Appeal decision

Appeal No. 2017-1276

Tokyo, Japan Appellant

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The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2013-205657, entitled "VOTING SYSTEM" (the application published on April 13, 2015, Japanese Unexamined Patent Application Publication No. 2015-69589, the number of claims: (3)) has resulted in the following appeal decision.

Conclusion

The examiner's decision is revoked.

The invention of the present application shall be granted a patent.

Reason

No. 1 History of the procedures

The application was filed on September 30, 2013, a notice of reasons for refusal dated April 19, 2016 was issued, and despite submission of a written amendment on June 22, 2016, an examiner's decision of refusal (the examiner's decision) dated November 1, 2016 was issued. Against this, an appeal against the examiner's decision of refusal was requested on January 30, 2017, and an amendment was made at the same time.

No. 2 Outline of the examiner's decision

The outline of the examiner's decision (the examiner's decision of refusal dated November 1, 2016) was as follows.

The inventions relating to Claims 1 to 4 could have been easily conceived by a person skilled in the art, by reference the inventions described in Cited Documents 1 and 2 and the well-known arts described in Cited Documents 3 to 6, and thus the appellant should not be granted a patent for the inventions in accordance with the provisions of Article 29(2) of the Patent Act.

<List of Cited Documents, etc.>

1. Japanese Unexamined Patent Application Publication No. 2009-237682

2. Japanese Unexamined Patent Application Publication No. 2003-77023

3. Japanese Unexamined Patent Application Publication No. 2009-70267

4. Japanese Unexamined Patent Application Publication No. 2011-154615

5. Japanese Unexamined Patent Application Publication No. 2004-64656

6. Japanese Unexamined Patent Application Publication No. 2003-123147

No. 3 The Invention

The inventions relating to Claims 1 to 3 of the application (hereinafter, respectively referred to as "Invention 1" to "Invention 3") are acknowledged as follows, as specified by the matters described in Claims 1 to 3 of the scope of claims amended by the written amendment on January 30, 2017.

"[Claim 1]

A voting system comprising:

a mobile terminal which displays an identification code indicating information including identification information for identifying a voter and voting information showing voting contents of the voter;

a voting device which has a voting reception information storage portion storing the identification information and the voting information, a code reading portion reading the identification code displayed in the mobile terminal, a voting information obtaining portion obtaining the identification information and the voting information based on the read identification code to store the same in the voting reception information storage portion, a voting information transmitting portion transmitting the identification information and the voting information, and a ticketing portion ticketing a voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information;

a voting management server which has a voting information receiving portion receiving the identification information and the voting information transmitted from the voting device, a voting information storage portion storing the voting information about each set of the received identification information, a ticketing executing portion transmitting the ticketing execution notice for ticketing the voting ticket to the voting device when the voting information is stored in the voting information storage portion, and an amount point calculating portion calculating a number of points according to a voting amount based on the voting information stored in the voting information storage portion and storing the number of points about each set of identification information in the voting information storage portion; and

an identification information management server which has an individual information receiving portion receiving individual information on the voter from the mobile terminal, an individual information storage portion storing the received individual information in association with the identification information, and an identification information issuing portion issuing the identification information to the mobile terminal.

[Claim 2]

The voting system according to Claim 1, wherein

the identification information management server has an individual information notice processing portion referring to the individual information storage portion to transmit the individual information corresponding to the identification information to which a transmission request is made to the voting management server, when receiving the transmission request of the individual information corresponding to the identification information from the voting management server, and

the voting management server has an individual information add processing

portion transmitting the transmission request to the identification information management server, and storing the individual information in the voting information storage portion from identification information management server when receiving the individual information corresponding to the identification information to which the transmission request is made.

[Claim 3]

The voting system according to Claim 1 or 2, wherein the identification code is a one-dimensional code or a two-dimensional code."

No. 4 Cited Documents and Cited Invention

1. Regarding Cited Document 1

Cited Document 1 (Japanese Unexamined Patent Application Publication No. 2009-237682) cited in reasons for refusal stated in the examiner's decision includes the following description with drawings (underlines are added by the body).

A "[0007]

Figure 1 is a block diagram showing <u>the voting processing system</u> of Example 1. The case where <u>the two-dimensional bar code (identification information) which</u> shows the betting ticket information of a betting ticket is stored in a mobile phone of a

customer instead of the betting ticket is described as an example."

B. "[0008]

...Omitted...

Reference numeral <u>2</u> denotes a ticketing terminal (voting process terminal), is installed in a voting place such as a racetrack and an off-track betting place not only to issue a betting ticket, but also to pay back a dividend of the betting ticket by having a winning betting ticket inserted therein, and is connected with the settling server 20 (superordinate device) by a communication part 10 so as to communicate through a communication line such as a dedicated line. [0009]

...Omitted...

Reference numeral <u>4 denotes a reading part</u>, is provided with a reading surface for reading the two-dimensional bar code, and has a function to <u>read the two-dimensional</u> bar code held up toward the reading surface as image data."

