

## Decision on opposition

Opposition No. 2017-700891

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The case of opposition against the patented invention of Japanese Patent No. 6100339, entitled "Game program, game processing method, and information processing device" has resulted in the following decision.

### Conclusion

The correction of the scope of claims of Japanese Patent No. 6100339 regarding Claims 17, 20, and 21 after the correction shall be approved as the scope of claims attached to the written correction request.

The patents according to Claims 1-3, 6-9, and 12-21 of Japanese Patent No. 6100339 are to be revoked.

### Reason

#### 1. History of the procedures

The application regarding the patents according to Claims 1 to 21 of Japanese Patent No. 6100339 is a divisional application filed on Sep. 30, 2015 from Japanese Patent Application No. 2015-10739, which is a divisional application filed on Jan. 22, 2015 from Japanese Patent Application No. 2014-86284, which is a divisional application filed on Apr. 18, 2014 from Japanese Patent Application No. 2013-201791 filed on Sep. 27, 2013, the establishment of the patent right was registered on Mar. 3, 2017, and a gazette containing the patent was issued on Mar. 22 of the same year. After that, against the present patents, an opposition to the granted patents was filed by the patent opponent Uesugi Noriaki on Sep. 20 of the same year, questioning was notified to the patent opponent as of Oct. 30 of the same year, a written reply was submitted on Nov. 27 of the same year, reasons for rescission were notified as of Dec. 13 of the same year, and submission of a written opinion and a request for correction

was made on Feb. 19, 2018 which is within the designation period. Then, against that correction request, the patent opponent submitted a written opinion on May 11 of the same year, reasons for rescission (advance notice of decision) were notified as of Jun. 28 of the same year, and submission of a written opinion and a request for correction (hereinafter, referred to as "The Correction Request") was made on Aug. 31 of the same year, which is within the designation period.

## 2. Suitability of the correction

### (1) Contents of correction

The contents of the correction according to The Correction Request (hereinafter, referred to "The Correction") is as follows. (The underlines were given by the body, and the same applies hereafter)

#### A Correction A

To correct "a reward giving function to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission function comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game, and, (iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission function," described in Claim 17 of the scope of claims to "a reward giving function for carrying out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission function comes back to the game, and, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game," (Hereinafter, referred to as "Correction A")

#### B Correction B

To correct "a reward giving step of carrying out by a rewarding means at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted in the message transmission step comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted in the message transmission step comes back to the game, and (iii) giving a reward to the one user, when a message is transmitted to the other user in the message transmission step," described in Claim 20 of the scope of claims to "a reward giving step of carrying out by a rewarding means at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted in the message transmission step comes back to the game, and (ii) giving a reward to the other user, when the other user who receives a message transmitted in the message transmission step comes back to the game,". (Hereinafter, referred to as "Correction B")

#### C Correction C

To correct "a reward giving unit to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, and (iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission unit," described in Claim 21

of the scope of claims to "a reward giving unit to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, and (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission unit comes back to the game,". (Hereinafter, referred to as "Correction C")

Note that The Correction Request is a request that was requested with respect to Claims 17, 20, 21 that were independent claims before correction.

(2) Regarding suitability of the correction purpose, existence of expansion and change of the scope of claims, and existence of new matters

#### A Regarding Correction A

Since Correction A is a correction that deletes, regarding "reward giving function" in "game program" of Claim 17 before correction, the matter "(iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission function" from the matter "to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission function comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game, and, (iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission function", and thus it is one that deletes option (iii) from three options of (i)-(iii), and, therefore, it is for the purpose of restriction of the scope of claims stipulated in item (i) of the proviso to Article 120-5(2) of the Patent Act. In addition, it is obvious that it is not one that substantially enlarges or alters the scope of claims, and, therefore, it complies with Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act. Furthermore, it is also obvious that it is within the range of the matters described in the specification, the scope of claims, or the drawings attached to the application, and, therefore, it conforms to Article 120-5(9) of the Patent Act which is applied mutatis mutandis pursuant to Article 126(5) of the Patent Act.

#### B Regarding Correction B

Correction B is a correction that deletes, regarding "reward giving step" in "game processing method" of Claim 20 before correction, "(iii) giving a reward to the one user, when a message is transmitted to the other user in the message transmission step" from the matter of "carrying out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted in the message transmission step comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted in the message transmission step comes back to the game, and (iii) giving a reward to the one user, when a message is transmitted to the other user in the message transmission step", and thus it is one that deletes the option (iii) from the three options (i)-(iii), and, therefore, it is for the purpose of restriction of the scope of claims stipulated in item (i) of the proviso to Article 120-5(2) of the Patent Act. In addition, it is obvious that it is not one that substantially enlarges or alters the scope of claims, and thus it complies with Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act. Furthermore, it is also obvious that it is within the scope of the matters described in the specification, the scope of claims, or the drawings attached to the application, and, therefore, it is one

that conforms to Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

#### C Regarding correction C

Correction C is one that deletes, regarding "reward giving unit" in "information processing device" of Claim 21 before correction, the matter "(iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission unit" from the matter of "to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, and (iii) giving a reward to the one user, when a message is transmitted to the other user by the message transmission unit", and thus it is one that deletes option (iii) from three options (i)-(iii), and, therefore, it is for the purpose of restriction of the scope of claims stipulated in item (i) of the proviso to Article 120-5(2) of the Patent Act. In addition, it is obvious that it is not one that substantially enlarges or alters the scope of claims, and, thus it complies with Article 126(6) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act. Furthermore, it is also obvious that it is within the scope of the matters described in the specification, the scope of claims, or drawings attached to the application, and therefore, it is one that conforms to Article 126(5) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the Patent Act.

#### (3) Capability of being granted a patent independently at the time of patent application

In the case of the opposition to the granted patent regarding the present patents, since Claims 1-3, 6-9, and 12-21 before correction are being made to be the targets of the opposition to the granted patents, the independent requirement for patentability of Article 126(7) of the Patent Act which is applied mutatis mutandis pursuant to Article 120-5(9) of the same Act is not applied regarding Correction A to Correction C in The Correction concerning Claim 17, 20, and 21 before correction.

#### (4) Summary

As above, the Correction is a correction for the purpose of the matters prescribed in the first item of the proviso to Article 120-5(2) of the Patent Act, and, in addition, it complies with the provision of Article 126(4) to 126(6) of the same Act as applied mutatis mutandis pursuant to the provisions of Article 120(9) of the same Act. Therefore, the corrections regarding Claims 17, 20, and 21 after the Correction shall be approved.

### 3. Outline of the reasons for rescission

The purport of the reasons for rescission (advance notice of decision) notified to the patentee as of Jun. 28, 2018 by the body with respect to the patents according to Claims 1-3, 6-9, and 12-21 is as follows.

The inventions according to Claims 1, 2, 18 and 19 are ones that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, and the technical

matter described in Evidence A No. 1-1.

The invention according to Claim 3 is an invention that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, and the technical matter described in Evidence A No. 1-2.

The inventions according to Claims 6 and 7 are ones that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-2, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

The inventions according to Claims 8, 9, and 12 are ones that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-2, the technical matter described in Evidence A No. 7, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

The inventions according to Claims 13 and 14 are inventions that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-2, the technical matter described in Evidence A No. 3, the technical matter described in Evidence A No. 7, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

The invention according to Claim 15 is one that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-2, the technical matter described in Evidence A No. 3, the technical matter described in Evidence A No. 7, the technical matter described in Evidence A No. 8, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

The invention according to Claim 16 is one that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-2, the technical matter described in Evidence A No. 3, the technical matter described in Evidence A No. 7, the technical matter described in Evidence A No. 9, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

The inventions according to Claim 17, 20 and 21 are ones that could have been invented by a person skilled in the art with ease based on the invention described in Evidence A No. 1, the invention described in Evidence A No. 4, the technical matter described in Evidence A No. 1-1, and the technical matter described in Evidence A No. 1-3.

