Decision on opposition

Opposition No. 2017-700545

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The case of opposition against the patented invention in Japanese Patent No. 6040388, entitled "NETWORK SYSTEM AND SCREEN SHARING SERVER" has resulted in the following decision.

Conclusion

The correction of the scope of claims of Japanese Patent No. 6040388 shall be approved as the corrected scope of claims attached to the written correction request, as for Claims [1-6], 7 and 8 after correction.

The patent according to claims 1 to 8 of Japanese Patent No. 6040388 is maintained.

Reason

No.1 History of the procedures

The application including Claims 1-8 of Japanese Patent No. 6040388 was filed on July 8, 2016 (Priority Date: July 13, 2015), the establishment of patent right was registered on November 18, 2016, thereafter the opposition to the granted patent was filed by the opponent, TAKAHASHI, Yoko, reasons for revocation are noticed as of August 21, 2017, a written opinion was submitted and a request for correction was made on October 20, 2017, which is the designated period, and a written opinion was submitted from the opponent, TAKAHASHI, Yoko as of December 8, 2017 against the request for correction.

No. 2 Judgment on Suitability of Correction

1 Contents of correction

The contents of correction by the request for correction are as follows (1) to (3).

(1) Correction according to a group of claims including [Claims 1-6]

A Correction A

In Claim 1 of the scope of claims, the description before correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal," is corrected to the description after correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal <u>in accordance with URLs browsed by users.</u>"

B Correction B

In Claim 2 of the scope of claims, the description before correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal," is corrected to the description after correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

(2) Correction C regarding "Claim 7"

In claim 7 of the scope of claims, the description before correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal," is corrected to the description after correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

(3) Correction D regarding "Claim 8"

In claim 8 of the scope of claims, the description before correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal," is corrected to the description after correction,
"a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

2 Suitability of the purpose for correction, a group of claims, existence or absence of new matter, and expansion and alteration of the scope of claims

As descriptions relating to the Corrections A to D, the detailed description of the invention in the patent description describes about "the second session" in [0098],
"In SQ306, a session (corresponding to "the second session" in the scope of claims) for asynchronous bidirectional communication is established between a user terminal 10-1 and a screen sharing server 30. ...(omitted)... The session between the screen sharing server 30 and the user terminal 10-1 is maintained until the user closes a web page of a company, or the like, using a web server 40 on the user terminal 10-1, or moves to another web page (web page including no script). ...",
and describes, as a specific example for presenting different list information for each operator terminal, in [0120],
"In a user management screen shown in FIG. 13, information on all user terminals is list displayed, however, different information may be displayed for each operator terminal. For example, in accordance with URLs browsed, an operator terminal for displaying information may be selected. As an example, as for a user accessing a webpage that displays costs of a commodity or service, the information may be list-displayed on a user management screen of an operator terminal 50-1, while as for a user accessing a webpage that displays information on after-purchase support service for a commodity or service, the information may be list-displayed on a user management screen of an operator terminal 50-2. In this manner, users can be allocated to expert operators in accordance of purposes, thereby improving service quality and service efficiency."
It is recognized that the invention having "the presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users" is described in the patent description, accordingly.

Therefore, it can be said that the correction of Correction A is limitation of the configuration of the "presentation unit" within the matters described in the patent description, aims at restriction of the scope of claims, does not fall under addition of new matter, and does not expand or alter the scope of claims substantially.

The corrections of Corrections B to D are also, as is the case with Correction A, corrected from the description, "a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal," to the description, "a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users." It can be said that the correction is limitation of the configuration of the "presentation unit" within the matters described in the patent description, aims at restriction of the scope of claims, does not fall under addition of new matter, and does not expand or alter the scope of claims substantially.

3 Summary

As described above, the correction according to the request for correction aims at matters listed in Article 120-5(2)(i) of the Patent Act, and falls under the provisions of Article 126-5(4) and Article 126-4 to 126-6 of the Patent Act which is applied mutatis mutandis pursuant to the provisions of Article 120-5(9) of the Patent Act. Therefore, the correction for Claims [1-6], 7 and 8 after correction shall be approved.

No. 3 Regarding opposition to a granted patent

1 The Invention

The inventions according to the corrected Claims 1-8 corrected by the request for correction (hereinafter referred to as "Invention 1" to "Invention 8") are as specified by the following matters described in Claims 1 to 8 in the scope of claims.

