

Advisory Opinion

Advisory Opinion No. 2015-600013

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The advisory opinion between the above identified parties on the technical scope of a patent invention for Patent No. 4087863 is stated and concluded as follows:

Conclusion

The Real Car Shogi as identified by the written statement of implementation status and the press release of the Article A does not belong to the technical scope of

Patent No. 4087863.

Reason

No. 1 Object of the request

The object of the request for an advisory opinion of this case is to seek an advisory opinion to the effect that the Real Car Shogi (hereinafter referred to as "the Article A") identified by the written statement of implementation status and the press release of the Article A falls within the technical scope of Patent No. 4087863 (hereinafter referred to as "the Patent").

No. 2 The patent invention

The inventions according to claims 1 and 2 of Patent No. 4087863 (hereinafter referred to as "the patent inventions 1 and 2," which are also generically referred to as "the patent invention") are identified as those recited in claims 1 and 2 of the scope of claims of the Patent in view of the descriptions and illustrations of the Description and the drawings of the Patent (Evidence A No. 1), and the recitations of each claim may be divided into their constituent components as follows (hereinafter the recitations thus broken down are referred to as the "constituent components A to C").

"[Claim 1]

A: A Shogi (Japanese chess) piece that includes thereon a representation of a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character; and

B: said piece being allowed to be recognized as a captured piece when the captured piece is used by the other player.

[Claim 2]

C: A Shogi set comprising a Shogi (Japanese chess) using the pieces according to claim 1 and including a representation such as a battle field provided on a Shogi board, wherein the representation is defined as appropriate for playing a game on said Shogi board."

No. 3 Allegations of the parties

1 demandant's allegation

The demandant alleges in the written request for an advisory opinion that the Article A belongs to the technical scope of the patent invention generally for the following reasons.

(1) The statements of Document (2) of the written statement of implementation status of

the Article A, Circle 1 (the circled number 1 is referred to as "Circle 1." The same applies hereafter.), page 1, which read that "a real automobile is ... as the Shogi piece..."and "the 'past famous car' which is the piece of the team of Master Yoshiharu Habu is ... the following eight car models ... the piece of Seventh-dan Masayuki Toyoshima is ... 'the existing car' ... eight car models are ..." and pages 1 to 4 of the same document, which read that "the car image of the piece" and the Document (2) Circle 4, page 1 of the same document, i.e., "40 cars of 16 car models are regarded as the 'King (*Ousho/Gyokusho*),' 'Rook (*Hisha*),' 'Lance (*Kyosha*),' 'Pawn (*Fu*)' and the like and ...", and "for the first place the car becomes the piece ... what becomes the piece is ... The Toyota's "Toyopet Crown" (King)..." as well as other statements correspond to the Shogi piece having representation thereon representing a character in the context of the patent invention 1.

(2) "(This is a) Shogi set comprising a Shogi (Japanese chess) including a representation (baseball park) such as a battle field on a Shogi board, wherein the representation is defined as appropriate for playing a (Toyota automobile) game on said Shogi board, said Shogi using the pieces according to claim 1 (as recited above)" and the representation is defined as appropriate for playing a (Toyota automobile) game on said Shogi board of claim 2 can be readily understood as representing the Shogi board that is appropriate for playing the game from the statements of Circle 1, page 1 of Document (2), which reads that "in the baseball park, the length of 54 meters and the width of 33.3 meters of ..." as well as the images of pages 1 to 4 of the same document.

(3) The Car Shogi is identical with or at least equivalent to the patent invention and thus belongs to the technical scope of the patent invention.

2 The demandee's allegation

The demandee alleges the reasons why the Article A does not fall within the technical scope of the patent invention in the written reply of the request for an advisory opinion generally as follows.

(1) "Shogi piece" of the patent invention 1 refers to a piece of Shogi (Japanese chess) and it is described in the *Kojien* dictionary that a "piece" means "a wedge-like pentagon-shaped small wooden piece for use in Shogi" (Evidence B No. 2).

Referring to the detailed explanation of the invention of the Patent Gazette, the detailed explanation includes no description that positively defines the meaning of "Shogi piece ... representation of ... character," and in the exemplary embodiment of the invention, there is only included the configuration where a Busho picture and letters such as "O" and "Hi" are inscribed on pentagon-shaped Shogi "pieces" (the explanatory

statement on FIG. 1 in Paragraph [0017] as well as FIG. 1 of the Patent Gazette).