Accordingly, the patents concerning Claims 1-3, 6-9, 12-21 are ones made in breach of the provisions of Article 29(2) of the Patent Act, and thus should be invalidated.

#### 4. Judgment by the body

##### (1) Corrected patent inventions

As the above-mentioned "2. Suitability of the correction", The Correction is approved, and thus the inventions according to Claims 1-3, 6-9, and 12-21 corrected by the above request for correction (hereinafter, referred to as "The Corrected Patent Invention 1"- "The Corrected Patent Invention 3", "The Corrected Patent Invention 6"- "The Corrected Patent Invention 9", "The Corrected Patent Invention 12"- "The Corrected Patent Invention 21", in this order) are as specified by the following matters.

[Claim 1]

A game program for a game for playing via a network to make a computer realize:

- an extraction function for extracting at least one other user to whom a message is transmitted, based on a predetermined condition;

- a selection reception function for receiving selection by one user of whether or not to transmit a message to another user;

- a message transmission function for transmitting the message to the extracted at least one other user when the selection reception function receives the selection to transmit the message to the other user; and

- a reward giving function for giving a reward to the one user, when the other user who receives the message transmitted by the message transmission function comes back to the game, wherein

- the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more.

[Claim 2]

The game program according to Claim 1, wherein

- the reward giving function gives a reward to the one user, when the message transmission function transmits a message to the extracted at least one other user.

[Claim 3]

The game program according to Claim 1 or 2 to make the computer further realize

- a display function for displaying a screen for prompting to the one user to transmit the message including information on the extracted at least one other user.

[Claim 6]

The game program according to any one of Claims 3-5, wherein

- the display function displays the other users extracted by the extraction function, within a range that a number of displayed other users does not exceed a predetermined upper limit.

[Claim 7]

The game program according to any one of Claims 3-6 to make the computer further realize

- a setting function for setting the other users displayed by the display function as a destination entity of the message, wherein

- the message transmission function sends the message to the other users set by the setting function, when the selection reception function receives selection to transmit a message to another user.

[Claim 8]

The game program according to any one of Claims 1-7, wherein the reward is supposed to be lost when the reward is not utilized within a predetermined time limit.

[Claim 9]

The game program according to any one of Claims 1-8, wherein the selection reception function accepts the selection, when the one user is an active user who plays the game at a predetermined frequency or more.

[Claim 12]

The game program according to any one of Claims 1-11, wherein the message is a message to prompt participation in the game.

[Claim 13]

The game program according to any one of Claims 1-12, wherein a number of times of transmission of the message within a predetermined period is limited.

[Claim 14]

The game program according to any one of Claims 1-13, wherein the reward giving function gives a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game.

[Claim 15]

The game program according to Claim 14, wherein the reward giving function further gives a reward to the other user according to a length of a period during when the other user has not played the game.

[Claim 16]

The game program according to Claim 14, wherein the reward giving function further gives a reward to the other user according to a performance of the other user in the game.

[Claim 17]

A game program for a game for playing via a network to make a computer realize:

- an extraction function for extracting at least one other user to whom a message is transmitted, based on a predetermined condition;

- a message transmission function for transmitting a message to the extracted at least one other user, when selection to transmit a message to the other user by the one user is received; and

- a reward giving function for carrying out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission function comes back to the game, and, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game, wherein

- the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more, and wherein the one user and the other user are set in a manner capable of continuing the game based on the reward.

[Claim 18]

A game processing method of a game for playing via a network, comprising: an extraction step for extracting by an extraction means at least one other user

to whom a message is transmitted, based on a predetermined condition;

a selection reception step for receiving by a selection reception means selection by one user of whether or not to transmit a message to another user;

a message transmission step for transmitting by a transmission means the message to the extracted at least one other user when the selection reception step receives the selection to transmit the message to the other user; and

a reward giving step for giving by a reward giving means a reward to the one user, when the other user who receives the message transmitted by the message transmission step comes back to the game, wherein

the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more.

[Claim 19]

An information processing device of a game for playing via a network, comprising

an extraction unit to extract at least one other user to whom a message is transmitted, based on a predetermined condition;

a selection reception unit to receive selection by one user of whether or not to transmit a message to another user;

a message transmission unit to transmit the message to the extracted at least one other user, when the selection reception unit receives the selection to transmit the message to the other user; and

a reward giving unit to give a reward to the one user, when the other user who receives the message transmitted by the message transmission unit comes back to the game, wherein

the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more.

[Claim 20]

A game processing method of a game for playing via a network, comprising:

an extraction step for extracting by an extraction means at least one other user to whom a message is transmitted, based on a predetermined condition;

a message transmission step for transmitting by a transmission means a message to the extracted at least one other user, when selection to transmit a message to the other user by the one user is received; and

a reward giving step for carrying out by a rewarding means at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted in the message transmission step comes back to the game, and, (ii) giving a reward to the other user, when the other user who receives a message transmitted in the message transmission step comes back to the game, wherein

the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more, and wherein

the one user and the other user are set in a manner capable of continuing the game based on the reward.

[Claim 21]

An information processing device of a game for playing via a network, comprising

an extraction unit to extract at least one other user to whom a message is transmitted, based on a predetermined condition;



a message transmission unit to transmit the message to the extracted at least one other user when the selection to transmit the message to the other user is received; and

a reward giving unit to carry out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, and (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission unit comes back to the game, wherein

the other user at least includes a dormant user who has experience of playing the game, and has not played the game for a predetermined period or more, and wherein

the one user and the other user are set in a manner capable of continuing the game based on the reward."

## (2) Description of each Evidence A

### A Evidence A No. 1

There are described the following matters in "Dra-Colle Travel Diary", [online], [retrieved on Sep. 1, 2017], the Internet <<http://drkrtbnk.blog.fc2.com/blog-entry-39.html>>.

#### (A) "Dra-Colle Travel Diary

Diary of a manager who enjoys the GREE's application 'Dragon Collection'" (page 1, title)

#### (B) "Sponsor Site

Cat: Sponsor advertisement

The above advertisement is being displayed on a blog that has not been updated for one month or more.

The advertisement can be deleted by writing a new article.

#### 11/25 Update Information

2011.11.25 23:18 Cat: Travel diary

...

As you know, there are a lot of updates after today's maintenance work completion!" (page 1, lines 1-10)

#### (C) "Latest Comments

Special skills in the personal history: Jelly that sucks special skills (01/09)

...(12/04)

...(12/04)

...(12/04)

...(12/03)

...(11/30)

...(11/30)" (page 1, the lower part of the right column)

#### (D) "'Bonds of Friendship' campaign is now in progress.

Let's call on your friend who is taking time off from Dra-Colle for return!

You will get 100 friendship pt per one person when you call for returning!

You will further get the present of 2000 friendship pt when your friend returns!

To a friend who has returned, one piece of private restorative medicine and 2000 friendship pt will be presented! ...

Method of Calling on:

...

1. Press the 'Call on' button on the friend list

2. A message is displayed, and then press the 'Transmission' button

\* The message to be transmitted cannot be changed.

\* Up to three persons per one adventurer can be called on. When there is no Call on button, this falls under 'already having called on', 'three other adventurers have been called on', or 'not in time off'.

...

\* The message is not delivered in the case where the called friend is of the setting of 'do not receive notification from an application'. In this regard, however, when the friend returns to the game, the friendship pt can be given.