"[Claim 1]

A network system including a screen sharing server, a web server, and an operator terminal,

the web server including

a storage unit which stores content data for displaying content of a webpage on a user terminal, and including a script for causing the user terminal to execute a predetermined operation,

the screen sharing server including:

a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script;

a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users;

and a control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs operation to select a user terminal with reference to the list information on the operator terminal, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user

terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen,

wherein when the user terminal executes the script, a display screen for bidirectional communication with text information is displayed on the display unit of the user terminal,

the control unit executing bidirectional communication with the text information by means of the first and second sessions, transmitting information on an operation for one of a display screen on the content data displayed on the display unit of the user terminal and a display screen on the content data displayed on the display unit of the operator terminal, in response to an instruction for screen sharing from the user or the operator during bidirectional communication with the text information, via the third session, and sharing a screen by reflecting the information on the other display screen.

[Claim 2]

A network system including a screen sharing server, a web server, and an operator terminal,

the web server including

a storage unit which stores content data for displaying content of a webpage on a user terminal, and including a script for causing the user terminal to execute a predetermined operation,

the screen sharing server including:

a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script;

a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users;

and a control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs operation to select a user terminal with reference to the list information on the operator terminal, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen,

wherein when the user terminal executes the script, the screen sharing server assigns identification information and displays the identification information for identifying the user terminal on the display unit of the user terminal, and displays the identification information in association with the list information on the display unit of the operator terminal,

the control unit transmitting an operation for one of a display screen on the content data displayed on the display unit of the user terminal and a display screen on the content data displayed on the display unit of the operator terminal via the third session when the operator performs operation to select a user terminal as a target with

reference to the identification information of the list information on receipt of the identification information notification from a user, and sharing a screen by reflecting it on the other display screen.

[Claim 3]

The network system described in Claim 2 characterized in that the identification information is composed of numeric or alphabetical characters of 7 digits or fewer, or a combination thereof.

[Claim 4]

The network system described in Claims 2 and 3 characterized in that the content data includes a telephone number of a telephone set operated by the operator.

[Claim 5]

The network system described in Claim 4 characterized in that different numbers are allocated to each of the identification information as telephone numbers.

[Claim 6]

The network system described in at least one of Claims 1 to 5 having a plurality of operator terminals and characterized in that the control unit displays information indicating that bidirectional communication with the text information is executed between one operator terminal and the user terminal, or that a control for screen sharing is executed, on the list information displayed on the other operator terminal.

[Claim 7]

The screen sharing server of the network system including the screen sharing server, a web server having a storage unit storing content data for displaying content of a web page on a user terminal and including a script for causing the user terminal to execute predetermined operation, and an operator terminal, including:

a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script;

a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users;

and a control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs an operation to select a user terminal with reference to the list information on the operator terminals, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen,

wherein when the user terminal executes the script, a display screen for bidirectional communication with text information is displayed on the display unit of the user terminal,

the control unit executing bidirectional communication with the text information by means of the first and second sessions, transmitting information on an operation for one of a display screen on the content data displayed on the display unit of the user

terminal and a display screen on the content data displayed on the display unit of the operator terminal, in response to an instruction for screen sharing from the user or the operator during bidirectional communication with the text information, via the third session, and sharing a screen by reflecting the information on the other display screen.

[Claim 8]

The screen sharing server of the network system including the screen sharing server, a web server having a storage unit storing content data for displaying content of a web page on a user terminal and including a script for causing the user terminal to execute predetermined operation, and an operator terminal, including:

a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script;

a presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users;

and a control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs an operation to select a user terminal with reference to the list information on the operator terminals, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen,

wherein when the user terminal executes the script, the screen sharing server displays identification information for identifying the user terminal on the display unit of the user terminal, and displays the identification information in association with the list information on the display unit of the operator terminal,

the control unit transmitting an operation for one of a display screen on the content data displayed on the display unit of the user terminal and a display screen on the content data displayed on the display unit of the operator terminal via the third session when the operator performs an operation to select a user terminal as a target with reference to the identification information of the list information on receipt of the identification information notification from a user, and sharing a screen by reflecting it on the other display screen."

2 Outline of reasons for revocation

The gist of the reasons for revocation noticed to the patentee as of August 21, 2017 with respect to the patent according to Claims 1 to 8 before correction is as follows.

The inventions according to Claims 1 to 8 could be easily invented on the basis of the inventions and technical matters described in Evidences A No. 1 and 2, and the patentee should not be granted a patent for the invention under the provisions of Article 29-2 of the Patent Act. The patents according to Claims 1 to 8 shall be cancelled.

3 Descriptions in Evidences A

(1) Evidence A No. 1

In Evidence A No. 1 (patent description of U.S. patent publication No. 2015/0149557), the following matters are described with reference to drawings. (Underlines indicate the points especially noted.)

