Appeal decision

Appeal No. 2016-3745

Tokyo, Japan
Appellant SONY CORPORATION

Tokyo, Japan
Patent Attorney KAMEYA, Yoshiaki

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2011-223848, entitled "Information Processing Apparatus, Information Processing Method, and Program" (application published on May 09, 2013, Japanese Unexamined Patent Application Publication No. 2013-83553) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

The application of the case was filed on October 11, 2011 (H23), a written amendment was submitted on September 2, 2014, and a notice of reasons for refusal was issued on June 8, 2015. Despite submission of a written opinion and a written amendment against that on August 10, 2015, the examiner's decision of refusal was issued on January 15, 2016. Against that, appeal against the examiner's decision of refusal was requested and a written amendment was submitted at the same time, on March 10, 2016.

No. 2 Conclusion of Decision to Dismiss Amendment dated March 10, 2016

[Conclusion of Decision to Dismiss Amendment]

The written amendment dated March 10, 2016 (hereinafter, referred to as the

"Amendment") shall be dismissed.

[Reason]

[1] Details of the Amendment

The Amendment includes amending Claim 1 shown in the following (1) before being amended by the Amendment (namely, amended by the written amendment submitted on August 10, 2015) to Claim 1 shown in the following (2), regarding the scope of claims for patent.

(1) Claim 1 according to the scope of claims before the Amendment

"[Claim 1]
An information processing apparatus comprising:

a behavior information acquisition part which acquires behavior information of a user;

a location information acquisition part which acquires present location information; and

a selection range set part which sets up a selection range for selecting a selection object on a map, according to the acquired behavior information and the acquired present location information,

wherein the selection range set part specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information."

(2) Claim 1 of the scope of claims after the Amendment

"[Claim 1]
An information processing apparatus comprising:

a behavior information acquisition part which acquires behavior information of a user;

a location information acquisition part which acquires present location information; and

a selection range set part which sets up a selection range for selecting a selection object on a map, according to the acquired behavior information and the acquired present location information,

wherein the selection range set part, when it is recognized that the user is

moving, specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information." (The underline was added by the appellant to indicate the amended portion.)

[2] Purpose of the Amendment

The Amendment changes the description "the selection range set part specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information" to the description "the selection range set part, when it is recognized that the user is moving, specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information," so that "sets up the selection range" of the matters specifying the invention before the Amendment is limited by adding the condition "when it is recognized that the user is moving." The invention described in Claim 1 before the Amendment and the invention described in Claim 1 after the Amendment are identical regarding the field of industrial application and the problem to be solved, so that the Amendment falls under the restriction of the scope of claims in accordance with Article 17-2(5)(ii) of the Patent Act.

Then, we will examine whether or not the appellant should be granted a patent for the invention according to Claim 1 which has been amended by the Amendment (hereinafter, referred to as the "Amended Invention") independently at the time of 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 Article 17-2(6) of the Patent Act), as follows.

[3] Judgment on independent requirements for patentability

1. Publication

(1) Described matters in Publication

In Japanese Unexamined Patent Application Publication No. 2011-76335 which is cited in the reasons for refusal of the examiner's decision and is a publication distributed before the application was filed (hereinafter, referred to as the "Publication"), regarding an information provision system, a server, a terminal, and a method, there are

described the following matters together with drawings.

1a) "[Claim 1]

An information display system equipped with a terminal and a server, comprising:

an information database which records registration information to be browsed in correspondence with positional information;

a positional information acquisition part which acquires positional information of the terminal;

a state acquisition part which acquires state information relating to a movement state of the terminal;

a range determination part which determines a designated search range that is a range to be searched for the registration information and changes according to the state information, on the basis of the state information;

an information extraction part which extracts browsing information included in the designated search range among the registration information recorded in the information data base; and

a display part which displays the browsing information." ([Claim 1] of [the scope of claims for patent])

1b) "[0016]

In the information provision system of the present embodiment, the server records preliminarily the extraction range of information which changes according to the movement speed of the terminal in the database. The terminal acquires positional information periodically and transmits that to the server. The server computes the movement speed of the terminal on the basis of the positional information received from the terminal, and specifies the extraction range of the information according to the movement speed from the database. The server extracts the information registered in the specified extraction range from the information database, and transmits that to the terminal. By adopting such a composition, the user can browse the information in the suitable range according to the movement state, on the terminal.