\* Although the 'Call on' button is also displayed for a friend who has withdrawn from GREE, even if performing calling on, 'There is no user capable of being transmitted a request currently' is displayed, and calling on is not executed." (page 3, the upper image, line 1 of the left column to line 17 of the right column)

(E) "Related Articles

- [Battle event] The Soul of the Divine Beast [Advance notice] (2011/12/09)

- Resultant report of Underground Roadway of Erebus (2011/12/06)

- 11/25 Update Information (2011/11/25)

- Erebus Progress Report 2 (2011/11/21)

- Erebus Progress Report 1 (2011/11/20)" (page 4, lines 8-13)

(F) It is possible to perceive that "11/25" is displayed on the screens shown in the upper image and the lower image of page 2, and the lower image of page 3.

(G) From the above-mentioned (D), the application "Dragon Collection" is provided by GREE that is a social game service provider, and has a function to transmit a message, and, therefore, it is obvious that it is a game program of a game for playing via a network.

When these statements are integrated, it is recognized that there is described, in Evidence A No. 1, the following invention (hereinafter, referred to as "Cited Invention 1").

"A game program 'Dragon Collection' of a game for playing via a network for which a 'Bonds of Friendship' campaign is held, the campaign being a campaign in which 100 friendship pt is presented per one friend when calling on friends who are taking time off from Dra-Colle for return,

2000 friendship pt is presented further when a friend returns, and

one piece of private restorative medicine and 2000 friendship pt are presented to the friend who returns, wherein

a method of calling on is to

1. press the 'Call on' button on the friend list

2. press the 'Transmission' button after a message is displayed, and wherein

when there is no call-on button, this falls under 'already having called on', "three other adventurers have been called on', or 'not in time off'."

B Evidence A No. 1-1

In "Dragon Collection - Wikipedia", [online], preserved on Mar. 29, 2013, [retrieved on Sep. 1, 2017], the Internet <<https://web.archive.org/web/20130329051936/https://ja.wikipedia.org/wiki/%E3%83%89%E3%83%A9%E3%82%B4%E3%83%B3%E3%82%B3%E3%83%AC%E3%82>

%AF%E3%82%B7%E3%83%A7%E3%83%B3>, there are described the following matters.

(A) "<<Dragon Collection>> (DRAGON COLLECTION) is a social game supplied by Konami Co. Ltd., and is being delivered by GREE. Popular Name <<Dra-Colle>>. Start of service on Sep. 14, 2010" (page 1, lines 1-2)

(B) "Dragon Collection

Category Monster card game

Enabled devices Android/iOS/i-mode/EZweb/Yahoo! mobile phones" (page 1, the upper right column, lines 1-4)

(C) "Friends Other players who have come to be in a cooperative relationship. ... Friends can be called in a boss fight as auxiliary forces. In addition, the performance point increases by five points every time the number of friends increases, and a bonus is added to the friendship PT at the time of exchanging guts (greeting) with each other." (page 1, lines 7-4 from bottom)

When these statements are integrated, it is recognized that, in Evidence A No. 1-1, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 1-1").

"'Dragon Collection' is a social game, and the enabled devices include Android and iOS."

#### C Evidence A No. 1-2

In "Way of Use of Dragon Collection, and Review | Introduction of popular smartphone game applications for a social game | Rely on <<AndRock>> for Smartphone Information", [online], preserved on Aug. 8, 2013, [retrieved on Sep. 12, 2017], the Internet <<https://web.archive.org/web/20130808144833/http://androck.jp/app/game/socialgame/dragoncollection/>>, there is described the following matter.

(A) "Dragon Collection" (page 1, line 1, title)

(B) "Developer: KONAMI/GREE" (page 1, line 5)

(C) "By increasing friends, you will be advantageous in battle or can get a bonus to your own performance value." (page 4, lines 4-5)

(D) "On each field of friends indicated in a list-like shape, parameters of each friend and a 'Guts with comment once a day'" button are shown. (page 4, the lower left image)

When these statements are integrated, it is recognized that, in Evidence A No. 1-2, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 1-2").

"A list in 'Dragon Collection' developed by KONAMI/GREE, the list being one in which parameters of each friend and a 'Guts with comment once a day' button are indicated on respective fields of friends."

#### D Evidence A No. 1-3

In "Dra-Colle Official Site | Dragon Collection Card battle RPG KONAMI", [online], preserved on Sep. 26, 2013, [retrieved on Sep. 1, 2017], the Internet <<https://web.archive.org/web/20130926035538/http://www.konami.jp:80/dracolle/pc/fa>

q/index.php5>, there are described the following matters.

(A) "KONAMI

DRAGON

COLLECTION

Dragon Collection" (title)

(B) "? How to act when physical strength is lost

Physical strength is recovered once every three minutes. Since the recovery time is displayed on the screen indicated at the time of losing physical strength, await the recovery while carrying out synthesis and battles.

If you have restorative medicine, you can restore the physical strength fully by using the restorative medicine." (page 1, the left column, lines 7-12)

(C) "? Which performance value should be raised first

It seems to be preferred to raise the physical strength immediately after the start when monsters are not appearing on stage fully. First of all, if there is no physical fitness to cope with a quest, adventure cannot be continued." (page 1, the left column, lines 14-17)

(D) "Guts

? What is guts

'Guts' means cheering exchanged between adventurers. It is possible to carry out this by a button for 'guts' after visiting my page of another adventurer. If guts is performed, both parties can get friendship pt for each other. Therefore, please exchange guts with other adventurers by all means." (page 1, the right column, lines 19-25)

When these statements are integrated, it is recognized that, in Evidence A No. 1-3, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 1-3").

"In KONAMI 'Dragon Collection': if there is no physical fitness to cope with a quest, adventure cannot be continued; if the adventurer has restorative medicine, it is possible to make physical strength recover fully by using the restorative medicine; and by cheering, called guts, exchanged between adventurers, it is possible to visit my page of another adventurer, and carry out guts by a button for guts, and, if guts is performed, both parties can get friendship pt for each other."

E Evidence A No. 2

In "Mobage General Information Bureau Just now!! You can draw gacha equivalent to 2700 MobaCoin free in Rage of Bahamut!!", [online], preserved on Jun. 30, 2013, [retrieved on Sep. 1, 2017], the Internet <<https://web.archive.org/web/20130630211913/http://mobage0.blog.fc2.com/blog-entry-28.html>>, there are described the following matters.

(A) "You can draw gacha equivalent to 2700 MC free only by sending a comeback mail in Rage of Bahamut." (page 1, lines 3-4 from bottom)

(B) "GET present by calling back a friend who has not played recently by a comeback message!

If now, only by chat transmission

You can draw gacha equivalent to 2700 MobaCoin free once

Send Comeback Message" (page 2, in the upper image)

(C) "Period of the Fair

2013/03/31-04/10

Transmit comeback mails in a lump

Since transmission can be made at one time, you can draw gacha equivalent to 2700 MC free without time." (page 2, lines 1-4)

(D) "Monthly Archive

- Jun. (14), 2013
- May (15), 2013
- Apr. (25), 2013
- Mar. (17), 2013
- Feb. (8), 2013" (page 4, lines 4-9)

When these statements are integrated, it is recognized that, in Evidence A No. 2, there is described the following matter (hereinafter, referred to as "Technical matter described in Evidence A No. 2".

"In 'Rage of Bahamut', gacha equivalent to 2700 MC can be drawn free only by sending a comeback mail."

F Evidence A No. 3

In "FINAL FANTASY BRIGADE | SQUARE ENIX", [online], preserved on Aug. 4, 2012, [retrieved on Sep. 4, 2017], the Internet <[https://web.archive.org/web/20120804043602/http://blog.jp.square-enix.com:80/ff\\_b/2012/07/get-2.html](https://web.archive.org/web/20120804043602/http://blog.jp.square-enix.com:80/ff_b/2012/07/get-2.html)>, there are described the following matters.

(A) "FINAL FANTASY BRIGADE: RPG to Fight for Friends" (title)

(B) "Notification Jul. 23, 2012 11:45

GET Rikku & rare abilities by friend return & friend invitation!