C. "[0018]

The mobile phone 1 creates the two-dimensional bar code including the inputted betting ticket information, a download number received when the above-mentioned application is acquired, and a mobile identification number, scrambles the twodimensional bar code, and stores the two-dimensional bar code and an inputted password in association with each other.

In S1, a terminal control part 5 of <u>the ticketing terminal 2</u>, <u>if a customer performs</u> input operation for purchasing a betting ticket with the two-dimensional bar code using the mobile phone 1 on a touch panel, displays a screen urging the display of the twodimensional bar code on a screen of the mobile phone 1, and on a display operating portion 3 there are placed a bar code input screen in which a guidance for urging to hold the two-dimensional bar code toward the reading part 4, a screen urging the input of the password for releasing the scramble performed on the two-dimensional password, a password input field, a numeric keypad for inputting and the like. [0019]

In S2, when the customer <u>holds the two-dimensional bar code to the reading part</u> <u>4</u> according to the bar code input screen and further enters the password, the terminal control part 5 stores the inputted password in a terminal memory portion 6, and <u>reads</u> the image data of the two-dimensional bar code with the reading part 4 and stores the image data of the two dimensional bar code in the terminal memory portion <u>6</u>.

In S3, <u>the terminal control part 5</u> reads out the image data of the two-dimensional bar code and the password from the terminal memory portion 6, and <u>transmits to the settling server 20 mobile betting ticket purchasing information attached with the image data of the read two-dimensional bar code and the password.</u>

[0020]

In S4, <u>the settling server 20</u> numbers an item number, recognizes the present date and time by a clock function that is not shown, releases the scramble performed on the image data of the two-dimensional bar code received, based on the password added to the received mobile betting ticket purchasing information, <u>recognizes and obtains</u> <u>betting ticket information</u>, a download number, and a mobile identification number from the image data of the two-dimensional bar code, and stores various information such as the betting ticket information, the download number, the mobile identification number, the item number, and the present date and time <u>in association with each other in the</u> <u>database 22</u>.

[0021]

At that time, the settling server 20 decides a vote application number based on the download number, a purchase management parent number based on the mobile identification number, and a purchase amount based of a voting amount of each voting number of the betting ticket information, and stores those in the database 22.

In S5, <u>the settling server 20 transmits to the ticketing terminal 2 an amount</u> <u>determination message attached with the purchase amount</u> stored in the database 22. [0022]

In S6, <u>the terminal control part 5 displays a payment screen which displays the</u> received purchase amount to urge the customer to inject cash on the display operating portion 3, and transmits a paid notification to the settling server 20 when the customer injects the cash for the displayed purchase amount.

Thus, the settling server 20 recognizes that purchase processing of the betting ticket of the customer has been completed, and stores completion of the purchase processing in the database 22."

D. "[0024]

A customer performs input operation for receiving a dividend at the ticketing terminal 2.

In S7, the terminal control part 5 of <u>the ticketing terminal 2 displays</u> the screen which <u>urges the customer to hold the two-dimensional bar code displayed in the mobile</u> <u>phone 1 toward the reading part 4</u>, and <u>a dividend payment screen</u> in which wording for urging the input of the password, the password input field, the numeric keypad for

inputting and the like are arranged, in the display operating portion 3.

The customer, according to <u>dividend payment screen</u>, <u>displays the two-</u> <u>dimensional bar code which is the same as the two-dimensional code displayed in the</u> <u>mobile phone 1 in the above-mentioned step S1 in the mobile phone 1</u>, holds the twodimensional bar code to the reading part 4, and inputs the password. Also, the password inputted at that time is a password for releasing the scramble of the twodimensional bar code.

[0025]

In S8, the terminal control part 5 reads the image data of the two-dimensional bar code displayed on the display screen of the mobile phone 1 with the reading part 4, and transmits to the settling server 20 a pay-back confirmation request attached with the password inputted by the customer and the image data of the read two-dimensional bar code.

In S9, <u>the settling server 20</u> releases the scramble performed on the image data of the two-dimensional bar code received based on the received password, and <u>recognizes</u> and obtains various information (the betting ticket information, the download number, the mobile identification number) from the image data of the two-dimensional bar code. [0026]

In S10, the settling server 20 compares the obtained betting ticket information, the download number, the mobile identification number, and the password with registered customer data stored in the database 22.

In this comparison, for example, the database 22 is searched by the vote application number according to the recognized download number, and the corresponding registered customer data are read out. Comparison of the betting ticket information of the read-out registered customer data and the recognized betting ticket information, and comparison of the password of the registered customer data and the recognized password are respectively performed to compare the registered customer data.

[0027]

In S11, the settling server 20 recognizes a voting number that won and the voting amount thereof from voting data of the registered customer data of the customer which is read out from the database 22 during the comparison, calculates a pay-back amount corresponding to the voting number and the voting amount from stored information on the dividend, and transmits the calculated pay-back amount to the ticketing terminal 2.