A [0012]

"[0012] Co-browsing sessions may be combined with other forms of interactive information sharing sessions, including screen sharing sessions, to enable an agent to utilize additional forms of communication while interacting with a visitor. A session may also be established during a traditional phone call or third party chat session by verbally exchanging or typing a code that appears when one of the participants clicks an object on the web page."

B [0021] - [0025]

"DEFINITIONS

[0021] Customer: A customer of the co-browsing service who subscribes to the co-browsing service. An example customer is the vendor (e.g. the company that owns vendor website 16) of FIG. 1.

[0022] Website: The website owned by the customer that is to be supported via co-browsing.

[0023] Group id: A unique id assigned to each customer website that is to be co-browsed.

[0024] Visitor: Anyone navigating the website.

[0025] Agent: The representative who supports the visitor in carrying out various tasks on the website, such as completing a purchase."

C [0028] - [0030]

"[0028] CServer: A secured server that hosts the co-browse sessions, accepting session updates from the visitor and relaying them to the agent.

[0029] co-browse webserver: A web server controlling access to co-browse sessions by visitors and agents. The co-browse webserver may be collocated with the Cserver or may be a separate entity on the network.

Co-Browse Overview

[0030] FIG. 1 shows a network diagram of a co-browsing scenario in which the content of a visitor's browser 10 is visible in an agent's browser 12. In the embodiment shown in FIG. 1, the visitor browser obtains a page 14 from a vendor website 16. Arrow 1 shows the download of the web page from the website to the visitor. A co-browse service 18 facilitates the co-browse session by relaying web page updates (arrow 2) from the visitor browser to the agent web browser 12 (arrow 3). To cause the visitor browser 10 to provide these updates, script 20 (JavaScript in one embodiment) is downloaded to the visitor browser either from the vendor website (arrow 4) or from the co-browse service (arrow 5). Alternatively, the JavaScript may be maintained as a plugin in the visitor browser. To enable privacy, as discussed in greater detail below, a list of masked elements 22 is downloaded to the visitor browser. Like the script, the list of masked elements may be downloaded from the vendor website (arrow 6) or may be downloaded from the co-browse service (arrow 7). The list of masked elements

instructs the script which elements (e.g. which elements of the DOM) should not be transmitted on the co-browse session. The agent's browser also downloads a page 24 from the co-browse service (arrow 8) in which the view of the visitor's browser content will be displayed during the co-browse session."

D [0032] - [0033]
"[0032] The co-browse solution enables the agent to view the web page (vendor website) that a visitor is presently visiting. Since the co-browsing session relies only on JavaScript that is downloaded during the web browsing session, the visitor is not required to manually install any software or plugins or dismiss any security warning dialogs in order for the agent to see the visitor's browser. Likewise, since the JavaScript is part of the web page served from the vendor website, the JavaScript will not carry over to any other web pages, which means that the agent will not be able to see any pages from other websites, or anything else on the visitor's desktop.
[0033] As described in greater detail below, the co-browse solution enables the agent to see precisely what the visitor is seeing. For example, if the webpage is not entirely visible to the visitor, the agent will only see the portion of the web page that is visible. This view will update automatically as the visitor scrolls or resizes the page. Where the visitor has multiple tabs open, the agent is only able to see the tab that has focus so that the agent views what the visitor is seeing. The agent can also see the position of the visitor's mouse pointer, which allows the agent to understand where the visitor is focused while interacting with the web page. If the agent's browser is the active window on the agent's computer, the agent will also be able to see which input field currently has focus on the visitor side. If the visitor opens a select box, that select box will also open on the agent side."

E [0035]
"[0035] Optionally, an agent may be able to provide input to the visitor browser 10. For example, the agent may be able to type information into selected elements on the web page 14 shown on the visitor's browser 10, change the settings of drop down lists, select radio buttons or checkboxes, or otherwise interact with input elements on the page. Depending on the implementation an agent may be able to click on buttons or links on behalf of the visitor."

F [0038]
"[0038] Since the co-browse service described below is based on JavaScript, instead of a platform such as Flash, Java, or SilverLight which is not supported in all web browsers, the co-browse service provides the agent the ability to view the visitor's browser even if the visitor is accessing the site using a mobile device, such as a smartphone or tablet. Likewise, the co-browse solution will also work with PCs/Macs. Likewise, uploading the visitor DOM and state information (vs. just sending the visitor page URL) enables the co-browse session to start at any point while the visitor is accessing the vendor website without requiring the visitor to re-create his/her browser's state. Finally, since the only change to the vendor website is the inclusion of the script, the co-browse service enables agents to provide co-browse based support to visitors with few or no changes to the vendor's website."