Invite Mobage friends who have not started the game yet, and

friends who have not played the game recently, by a comeback mini-mail to GET limited-period-offered present!

Campaign period: Up to 2012/8/21 16:59

★ By invitation of 1-5 friends

Summon stone "Rikku I: Shock storm" × 1

Shock wave (R) × 1

X-Potion × 2

10000 Gil" (page 1, lines 1-11)

(C) "<Precautions (must-read)>

◆ Common matters

- When an invited friend starts FINAL FANTASY BRIGADE newly, or returns to the game, counting is performed, and a present can be GET according to the total number of such friends.

- The number of invited friends is reset every time an invitation campaign is changed over.

...

- Transmission of a mini-mail can be made up to 10 mails at most per 1 day.

...

- You can get 5000 Gil when you send an invitation mini-mail.

...

◆ Regarding friend return

- Friends who can be invited are extracted randomly from members who have not logged in for 10 days or more." (page 2, lines 1-19)

(D) "ARCHIVE

2012 Aug. (2)

2012 Jul. (9)

2012 Jun. (7)

2012 May (4)"

When these statements are integrated, it is recognized that, in Evidence A No. 3, there is described the following matter (hereinafter, referred to as "Technical matter described in Evidence A No. 3".

"In an invitation campaign of 'FINAL FANTASY BRIGADE' in which a limited-period-offered present is GET by inviting Mobage friends who have not started the game yet, or friends who have not played the game recently by a comeback mini-mail, the mini-mail can be sent in a number of up to ten mails per day at most."

G Evidence A No. 4

In "Friendship Coming Back Campaign | MapleStory", [online], preserved on Apr. 27, 2013, [retrieved on Sep. 1, 2017], the Internet <<https://web.archive.org/web/20130427103728/http://maplestory.nexon.co.jp:80/campaign/comeback2013.asp>>, there are described the following matters.

(A) "MapleStory" (title)

(B) "Welcome Home! Friendship Coming Back Campaign

Friends with whom you formed a guild, friends with whom you had a lot of chats, friends with whom you had a hunt together

Send an invitation mail to your friend whom you want to meet once again, and ask the friend to return to the game!

A player who is playing now can get a present only by sending an invitation mail! A player who has not played for a while can get a present when login is made to the game!

\* Also a player who has not received an invitation mail can receive a returning present.

Flow of the Campaign

1.1. When an invitation mail is sent from this page to your friend, you can get a present!

2.2. The invitation mail is delivered to the friend

3.3. The friend makes login to the game

4.4. Both you and your friend can get a present!

Target Players

Players who can send an invitation mail

All players who have made login on Feb. 19 (Tue.), 2013 or later

...

Returning Target Players

All players who have a record of login from Sep. 22 (Thur.), 2011 to Dec. 19 (Wed.), 2012, but have not made login on Dec. 20 (Thur.), 2012 or later" (page 1, lines 2-21)

(C) "Campaign Period

Availability Period of Sending Invitation Mail

After the maintenance of Apr. 24 (Wed.), 2013 until the maintenance of May 29 (Wed.),

2013

Returning Target Period

After the maintenance of Apr. 24 (Wed.), 2013 until the maintenance of Jun. 12 (Wed.), 2013

Contents of Present

To Players Who Sends Invitation Mail

You can get a present by sending an invitation mail!

- Avatar 'Hitotume-Gantai (One-Eye Eyepatch) (90 days)'

In addition, you get a present when an invited player returns to the game!

- Experience value coupon (for one hour), one piece
- Drop rate 1.5-time coupon (for one hour), one piece

Furthermore! You can get a double present when the level of a character owned by the invited player increases by a total of 30 levels or more!

- Maypon ticket, one piece

\* The presents will be distributed on May 1 (Wed.), May 8 (Wed.), May 15 (Wed.), May 29 (Wed.), Jun. 12 (Wed.), 2013 to players who satisfy the above conditions at these time points

To Players Who Return to the Game

- Avatar 'Hitotume-Gantai (90 days)'
- Experience value coupon (for one hour), five pieces
- Drop rate 1.5-time coupon (for one hour), five pieces
- Kino (pet)" (page 2, lines 3-23)

(D) "[Precautions to Player Who Sends Invitation Mail]

\* A player who sends an invitation mail becomes, first, a target for a present at the time of point of sending the invitation mail, and, in addition, becomes a target of an additional present at the time point when each of the following conditions is satisfied.

- At the time point when an invited player makes login to the game

...

\* For each Maple ID, the present at the time of sending an invitation mail, and the present at the time when an invited player returns to the game can be received once, respectively." (page 2, line 4 from bottom-page 3, line 4)

(E) "[Precautions to Players of Returning Target]

\* Also when a player who has not received an invitation mail returns to the game, the player is covered by the campaign.

\* It is possible for both a player who receives an invitation mail and a player who has not received an invitation mail to receive a present only once per one Maple ID.

\* For both a player who receives an invitation mail and a player who has not received an invitation mail, an item in the game is given to a character that enters a shop first after having made login to the game." (page 3, lines 12-17)

(F) "Invitation Mail Sample" (page 3)

(G) "World's MapleStory

Now in service in 60 nations of the world including Asia, North America, South America, Europe, and the like!

Friends in all over the world are playing the Maple joyfully!" (page 4, lines 1-3)

(H) From the above-mentioned (B) and (C), it is understood that a target player sends an invitation mail, and a person who receives an invitation mail is a returning target player (friend).

When these statements are integrated, it is recognized that, in Evidence A No. 4, there is described the following invention (hereinafter, referred to as "Cited Invention 4").

"A game 'MapleStory' having Welcome Home! Friendship Coming Back Campaign, in which all players who made login on Feb. 19 (Tues.), 2013 or later are made to be target players who can send an invitation mail, all players who have a record of login from Sep. 22 (Thur.), 2011 to Dec. 19 (Wed.), 2012, but have not made login on Dec. 20 (Thur.), 2012 or later are made to be returning target players, a target player can get a present when the target player sends an invitation mail to a returning target player, and, when the invitation mail is delivered to the returning target player, and the returning target player makes login to the game, the returning target player gets a present."

#### H Evidence A No. 4-1

In the sample image of an invitation mail posted on Evidence A No. 4, [online], [retrieved on Sep. 1, 2017], the Internet <[http://static.nexon.co.jp/maplestory\\_4th/campaign/comeback2012/img\\_sendmail.png](http://static.nexon.co.jp/maplestory_4th/campaign/comeback2012/img_sendmail.png)>, there are described the following matters.

(A) "In 'Welcome Home! Friendship Coming Back Campaign', an invitation mail has arrived from Mr./Ms.●● (world name)!

You can get an item in the game only by making login to the game of MapleStory within the campaign period!" (page 1, the main text, lines 1-4)

(B) The URL of the information source of Evidence A No. 4 is [http://static.nexon.co.jp/maplestory\\_4th/campaign/comeback2012/img\\_sendmail.png](http://static.nexon.co.jp/maplestory_4th/campaign/comeback2012/img_sendmail.png).

#### I Evidence A No. 4-2

In "the source of Webpage indicated in Evidence A No. 4 (excerpts)" submitted by the patent opponent, [retrieved on Sep. 12, 2017], the Internet <view-source:<http://web.archive.org/web/20130427103728/http://maplestory.nexon.co.jp:80/campaign/comeback2013.asp>>, there is described the following matter.

(A) "div class="image">

<a

href=[http://web.archive.org/web/20130427103728/http://static.nexon.co.jp/maplestory\\_4th/campaign/comeback2012/img\\_sendmail.png](http://web.archive.org/web/20130427103728/http://static.nexon.co.jp/maplestory_4th/campaign/comeback2012/img_sendmail.png)"class="att">

</a><p><strong>Invitation Mail Sample</strong></p>" (page 1, lines 28-36)

#### J Evidence A No. 5

In "Summary of basic information which is only required for a <<PUZZLE & DRAGONS>> novice to remember Fami-Tsu App", [online], preserved on May 17, 2012, [retrieval on Sep. 8, 2017], the Internet <[https://web.archive.org/web/20120517123703/http://app.famitsu.com/20120516\\_62282](https://web.archive.org/web/20120517123703/http://app.famitsu.com/20120516_62282)>, there are described the following matters.