In the Car Shogi, "pieces" of Shogi each placed on a roof portion of an automobile are used, but the "piece" placed on the roof portion only includes a notation of the typical piece name in the context of playing a Shogi game and no character is inscribed thereon at all (Screen 2 of Evidence B No. 5).

Hence, the Car Shogi does not include a representation on the "piece" of Shogi "that includes thereon a representation of a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character," and thus does not satisfy the constituent component A of the patent invention 1.

(2) Even when it could be interpreted that the whole of the automobile having the Shogi "piece" placed thereon in the context of the Car Shogi corresponds to the "Shogi piece" of the patent invention 1, it is clear that the "automobile" corresponds to none of the "name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players" of the patent invention 1. Also, as the "character" generally means "a character that appears in novels, movies, plays, cartoons, etc." (Evidence B No. 3), the "automobile" does not fall within the meaning of the term. In this respect, even when the detailed explanation of the invention of the Patent Gazette is taken into account, only "a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players" (Paragraph [0013]) are disclosed therein in the same manner as in the recitation of the scope of claims, and no description is found therein that would imply that "a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character" of the patent invention 1 also covers the automobile. Accordingly, the "automobile" in the context of the Car Shogi does not correspond to the "a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character" of the patent invention 1.

(3) The Shogi pieces placed on the roof portions in the context of the Car Shogi only includes the typical piece names inscribed thereon, no character is indicated thereon at all, and the pieces of the same type cannot be distinguished from other pieces, so that it is impossible to recognize that the piece is a captured piece by observing the Shogi pieces alone. Hence, the Car Shogi does not satisfy the constituent component B of the patent invention 1.

(4) Even when it could be interpreted that the whole of the automobile having the Shogi "piece" placed thereon in the context of the Car Shogi corresponds to the "Shogi piece" of the patent invention 1, the Toyota's automobile in use in the context of the Car Shogi

may happen to be recognized as belonging to the "past famous car" or the "existing car" only when it is exactly understood that the car model in fact belongs to the "past famous car" or the "existing car." This means that the Car Shogi does not have the feature in any objective manner of "said piece being allowed to be recognized as a captured piece when the captured piece is used by the other player."

(5) Since the Car Shogi only relates to a Shogi board that includes the grid of rectangles indicated thereon and is arranged in a baseball park (the image 2 of Evidence B No. 5), it is clear that the Car Shogi does not include the configuration of "representation such as a battle field provided on a Shogi board, wherein the representation is defined as appropriate for playing a game on said Shogi board."

Hence, the constituent component C of the patent invention 2 is not satisfied.

(6) The demandant alleges that the Car Shogi is equivalent to the patent invention, but neither the constituent components A, B of the patent invention 1 nor the constituent component C of the patent invention 2 is satisfied by the Car Shogi. Further, the patent invention and the Car Shogi at least differs from each other in that, while the patent invention is directed to a "Shogi piece that includes thereon a representation of ... character" (constituent component A), the Car Shogi in contrast is merely a Shogi game in which the Shogi "pieces" are placed upon the roof portions of the automobiles, with only typical piece names inscribed on the "pentagon-shaped Shogi pieces" on the roof portions for playing the Shogi and with no character, etc. provided thereon. The difference constitutes the essential feature of the technical idea of the invention in light of the fact that it provides a solution to the problem found in the well-known art of "Human Shogi (*Ningen Shogi*) of Tendo City" (the first requirement). Also, the Car Shogi is identical with the well-known art such as "Human Shogi (*Ningen Shogi*) of Tendo City" or would have been easily conceived therefrom by a person skilled in the art at the time of filing of the application (the fourth requirement). Also, the well-known art of the "Human Shogi (*Ningen Shogi*) of Tendo City," which was easily conceived at the very time of filing of the application, was intentionally excluded from the patent invention (the fifth requirement). In view of these and other facts, it cannot be concluded that the Car Shogi is equivalent to the patent inventions 1 and 2 as long as the patent inventions are concerned.

Therefore, the Car Shogi is in no way equivalent to the patent invention and does not belong to the technical scope of the patent invention.

No. 4 Article A

1 Identification of the Article A by the demandant

The demandant generally provides the following explanation in "Circle 4: Written statement of implementation status of the Article A and the Real Car Shogi according to the press release" (page 3, line 1 to page 4, line 17) of the written request for an advisory opinion.

Claim 1

"(This is a game played using) a shogi piece (automobile) having a representation thereon of a Toyota's automobile, and said piece (automobile) being allowed to be recognized as a captured piece (automobile) when the captured piece (automobile) is used by the other player."