G [0041]

"[0041] In some instances, the vendor's web site might already have other existing JavaScript, for example, from a chat tool or click-to-call feature. That existing JavaScript could, with the vendor's permission, be used to invoke the cobrowse.js script. The benefit to this approach is that the vendor could pilot or deploy the co-browse solution with no modification at all to the vendor's web site."

H [0055]

"[0055] i. Sends all of the above (if changed) to the Co-Browse Service. Data may be sent via an XMLHTTPRequest or XDomainRequest (AJAX), or Websockets, or some other means of cross-domain communication. Data sent in this step may be encoded and/or compressed before it is transmitted. Optionally, if only a portion of the data has changed, the changed portions only may be sent. Note that (a) through (h) are repeated periodically, because JavaScript running in the visitor's browser may make modifications to the DOM."

I [0125]

"[0125] The Co-browse Service allows one or more customer service agents to view, in real time, the web browsing activity of visitors to a website. Other uses of the co-browse service may be developed as well, and indeed the co-browse service may be used in any situation where a person would like to view, in real time, the web browsing activity of a visitor to a particular web site. Accordingly, although an example will be provided in which an agent is able to see what the visitor is seeing, the invention is not limited to this particular use."

J [0128] - [0138]

"[0128] Architectural Overview

[0129] FIG. 2 shows an example architectural overview of an example co-browse service. The Co-browse service relies on a <script> tag embedded in the customer website which references a JavaScript file hosted by the co-browse webserver. For the purposes of this document, this visitor side JavaScript file will be referred to as Cobrowse.js. Other names for the JavaScript may be used as well.

[0130] When a co-browse session starts, Cobrowse.js sends a StartCobrowse request to the co-browse webserver (Arrow 1 in FIG. 2). Cobrowse.js passes the customer group ID from the visitor 100 to the co-browse webserver 110, and receives a unique session ID, a CServer assignment, and the list of masked fields and hoverable selectors.

[0131] The session ID, in one embodiment, includes three components: 1) the customer group ID 2) a session key, and 3) a random number for uniqueness. Other parameters may be passed as well depending on the embodiment.

[0132] Cobrowse.js stores the session ID and the set of masked fields in a browser session cookie, and proceeds to start uploading session data to the designated CServer 120 (Arrow 2 in FIG. 2). The CServer in turn posts a message (Arrow 3 in FIG. 2) to the co-browse webserver to record in the database the fact that the session has started.

[0133] Both group ID and session key are required to join a session. Once logged in, the group ID can be determined based on the agent's co-browse group membership. For example, the agent will provide support for one or more customer websites. The JavaScript that is downloaded to the visitor when the visitor is at the customer website

contains the group ID for the customer, which the customer uploads to the co-browse webserver (arrow 1) when the session is started. This enables the co-browse webserver to know which customer is associated with a particular co-browse session. Where the agent is supporting multiple customers, the agent can provide the group ID of the customer to the co-browse server to select browse sessions associated with one of the supported customers (arrow 4, FIG. 2).
[0134] As for the session key, there are several ways it might be specified on the agent side. The session key might be a randomly assigned string, or might be some piece of information associated with the visitor, such as a user ID or a tracking cookie ID. The agent might enter the session key manually, or it might be extracted automatically for the agent from data in a customer relationship management (CRM) record. Additional details of example connection scenarios are set forth below.
[0135] Either way, the result is that the agent opens a browser window to a URL associated with the co-browse session, e.g.:
[0136] https://www.cobrowse.net/cobrowse/AgentView.aspx?SessionKey=ssnkey
If not logged in, the agent is prompted to log in and is then redirected back to the agent view.
[0137] agentView.aspx looks up the session in the database by agent group ID and session key, and redirects the agent to the appropriate CServer, which generates the agent view of the session. The agent view includes an embedded JavaScript file, CobrowseViewer.js, which communicates with the CServer via both HTTP and websockets.
[0138] The CServer sends only HTML markup for the browsing session to the agent browser. Resources referenced by the session HTML, such as images or style sheets, are downloaded by the agent directly from the customer (or third party) website."

K [0174] - [0175]
"[0174] FIG. 6 shows the agent screen when an agent joins a co-browsing session through an interface provided by the co-browsing service. As shown in FIG. 6, when the agent would like to join a co-browsing session, the agent will click on an icon on their computer which will show the popup shown in FIG. 6. The agent then types the number provided by the visitor (see FIGS. 3B&5) to join the session. As shown in FIG. 6, the popup includes a field 600 in which the agent can type the session key to enable the agent to join the co-browse session with the visitor.
[0175] FIG. 7 shows an alternative to typing the number into a popup. Specifically, in FIG. 7 the co-browse service interface provides a list of co-browse sessions to the agent (to which this agent has access, by virtue of permissions, skill-set, or some other criteria) which the agent may join. The agent selects the co-browse session from the list or types the session key or other information into a search field 700 to more quickly locate the correct co-browse session from a set of available co-browse sessions."