(A) "2012-05-16 00:00:06



## PUZZLE

&

## DRAGONS

Summary of basic information" (title)

(B) "• What kind of game is it?

It is a game of a new sense that makes a puzzle and a dungeon exploration type RPG be integrated." (page 2, lines 1-2)

(C) "• Is a friend useful?

... This means that, when the leader skill of a friend monster and the leader skill of the own party are 'double fire-attribute attack force' together, the attack force of the fire-attribute monster becomes quadruple. ..." (page 5, lines 8-12)

(D) "♠ The three frames appearing at the lowermost part in selection of supporters are 'adventurers' who are players other than the registered friends. Pay attention to the matter that a leader skill is not actuated even if an adventurer is selected." (page 5, lines 1-2 from bottom)

(E) "[PUZZLE & DRAGONS]

...

Price: Free delivery up to May 31, 2012 (regular price is 170 Yen [tax included]  
Billing in the application existing)" (page 8, lines 32-35)

(F) "Popular Articles

... 2012-03-30 15:26

... 2012-05-15 20:00

... 2012-05-16 16:00

... 2012-05-16 13:32

... 2012-05-16 18:05

... 2012-05-01 20:57

... 2012-05-17 13:51

... 2012-05-17 11:47

... 2012-04-17 14:15

... 2012-05-16 00:00" (page 9, line 1-the last line)

(G) In the lower figure of page 5, there is shown a screen in which "Supporter Selection" is displayed on the upper portion, and, beneath that, "friends" are displayed on the upper two frames and "adventurers" are displayed on the lower three frames in a list shape.

When these statements are integrated, it is recognized that, in Evidence A No. 5, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 5").

"A supporter selection screen of a game 'PUZZLE & DRAGONS' of a new sense integrating a puzzle and a dungeon exploration type RPG, on which 'friends' are displayed on the upper two frames and 'adventurers' that are players other than the registered friends on the lower three frames in a list shape, wherein, when the leader skill of a friend monster and the leader skill of the own party are 'double fire-attribute attack force' together, the attack force of the fire-attribute monster becomes quadruple, and friends are useful."

K Evidence A No. 6

In "Onimusha Soul Online Manual | Communication", [online], preserved on Jan. 9, 2013, [retrieved on Sep. 11, 2017], the Internet <<http://web.archive.org/web/20130109014517/http://cog-members.oni-soul.jp/sp/manual/page54.html>>, there are described the following matters.

(A) "Onimusha Soul" (title)

(B) "How to Read the Friend List

Click 'Friend' button located at the lower part of the screen of the castle town, then, a friend list is displayed.

1 (A squared numeral is written as 'numeral + '. The same applies hereafter.)  
Player's Name The name a player who has become friends is displayed.

2 Character (portrait) The character (portrait) having been set by a friend is displayed.

...

7 Page Feeding (one by one) Friends can be displayed by performing lateral sliding one by one.

...

Friend Search Friend search screen is displayed.

..." (page 1, lines 7-19)

(C) In the image of page 1, it is described as "Friend List The number of friends 9/59", and, in addition, the above-mentioned 1 -11 of (B) are displayed as buttons and eight characters (portraits) are displayed.

(D) "Friend Request

A Friend request can be performed by the following procedure.

1. Search friends.

When the friends are searched, corresponding portraits of the friends are displayed as a list.

2. Perform a friend request.

When, in the friend request, the 'Friend Request' button is clicked, confirmation of execution of the request is displayed.

3. Execute friend request

When the 'Request Execution' button is clicked, the friend request is completed." (page 2, lines 5-13)

(E) From the above-mentioned (D), it is described that: "friends" in "Onimusha Soul" indicate players having a relationship with each other such that friend requests have been carried out between the players; from the above (B) and (C), the number of friends in the friend list is 9, and the number of displayed friends is 8; and, when the "7 Page Feeding (one by one)" button is pushed, friends are displayed in a laterally sliding manner one by one.

(F) "CAPCOM CO. LTD 2012 ALL RIGHTS RESERVED" (page 2, the last line)

When these statements are integrated, it is recognized that, in Evidence A No. 6, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 6").

"A friend list in 'Onimusha Soul', in which, out of nine friends who are players having relationship with each other such that application of friend requests has been carried out between the players, eight friends are being displayed."

L Evidence A No. 7

In "Basic-Play-Free Online MMORPG / Angel Love Online [AngelLoveOnline]", [online], preserved on Mar. 11, 2013, [retrieved on Sep. 1, 2017], the Internet <[https://web.archive.org/web/20130311182202/http://www.angelloveonline.jp/news/event/2013/0307\\_02\\_cp\\_comeback.php](https://web.archive.org/web/20130311182202/http://www.angelloveonline.jp/news/event/2013/0307_02_cp_comeback.php)>, there are described the following matters.

(A) "Angel Love ONLINE" (title)

(B) "Event and Campaign | News

\* We Hold Comeback Campaign!

2013/03/07"(page 1, title)

(C) "Today, Comeback Campaign is started.

To campaign target players, 'Returnee ticket' and 'Nya RH return' are distributed!

When you bring 'Returnee ticket' to NPC 'Return Support Robot', you can replace accessories by selecting appropriate ones from three level bands!

...

|> Target Conditions (Note by the body: a white blank right direction triangle is written as '|>'. The same shall apply hereinafter.)

All IDs which had made the content registration before Jan. 1 (Tues.), 2013 0:00, and had not made login until Feb. 28 (Thur.), 2013 23:59.

\* A mail magazine is delivered to a player who has given permission of mail magazine delivery, and who is a target person.

...

|> NPC 'Return Support Robot' Available Period

After the end of the periodic maintenance of Mar. 7 (Thur.), 2013-before the periodic maintenance of Apr. 4 (Thur.), 2013" (page 1, lines 1-18)

(D) "Precautions

...

\* Note that, when exchange or the like of an item is not able to be made within the available period of the campaign NPC, exchange or the like is not available." (page 2, lines 9-3 from bottom)

When these statements are integrated, it is recognized that, in Evidence A No. 7, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 7").

"A comeback campaign in 'Angel Love', in which: to comeback campaign target players of all IDs that have not made login until Feb. 28 (Thur.), 2013 23:59, 'Returnee tickets' are distributed; when a 'Returnee ticket' is brought to NPC 'Return Support Robot', accessories can be replaced by selecting appropriate ones from three level bands; and, when exchange or the like of an item is not able to be made within the available period of the campaign NPC 'Return Support Robot' (After the end of the periodic maintenance of Mar. 7 (Thur.), 2013-before the periodic maintenance of Apr. 4 (Thur.), 2013), exchange or the like is not available."

M Evidence A No. 8

In "Absolute Obedience even in Large Screen!! <<CRUSADE OF PURGATORIO>> Compatible with Smartphones Fami-Tsu App", [online], preserved

on May 21, 2013, [retrieved on Sep. 1, 2017], the Internet <[https://web.archive.org/web/20130521221706/https://app.famitsu.com/20120627\\_73847/](https://web.archive.org/web/20130521221706/https://app.famitsu.com/20120627_73847/)>, there are described the following matters.