Claim 2

"(This is) a Shogi set comprising a Shogi (Japanese chess) using the pieces according to claim 1 (as recited above) and including a representation (baseball park) such as a battle field on a Shogi board, wherein the representation is defined as appropriate for playing a (Toyota automobile) game on said Shogi board"

2 Identification of the Article A by the Body

Since the above identification of the Article A by the demandant as stated in the above "No. 3, section 1" renders its features indefinite, the configuration of the Article A is to be examined on the basis of the written statement of implementation status of the Article A and the press release submitted by the demandant and in light of the written reply to the request for an advisory opinion submitted by the demandee along with Evidence B Nos. 2 to 5 attached to the same written reply to the request for an advisory opinion.

A A Toyota's automobile having a Shogi piece disposed on the roof portion thereof appears in Circle 1 of Document (2), page 1 to page 3, of the written statement of implementation status of the Article A as well as the images 2 and 3 of Evidence B No. 5.

B As appearing in on pages 1 to 3 of Document (2), Circle 1 of the written statement of implementation status of the Article A, when the photographs of the King, Rook, and Bishop (page 1, lower column to page 2, upper column and page 3, center column) which are the "past famous cars," are compared with the photographs of the King, Rook, Bishop (page 2, center column to page 3, upper and lower columns) which are the "existing cars," whether the piece in question corresponds to the "past famous car" or the "existing car" can be recognized such that they are distinguished from each other.

C Document (2) Circle 1, page 1 of the written statement of implementation status of the Article A states that "a huge Shogi board that is 54 meters long and 33.3 meters wide

is installed in a baseball park," and only the grid of rectangles is indicated on the huge Shogi board installed in the baseball park appears in the photographs of pages 1 to 4 thereof as well as the images 2 and 3 of Evidence B No. 5.

The configuration of the Article A is identified by the Body as follows in view of the above examination of the above subsections A to C (hereinafter referred to as "configurations a to c"):

[Article A]

- a: A Shogi piece (automobile) wherein a Toyota's automobile having a Shogi piece disposed on the roof portion thereof is used as said Shogi piece, and
- b: wherein the piece (automobile) is allowed to be recognized as a captured piece (automobile) when the captured piece (automobile) is used by the other player, the recognition being made in accordance with whether the piece (automobile) is a "past famous car" or an "existing car."
- c: A Shogi set comprising a Shogi using the piece as recited above and a grid of rectangles indicated on a huge Shogi board installed in a baseball park.

No. 5 Comparison/judgment

1 The patent invention 1

Whether or not the Article A satisfies the constituent components A and B of the patent invention 1 is examined below with the Article A compared as required with the patent invention 1.

(1) With regard to whether or not the constituent component A is satisfied

A Comparison of the constituent component A with the configuration a

When the configuration a of the Article A is compared with the constituent component A of the patent invention 1, "a Toyota's automobile having a Shogi piece disposed on the roof portion thereof" is used as the Shogi piece in the Article A while "a Shogi piece that includes thereon a representation of a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character" is used as the Shogi piece in the patent invention 1.

B With regard to the element that corresponds to "any other character"

It is stated in Paragraph [0014] of the Patent Gazette states as the exemplary embodiment that "Busho (military commander) names of the Heike clan and Busho names of the Genji clan are entered in Shogi pieces, respectively" and it is stated and illustrated in Paragraph [0017] and FIG. 1 of the Patent Gazette as the exemplary embodiment that "Busho pictures are indicated on the Shogi pieces." It is noted that

entry of " Busho (military commander) names of the Heike clan and Busho names of the Genji clan " upon the Shogi pieces, or alternatively inscription of "Busho picture" leads to the following advantageous effects as described in Paragraphs [0011] and [0012] of the Patent Gazette: "Since the both players are allowed to have the sets of Shogi pieces on which figures are indicated between which the confrontation is historically unrealistic or have their favorite Shogi pieces, the number of people who interest themselves in Shogi will increase". "Also, Shogi helps to learn about history in a spontaneous manner, which also has the sales promotion effect along with the baseball teams, teams of sport athletes, and other character goods."

However, Paragraph [0017] and FIG. 1 of the Patent Gazette describe inscription of "letters such as 'O' and 'Hi'" as the exemplary embodiment and the "letters such as 'O' and 'Hi'" are general Shogi piece names, so that inscription of "letters such as 'O' and 'Hi'" does not lead to the above advantageous effects stated in Paragraphs [0011] and [0012] of the Patent Gazette. From this fact, it is clear that inscribing or indicating "letters such as 'O' and 'Hi'" does not correspond to "'Shogi pieces' having a representation of any other character."