[0017]

[Description of composition]

First, the composition of the information provision system in the present embodiment is described. Fig. 1 is a figure showing the composition of the information provision system in the present embodiment.

[0018]

The information provision system in the present embodiment is provided with a terminal 1, a network 2, and a server 3.

[0019]

First, the terminal 1 is described. The terminal 1 is a portable telephone terminal which a user uses. The terminal 1 can communicate with the server 3 through the network 2. The terminal 1 can acquire the present positional information. The terminal 1 transmits the positional information to the server 3, and acquires the information which a user should browse (hereinafter, referred to as the "browsing information") from the server 3 to display that. Although in the present embodiment description is given by assuming the terminal 1 as a portable telephone terminal, the terminal 1 is not limited to the portable telephone terminal, but it may widely apply to the terminal 1 information apparatuses such as information display terminals including a PDA (Personal Digital Assistant), a notebook type personal computer, a game machine, a car navigation terminal, and a wearable computer such as glasses or a head mount display equipped with an information display function; or information terminals mounted on a vehicle, a bicycle, and the like.

[0020]

The terminal 1 is provided with a positional information acquisition part 11, an input part 12, a communication part 13, a memory part 14, a control part 15, and a display part 16. Hereinafter, a description is given about each component.

[0021]

First, the positional information acquisition part 11 acquires the positional information of the terminal 1. The positional information acquisition part 11 is connected with the control part 15 and can transmit and receive data with the control part 15. The positional information acquisition part 11 is provided with an electric wave receiving antenna receiving electric waves from a GPS satellite, and computes a position of the terminal 1 by receiving electric waves from the GPS satellite. Furthermore, in the present embodiment, although the positional information is described as including latitude and longitude, actually it can acquire altitude in addition to latitude and longitude, so that the positional information may be information including altitude." (Paragraphs [0016] to [0021])

1c) "[0037]

With reference to Fig. 2, the way of thinking over setting out of the search range in the present embodiment is described. Fig. 2 is a figure showing the way of thinking

over setting out of the search range in the present embodiment. The search range in the present embodiment changes according to the movement state of the terminal 1. In the present embodiment, the movement state of the terminal 1 is a moving direction and movement speed. Among these, a range table 321 stores the search range in correspondence with the movement speed of the terminal 1. In Fig. 2, two cases that (1) the search range is specified with an ellipse and (2) the search range is specified with a sector are shown in correspondence with the movement speed which is the movement state of the terminal 1 (namely, the movement state of a user having the terminal 1 or an automobile and the like provided with the terminal 1). The range table 321 shows four classifications of rest, walk, quick walk, and run, as a state according to the movement speed of the terminal 1.

[0038]

If the case in which the search range is specified with an ellipse is described as an example, first, when the terminal 1 is at rest, a range of a circle with a constant radius (for example, referred to as r) around the terminal 1 is made to be the search range. For example, when the terminal 1 is moving and the movement speed of the terminal 1 is walking speed, the search range becomes the range of the circle with the radius r in which the center of the circle has moved toward a front side in the moving direction of the terminal 1. Namely, the search range is widely ensured to the front side in the moving direction of the terminal 1, and a rear side in the moving direction of the terminal 1 is narrowly ensured. This is because the terminal 1 moves in the moving direction, so that it is thought that the user of the terminal 1 will need information regarding the front side in the moving direction ahead from now, and will not so much need information regarding the rear side in the moving direction which is already passed." (Paragraphs [0037] and [0038])

1d) "[0050]

Next, the control part 33 executes a function of the server 3. The control part 33 is composed of a CPU. The control part 33 reads and executes a processing program recorded in the memory part 32 to materialize the function of the server 3. The control part 33 is provided with a state acquisition part 331, a range determination part 332, and an information extraction part 333. The state acquisition part 331, the range determination part 332, and the information extraction part 333 are described as follows.