Also, the settling server 20 changes a reception state of the registered customer data of the customer to received, and updates the contents of the database 22. [0028]

In <u>S12</u>, the terminal control part 5 pays back cash to the customer according to the received pay-back amount, to thereby finish pay-back processing.

As described above, in this example, the ticketing terminal reads the image data of the two-dimensional bar code indicating the betting ticket information displayed in the mobile phone of the customer and transmits the same to the settling server, thereby storing the contents of the betting ticket information in the database of the settling server. If a race result is fixed and the customer hit the mark, the ticketing terminal reads the image data of the two-dimensional bar code again from the mobile phone of the customer and transmits the same to the settling server. The settling server confirms that the betting ticket information matching the betting ticket information of the received two-dimensional bar code is stored in the database, and transmits to the ticketing terminal the pay-back amount according to the hit contents. <u>The ticketing</u> terminal does not use paper media to pay back to the customer, and thus waste of resources can be reduced."

According to A. to D. above, Cited Document 1 describes the following invention (hereinafter, referred to as "the invention described in Cited Document 1").

<The invention described in Cited Document 1>

"A voting processing system in which a two-dimensional bar code which shows betting ticket information of a betting ticket is stored in a mobile phone of a customer instead of the betting ticket ([0007]), wherein

a mobile phone 1 creates the two-dimensional bar code including the inputted betting ticket information, a download number received when an application is acquired, and a mobile identification number ([0018]);

a ticketing terminal 2 is installed in a voting place not only to issue a betting ticket, but also to pay back a dividend of the betting ticket by having a winning betting ticket inserted therein ([0008], and if a customer performs input operation for purchasing a betting ticket with the two-dimensional bar code using the mobile phone 1, displays a screen urging the display of the two-dimensional bar code on a screen of the mobile phone 1, and a bar code input screen in which a guidance for urging the customer to hold the two-dimensional bar code toward a reading part 4 is placed on a display operating portion 3 (S1, [0018]);

the ticketing terminal 2 reads image data of the two-dimensional bar code held to the reading part 4 and stores the image data of the two-dimensional bar code in a terminal memory portion 6 (S2, [0019]);

the ticketing terminal 2 transmits to a settling server 20 mobile betting ticket purchasing information attached with the image data of the two-dimensional bar code (S3, [0019]);

the settling server 20 recognizes and obtains betting ticket information, a download number, and a mobile identification number from the image data of the received two-dimensional bar code, and stores the betting ticket information, the download number, and the mobile identification number in association with each other in a database 22 (S4, [0020]);

the settling server 20 transmits to the ticketing terminal 2 an amount determination message attached with a purchase amount (S5, [0021]);

the ticketing terminal 2 displays a payment screen which displays the received purchase amount to urge a customer to inject cash on a display operating portion 3, and transmits a paid notification to the settling server 20 when the customer injects the cash for the displayed purchase amount (S6, [0022]);

the ticketing terminal 2, when input operation for receiving a dividend is performed, displays a dividend payment screen which urges the customer to hold the two-dimensional bar code displayed in the mobile phone 1 toward the reading part 4 in the display operating portion 3, and the two-dimensional bar code is the same as the two-dimensional bar code displayed when purchasing the betting ticket (S7, [0024]);

the ticketing terminal 2 reads the image data of the two-dimensional bar code displayed on the display screen of the mobile phone 1 with the reading part 4, and

transmits a pay-back confirmation request attached with the image data of the read twodimensional bar code to the settling server 20. (S8, [0025]);

the settling server 20 recognizes and obtains betting ticket information, a download number, and a mobile identification number from the image data of the received two-dimensional bar code (S9, [0025]);

the settling server 20 compares the obtained betting ticket information, the download number, and the mobile identification number with registered customer data stored in the database 22 (S10, [0026]);

the settling server 20 recognizes a voting number that won and a voting amount thereof from voting data of the registered customer data of the customer which is read out from the database 22 during the comparison, calculates a pay-back amount corresponding to the voting number and the voting amount from stored information on the dividend, and transmits the calculated pay-back amount to the ticketing terminal 2 (S11, [0027]); and

the ticketing terminal 2 pays back cash to the customer according to the received pay-back amount (S12, [0028]), and does not use paper media to pay back to the customer, and thus waste of resources can be reduced ([0028])."

2. Regarding Cited Document 2

Cited Document 2 (Japanese Unexamined Patent Application Publication No. 2003-77023) cited in reasons for refusal stated in the examiner's decision, includes the following description with drawings (underlines are added by the body).

A. "[0001]

[Field of the Invention] The present invention relates to <u>a voting system in a publicly</u> operated race and the like."

B. "[0021] A fan uses the template for vote downloaded to the mobile phone 3, and <u>fills</u> <u>out voting contents on the display screen of the mobile phone 3 (Fig. 2)</u>. After finishing the entry of the voting contents, the fan <u>converts that into a bar code on the display screen of the mobile phone 3</u>, and <u>stores that in the mobile phone 3</u> using a function which is originally owned by mobile phones 3 (Fig. 2). Bar code data which are contained in bar code conversion software are used for converting the voting contents into the bar code.