In view of the above facts, it can be understood that the meaning of the "(any other) character" when the description of the above exemplary embodiment and the description of the advantageous effects of the Patent Gazette are taken into consideration, refers to "a character appearing in novels, movies, plays, cartoons, etc., or its role" as stated in Evidence B No. 2 (the *Kojien* dictionary, Sixth edition) that the demandee attached to the written reply to the request for an advisory opinion.

C Judgment

As apparent from "the car image of the piece" stated in Circle 1 of Document (2), pages 1 to 4, of the written statement of implementation status of the Article A and from the images 2 and 3 of Evidence B No. 5, letters of "King (*Ousho/Gyokusho*)," "Rook (*Hisha*)," "Bishop (*Kakugyo*)," and the like which are the general Shogi pieces are inscribed on the Shogi pieces placed on the roof portions of "Toyota's automobiles," and letters of "King," "Rook," "Bishop," and the like which are the general Shogi pieces and double digits are indicated on the "Toyota's automobiles," but "a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players" are not represented thereon, and no "other character" is represented thereon.

Also, it cannot be said that the whole of the "Toyota's automobile" having the "Shogi piece" placed on the roof portion thereof as well as the representations provided on the "Shogi piece" and the "Toyota's automobile" correspond to the "Shogi piece" having thereon a "representation" of "a name of Busho (a military commander), a

family emblem, a photograph, a baseball team, a team of sport players" or "any other character."

D Conclusion

Therefore, the configuration a of the Article A does not satisfy the constituent component A of the patent invention 1.

(2) With regard to whether or not the constituent component B is satisfied

When the configuration b of the Article A is compared with the constituent component B of the patent invention 1, "piece (automobile)" of the Article A, as discussed in the above section (1), does not satisfy the constituent component A. Meanwhile, the "Toyota's automobiles having a Shogi piece disposed on the roof portions thereof" which are the "past famous car" and the "existing car" have the same function as the "Shogi pieces" as that of the "piece" of the patent invention 1.

As has been examined in the above "No. 4, section 2B," when the "past famous car" and the "existing car" are compared to each other, "said piece" is allowed to be recognized "as a captured piece" "when the captured piece is used by the other player", "the recognition being made in accordance with whether the piece (automobile) is a 'past famous car' or an 'existing car.'"

Hence, the configuration b of the Article A satisfies the constituent component B of the patent invention 1.

(3) With regard to application of the doctrine of equivalents

With regard to the patent invention 1, as discussed in the above (1), the Article A does not have a feature that corresponds to "a Shogi piece that includes thereon a representation of a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character," and accordingly does not satisfy the constituent component A.

Further, the demandant, as mentioned in the above "No. 3, section 1(3)," alleges that the Car Shogi is identical with or at least equivalent to the patent invention. In the meantime, the demandee argues against the allegation by the demandant, contending that, as mentioned in the above "No. 3, section 2(6)," the Car Shogi is not equivalent to the patent invention. These allegations are to be examined below.

A With regard to the requirements of doctrine of equivalents

The requirements for falling within the technical scope of a patented invention are defined in the Supreme Court decision of Case H6 (O) No.1083 (February 24, 1998):

"Even if, within the construction as indicated in the scope of claims, there exists an element which is different from the accused product, if (1) this element is not the essential part of the patented invention; (2) the purpose of the patented invention can be achieved by replacing this element with an element in the accused product and an identical function and effect can be obtained; (3) a person skilled in the art could easily come up with the idea of such replacement at the time of the production of the accused product, (4) the accused product is not identical to the technology in the public domain at the time of the patent application of the patented invention or could have been easily conceived at that time by a person skilled in the art; and (5) there were no special circumstances such as the fact that the product had been intentionally excluded from the scope of the claims in the prosecution of the patent application, then it is reasonable to conclude that the accused product should be regarded as identical with the construction as indicated in the scope of the scope of claims and fall within the scope of the technical scope of the patented invention." (The requirements (1) to (5) as presented in the above court decision are hereinafter referred to as the "first to fifth requirements.")

B With regard to the first requirement

The "essential part of the patented invention" as stated in the above court decision can be understood as meaning the characterizing part that constitutes the core of the technical idea providing the basis for the technical solution within the construction as indicated in the scope of claims.