[0051]

First, the state acquisition part 331 computes the movement state of the terminal 1. The state acquisition part 331 receives the positional information of the terminal 1

from the terminal 1, and stores the movement state on the basis of the positional information of the terminal 1. In the present embodiment, the movement state is the moving direction and movement speed of the terminal 1 as mentioned above. The state acquisition part 331 stores the computed moving direction and movement speed in correspondence with an identifier of the terminal 1.

[0052]

By using Fig. 5, a way of thinking over calculation of the movement state by the state acquisition part 331 is described. Fig. 5 is a figure showing a relationship of the positional information of the terminal 1 and the movement state computed by the state acquisition part 331 in the present embodiment. The state acquisition part 331 computes the movement state on the basis of the positional information at two points continuously received from the terminal 1. In Fig. 5, positional information a and positional information a' are pieces of positional information which are continuously measured in order of the positional information a' (time t') and the positional information a (time t) in the terminal 1. The state acquisition part 331 obtains a distance between the positional information a' and the positional information a on the basis of coordinates of the positional information a' and the positional information a. A time interval between the measuring times is obtained on the basis of the time t when the positional information a' is measured and the time t when the positional information a is measured. Assuming the distance between the positional information a' and the positional information a as r, the state acquisition part 331 computes as movement speed = distance (r)/ (time t–time t'), as shown in Fig. 5. Also, the state acquisition part 331 obtains the moving direction which is an extension line connecting the positional information a' and the positional information a, on the basis of the coordinates of the positional information a' and the positional information a. The state acquisition part 331 computes the moving direction and movement speed in this way.

[0053]

Next, the range determination part 332 determines the search range. The range determination part 332 specifies the designated search range in which browsing information should be extracted from the information database 34, from the range table 321, on the basis of the moving speed computed by the state acquisition part 331. Describing with reference to Fig. 3, for example, if the state acquisition part 331 computes the movement speed of the terminal 1 as "7 km/h," the range determination part 332, with reference to the range table 321, specifies range information "a traveling direction +300 m, a backward direction +20 m, a right direction +50 m, and a left direction +50 m" corresponding to the speed classification "4 km/h or more and less

than 10 km/h," and determines this range as the designated search range.

[0054]

Then, the information extraction part 333 extracts the browsing information. The information extraction part 333 extracts information with the positional information within the designated search range from the registration information registered in the information database 34, as the browsing information, on the basis of the designated search range determined by the range determination part 332. Extraction processing of the browsing information by the information extraction part 333 is described as follows.

[0055]

Fig. 6 is a figure which describes the extraction processing of the browsing information by the information extraction part 333, when the designated search range in the present embodiment is a circle. The information extraction part 333 determines whether or not information on a processing object is determined as the browsing information according to whether or not the coordinates of information in the information database 34 to be processed (hereinafter, referred to as the "processing object information") satisfy the following formula (1), with the coordinates of the present position of the terminal 1 as the origin.

[0056]

(Formula (1) omitted)

Here, the coordinates (x, y) of the processing object information correspond to X, Y of formula (1). For example, a point 1 (x1, y1) of the one processing object information is determined as the browsing information, as it satisfies formula (1). On the other hand, a point 2 (x2, y2) of another processing object information is not determined as the browsing information, as it does not satisfy formula (1). Also, in the above, since the current coordinates of the terminal 1 are used as the origin, the coordinates of the processing object information, the point 1 (x1, y1), and the point 2 (x2, y2) are corrected in consideration of difference from the current coordinates of the terminal 1. Namely, in the case of the point 1 (x1, y1), assuming the current coordinates of the terminal 1 as (p, q), it will be (X, Y) = (x1−p, y1−q).

[0057]

Next, Fig. 7 is a figure which describes the extraction processing of the browsing information by the information extraction part 333, when the designated search range in the embodiment is an ellipse. The information extraction part 333 determines whether or not the processing object information is determined as the browsing information according to whether or not the coordinates of the processing object information satisfy the following formula (2), with the coordinates of the present

position of the terminal 1 as the origin.

