified by the matters described in Claim 1 of the scope of claims for patent in the written amendment dated October 31, 2014.

"A method of transferring data between a first analysis device and a second analysis device, wherein the first analysis device newly creates or modifies data in an internal memory medium, and during operation, continuously stores the newly created or modified data in a redundant manner in a non-volatile removable storage medium,

the non-volatile removable storage medium is directly inserted in a slide-in module of the first analysis device, or is connected to the first analysis device,

the data redundantly stored on the removable storage medium of the first analysis device are imported to an internal memory medium of the equivalent second analysis device, by physically moving the external removable storage medium between the analysis devices, and

the data redundantly stored in the removable storage medium are configuration data of the first analysis device."

3 Cited Documents

The Cited Document 1, the Cited Document 2, and described matters therein which are cited in the reasons for refusal of the examiner's decision are as described in "No. 2 2(1)".

4 Comparison/judgment

The Invention eliminates, in the Amended Invention, the limitation "during normal operation in which an error is not generated" and the limitation "immediately after the creation or the modification" to a timing of "storing 'the data' in a redundant manner in a non-volatile removable storage medium" which is a necessary matter for specifying the invention described in Claim 1.

Then, the Amended Invention corresponding to the invention which includes all constituent components of the Invention and is added with the more detailed limitation, could have been easily made by a person skilled in the art on the basis of the Inventions described in the Cited Document 1 and the Cited Document 2, as described in No. 2 2(3). Therefore, the Invention eliminating the limitations could also have been easily made by a person skilled in the art on the basis of the Inventions described in the Cited Document 1 and the Cited Document 2, because of the same reasons.

No. 4 Closing

As mentioned above, the Invention could have been easily provided by a person skilled in the art on the basis of the Inventions described in the Cited Documents distributed before the priority date of the present application, and thus the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act.

Hence, the present application should be rejected without examining other claims.

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

June 6, 2016

Chief administrative judge: KANEKO, Koichi

Administrative judge: NOZAKI, Taishin
Administrative judge: ISHIKAWA, Shoji