Considering the above described matters in light of related drawings, it can be said that Evidence A No. 1 describes the following invention (hereinafter referred to as "Invention A-1").

"A system for establishing co-browsing sessions during a traditional phone call or third party chat session by verbally exchanging or typing a code that appears when one of the

participants clicks an object on the web page so that an agent may utilize additional forms of communication while interacting with a visitor,

wherein

the "customer" is a customer of the co-browsing service, for example, the vendor (e.g. the company that owns vendor website 16),

the "group ID" is a unique ID assigned to each customer website that is to be co-browsed,

the "visitor" is anyone navigating the website,

and the "agent" is the representative who supports the visitor in carrying out various tasks on the website, such as completing a purchase,

in a co-browsing network in which the content of a visitor's browser 10 is visible in an agent's browser 12, the visitor browser downloads a page 14 from a vendor website 16, a co-browse service 18 facilitates the co-browse session by relaying web page updates from the visitor browser to the agent web browser 12, to cause the visitor browser 10 to provide these updates, a script 20 (JavaScript) is downloaded to the visitor browser from the vendor website, and the agent's browser downloads a page 24 from the co-browse service in which the view of the visitor's browser content will be displayed during the co-browse session,

the co-browse solution enables the agent to view the web page (vendor website) that a visitor is presently visiting,

the co-browsing session relies only on JavaScript that is downloaded during the web browsing session,

the JavaScript is part of the web page served from the vendor website,

the co-browse solution enables the agent to see precisely what the visitor is seeing; for example, if the webpage is not entirely visible to the visitor, the agent will only see the portion of the web page that is visible, this view will update automatically as the visitor scrolls or resizes the page, where the visitor has multiple tabs open, the agent is only able to see the tab that has focus so that the agent views what the visitor is seeing, the agent can also see the position of the visitor's mouse pointer, the agent will also be able to see which input field currently has focus on the visitor side, and if the visitor opens a select box, that select box will also open on the agent side,

an agent may be able to provide input to the visitor browser 10; for example, the agent may be able to type information into selected elements on the web page 14 shown on the visitor's browser 10, change the settings of drop down lists, select radio buttons or checkboxes or otherwise interact with input elements on the page, an agent may be able to click on buttons or links on behalf of the visitor,

since the co-browse service is based on JavaScript, the co-browse service provides the agent the ability to view the visitor's browser even if the visitor is accessing the site using a mobile device, such as a smartphone or tablet, likewise, the co-browse solution will also work with PCs/Macs,

the vendor's web site might already have other existing JavaScript, for example,

from a chat tool or click-to-call feature, that existing JavaScript could be used to invoke the cobrowse.js script,

data may be sent via Websockets to the co-browse service,

the Co-browse Service allows one or more customer service agents to view, in real time, the web browsing activity of visitors to a website,

this visitor side JavaScript file will be referred to as Cobrowse.js,

the JavaScript that is downloaded to the visitor when the visitor is at the customer website contains the group ID for the customer, which the customer uploads to the co-browse webserver when the session is started, this enables the co-browse webserver to know which customer is associated with a particular co-browse session, where the agent is supporting multiple customers, the agent can provide the group ID of the customer to the co-browse server to select co-browse sessions associated with one of the supported customers,

the agent view includes an embedded JavaScript file, cobrowseviewer.js, which communicates with the CServer via both HTTP and websockets,

when the agent would like to join a co-browsing session, the agent will click on an icon on their computer which will show the popup, the agent then types the number provided by the visitor to join the session, the popup includes a field 600 in which the agent can type the session key to enable the agent to join the co-browse session with the visitor,

as an alternative to typing the number into a popup, the co-browse service interface provides a list of co-browse sessions to the agent (to which this agent has access, by virtue of permissions, skill-set, or some other criteria) which the agent may join, the agent selects the co-browse session from the list or types the session key or other information into a search field 700 to more quickly locate the correct co-browse session from a set of available co-browse sessions."

(2) Evidence A No. 2

Evidence A No. 2 (Japanese Unexamined Patent Application Publication No. 2010-166356) describes as follows.