When this respect is examined in the context of the patent invention 1, by virtue of including the feature that "a Shogi piece that includes thereon a representation of a name of Busho (a military commander), a family emblem, a photograph, a baseball team, a team of sport players, or any other character is used as the Shogi pieces" as recited in the constituent component A, the patent invention 1 provides the following outstanding effects: "Since the both players are allowed to have the Shogi pieces of historically unrealistic figures and their favorite Shogi pieces, the number of people who interests themselves in Shogi will increase" and "Shogi helps to learn about history in a spontaneous manner, which also has the sales promotion effect along with the baseball teams, teams of sport athletes, and other character goods "(Paragraphs [0011] and [0012] of the Patent Gazette).

In view of these facts, the constituent component A is the characterizing part that constitutes the core of the technical idea providing the basis for the technical solution of the patent invention 1, and thus the constituent component A is the essential part.

Accordingly, the patent invention 1 includes an element which is different from the Article A (constituent component A) within the construction as indicated in the scope of claims, and this different element constitutes the essential part of the patent invention 1, and thus the above first requirement is not satisfied.

C With regard to the fourth requirement

The item 1 of Evidence B No. 4 submitted by the demandee states that an event was held every year in April at the square of the peak of Mt. Maizuru in Tendo city, in which people wearing armors serve as the Shogi pieces and the professional Shogi players play the game. The item "2" of Evidence B No. 4 submitted by the demandee states that the Human Shogi was held on 1998 at the square of the peak of Mt. Maizuru. The item "3" of Evidence B No. 4 submitted by the demandee includes photographs according to which the Shogi game was played on 1998 on a Shogi board that includes a grid of rectangles indicated thereon where stands on which a Shogi piece is placed and the people wearing clothes in red or blue or the like colors and carrying each stand serve as the Shogi pieces such that the Shogi game is played between the red team and the blue team. The item "4" of Evidence B No. 4 submitted by the demandee includes photographs according to which, in the "Human Shogi" held in 2000, a scenario is introduced in which the event of "Human Shogi" is recognized as a virtual battle in the age of provincial wars, and the Kings of the both armies of the red army and the blue army wearing red and blue clothes, respectively, give prayer for victory with the professional female Shogi player playing the game and other people.

In view of these facts, it can be said that, on and before the fining date of the Patent (April 19, 2005), events of "Human Shogi" were held in which stands on which a Shogi piece is placed and people wearing clothes in red or blue or the like colors and carrying each stand serve as the Shogi pieces and the Shogi game was played between the red team and the blue team.

The difference is ascertained in the fact that the configuration a of the Article A uses the "Toyota's automobile having a Shogi piece disposed on the roof portion thereof as the shogi pieces" while the event of the above "Human Shogi" uses "stands on which a Shogi piece is placed and people wearing clothes in red or blue or the like colors and carrying each stand." However, the above event of "Human Shogi" also uses, as the Shogi pieces, a "Shogi piece" and "a means for moving the Shogi piece," and the "Toyota's automobile" is a typical one that is capable of moving a "Shogi piece " as a "human" does, and accordingly it can be said that the use of the "Toyota's automobile " in place of the "human" would have been easily conceived of at the time of filing of the

application of the patent invention 1.

Also, in the above event of "Human Shogi," a human wearing clothes such as a red armor and a human wearing clothes such as a blue armor serve as part of the Shogi pieces, and the pieces are sorted so as to belong to the red army or the blue army, and the army to which each piece belongs can be recognized by the colors of the clothes, and accordingly it can be said that the configuration b of the Article A of "Shogi piece characterized by the fact of said piece being allowed to be recognized as a captured piece when the captured piece is used by the other player" is satisfied.

Accordingly, since it can be said that the configuration of the Article A would have been easily conceived of by a person skilled in the art from the well-known art at the time of filing of the application, the above fourth requirement is not satisfied.

D Summary

As discussed in the foregoing, since the Article A does not satisfy the first and fourth requirements, it cannot be concluded that the Article A belongs to the technical scope of the patent invention 1 as being equivalent to the configurations described in the scope of claims of the patent invention 1, and thus the above second, third, and fifth requirements does not need to be examined.

(4) Summary

Therefore, since the Article A does not satisfy the constituent component A of the patent invention 1, it cannot be concluded that the Article A belongs to the technical scope of the patent invention 1.

3 The patent invention 2

Whether or not the Article A satisfies the constituent component C of the patent invention 2 is examined with the Article A compared as required with the patent invention 2.

(1) Whether or not the constituent component C is satisfied

When the configuration c of the Article A is compared with the constituent component C of the patent invention 2, the "huge Shogi board" of the Article A corresponds to the "Shogi board" of the patent invention 2.

The recitation of "the piece as recited above" in the configuration c of the Article A refers back to the configurations a, b of the Article A, and, as has been examined in the above "No. 5, section 1," the configuration a of the Article A does not satisfy the constituent component A of the patent invention 1.