[0022] The fan goes to a voting place provided at the racetrack or outside the racetrack, displays the bar code stored in the mobile phone 3, and holds the bar code on the display screen of the mobile phone 3 to a bar code reading device of the automatic voting ticket vending machine 2 installed there (Fig. 2). The automatic voting ticket vending amount (Fig. 2).

[0023] The fan injects the money for the voting amount into the automatic voting ticket vending machine 2 (Fig. 2). <u>The automatic voting ticket vending machine 2 calculates</u> the amount of the injected money, and if the amount matches the above-mentioned voting amount, issues a voting ticket (Fig. 2). The fan receives the voting ticket from the automatic voting ticket vending machine 2."

According to A. and B. above, Cited Document 2 describes the following

invention (hereinafter, referred to as "the invention described in Cited Document 2").

<The invention described in Cited Document 2>

"A voting system in a publicly operated race and the like ([0001]), wherein

a mobile phone 3 is filled with voting contents on a display screen thereof ([0021]);

the mobile phone 3 converts the filled-in voting contents into a bar code and stores that in the mobile phone 3 ([0021]);

the mobile phone 3 displays the stored bar code, and a fan holds the bar code to a bar code reading device of an automatic voting ticket vending machine 2 ([0022]);

the automatic voting ticket vending machine 2 reads the bar code, and calculates and displays a voting amount ([0022]); and

the automatic voting ticket vending machine 2, if the amount of injected money matches the voting amount, issues a voting ticket ([0023])."

3. Regarding Cited Document 3

Cited Document 3 (Japanese Unexamined Patent Application Publication No. 2009-70267) cited in reasons for refusal stated in the examiner's decision includes the following description with drawings (underlines are added by the body).

A. "[0001]

The present invention relates to <u>a voting point system which applies points to</u> <u>a voting ticket which predicts an arrival order</u> of a player or a horse on which the player rides, and a vehicle such as a bicycle, a motorcycle, a boat, which participate in a competition in which the player moves along a straight course or a round course and competes in the arrival order like <u>a publicly operated race</u>; to a method of calculating a voting point; and to a program therefor."

B. "[0022]

Hereinafter, the present invention will be described in detail with reference to an embodiment of a voting point system installed in a racetrack.

...Omitted...

[0027]

Automatic issuing and payment machines 121, 122, ...,12n are a large number of purchasing devices of voting tickets installed at proper places of a racetrack, have issuing units and OMR sheet units, issue voting tickets when a purchase procedure of the voting ticket for each race is executed by insertion of a member card in the issuing unit, insertion of cash, and insertion of an OMR sheet in the OMR sheet unit, and add a point value according to the amount of the purchased voting ticket to a present point value of the member card after a result of the race is fixed. Here, the OMR sheet means an OMR (optical mark recognition) sheet such as a quinella betting ticket of 1000 yen of the 9th race is marked, for purchasing various voting tickets of each race. [0028]

The voting point system 1 is equipped with a member management system 15, and the member management system 15 is respectively connected to a voting point server (working) 11 and a voting point server (for reserve) 12. In a member information memory portion (not shown) in the member management system 15, an

expiration date of a membership, information for specifying a member, information on a voting ticket purchased by the member, and information on a cumulative value of the present points of the member are stored.

According to A. and B. above, Cited Document 3 describes the following matters.

<The matters described in Cited Document 3>

"A voting point system which applies points to a voting ticket which predicts an arrival order of a publicly operated race ([0001]), wherein

automatic issuing and payment machines 121, 122, ...,12n are a large number of purchasing devices of voting tickets installed at proper places of a racetrack, have issuing units and OMR sheet units, issue voting tickets when a purchase procedure of the voting ticket for each race is executed by insertion of a member card in the issuing unit, insertion of cash, and insertion of an OMR sheet in the OMR sheet unit, and add a point value according to the amount of the purchased voting ticket to a present point value of the member card after a result of the race is fixed ([0027]), and

a member management system 15 stores an expiration date of a membership, information for specifying a member, information on a voting ticket purchased by the member, and information on a cumulative value of the present point of the member in a member information memory portion of the member management system 15. ([0028])"

4. Regarding Cited Document 4

Cited Document 4 (Japanese Unexamined Patent Application Publication No. 2011-154615) cited in reasons for refusal stated in the examiner's decision includes the following description with drawings (underlines are added by the body).

A. "[0010]

The form for executing <u>the ID management system</u> relating to the present invention will be described below based on an example. [Example]

[0011]

With reference to Figs. 1 to 4, the ID management system relating to an example is described. The reference symbol 1 of Fig. 1 is a system block diagram showing the ID management system according to the present invention. The ID management system is <u>mainly composed of</u> a student identification card 3 (recording medium) issued to a student belonging to a school 2, <u>a point card 5 (recording medium)</u> issued to a student belonging to a school 2, <u>a point card 5 (recording medium)</u> issued to a member at a shop 4, <u>a mobile phone 6 of a user using the student</u> identification card 3 and <u>the point card 5</u>, <u>a management server 7</u> which manages information of the student identification card 3, the point card 5, and the mobile phone 6 in association with each other, and <u>card reader terminals 8 and 9</u> which are <u>installed at</u> the school 2 and <u>the shop 4</u>, and are equipped with card readers (not shown) for reading a student ID and the like described below."