A [0041] to [0054]

"[0041]

..... omitted ..... "In the 'destination subscriber identification number,' the telephone numbers of the second subscriber terminals (telephone sets 1' to n') detected in Step S4 are recorded. In the 'user PC address (port number),' a first terminal identification number which is an identification number of a first terminal transmitted from a user is recorded in association with the detected second subscriber terminals. For example, PC address '160. 55. 66. 21(21)' ... is recorded.

[0042]

In Step S6, a synchronization control server 10 (management/display unit 11) transmits

a telephone number of the second subscriber terminal (telephone sets 1' to n') detected in Step S4 to the first terminal when the destination subscriber identification number is available.

[0043]

In step S7, on receipt of a response from the synchronization control server 10, when the destination subscriber identification number is available, the first terminal displays an available destination subscriber identification number (telephone number of the second subscriber terminal (telephone set 1' to n')) on a display screen of the first terminal. When the destination subscriber identification number is not available, the first terminal displays that the destination subscriber identification number is not available.

[0044]

In step S8, the user who recognizes the destination subscriber identification number is available in step S7 makes contact with the destination subscriber identification number from the first subscriber terminal.

In step S9, the destination subscriber identification number from the first subscriber terminal is transmitted to a call center server 20 via a telephone exchange 30.

... omitted ...

[0054]

Even when multiple inquiry calls are received simultaneously, personal computers of the callers can be identified. No action is needed to tell an operator an acceptance number on the phone, thereby improving service efficiency of the operator. Users require less time and effort and easily use the service, thereby increasing business opportunities."

Thus, according to the above description in Evidence A No. 2, it can be acknowledged that different call numbers are used for an incoming call at a call center for identification, commonly.

4 Judgment

(1) Regarding the reasons for revocation described in the notice of reasons for revocation (Article 29(2) of the Patent Act)

A Regarding Invention 1

Comparison between Invention 1 and Invention A-1 results in the following.

(A) The "co-browse service 18" in the "co-browsing network" in Invention A-1, which is a "server" obviously when embodied and implemented, corresponds to the "screen sharing server" in Invention 1.

The "vendor website 16" in Invention A-1, which is a "web server" obviously when embodied and implemented, corresponds to the "web server" in Invention 1.

The "agent" in Invention A-1, which is "the representative who supports the visitor in carrying out various tasks on the website, such as completing a purchase," can be an "operator." Therefore, the "agent (web) browser 12," which provides the agent the ability to access the site using a mobile device, such as a smartphone or tablet," corresponds to the "operator terminal" in Invention 1.

Thus, it can be said that the "system" including the "co-browse service 18,"

"vendor website 16," and "co-browsing network in which the content of a visitor's browser 10 is visible in an agent's browser 12" in Invention A-1 corresponds to the "network system including a screen sharing server, a web server, and an operator terminal" in Invention 1.

(B) The "web page 14" and "script 20 (JavaScript)" in Invention A-1 correspond to the "web page" and "script" in Invention 1.

The "visitor" in Invention 1, who is anyone navigating the website, can be a "user." The "visitor browser 10," which is obviously a "terminal" of a "visitor" when embodied and implemented, corresponds to the "user terminal" in Invention 1.

Thus, the "vendor website 16" in Invention A-1, wherein "the visitor browser obtains a page 14 from a vendor website 16," "to cause the visitor browser 10 to provide these updates, script 20 (JavaScript) is downloaded to the visitor browser from the vendor website," and "the JavaScript is part of the web page served from the vendor website" obviously includes a portion corresponding to the "storage unit which stores content data for displaying content of a webpage on a user terminal, and including a script for causing the user terminal to execute a predetermined operation" of "the web server" in Invention 1.

(C) In the "chat session" between the agent and the visitor in the Invention A-1, it is obvious that real-time exchange of text data or the like, or "asynchronous bidirectional communication" is executed.

Thus, the "chat session" between the agent and the visitor in Invention A-1 is "a session for asynchronous bidirectional session" in common with the "first session for asynchronous bidirectional communication" between the screen sharing server and the operator and the "second session for asynchronous bidirectional communication" between the screen sharing server and the user terminal in Invention 1.

Since the JavaScript for chat of the vendor web site is a script to be downloaded to the user terminal for execution obviously, the description in Invention A-1, "establishing co-browsing sessions during a traditional phone call or third party chat session by verbally exchanging or typing a code that appears when one of the participants clicks an object on the web page so that an agent may utilize additional forms of communication while interacting with a visitor," "the vendor's web site might already have other existing JavaScript; for example, from a chat tool or click-to-call feature, that existing JavaScript could be used to invoke the cobrowse.js script," and the description in the Invention 1, "the screen sharing server including a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script," are common in the point of "establishing a session for asynchronous bidirectional communication when the user terminal downloads the content data of the web server to execute the script."