[0058]

(Formula (2) omitted)

Here, "the traveling direction, the backward direction, the right direction, and the left direction" shown in Fig. 3 respectively correspond to "b, –b, a, –a" in the ellipse of Fig. 7 and formula (2). The coordinates (x, y) of the processing object information correspond to X, Y of formula (2). For example, the point 1 (x1, y1) of the one processing object information is determined as the browsing information, as it satisfies the formula expression (2). On the other hand, the point 2 (x2, y2) of another processing object information is not determined as the browsing information, as it does not satisfy formula (2). Also, in the above, since the current coordinates of the terminal 1 are used as the origin, the coordinates of the processing object information, the point 1 (x1, y1), and the point 2 (x2, y2) are corrected in consideration of the difference from the current coordinates of the terminal 1. Namely, in the case of the point 1 (x1, y1), assuming the current coordinates of the terminal 1 as (p, q), it will be (X, Y) = (x1–p, y1–q).

[0059]

Next, Fig. 8 is a figure which describes the extraction processing of the browsing information by the information extraction part 333, in consideration of a directional component of the moving direction, when the designated search range in the embodiment is an ellipse. The information extraction part 333 determines whether or not the processing object information is determined as the browsing information according to whether or not the coordinates of the processing object information satisfy the following formula (3), with the coordinates of the present position of the terminal 1 as the origin.

[0060]

(Formula (3) omitted)

Here, "the traveling direction, the backward direction, the right direction, and the left direction" shown in Fig. 3 respectively correspond to "b, –b, a, –a" in the ellipse of Fig. 8 and the formula (3). A center point (α,β) is a center point of the ellipse, and is corrected to be (α',β') by the following formula (4), and substituted in formula (3). The current coordinate of the terminal 1 is the origin. The coordinates (x, y) of the processing object information corrected in consideration of the directional component of the moving direction, correspond to X', Y' of the formula (3). The X', Y' after the correction are computed by substituting the coordinates (x, y) of the processing object information in X, Y before the correction, and by the following formula (5), and

substituted in formula (3).
[0061]
(Formulas (4), (5) omitted)

For example, the point 1 (x1, y1) of the one piece of processing object information is determined as the browsing information, as it satisfies the formula (3) . On the other hand, the point 2 (x2, y2) of another piece of processing object information is not determined as the browsing information, as it does not satisfy formula (3). In this way, the information extraction part 333 extracts the browsing information in the designated search range. Also, in the above, since the current coordinates of the terminal 1 are used as the origin, the coordinates of the processing object information, the point 1 (x1, y1), and the point 2 (x2, y2) are corrected in consideration of difference from the current coordinates of the terminal 1. Namely, in the case of the point 1 (x1, y1), assuming the current coordinates of the terminal 1 as (p, q), it will be (X, Y) = (x1−p, y1−q).
[0062]

The above are the descriptions of the state acquisition part 331, the range determination part 332, and the information extraction part 333.
[0063]

The above are the descriptions of the composition of the information provision system in the present embodiment. Thus, in the information provision system of the present embodiment, information which a user should browse is extracted using the search range according to the movement speed of the terminal 1. Therefore, the information provision system of the present embodiment can output the information in the suitable range according to the movement state of the terminal 1 to the terminal 1." (Paragraphs [0050] to [0063])

1e) "[0071]

Next, the operation method which provides the browsing information to the terminal 1 with the information provision system of the present embodiment is described. Fig. 10 is an operation flow which provides the browsing information to the terminal 1 with the information provision system of the present embodiment.
[0072]
(Step S10)

A user inputs an information acquisition command into the input part 12 of the terminal 1. A search key such as a "restaurant" is contained in the information acquisition request, for example. The information acquisition part 151 of the terminal 1

transmits the information acquisition request containing the inputted search key to the server 3 through the communication part 13, if the input of the information acquisition command from the user is detected. The communication part 31 of the server 3 receives the information acquisition request from the terminal 1 through the network 2. The state acquisition part 331 of the control part 33 inputs the information acquisition request from the terminal 1, and starts the state computing operation of the terminal 1.