B. "[0022]

As shown in Fig. 2, <u>in the ID management table stored in the management</u> <u>server 7, in association with the management ID capable of individually identifying</u> <u>each user</u>, information such as a mobile ID of the mobile phone 6 used by the user, a <u>SIM card ID of a SIM card 31</u>, a mail address (user identification information) and a password (user identification information) optionally set by the user, a student ID of the student identification card 3, a number of times of attendance in the school 2, <u>a member</u> <u>ID of the point card 5</u>, and a point balance granted according to a purchase amount are <u>stored</u>."

C. "[0051]

As shown in Fig. 5, when the user purchases a commodity at the shop 4, a salesclerk operates the number buttons 20 in advance with the card reader terminal 9 installed at the shop 4 to input the number of the points to be granted to the point card of the user or the purchase amount (grant point reception). Then, when the user holds (brings close) the mobile phone 6 to the card reader terminal 9 in a data accepting state, the card reader (not shown) of the card reader terminal 9 reads the mobile ID and the SIM card ID, and transmits to the management server 7 the mobile ID, the SIM card ID, and the number of the points.

[0052]

<u>The management server 7</u> searches the ID management table on the basis of the mobile ID and the SIM card ID, and determines whether or not a record in which the mobile ID and the SIM card ID are registered exist. If the mobile ID and the SIM card ID exist in the ID management table, processing for adding the points inputted by the salesclerk to the point balance of the member ID associated with the mobile ID and the SIM card the SIM card ID is performed."

According to A. to C. above, Cited Document 4 describes the following matters.

<The matters described in Cited Document 4>

"An ID management system ([0010]), comprising: a point card 5 issued to a member at a shop 4; a mobile phone 6 of a user using the point card 5; a management server 7; and card reader terminals 8 and 9 installed at the shop 4 ([0011]), wherein

in the ID management table stored in the management server 7, in association with the management ID capable of individually identifying each user, information such as a mobile ID of the mobile phone 6 used by the user, a SIM card ID of a SIM card 31, a member ID of the point card 5, and a point balance granted according to a purchase amount are stored ([0022]),

the card reader terminal 9, when the user purchases a commodity at the shop 4, receives input of the number of the points to be granted to the point card of the user or the purchase amount by a salesclerk, and when the user holds the mobile phone 6 in a data accepting state, reads the mobile ID and the SIM card ID, and transmits the mobile ID, the SIM card ID, and the number of the points to the management server 7 ([0051]), and

the management server 7 performs processing for adding the points inputted by the salesclerk to the point balance of the member ID associated with the received mobile ID and the SIM card ID ([0052])."

5. Regarding Cited Document 5

Cited Document 5 (Japanese Unexamined Patent Application Publication No. 2004-64656) cited in reasons for refusal stated in the examiner's decision includes the following description with drawings (underlines are added by the body).

A. "[0017]

Also, the server 3 is equipped with a two-dimensional bar code issuing means 7 which receives customer information transmitted from a mobile phone unit 1 from a customer information registration means 6, and codes the customer information into a two-dimensional bar code to provide the mobile phone unit 1. Also, the customer information coded into the two-dimensional bar code by the two-dimensional bar code issuing means 7 may be a part or all of a name, age, sex, a zip code, and the like."

B. "[0025]

The user, so as to register the obtained two-dimensional bar code on the mobile phone unit 1, operates the mobile phone unit 1 to read out a "screen memo" function as shown in Fig. 3 (k), and stores contents displayed on the screen shown in Fig. 3 (j) in the mobile phone unit 1. The user, when using the two-dimensional bar code, can read out the "screen memo" function in the same way, and can <u>display the two-dimensional bar code on the screen of the mobile phone unit 1</u> as shown in Fig. 3 (l)."

C. "[0029]

...Omitted...thus, <u>it becomes possible to</u> register in the mobile phone unit itself even customer information having an amount of information that cannot be included in a normal one-dimensional bar code, and <u>use the mobile phone unit instead of a conventional point card</u> or a member card at shops such as restaurants and dealers."

According to A. to C. above, Cited Document 5 describes the following matters.

<The matters described in Cited Document 5>

"A mobile phone unit which displays a two-dimensional bar code including a part or all of a name, age, sex, a zip code, and the like on a screen, and can be used instead of a point card."

6. Cited Document 6

Cited Document 6 (Japanese Unexamined Patent Application Publication No. 2003-123147) cited in reasons for refusal stated in the examiner's decision includes the following description with drawings (underlines are added by the body).

A. "[0001]

[The technical field to which invention belongs] The invention relates to <u>a point system</u> which accumulates points according to sales of commodities and a recording medium."