(D) The description in the Invention A-1, "the co-browse service interface provides a list of co-browse sessions to the agent (to which this agent has access, by virtue of

permissions, skill-set or some other criteria) which the agent may join, the agent selects the co-browse session from the list" and the description in Invention 1, "the screen sharing server" including "the presentation unit that presents list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users," are common in the point of the "screen sharing server" including "a presentation unit that presents list information on the user terminals establishing a session, to the operator terminal."

(E) The "co-browse session" between the agent and the visitor in Invention A-1 corresponds to "the third session for asynchronous bidirectional communication" between the operator terminal, the screen sharing server or the user terminal in Invention 1.

The description in Invention A-1, for allowing "the agent to join a co-browsing session," "as an alternative to typing the number into a popup, the co-browse service interface provides a list of co-browse sessions to the agent (to which this agent has access, by virtue of permissions, skill-set or some other criteria) which the agent may join, the agent selects the co-browse session from the list," "the co-browse solution enables the agent to view the web page (vendor website) that a visitor is presently visiting," "the co-browse solution enables the agent to see precisely what the visitor is seeing, for example, if the webpage is not entirely visible to the visitor, the agent will only see the portion of the web page that is visible, this view will update automatically as the visitor scrolls or resizes the page, where the visitor has multiple tabs open, the agent is only able to see the tab that has focus so that the agent views what the visitor is seeing, the agent can also see the position of the visitor's mouse pointer, the agent will also be able to see which input field currently has focus on the visitor side, if the visitor opens a select box, that select box will also open on the agent side," "an agent may be able to provide input to the visitor browser 10; for example, the agent may be able to type information into selected elements on the web page 14 shown on the visitor's browser 10, change the settings of drop down lists, select radio buttons or checkboxes or otherwise interact with input elements on the page, an agent may be able to click on buttons or links on behalf of the visitor," "data may be sent via Websockets to the co-browse service," "the co-browse Service allows one or more customer service agents to view, in real time, the web browsing activity of visitors to a website," and "the agent view includes an embedded JavaScript file, cobrowseviewer.js, which communicates with the CServer via both HTTP and websockets," corresponds to the "screen sharing server" in Invention 1 including "the control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs operation to select a user terminal with reference to the list information on the operator terminal, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen."

(F) Since it is obvious that the existing script of the vender's website is executed by

being downloaded to the visitor's browser, the description in Invention A-1, "the vendor's web site might already have other existing JavaScript, for example from a chat tool or click-to-call feature, that existing JavaScript could be used to invoke the cobrowse.js script," corresponds to the description in Invention 1, "when the user terminal executes the script, a display screen for bidirectional communication with text information is displayed on the display unit of the user terminal."

(G) Referring to the above considerations in (A) to (F), it can be said that the description in Invention A-1, "establishing co-browsing sessions during a traditional phone call or third party chat session by verbally exchanging or typing a code that appears when one of the participants clicks an object on the web page so that an agent may utilize additional forms of communication while interacting with a visitor," and the description in the Invention 1, "the control unit executing bidirectional communication with the text information by means of the first and second sessions, transmitting information on an operation for one of a display screen on the content data displayed on the display unit of the user terminal in response to an instruction for screen sharing from the user or the operator during bidirectional communication with the text information, and a display screen on the content data displayed on the display unit of the operator terminal, via the third session, and sharing a screen by reflecting the information on the other display screen," are common in the point that "the control unit executes bidirectional communication with the text information by means of the sessions, transmits information on an operation for one of a display screen on the content data displayed on the display unit of the user terminal and a display screen on the content data displayed on the display unit of the operator terminal, in response to an instruction for screen sharing from the user or the operator during bidirectional communication with the text information, via the third session, and shares a screen by reflecting the information on the other display screen."

The "system" including the "co-browsing network" in Invention A-1 corresponds to the "network system" in Invention 1.

Thus, the corresponding and different features between Invention 1 and Invention A-1 are as follows.