(A) "Absolute Obedience even in Large Screen!! <<CRUSADE OF PURGATORIO>> Compatible with Smartphones

Entersphere has announced that the company will start a smartphone version of the social game <<CRUSADE OF PURGATORIO>>, which is now being delivered by GREE as a feature phone version, at 6 PM Jun. 27, 2012." (page 1, title)

(B) "2012-06-27 16:23:32" (page 1, below title)

(C) "◆ Contents of Comeback Campaign

You can get a present only by calling on another user, and, in addition, an item useful for cultivating a card is presented to a user who has returned. Let's call on users who have not made login recently! Only by calling on, you can restore action force by +2 pt. When a player to whom you have called on returns to the game, you can get 2000 Kizuna pt. To a user who has returned: one piece of Homunculus of Dragon Tribe is given if the player has not made login for two weeks or more; and one piece of Homunculus of Dragon Tribe, five pieces of Healing Water, and Kizuna 2000 pt if the player has not made login for one month or more." (page 1, lines 9-14)

(D) "(C) 2011-2012 entersphere ALL RIGHTS RESERVED" (page 3, line 8)

(E) "Popular articles

...2013-05-21 21:24

...2013-05-21 19:14

...2013-05-20 16:24

...2013-05-21 12:48

...2013-05-21 19:05

...2013-05-17 14:42

...2013-05-17 18:56

...2013-05-20 21:53

...2013-05-21 15:00

...2013-05-20 13:25" (the column of popular articles in page 3, the middle part-page 4, the upper part)

When these statements are integrated, it is recognized that, in Evidence A No. 8, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 8").

"A comeback campaign in <<CRUSADE OF PURGATORIO>>, of the contents that: to a user who has returned, an item that is useful for cultivating a card is presented; and, specifically, when the user having returned has not made login for two weeks or more, one piece of Homunculus of Dragon Tribe is given, and, when the user having returned has not made login for one month or more, one piece of Homunculus of Dragon Tribe, five pieces of Healing Water, and Kizuna 2000 pt are given."

N Evidence A No. 9

In "High Fantasy MMORPG Perfect World Absolutely Beautiful World", [online], preserved on Jun. 2, 2012, [retrieved on Sep. 1, 2017], the Internet <[https://web.archive.org/web/20120602062217/http://pw.mk-style.com/main/library/special/campaign/120327/sub/event\\_03.php](https://web.archive.org/web/20120602062217/http://pw.mk-style.com/main/library/special/campaign/120327/sub/event_03.php)>, there are

described the following matters.

(A) "High Fantasy MMORPG Perfect World -Absolutely Beautiful World-" (title)

(B) "Fifth Anniversary

Comeback Campaign

Period: Mar. 30, 2012-May 6, 2012" (page 1, the upper title)

(B) "• Outline of the Campaign

To players of campaign targets, items useful for adventure are presented according to the maximum level of a character within the account that has come back.

Present items

LV30-49 One Golden Charm exchange ticket

One Golden God Charm exchange ticket

LV50-79 One golden charm exchange ticket

One Golden God Charm exchange ticket

One V3 refining stone

LV80 or more One golden charm exchange ticket

One Golden God Charm exchange ticket

One LV5 refining stone

• Campaign Target

Players who had performed member registration during the period from Jan. 1, 2008 to Jan. 31, 2012,

who do not have a record of login to the game within a period from Feb. 1, 2012 to Mar. 26, 2012, and for whom login to the game was not be able to be confirmed during the period from Mar. 29, 2012 0:00 to May 6, 2012 23:59." (page 1, lines 1-15)

When these statements are integrated, it is recognized that, in Evidence A No. 9, there is described the following technical matter (hereinafter, referred to as "Technical matter described in Evidence A No. 9").

"A comeback campaign in MMORPG <<Perfect World -Absolutely Beautiful World->>, of the contents that, targeting players who had performed member registration during the period from Jan. 1, 2008 to Jan. 31, 2012, who did not have a record of login to the game within a period from Feb. 1, 2012 to Mar. 26, 2012, and for whom login to the game was able to be confirmed during the period from Mar. 29, 2012 0:00 to May 6, 2012 23:59: in the case when the maximum level of a character within the account that has come back is LV30-49, one golden charm exchange ticket and one Golden God Charm exchange ticket are presented; in the case when it is LV50-79, one golden charm exchange ticket, one Golden God Charm exchange ticket, and one LV3 refining stone are presented; and in the case when it is LV80 or more, one golden charm exchange ticket, one Golden God Charm exchange ticket, and one LV5 refining stone are presented."

(3) Regarding eligibility of each Evidence A as evidence

The patentee alleges as follows regarding eligibility of each Evidence A as evidence.

(A) Regarding a game of application software in a form of download edition, there is a possibility that ones of different delivery times are of different programs, and, therefore, Evidence A No. 1, and Evidence A No. 1-1 to Evidence A No. 1-3, which have different publicly known dates, are not a series of materials of a game.

(B) In Evidence A No. 1, an image of "The Battle Cats", for which announcement of production has been issued on Jul. 21, 2017, is displayed, and thus it cannot be said that it was made available to public through an electric communication line before the present application date.

(C) On the occasion of finding of a cited invention, a set of technical ideas described in the whole Publication 1 should be recognized, and it is unacceptable to recognize the cited invention by extracting only convenient portions excluding the image of sponsor advertisement like the image of "The Battle Cats" that varies every time.

(D) There is a court decision that a copy of web page replicated by Wayback Machine for Internet archive cannot be said to be one that was available to the public through an electric communication line before the present application date, and, in a similar fashion, also in the present notice of reasons for revocation, it is not appropriate as Cited Documents.

(E) The URL itself of Evidence A No. 1 of the written notice of reasons for revocation is not a publication.

Hereinafter, the above (A) to (E) will be discussed below.

#### A Regarding (A)

The allegation of the above-mentioned (A) is not reasonable in its premise because, in the body, finding of an invention or a technical matter is made from each of Evidence A No. 1 and Evidence A No. 1-1 to Evidence A No. 1-3, and finding of an invention is not carried out on the premise that Evidence A No. 1 and Evidence A No. 1-1 to Evidence A No. 1-3 are a series of materials of a game. Then, the differences in the publicly known dates of each of Evidence A No. 1 and Evidence A No. 1-1 to Evidence A No. 1-3 do not exert an influence at all on the finding of an invention or technical matters.

#### B Regarding (B) and (C)

It can be understood from the above-mentioned "(2)A(B)" that Evidence A No. 1 is one that was published on Nov. 25, 2011, and it is recognized that it was published on Nov. 25, 2011 as being supported by: the matter that there is consistency with other statements of Evidence A No. 1 (that is, the matters that: as shown in the above-mentioned "(2)A(C)", all of the latest comments are of 11/25 or later; as shown in the above-mentioned "(2)A(B)", it is described that "As you know, there are a lot of updates after today's maintenance work completion!", and "11/25" is displayed on the updated screen (refer to the above "(2)A(F)"); as shown in the above-mentioned "(2)A(E)", the time series position in the Related Articles exists between 2011/12/06 and 2011/11/21); and the matter that there is no nonconformity at all to the published contents of Evidence A No. 1-1 whose service was supposed to be started on Sep. 14 2010.

It is obvious that, "The Battle Cats" displayed on the sponsor site of Evidence A No. 1 is, from the above "(2)A(B)", a sponsor advertisement by a sponsor site, and due to its feature as being advertisement, the display contents of the sponsor site are the latest display contents at the time point the site in question is displayed. Then,

Evidence A No. 1 is one that was retrieved and displayed on Sep. 1, 2017, and, thus, in the sponsor site, there is displayed "The Battle Cats" for which announcement of production was issued on Jul. 21, 2017 based on the date of retrieval of Sep. 1, 2017.

From the above, that, in Evidence A No. 1, "The Battle Cats" for which announcement of production on Jul. 21, 2017 is displayed on the sponsor site has no influence at all on Nov. 25, 2011 that is a date when the blog article of Evidence A No. 1 was published.