[0073]

(Step S20)

The positional information acquisition part 11 acquires the positional information. The control part 15 orders the positional information acquisition part 11 to acquire the positional information, when the information acquisition request is transmitted. The positional information acquisition part 11 starts the periodical acquisition of positional information by receiving the information acquisition command, and outputs that to the control part 15. The information acquisition part 151 transmits a positional information notification message which stores the positional information, the acquisition time of the positional information, and the identifier of the terminal 1 to the server 3 through the communication part 13, if the positional information is periodically inputted from the positional information acquisition part 11. Also, the positional information acquisition part 11 may periodically acquire the positional information in advance rather than might start the acquisition of the positional information by receiving the command from the control part 15.

[0074]

(Step S30)

The state acquisition part 331 of the server 3 computes the movement speed. The state acquisition part 331 inputs the positional information notification message from the terminal 1 through the communication part 31. The state acquisition part 331 memorizes the positional information stored in the positional information notification message, and the acquisition time of the positional information in correspondence with the identifier of the terminal 1. The state acquisition part 331 computes the movement speed of the terminal 1 on the bases of the positional information on the continuous two points acquired from the terminal 1 and the acquisition time of the positional information, as described in Fig. 5. The state acquisition part 331 computes the movement speed of the terminal 1, whenever the positional information is acquired from the terminal 1.

[0075]

(Step S40)

The state acquisition part 331 of the server 3 computes the moving direction of the terminal 1. The state acquisition part 331 computes the moving direction of the terminal 1 at the same time as computing the movement speed of the terminal 1. The state acquisition part 331 computes the moving direction of the terminal 1 on the basis of the positional information on the two points used for computing the movement speed, as described with reference to Fig. 5. The state acquisition part 331 computes the moving direction of the terminal 1, whenever the positional information is acquired from the terminal 1.

[0076]

(Step S50)

The range determination part 332 of the server 3 acquires the designated search range. As described in Fig. 3, the range table 321 of the memory part 32 stores the search range in correspondence with the movement speed of the terminal 1. The range determination part 332 acquires the search range corresponding to the movement speed as the designated search range, from the range table 321, on the basis of the movement speed of the terminal 1 computed by the state acquisition part 331. The range determination part 332 acquires the designated search range from the range table 321, whenever the state acquisition part 331 computes the movement speed of the terminal 1.

[0077]

(Step S60)

The information extraction part 333 of the server 3 extracts the browsing information. The information extraction part 333 extracts the browsing information from the information database 34. As described in Fig. 4, the information database 34 records the registration information and the positional information of the registration information in correspondence with each other. As illustrated in Fig. 6 to Fig. 8, the information extraction part 333 extracts the browsing information included in the designated search range acquired by the range determination part 332, from the registration information recorded in the information database 34, by using the positional information and moving direction of the terminal 1.

[0078]

(Step S70)

The display part 16 of the terminal 1 displays the browsing information. The information extraction part 333 of the server 3 transmits the extracted browsing information to the terminal 1 through the communication part 31. The information acquisition part 151 of the terminal 1 receives the browsing information through the communication part 13. The display control part 152 of the control part 15 displays the

browsing information on the display part 16. The browsing information may be displayed as a list of information, and it may be the case that only the number of the browsing information is displayed. The position of the browsing information may be shown and displayed on map information, and in that case, it may further specify which range was the designated search range. Such map information is stored in the memory part 32 of the server 3, the information database 34, and the memory part 14 of the terminal 1. During the movement of the terminal 1, only the title and name of the browsing information are displayed, and when the terminal 1 comes to be at rest, the outline of the browsing information may be added and displayed. Thereby, the amount of information transmission and reception during the movement can be decreased, and visibility in the display part 16 can be improved. Furthermore, when voice information is included in the browsing information, a voice is outputted to a voice output part by a speaker, an earphone, and the like of the terminal 1 which are not shown. At that time, if the browsing information includes a plurality of pieces of voice information, it may be outputted such that a user can simultaneously hear a plurality of sounds, by changing the pitch and the kind of sound of each voice." (Paragraphs [0071] to [0078])

(2) The matters understood from the above (1) and Fig. 1 to Fig. 10

1f) According to the description in (1) 1e) Paragraph [0076] above, the designated search range is determined by the range determination part 332, on the basis of the movement speed of the terminal 1 computed by the state acquisition part 331; that is, the state information.