<Corresponding features>
"A network system including a screen sharing server, a web server, and an operator terminal,

the web server including

a storage unit which stores content data for displaying content of a webpage on a user terminal, and including a script for causing the user terminal to execute a predetermined operation,

establishing a session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script,

the screen sharing server including

a presentation unit that presents list information on the user terminals establishing the session, to the operator terminal; and

a control unit that displays a display screen same as a display screen on the content data displayed on a display unit of a selected user terminal, on a display unit of the operator terminal, when an operator performs operation to select a user terminal with reference to the list information on the operator terminal, establishes a third session for asynchronous bidirectional communication with the screen sharing server or the user terminal, transmits information on the operation for one of the display screen on the content data displayed on the display unit of the user terminal and the display screen on the content data displayed on the display unit of the operator terminal, via the third session, and shares a screen by reflecting the information on the other display screen,

wherein when the user terminal executes the script, a display screen for bidirectional communication with text information is displayed on the display unit of the user terminal,

the control unit executing bidirectional communication with the text information by means of the sessions, transmitting information on an operation for one of a display screen on the content data displayed on the display unit of the user terminal and a display screen on the content data displayed on the display unit of the operator terminal, in response to an instruction for screen sharing from the user or the operator during bidirectional communication with the text information, via the third session, and sharing a screen by reflecting the information on the other display screen."

[Different feature 1]

In the Invention 1, "the screen sharing server" includes "a session management unit that establishes a first session for asynchronous bidirectional communication with the operator terminal, and establishes a second session for asynchronous bidirectional communication with the user terminal when the user terminal downloads the content data of the web server to execute the script." Meanwhile, in Invention A-1, the "chat session" is established between the agent and the visitor when the script for chat is executed, and there is no specification about "the screen sharing server" including the "session management unit" that establishes "the first session" between the screen sharing server and the operator and establishes "the second session" between the screen sharing server and the user terminal when the script is executed.

[Different feature 2]

In Invention 1, "the presentation unit" for the list information "presents the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users." Meanwhile, in Invention A-1, the presentation unit presents the list information on the user terminals establishing "the co-browsing session" to the operator terminal, and does not present the list information on the user terminals "establishing the second session" to the operator terminal "in accordance with URLs browsed by users."

[Different feature 3]

For the "bidirectional communication with text information" (chat), Invention 1 uses "the first and second sessions," while Invention A-1 uses "the chat session" between the agent and the visitor.

(H) In view of the case, we examine the [Different feature 2] first. Invention A-1 specifies that an agent ("operator") is selected in accordance with a group ID of a customer included in JavaScript downloaded from a website of the "customer" (a company having a website, for example), or that a list of co-browsing sessions is provided in accordance with the knowledge and experience of the agent. However, the specification cannot be the motivation to configure the "presentation unit" to "present the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

Evidence A No. 2 describes, as described in the above 3 "(2) Evidence A No. 2," that different call numbers are used for incoming call for identification, and does not describe or indicate the configuration of the "presentation unit that presents the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

Therefore, it cannot be said that, in Invention A-1, it is easy to configure the "presentation unit" to "present the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users."

Invention 1 having the above configuration can allocate users to expert operators in accordance of purposes, resulting in remarkable effect of improving service quality and service efficiency. Therefore, Invention 1 could not be easily made by a person skilled in the art on the basis of Invention A-1 and the technical matters described in Evidence A No. 2, without examining [Different feature 1] and [Different feature 3].

B Regarding Inventions 2 to 8

Inventions 2, 7, and 8 are inventions having the configuration of the "presentation unit that presents the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users." Inventions 3 to 6 are inventions limiting Inventions 1 and 2. Thus, none of the inventions could be easily made by a person skilled in the art on the basis of Invention A-1 and the technical matters described in Evidence A No. 2, for the same reason as for Invention 1.

(2) Regarding the reasons for the opposition to the patent which are not accepted in the notice of reasons for revocation (Article 29(1)(iii) of the Patent Act)

The opponent, TAKAHASHI, Yoko, alleges in the written opposition that the inventions according to Claims 1 to 4 and Claims 7 and 8 in the scope of claims before correction are the inventions described in Evidence A No. 1, and the patentee should not be granted a patent for the invention under the provisions of Article 29(1)(iii).

However, as described in the above (1), Evidence A No. 1 does not include the configuration relating to [Different feature 2], "the presentation unit presenting the list information on the user terminals establishing the second session, to the operator terminal in accordance with URLs browsed by users." Inventions 1 to 4 and Inventions 7 to 8 are not the invention described in Evidence A No. 1, accordingly. Therefore, the patents relating to Inventions 1 to 4 and Inventions 7 to 8 do not violate

the provisions of Article 29(1)(iii) of the Patent Act, and the allegation is groundless.

No. 4 Closing

As described above, the patent including Claims 1-8 cannot be canceled due to the reasons for the opposition to the patent and the reasons for revocation described in the notice of reasons for revocation.

No other reasons for canceling the patent including Claims 1-8 can be found.

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

December 25, 2017

Chief administrative judge: CHIBA, Teruhisa
Administrative judge: INABA, Kazuo
Administrative judge: YAMADA, Masafumi