In addition, since "The Battle Cats" displayed on the sponsor site is an advertisement, it is one that has no relationship with the contents of the blog article of Evidence A No. 1, in the first place. Then, since "The Battle Cats" displayed on the sponsor site is one for which announcement of production was issued on Jul. 21, 2017, it is obvious that it exerts no influence at all on the article of the blog of Evidence A No. 1 that was published on Nov. 25, 2011.

In view of the above, on the occasion of recognizing a cited invention from Evidence A No. 1, there is no need to take into consideration the display contents related to "The Battle Cats" displayed on the sponsor site.

#### C Regarding (D)

Regarding Evidence A No. 1-1 to Evidence A No. 1-3, and Evidence A No. 2 to Evidence A No. 9, as shown in the above "(2)B"-"(2)N", the published contents of each of the above mentioned Evidence A have no nonconformity at all to the preservation date of Wayback Machine of the Internet archive, and, in addition, conform to the published contents and the date of each of the above Evidence A in a time series manner, and, further, there is no particular situation to say that the published contents of each of Evidence A were revised after that. Therefore, it is recognized that all of Evidence A No. 1-1 to Evidence A No. 1-3, and Evidence A No. 2 to Evidence A No. 9 are ones that were stored on each preservation date before the Patent application.

#### D Regarding (E)

The reason of using the notation "Publication" in the written notice of reasons for revocation (advance notice of decision) as of Jun. 28, 2018 is to call each Evidence A only for convenience, and, on the occasion of summarizing the published contents of each Evidence A, it is described as "...was made available to the public through an electric communication circuit on (date) ...", and, therefore, it is obvious that it is for the purpose of trying to recognize Evidence A made available to the public through an electric communication circuit, but not for the purpose of recognizing publications.

#### (4) Regarding Corrected Patent Invention 1

##### A Comparison

When Corrected Patent Invention 1 and Cited Invention 1 are compared, the following matters are recognized.

(A) "A game program 'Dragon Collection' of a game for playing via a network" of the latter corresponds to "A game program for a game for playing via a network" of the former.

(B) It can be said that a friend of the latter having a "Call on Button" in a "friend list" is "at least one other user to whom a message is transmitted, based on a predetermined condition", and, therefore, it can be said that "A game program 'Dragon Collection'" of

the latter has "an extraction function for extracting at least one other user to whom a message is transmitted, based on a predetermined condition".

(C) Since to "press the 'Transmission' button after a message is displayed" in "a method of calling on" of the latter is considered to be performing selection to transmit a message, it can be said that "A game program 'Dragon Collection'" of the latter has "a selection reception function for receiving selection by one user of whether or not to transmit a message to another user", and, since a message is transmitted to a friend, it can be said that it has "a message transmission function for transmitting the message to the extracted at least one other user when the selection reception function receives the selection to transmit the message to the other user".

(D) "In the case where the called friend is of the setting of 'do not receive notification from an application'" of the above-mentioned "4.(2)A(C)" of Evidence A No. 1, although it is not sure how a friend who is taking time off returns, it is natural to understand the statement of "You will get 100 friendship pt per one person when you call for returning! You will further get the present of 2000 friendship pt further when your friend returns!" in "'Bonds of Friendship' campaign" of the latter as 2000 friendship pt is presented when a friend who is taking time off receives a call and returns. Therefore, it can be said that "game program 'Dragon Collection'" of the latter has "a reward giving function for giving a reward to the other user, when the other user who receives the message transmitted by the message transmission function comes back to the game".

(E) Since it is obvious that "who is taking time off" of the latter means the player who had played in the past and is not playing currently, "friends who are taking time off from Dra-Colle" of the latter corresponds to "dormant user" "who has experience of playing the game" of the former.

(F) It is obvious that "game program 'Dragon Collection'" of the latter realizes a working effect as "a method of calling on" using an electronic device having a function of a computer.

Therefore, the two are identical in the point of

"A game program for a game for playing via a network to make a computer realize:

an extraction function for extracting at least one other user to whom a message is transmitted, based on a predetermined condition;

a selection reception function for receiving selection by one user of whether or not to transmit a message to another user;

a message transmission function for transmitting the message to the extracted at least one other user when the selection reception function receives the selection to transmit the message to the other user; and

a reward giving function for giving a reward to the one user, when the other user who receives the message transmitted by the message transmission function comes back to the game, wherein

the other user includes at least a dormant user who has experience of playing the game."

, and are different in the following point.

[Different Feature 1]



In Corrected Patent Invention 1, another user is a dormant user who "has not played the game for a predetermined period or more", whereas, in Cited Invention 1, that point is not clear.

## B Judgment

It can be said that "players who have a record of login from Sep. 22 (Thur.), 2011 to Dec. 19 (Wed.), 2012, but have not made login on Dec. 20 (Thur.), 2012 or later" of Cited Invention 4 are dormant users who have not made login; that is, have not played the game during a predetermined period from Dec. 20 (Thur.), 2012 to a specified date within the campaign period.

In addition, according to the above-mentioned "4.(2)G(B)-(E)", in Evidence A No. 4, also a player who has not received an invitation mail can receive a present, and a player who has sent an invitation mail can receive a present at the time point of the sending. However, "additional present" of the above "4.(2)G(D)" is a present that is given to the player who has sent an invitation mail at the time point that the invited player makes login to the game, and thus it is natural to understand that a present that is given to a target player of Cited Invention 4 is presented at the time point that the invited player who has received the invitation mail returns.

From this, the matters specifying the invention of Corrected Patent Invention 1 concerning Different Feature 1 are shown in Cited Invention 4.

Then, both of Cited Invention 1 and Cited Invention 4 belong to a common field of a game, and "Bonds of Friendship" campaign of Cited Invention 1 and "Welcome Home! Friendship Coming Back Campaign" of Cited Invention 4 are common in the point of a problem to be solved of making a dormant user return to the game, and thus it could be easily achieved by a person skilled in the art with ease to apply Cited Invention 4 to Cited Invention 1.

Therefore, the matters specifying the invention of Corrected Patent Invention 1 concerning the above Different Feature 1 could be conceived of by a person skilled in the art with ease by applying Cited Invention 4 to Cited Invention 1.

Furthermore, the effect produced by the matters specifying the invention of Corrected Patent Invention 1 is an effect within the scope capable of being predicted by a person skilled in the art from Cited Invention 1 and Cited Invention 4.

Accordingly, since Corrected Patent Invention 1 could have been invented by a person skilled in the art with ease based on Cited Invention 1 and Cited Invention 4, the appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

## (5) Regarding Corrected Patent Invention 2

Corrected Patent Invention 2 is an invention that specifies, in Corrected Patent Invention 1, as "the reward giving function gives a reward to the one user, when the message transmission function transmits a message to the extracted at least one other user".

Therefore, when Corrected Patent Invention 2 and Cited Invention 1 are compared, "100 friendship pt is presented per one friend when calling on friends who

are taking time off from Dra-Colle for return" of Cited Invention 1 corresponds to "the reward giving function gives a reward to the one user, when the message transmission function transmits a message to the extracted at least one other user" of Corrected Patent Invention 2, and, therefore, between Corrected Patent Invention 2 and Cited Invention 1, there is no new different feature besides the above-mentioned Different Feature 1.

Then, in light of the examination of the above "(4)B Judgment", Corrected Patent Invention 2 could have been invented by a person skilled in the art with ease based on Cited Invention 1 and Cited Invention 4, and, therefore, the appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (6) Regarding Corrected Patent Invention 3

##### A Comparison

Corrected Patent Invention 3 is one that specifies, in Corrected Patent Invention 1 or Corrected Patent Invention 2, "a display function for displaying a screen for prompting the one user to transmit the message including information on the extracted at least one other user".

Therefore, when Corrected Patent Invention 3 and Cited Invention 1 are compared, in light of the examination of the above-mentioned (4), they have the corresponding feature as indicated in the above (4), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 2]

Corrected Patent Invention 3 is one that displays a screen for prompting transmission of a message "including information on the extracted at least one other user", whereas Cited Invention 1 is not clear in that point.