Also, the "huge Shogi board" of the Article A" has only its "grid of rectangles inscribed thereon," and it cannot be said that the "grid of rectangles" is a "representation such as the battle field that is suitable for playing a game."

In addition, it cannot be said that the baseball park in which the Shogi board is arranged is a Shogi board as such.

In view of these facts, it cannot be said that the "Shogi board" of the Article A includes a "representation such as the battle field that is suitable for playing a game."

Therefore, the configuration c of the Article A does not satisfy the constituent component C of the patent invention 2.

(2) With regard to application of the doctrine of equivalents

With regard to the patent invention 2, as discussed in the above section (1), the Article A does not have a feature that corresponds to "Shogi set comprising a Shogi (Japanese chess) including a representation such as a battle field on a Shogi board, wherein the representation is defined as appropriate for playing a game on said Shogi board, said Shogi using the pieces according to claim 1," and thus does not satisfy the constituent component C.

Further, the demandant, as mentioned in the above "No. 3, section 1(3)," alleges that the Car Shogi is identical with or at least equivalent to the patent invention. In the meantime, the demandee argues against the allegation by the demandant, contending that, as mentioned in the above "No. 3, section 2(6)," the Car Shogi is not equivalent to the patent invention. These allegations are to be examined below in the same manner as in the above "No. 5, section 1(3)."

A With regard to the first requirement

The patent invention 2 has the same or similar constituent component as the constituent component A of the patent invention 1, and with regard to the patent invention 2, in the same manner as in the above "No. 5, section 1," the Article A apparently does not satisfy the constituent component A, also, with regard to the first requirement, in the same manner as in the above "No. 5, section 1(3)B," the patent invention 2 includes an element which is different from the Article A within the construction as indicated in the scope of claims (constituent component A) and the different element constitutes the essential part of the patent invention 2, and thus the above first requirement is not satisfied.

B With regard to the fourth requirement

As has already been examined in the above "No. 5, section 1(3)C," the item "3" of Evidence B No. 4 submitted by the demandee includes photographs according to which the Shogi game was played on 1998 on a Shogi board that includes the grid of rectangles indicated thereon where stands on which a Shogi piece is placed and people wearing clothes in red or blue or the like colors and carrying each stand serve as the Shogi pieces such that the Shogi game is played between the red team and the blue team.

The configuration c of the Article A is given as "c: A Shogi set comprising a Shogi using the piece as recited above and a grid of rectangles indicated on a huge Shogi board installed in a baseball park" as identified in the above "No. 4, section 2," and accordingly the feature of the "huge Shogi board" in the configuration c of the Article A is identical in its configuration with the Shogi board of the event of the above "Human Shogi."

Also, since it is clear that the site where the huge Shogi board is to be installed has to be a large space and it is also widely known that a baseball park is a large space, it can be said that it would have been easily conceived of to install the huge Shogi board in the baseball park.

As discussed in the above "No. 5, section 1(3)C", since the configurations a, b of the Article A would have been easily conceived of by a person skilled in the art at the time of filing of the application from the "human" as the Shogi piece in the event of the above "Human Shogi," it can be said that the configuration c of the Article A in the similar manner would have been easily conceived of by a person skilled in the art at the time of filing of the application from the "stands on which a Shogi piece is placed and people wearing clothes in red or blue or the like colors and carrying each stand" which is the Shogi pieces in the event of the above "Human Shogi" and from the "Shogi board" thereof.

Accordingly, since it can be said that the configuration c of the Article A would have been easily conceived of by a person skilled in the art from the well-known art at the time of filing of the application, the above fourth requirement is not satisfied.

C Summary

As has been discussed in the foregoing, since the Article A does not satisfy the first and fourth requirements, it cannot be concluded that the Article A belongs to the technical scope of the patent invention 2 as being equivalent to the configurations described in the scope of claims of the patent invention 2, and thus the above second, third, and fifth requirements does not need to be examined.

(3) Summary

Therefore, since the Article A does not satisfy the constituent components A, C of the patent invention 2, it cannot be concluded that the Article A belongs to the technical scope of the patent invention 2.

No. 6 Conclusion

As has been stated above, the Article A does not belong to the technical scope of the patent invention.

Therefore, the advisory opinion is stated and concluded in accordance with this conclusion.