Furthermore, it is obvious that the designated search range is determined by assuming the present position of the terminal 1 which is the positional information as the origin, from the descriptions of Fig. 6 to Fig. 8 and (1) 1d) Paragraphs [0055] to [0063] above.

In (1) 1e) Paragraphs [0077] and [0078], it is described that the browsing information which is extracted by being included in the designated search range is displayed while showing the position on the map information, so that it can be understood that the range determination part 332 can determine the designated search range for extracting the browsing information displaying its position on the map information, on the basis of the acquired state information and the acquired positional information.

1g) According to (1) 1c) Paragraph [0038], so as to set up the designated search range, if the terminal 1 is at rest, it can be understood that a range of a circle with a constant

radius around the terminal 1 is made to be the search range.

(3) Cited Invention

Considering the descriptions of (1) (2) above, and Fig. 1 to Fig. 10, the Publication describes the following invention (hereinafter, referred to as "Cited Invention").

"An information display system comprising:

a state acquisition part 331 which acquires state information relating to a movement state of a terminal 1;

a positional information acquisition part 11 which acquires positional information of the terminal 1; and

a range determination part 332 which determines a designated search range for extracting browsing information displaying its position on map information, on the basis of the acquired state information and the acquired positional information;

wherein the range determination part 332 sets up the designated search range so as to be a range of a circle with a constant radius around the terminal 1, when the terminal 1 is at rest, on the basis of the acquired state information and the acquired positional information."

2. Comparison / judgment between the Amended Invention and Cited Invention

According to the description of 1. (1) 1b) Paragraph [0019] above, “terminal 1” is a portable telephone terminal which a user uses, and moves with the user, in view of technical common sense, and according to the description of 1. (1) 1c) Paragraph [0037] above, "state information relating to a movement state" is the moving direction and the movement speed, so that "a state acquisition part 331 which acquires state information relating to a movement state of a terminal 1" in Cited Invention corresponds to "a behavior information acquisition part which acquires behavior information of a user" in the Amended Invention. According to the description of 1. (1) 1b) Paragraph [0019] above, "a positional information acquisition part 11 which acquires positional information of the terminal 1" in Cited Invention corresponds to "a location information acquisition part which acquires present location information" in the Amended Invention, since "positional information of the terminal 1" is nothing other than information of the portable telephone terminal which the user uses and moves with the user in view of technical common sense, and information indicating the present location of the user.

Furthermore, "state information" in Cited Invention, corresponds to "behavior

information" in the Amended Invention, in light of the function, composition, and technical significance thereof, and similarly, "positional information" corresponds to "present location information," "browsing information displaying its position on map information" to "a selection object on a map," "extraction" to "selection," "a designated search range" to "a selection range," "determines" to " sets up," "a range determination part 332" to "a selection range set part," and "an information display system" to "an information processing apparatus," respectively.

Then, "the range determination part 332 sets up the designated search range so as to be a range of a circle with a constant radius around the terminal 1, when the terminal 1 is at rest, on the basis of the acquired state information and the acquired positional information" in Cited Invention, and "the selection range set part, when it is recognized that the user is moving, specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information" in the Amended Invention, are identical only in the point that "the selection range sets up the selection range, according to the behavior information and the present location information."

Therefore, corresponding features and different features of them are as follows.

[Corresponding features]

"An information processing apparatus comprising:

a behavior information acquisition part which acquires behavior information of a user;

a location information acquisition part which acquires present location information; and

a selection range set part which sets up a selection range for selecting a selection object on a map, according to the acquired behavior information and the acquired present location information,

wherein the selection range set part sets up the selection range according to the behavior information and the present location information."