B. "[0012] Figure 1 shows a system configuration diagram of the present invention. In Fig. 1, the mobile terminal 1 connects to a point center 5 or a POS 2 by wireless or a cable, accumulates points according to the sales, and here, is composed of a point request means 11 and the like."

C. "[0014] The POS 2 charges a rate to the customer by reading a bar code of a commodity which the customer brings from a display shelf, prints and hands a receipt when the customer pays, and transmits sales data to a POS center 4.

D. "[0016] <u>The POS center 4 collectively manages the sales data reported from the POS</u> <u>2</u>, and is composed of a sales management means 41, a sales table 42, and the like.

E. "[0018] <u>The point center 5 accumulates and manages the points of the customer</u>, and here, is composed of an identification means 51, a point adding means 52, an inquiring means 53, an authentication table 54, a point table 55, and the like."

F. "[0025] S5 outputs the receipt. S6 opens the HP (homepage) with the mobile phone. <u>The customer receiving the receipt</u> in S5 <u>accesses</u> and downloads <u>the homepage</u> with the mobile phone (mobile terminal 1) which he/she has, and <u>automatically or manually transmits the customer ID and the password for authentication</u>. Thereby, it is verified on the homepage of the point center 5 in FIG. 1, and the corresponding page can be displayed on the screen of the mobile phone.

[0026] S7 inputs the receipt No., a date, and an amount of the receipt. This <u>inputs</u> (inputs by reading with a scanner, inputs by shooting the receipt with a mounted digital camera, and manually inputs), <u>on the corresponding page</u> of the point center 5 of Fig. 1 shown in S6, the receipt No., the date, and the amount of the receipt received in S5.

[0027] S8 instructs registration. <u>S9 performs adding-up. S10 dairy inquires to the</u> <u>POS center.</u>

[0028]S11 checks the sales in the POS center, and notifies the possibility of point accumulation. Those S6 to S11 <u>inquire the POS center 4 of the receipt No.</u>, the date and time, and the amount which was added up in the point center 5 together by day, search whether or not the receipt No. and the data are registered in the sales table 42 in the POS center 4, and notify the point accumulation being possible to the point center 5 when they are registered.

[0029] S12 adds and accumulates the points in the point center. For example, in the point table 55 of Fig. 3 (b) mentioned below, point accumulation is calculated and set for each customer.

[0030] S13 notifies the customer by E-mail. This transmits that the points were added and the point accumulation to the customer to which the points were added in S12. As mentioned above, the customer brings the commodity to a register counter, pays for that by the POS 2, and receives the receipt. The receipt <u>No.</u> and the date of the receipt are transmitted to the point center 5 by the mobile phone (mobile terminal 1), <u>the point center 5 accumulates the points of the customer when they are checked with the POS center 4 and that are registered in the sales table 42</u>, and the accumulated points can be notified by E-mail."

According to A. to F. above, Cited Document 6 describes the following matters.

<The matters described in Cited Document 6>

"A point system which accumulates points according to sales of commodities ([0001], wherein

a POS 2 charges a rate to a customer by reading a bar code of a commodity, prints a receipt when the customer pays, and transmits sales data to a POS center 4 ([0014]),

the POS center 4 collectively manages the sales data reported from the POS 2 ([0016]),

a point center 5 accumulates and manages the points of the customer ([0018]),

the customer receiving the receipt accesses a homepage of the point center 5 with the mobile phone, transmits a customer ID and a password for authentication ([0025]), and inputs, on the corresponding page, a receipt No., a date, and an amount of the receipt ([0026]),

the point center 5 inquires the POS center 4 about the receipt No., the date and time, and the amount of the receipt that was added up ([0028]),

the POS center 4 notifies point accumulation being possible to the point center 5 if the receipt No., the date and time, and the amount of the receipt are registered in a sales table 42 ([0028]), and

the point center 5 accumulates the points of the customer when the point center 5 quires the POS center 4 and confirms that the points have been registered in the sales table 42 ([0030])."

No. 5 Comparison / Judgment

1. Regarding the invention 1

(1) Comparison

The comparison between Invention 1 and the invention described in Cited Document 1 results in the following.

* "A mobile phone" of the invention described in Cited Document 1 displays "the twodimensional bar code including the inputted betting ticket information, a download number received when an application is acquired, and a mobile identification number" in the screen.

"The betting ticket information" included in the two-dimensional bar code corresponds to "voting information showing voting contents of the voter" of Invention 1.

The above mentioned "two-dimensional bar code" corresponds to " identification code" indicating information including "voting information showing voting contents of the voter" of the Invention 1.

Therefore, the mobile phone 1 displaying the two-dimensional bar code including the betting ticket information of the invention described in Cited Document 1 and "a mobile terminal which displays an identification code indicating information including identification information for identifying a voter and voting information showing voting contents of the voter" of the Invention 1 are common in the point of "a mobile terminal which displays an identification code indicating information including voting information showing voting contents of the voter."

* "A ticketing terminal" of the invention described in Cited Document 1 corresponds to "a voting device" of Invention 1.