August 4, 2015

Chief administrative judge: HONGO, Toru

Administrative judge: SETSU, Taro

Administrative judge: SEKI, Hirofumi

#1 資料 (2)

イ号実施状況説明書

- ① 公益社団法人 日本将棋連盟 「リアル車将棋」
開催レポート
- ② 株式会社ドアンゴ「リアル車将棋」開催レポート
- ③ 株式会社ドアンゴ 「リアル車将棋」 特別編
開催レポート
- ④ 「プレスリリース (東洋経済 ONLINE)」
トヨタが「リアル車将棋」に本気で挑む理由
- ⑤ 月刊誌「将棋世界」2012年5月号 広告

#1 Documents (2)

Written Statement of Implementation Status of the Article A

- (1) Japan Shogi Association Report on "Real Car Shogi"
- (2) DWANGO Co., Ltd. Report on "Real Car Shogi"
- (3) DWANGO Co., Ltd. Report on "Real Car Shogi" Special Session
- (4) "Press Release" (TOYO KEIZAI ONLINE)
Why TOYOTA promote "Real Car Shogi" ?
- (5) Advertisement in a monthly magazine "Shogi World" (May 2012)

公益社団法人 日本将棋連盟 Japan Shogi Association Since 1957.03.17

HOMe 収載情報 旗上げ会 お知らせ イベント 新刊案内 研習教室 支部・招待員 先鋒 協会 演説情報検索

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お知らせ
お知らせ一覧

武蔵野美術館開館
メディア情報掲載
宮城・岩手
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イベント
イベント情報一覧

イベントの募集と案内
イベントレポート
大規模観戦情報

対戦者人数400名超
対戦者人数100名超

イベントの告知と申込
観戦情報

月曜日の記事一覧

- 2015年
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- 旧SSS
- SSS公開版

● 竜王戦 × TOYOTA「リアル車展」開催レポート

2015年2月8日(日)、埼玉県深谷市の西武ドームにて竜王戦×TOYOTA「リアル車展」が開催されました。
開幕時には屋上4階から高さ33メートルの巨大将棋盤を設置、本物の自動車を実際の駒に立てて対局史上最大級の対局は羽生善治名人(名人・王座・王冠・覇権)と豊島将之七段の対局で行われました。
羽生善治名人の控室の横にある“羽生の執務”は、次の8番手。羽生善治のドライバーは早稲田大学自治体部チーム。ドライバーのサポートには長瀬昭也が活躍していました。一方の豊島将之七段の駒は“駒行軍”で豊紗は一役役場まで毎日運搬されました。

持ち時間も4時間短縮も負け、チェスクロック方式で車の移動時間も持ち時間に含めるユニークなルールで行われました。車の移動時間も持ち時間に含められるため、棋士が指し手を悩ますためにドライバーは走って事に乗り込み、旗やの色に多少の間違いもありましたが、早く動き始めました。対局は19時37分、94分で棋士名人の勝ちとなりました。

タイムシフト観戦はこちら



羽生名人の駒は試合の名車






2015年04月06日撮影



写真も人にも注目されるトヨタのクルマは、イベント会場に集って登場



黒いクルマは、黒いクルマのクルマに集って登場

黒いクルマは、黒いクルマのクルマに集って登場。黒いクルマのクルマに集って登場。黒いクルマのクルマに集って登場。黒いクルマのクルマに集って登場。

3月4日



1幕劇に登場する、この舞台に登場する人々の衣装は、それぞれがリアルで飾り立てられ、第1幕の登場人物はリアルな衣装で飾られる。

3月5日



対戦者の陣には各陣があり、アドバイザーとして活躍の場を、第1幕の登場人物はリアルな衣装で飾られる。

出陣前



大塚博康は多くの武蔵士が訪来

入場券取



終了後、大塚博康がファンと握手して記念撮影

大塚博康は、大塚博康のファンと握手して記念撮影。大塚博康は、大塚博康のファンと握手して記念撮影。大塚博康は、大塚博康のファンと握手して記念撮影。

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ドライブ/週末コンフォートにヤング層をターゲット

車検 50
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「電王戦×TOYOTA「リアル車検状」開催レポート | イベント | お知らせ・イベント情報」

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CONCLUSIONS 25

[illegible]

トヨタが「リアル車将棋」に本気で挑む理由

ニコ生との異色コラが、野生動物の名人も登場

出版 形態：単行本、電子版、電子版+紙版

2005-2006



1-800-275-2753

[illegible]

ドライバーチームは早稲田大学自動車部と提携し、トヨタの最新テストドライバーが加入する。リアルタイムの性能測定、トヨタ側でとりまとめているトヨタチームデザイン・プロジェクトの成果は、