[The different feature]

The point that regarding "the selection range set part sets up the selection range according to the behavior information and the present location information," "the

selection range set part, when it is recognized that the user is moving, specifies a stop position at which the user stops, and sets up the selection range so as to make the stop position become a center of the selection range, according to the behavior information and the present location information" in the Amended Invention, whereas, "the range determination part 332 sets up the designated search range so as to be a range of a circle with a constant radius around the terminal 1, when the terminal 1 is at rest, on the basis of the acquired state information and the acquired positional information" in Cited Invention (hereinafter, referred to as the "different feature").

The different feature will be examined.

[Regarding the different feature]

So as to set up the selection range for selecting the selection object on the map, if it is recognized that the user is moving by a railroad vehicle and the like, it is well-known art to specify the stop position at which the user stops according to the behavior information and the present location information, and to set up the selection range so as to make the stop position become the center of the selection range (For example, refer to Japanese Unexamined Patent Application Publication No. 2004-295625 (the descriptions of Paragraphs [0066] to [0088] and Fig. 7 and Fig. 10), Japanese Unexamined Patent Application Publication No. 2009-168561 (the descriptions of Paragraphs [0070] to [0078] and Fig. 10), and Japanese Unexamined Patent Application Publication No. 2009-204569 (the descriptions of Paragraphs [0138] to [0145] and Fig. 2)).

Therefore, so as to set up the designated search range in the range determination part 332 of Cited Invention, when it is recognized that the user is moving, it could be easily conceived by a person skilled in the art to specify the stop position at which the user stops according the behavior information and the present location information, and to set up the designated selection range so as to make the stop position become the center of the selection range, by applying the above-mentioned well-known arts, thereby providing the matters specifying the Amended Invention relating to the different feature.

Then, the Amended Invention does not provide specific effect beyond effect predicted on the basis of Cited Invention and the well-known arts even as a whole.

3. Summary

Therefore, the Amended Invention could be provided easily by a person skilled in the art according to Cited Invention and the well-known arts, and thus, the appellant should not be granted a patent for the Amended Invention in accordance with the provisions of Article 29 (2) of the Patent Act.

4. Closing

As mentioned above, since 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, the Amendment shall be dismissed under the provisions of Article 53(1) of the Patent Act applied mutatis mutandis by replacing certain terms pursuant to Article 159(1) of the Patent Act.

Therefore, the decision is made in accordance to [Conclusion of Decision to Dismiss Amendment].

No. 3 Regarding the Invention

1. The Invention

The Amendment was dismissed as described above, and the invention relating to Claim 1 of the present application (hereinafter, referred to as the "Invention") is recognized as described in No. 2 [Reason] [1] (1) above, in view of the specification amended by the written amendment submitted on September 2, 2014, the scope of claims for patent amended by the written amendment submitted on August 10, 2015, and drawings at the initial application.

2. Descriptions and the like of the Publication

The Publication cited in reasons for refusal of the examiner's decision and Cited Invention are as described in No. 2 [Reason] [3] 1.

3. Comparison / judgment

The Invention corresponds to the invention deleting the limitation of "when it is recognized that the user is moving" regarding "sets up the selection range" which is examined in No. 2 [Reason] [2] above.

Then, the Amended Invention including the whole of the matters specifying the Invention, as described in No. 2 [Reason] [3] 2. above, could be provided easily by a person skilled in the art according to Cited Invention and the well-known arts, so that the Invention could be also provided easily by a person skilled in the art according to Cited Invention and the well-known arts.

4. Summary

As mentioned above, the Invention could be provided easily by a person skilled in the art according to Cited Invention and the well-known arts, 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

No. 4 Closing

As described in No. 3, the appellant should not be granted a patent for the Invention in accordance with the provisions of Article 29(2) of the Patent Act, so that the present application should be rejected.

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

December 27, 2016

Chief administrative judge:	ITO, Asahito
Administrative judge:	MATSUSHITA, Akira
Administrative judge:	MISHIMAGI, Hidehiro