* A ticketing terminal 2 of the invention described in Cited Document 1 "displays a screen urging the display of the two-dimensional bar code on a screen of the mobile phone 1, and a bar code input screen in which a guidance for urging the customer to hold the two-dimensional bar code toward the reading part 4 is placed on a display operating portion 3" and "reads image data of the two dimensional bar code held to the reading part 4."

Therefore, "a reading part 4" of the invention described in Cited Document 1 reads the image data of the two-dimensional bar code displayed on the screen of the mobile phone 1 and corresponds to "a code reading portion reading the identification code displayed in the mobile terminal of Invention 1."

* The invention described in Cited Document 1 transmits "the image data of the twodimensional bar code" read by the ticketing terminal 2 to a settling server 20, and the settling server 20 obtains "the betting ticket information" (voting information) from "the two-dimensional bar code" (identification code).

Therefore, the ticketing terminal 2 does not have a function for obtaining and storing "the betting ticket information" from "the two-dimensional bar code," and does not have "a voting information obtaining portion obtaining the identification information and the voting information based on the read identification code to store that in the voting reception information storage portion" of Invention 1.

* Although "a terminal memory portion 6" of the invention described in Cited Document 1 stores "the image data of the two-dimensional bar code" (identification code), and does not store "the betting ticket information" (voting information) obtained from "the image data of the two-dimensional bar code," the image data of the two-dimensional bar code," the image data of the two-dimensional bar code," the two-dimensional bar code," the two-dimensional bar code, "the two-dimensional bar code," the two-dimensional bar code, the two-dimensional bar code,

Therefore, "a terminal memory portion 6" of the invention described in Cited Document 1, and "a voting information obtaining portion obtaining the identification information and the voting information" of Invention 1 are common in the point of a voting reception information storage portion storing voting reception information."

* The ticketing terminal 2 of the invention described in Cited Document 1 "transmits mobile betting ticket purchasing information attached with the image data of the twodimensional bar code to a settling server 20."

This means for transmitting and "a voting information transmitting portion transmitting the identification information and the voting information" of the Invention 1 are common in the point of "a transmitting portion transmitting the voting reception information."

* "The ticketing terminal 2" of the invention described in Cited Document 1 "is installed in a voting place not only to issue a betting ticket, but also to pay back a dividend of the betting ticket by having a winning betting ticket inserted therein," so that it is equipped with "a ticketing portion ticketing a voting ticket," but the ticketing is not "based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information."

Therefore, the means for ticketing the betting ticket of the invention described in Cited Document 1, and "a ticketing portion ticketing a voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information" of the Invention 1 are common in the point of "a ticketing portion ticketing a voting ticket."

* It can be said that "the settling server 20" of the invention described in Cited Document 1 manages voting by "storing the betting ticket information, the download number, and the mobile identification number in association with each other in a database 22," so that it corresponds to "a voting management server" of the Invention 1.

* "The settling server 20" of the invention described in Cited Document 1 has a means for receiving the image data of the two-dimensional bar code transmitted from the ticketing terminal 2.

This means and "a voting information receiving portion which receives the identification information and the voting information transmitted from the voting device" of the Invention 1 are common in the point of "a voting reception information receiving portion which receives the voting reception information transmitted from the voting device."

* "The settling server 20" of the invention described in Cited Document 1 "stores the betting ticket information, the download number, and the mobile identification number in association with each other in a database 22."

"The database 22" and "a voting information storage portion storing the voting information about each of the received identification information" of the Invention 1 are common in the point of "a voting information storage portion storing the voting information."

* "A voting processing system" of the invention described in Cited Document 1 corresponds to "a voting system" of the Invention 1.

Therefore, it can be said that Invention 1 and the invention described in Cited Document 1 have the following corresponding features and different features.

<Corresponding features>

"A voting system comprising:

a mobile terminal which displays an identification code indicating information including voting information showing contents of the voter;

a voting device which has a voting reception information storage portion storing voting reception information, a code reading portion reading the identification code display in the mobile terminal, a transmitting portion transmitting the voting reception information, and a ticketing portion ticketing a voting ticket; and

a voting management server which has a voting reception information receiving portion receiving the voting reception information transmitted from the voting device, and a voting information storage portion storing the voting information."

<The different feature 1>

A point that, "an identification code" includes "identification information for identifying a voter" in Invention 1, whereas it does not include "identification information for identifying a voter" in the invention described in Cited Document 1.

<The different feature 2>

A point that, "a voting device" has "a voting information obtaining portion obtaining the identification information and the voting information based on the read identification code to store that in the voting reception information storage portion" in Invention 1, whereas it does not have the voting information obtaining portion in the invention described in Cited Document 1.

<The different feature 3>

A point that, "voting reception information" stored in "a voting reception information storage portion" is "the identification information and the voting information" which the voting information obtaining portion obtains based on the identification code in the Invention 1, whereas it is "the image data of the twodimensional bar code" (identification code) in the invention described in Cited Document 1.