「もっといいクルマで生活するために」

「トヨタとしては、このクルマを世界に向けては売りたいですね。他社に比べておもしろいからには、もっといいクルマを見つけるために人を派遣したい。トヨタが買えば、クルマを売っていいことになるってものではない、自らもレーシングドライバーなどを辞めて、テストドライバーを志願した方が多いんじゃないかな」。

高野村に西武ホームに決まったものの、会費も「野球ファンでなくとも知やうさ」かと一蹴だ。友人はスベースに反対ともど詰った。結局、金に困って仕方なく、決意を固めて野球の新興力ある高野村でやろうと、お持ち式の出張館に案内された（『源氏鶏太』）。この小説を以て夫スベースの理想郷に高野村とあるのは、高野村に決まったという。



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其のカードを裏切したのはトランプで、トランプは選挙で「私は社会党を決めてから見て候補者になった。早くお前さんに決まっていたんだって分かった」と云う。トランプの喧嘩屋メーサーと云ふのが、ネットの両会合衆、雑誌の編集長と、同僚のトランプより先に出るトランプの経歴を暴露する。だ、だ、これはあくまで誤解づくりに過ぎず、これを一つのゆっけににして、まあそれで世間のウケた程度に対しては寛大な心算の男を見守っているが、トランプの態度であることは疑いの余地がない。

宝くじ70周年
ワクワクキーン
実施中

- ② 正確なデータの取得と検証が重要
数値・ノイズデータのチェックとグラフの活用
 - ③ 最も信頼性の高いデータを得る
データに隠れた傾向にも気づく・見えるように
 - ④ 適切なグラフを使い、傾向を伝える
伝わるグラフの作りかた・読みかたの心得
 - ⑤ 伝えたい内容が伝わるようにグラフを使う
多くの場合、人間が読み取れるのは、グラフの20%
 - ⑥ 結果だけでなく理由も伝える
「マウスが壊れた」→「マウスが壊れたから、パソコンが動かない」

- ユーザーインターフェイスの設計と実装
- データベースの設計と実装
- ネットワークの設計と実装
- セキュリティの設計と実装
- システムのテストとデバッグ
- システムの保守とアップグレード

2014年5月24日

[illegible]

100

写真撮影報告書

平成27年6月5日

被請求人代理人弁護士 藤井 光一

当社は、平成27年6月5日、東京都港区六本木6-10-1六本木ヒルズ森タワー23階に所在するTMI総合法律事務所において、パソコンのスクリーンショット機能を用いて、ウェブページ <http://www.nicovideo.jp/denou/kurumashag/>（以下「本件ウェブページ」という。）の画面、及び、本件ウェブページにおいて、「電王戦×TOWIE リアル車検場 初登場」として公開されている、本件車検場の模様を撮影し編集した動画（以下「本件動画」といいます。）を画像として記録しましたので、以下のとおり各画像につきご説明いたします。

画像1

本件ウェブページの画面である。当該画面の中段には、判定請求書に添付された資料（2）①1頁の中段に「リアル車検場初登場」として表示された動画再生画面と同一である、本件動画の最初の画面が表示されている。

画像2

再生時間1分27秒の時点での本件動画の画面である。

画像3

再生時間1分45秒の時点での本件動画の画面である。

画像 1

リアル将棋
羽生善治 vs 豊島将之
特別編公開中!

50万人視聴御礼!
名場面を凝縮し、未公開シーンやインタビューを
盛り込んだ『リアル将棋 特別編』を公開!

最新情報

2015.3.3 》『リアル将棋 特別編』を公開しました

2015.2.8 》8時間以上におよび対局の結末、勝敗が決しました

リアル将棋 特別編

10時間におよぶ対局を、50万人以上が視聴した『電王戦 × TOYOTA リアル将棋』。その名場面を凝りすくみ、未公開シーンや特別インタビューなども大編に追加して、45分あまりに凝縮した特別編をご覧ください。

ミニチュア風ダイジェスト

TV

対局相手

羽生 善治 名人

1979年8月27日生まれ。埼玉県出身。小学校1年生で将棋を習い、6年生で奨励会に入会。1995年、15歳でプロ入り。1996年、初戦勝利の7大タイトル独占を達成。タイトル獲得数は11回。連続タイトル獲得数は計9回で歴代1位。2014年11月現在、名人・王位・王座、鞍馬の四冠を併得。

生放送

電王戦 × TOYOTA リアル将棋

対局者: 羽生 善治 名人
対局相手: 豊島 将之 五段
2015.2.8 20:00
視聴者数: 527,398

圖像 2



圖像 3