<The different feature 4>

A point that, "a transmitting portion transmitting the voting reception information" is "a voting information transmitting portion" transmitting "the identification information and the voting information" in Invention 1, whereas it transmits "the image data of the two-dimensional bar code" (identification code) in the invention described in Cited Document 1.

<The different feature 5>

"A ticketing portion ticketing a voting ticket" is "a ticketing portion ticketing the voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information" in Invention 1, whereas it does not issue a voting ticket "based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information in the invention described in Cited Document 1.

<The different feature 6>

A point that, "a voting reception information receiving portion receiving the voting reception information transmitted from the voting device" is "a voting information receiving portion" receiving the identification information and the voting information in Invention 1, whereas it receives "the image data of the two-dimensional bar code" (identification code) in the invention described in Cited Document 1.

<The different feature 7>

A point that, "a voting information storage portion storing the voting information" "stores the voting information about each of the received identification information" in Invention 1, whereas it does not store "identification information" for identifying a voter in the invention described in Cited Document 1.

<The different feature 8>

A point that, "a voting management server" has "a ticketing executing portion transmitting the ticketing execution notice for ticketing the voting ticket to the voting device when the voting information is stored in the voting information storage portion" in Invention 1, whereas it does not have the ticketing executing portion in the invention described in Cited Document 1.

<The different feature 9>

A point that, "a voting management server" has "an amount point calculating portion calculating a number of points according to a voting amount based on the voting information stored in the voting information storage portion and storing the number of points about each identification information in the voting information storage portion" in Invention 1, whereas it does not have the amount point calculating portion in the invention described in Cited Document 1.

<The different feature 10>

A point that, Invention 1 comprises "an identification information management server which has an individual information receiving portion receiving individual information on the voter from the mobile terminal, an individual information storage portion storing the received individual information in association with the identification information, and an identification information issuing portion issuing the identification information to the mobile terminal," whereas the invention described in Cited Document 1 does not comprise the identification information management server.

(2) Judgment on the different features

The different features 5 and 8 are examined.

"The two-dimensional bar code" of the invention described in Cited Document 1 functions "instead of the betting ticket," and when input operation for purchasing the betting ticket is performed by "the two-dimensional bar code," the betting ticket is not issued, and pay-back is carried out by reading "the two-dimensional bar code" with the ticketing terminal 2. Thereby, the invention described in Cited Document 1 achieves an object that "it does not use paper media to pay back to the customer, and thus waste of resources can be reduced."

In the invention described in Cited Document 1 in which the waste of paper resources is reduced by using the two-dimensional bar code instead of the betting ticket, issuing the betting ticket based on "the two-dimensional bar code" is a change of the configuration against the above object, and it can be said that there is a disincentive in such a change of the configuration.

Furthermore, configurations relating to the different features 5 and 8 are not described in any of Cited Documents 2 to 6.

Therefore, it cannot be said that a person skilled in the art could have easily conceived to provide "a ticketing portion ticketing a voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information," and "a ticketing executing portion transmitting the ticketing execution notice for ticketing the voting ticket to the voting device when the voting information is stored in the voting information storage portion" relating to the different features 5 and 8 so as to issue the betting ticket based on the betting ticket information (voting information) included in "the two-dimensional bar code" in the invention described in Cited Document 1.

Thus, it cannot be said that Invention 1 could have been easily made even by a person skilled in the art based on the well-known arts described in the invention

described in Cited Document 1, the invention described in Cited Document 2, and Cited Documents 3 to 6, without examining other different features.

2. Regarding inventions 2 and 3

Inventions 2 and 3 are equipped with the same configuration as "a ticketing portion ticketing the voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information," and "a ticketing executing portion transmitting the ticketing execution notice for ticketing the voting ticket to the voting device when the voting information is stored in the voting information storage portion," so that for the same reason as the Invention 1, it cannot be said that those could have been easily made even by a person skilled in the art based on the well-known arts described in the invention described in Cited Document 1, the invention described in Cited Document 2, and Cited Documents 3 to 6.

No. 6 Regarding the examiner's decision

In the amendment at the time of request for trial, Inventions 1 to 3 have matters of "a ticketing portion ticketing the voting ticket based on the voting information stored in the voting reception information storage portion when receiving a ticketing execution notice of the voting ticket based on the voting information," and "a ticketing executing portion transmitting the ticketing execution notice for ticketing the voting ticket to the voting device when the voting information is stored in the voting information storage portion," and it cannot be said that those could have been easily made even by a person skilled in the art based on the well-known arts described in the invention described in Cited Document 1, the invention described in Cited Document 2, and Cited Documents 3 to 6, which were cited in the examiner's decision of refusal.

Therefore, the reasons of the examiner's decision cannot be maintained.

No. 7 Closing

As described above, the application cannot be rejected due to the reasons of the examiner's decision.

In addition, beyond that, no reasons for refusal of the application were found. Therefore, the appeal decision shall be made as described in the conclusion.

October 30, 2017

Chief administrative judge: WATANABE, Satoshi Administrative judge: KANEKO, Koichi Administrative judge: ISHIKAWA, Shoji