##### B Judgment

The above Different Feature 2 will be examined below.

"Information on the extracted at least one other user" and "message" of Corrected Patent Invention 3 correspond to "parameters of each friend", and "comment" of the technical matter described in Evidence A No. 1-2.

Then, the "'Guts with comment once a day' button" of the technical matter described in Evidence A No. 1-2 is one shown as a button in the fields on which parameters related to friends are indicated, and "comment" is none other than a message. Therefore, it is obvious for a person skilled in the art that the "button" in question is a button for sending a "comment"; that is, a message to a friend.

Also, if there exists a button indicating the phrase "Guts with comment once a day" in fields where parameters related to friends are indicated such as described in Evidence A No. 1-2, it is obvious that it is one that induces a user to click to carry that out.

In view of the above, it can be said that the "'Guts with comment once a day' button" that is a technical matter described in Evidence A No. 1-2 is a button to encourage transmission of a message.

From this, the matters specifying the invention of Corrected Patent Invention 3 concerning the above Different Feature 2 are shown in the technical matter described in Evidence A No. 1-2.

Furthermore, both Cited Invention 1 and the technical matter described in Evidence A No. 1-2 belong to a common field called a game, and "Bonds of Friendship" campaign of Cited Invention 1 and the matter that the "Guts with comment once a day" button is displayed of technical matter described in Evidence A No. 1-2 are common in a point of a working effect as stimulating a game by forming a relationship between friends who come back to the game good, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 1-2 to Cited Invention 1.

Therefore, the matters specifying the invention of Corrected Patent Invention 3 concerning the above Different Feature 2 could be conceived by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 1-2 to Cited Invention 1.

In addition, also an effect produced by the matters specifying the invention of Corrected Patent Invention 3 is an effect within the scope capable of being predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 1-2.

Accordingly, Corrected Patent Invention 3 could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 1-2, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (7) Regarding Corrected Patent Invention 6

##### A Comparison

Corrected Patent Invention 6 is one that specifies, in any of Corrected Patent Invention 3 to Corrected Patent Invention 5, "the display function displays the other users extracted by the extraction function, within a range such that a number of displayed other users does not exceed a predetermined upper limit".

Therefore, when Corrected Patent Invention 6 and Cited Invention 1 are compared, in light of the examination in the above-mentioned (4) to (6), they have the corresponding features indicated in the above-mentioned (4) to (6), and are different in the following point in addition to Different Feature 1 and Different Feature 2.

[Different Feature 3]

Corrected Patent Invention 6 is one in which "display function displays other users extracted by an extraction function, within a range such that a number of displayed other users does not exceed a predetermined upper limit", whereas Cited Invention 1 is not clear in that point.

##### B Judgment

The above-mentioned Different Feature 3 will be examined below.

It can be said that the "adventurer" of the technical matter described in Evidence A No. 5 is a player other than friends, and is extracted on the condition of excepting the friends, and, therefore, corresponds to "the other users extracted by the extraction function" of Corrected Patent Invention 6 concerning the above-mentioned Different Feature 3. In addition, since "the lower three frames" of the technical matter described

in Evidence A No. 5 is a value that has been set, and indicates three frames out of five frames, it can be said that it is an upper limit value set in advance.

Furthermore, it can be said that "friends" of the technical matter described in Evidence A No. 6 are players who have a relationship such that application of a friend request has been carried out between the players, and have been extracted on the condition of being a friend, and, therefore, correspond to "the other users extracted by the extraction function" of Corrected Patent Invention 6 concerning the above-mentioned Different Feature 3. Also, since "eight friends" of the technical matter described in Evidence A No. 6 is a value that has been set, and means eight friends out of nine friends, it can be said that it is an upper limit value set in advance.

From this, the matters specifying the invention of Corrected Patent Invention 6 concerning the above-mentioned Different Feature 3 are shown in the technical matter described in Evidence A No. 5, or the technical matter described Evidence A No. 6.

In addition, Cited Invention 1, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6 all belong to a technical field of a video game, and both of "Bonds of Friendship" campaign of Cited Invention 1 and the matter that a friend is useful of Evidence A No. 5 are common in a point of a working effect to stimulate a game by forming a relationship with friends participating in a game good, and it is an obvious problem to be solved that is also inherent in the technical matter described in Evidence A No. 6. Therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6 to Cited Invention 1.

From this, the matters specifying the invention of Corrected Patent Invention 6 concerning the above-mentioned Different Feature 3 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6 to Cited Invention 1.

In addition, an effect produced by the matters specifying the invention of Corrected Patent Invention 6 is an effect within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, the technical matter described in Evidence A No. 1-2, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6.

Accordingly, Corrected Patent Invention 6 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, the technical matter described in Evidence A No. 1-2, and the technical matter described in Evidence A No. 5 or the technical matter described in Evidence A No. 6, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (8) Regarding Corrected Patent Invention 7

Corrected Patent Invention 7 is one that specifies, in any of Corrected Patent Invention 3 to Corrected Patent Invention 6, "to make the computer further realize a setting function for setting the other users displayed by the display function as a destination entity of the message, wherein the message transmission function sends the message to the other users set by the setting function, when the selection reception

function receives selection to transmit a message to another user".

Therefore, when Corrected Patent Invention 7 that refers to Claim 3 and Cited Invention 1 are compared, since, in Cited Invention 1, the "'Call on' button on the friend list" is not displayed when a friend falls under the categories of "already having called on", "three other adventurers have been called on", or "not in time off", it is an invention in which transmission of a message is possible to a friend for which the "Call on" button is displayed in the friend list.

From this, it can be said that a friend in the friend list of Cited Invention 1 for which the "Call on" button is displayed is a friend to whom "setting the other users displayed by the display function as a destination entity of the message" has been applied, and, therefore, it can be said that a game program of Cited Invention 1 includes "a setting function for setting the other users displayed by the display function as a destination entity of the message" of Corrected Patent Invention 7 that refers to Claim 3.

In addition, since Cited Invention 1 is one in which calling on is carried out by "pressing the 'Transmission' button after a message is displayed", it is obvious that it has the same function as "message transmission function sends the message to the other users set by the setting function, when the selection reception function receives selection to transmit a message to another user" of Corrected Patent Invention 7 that refers to Claim 3.

In view of the above, there is no new different feature between Corrected Patent Invention 7 that refers to Claim 3 and Cited Invention 1 besides the above-mentioned Different Feature 1 and Different Feature 2.

Consequently, in light of the examination of the above "(4)" to "(6)", Corrected Patent Invention 7 that refers to Claim 3 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 1-2, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (9) Regarding Corrected Patent Invention 8

##### A Comparison

Corrected Patent Invention 8 is one that specifies, in any of Corrected Patent Invention 1 to Corrected Patent Invention 7, "the reward is supposed to be lost when the reward is not utilized within a predetermined time limit".

Therefore, when Corrected Patent Invention 8 that refers to Claim 1 and Cited Invention 1 are compared, in light of the examination in the above-mentioned (4), they have the corresponding feature indicated in the above (4), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 4]

Corrected Patent Invention 8 that refers to Claim 1 is an invention in which "the reward is supposed to be lost when the reward is not utilized within a predetermined time limit", whereas Cited Invention 1 is not clear about that point.

##### B Judgment

The above Different Feature 4 will be discussed below.

"Returnee ticket" of the technical matter described in Evidence A No. 7 is a ticket by which, when it is brought to NPC "Return Support Robot", accessories can be

replaced by selecting appropriate ones from three level bands, and thus it can be said to be a "reward". Then, "Returnee ticket" is one by which, when exchange or the like of an item is not be able to be made within the available period of the campaign NPC "Return Support Robot", exchange or the like is not available, and thus it can be said that it "is supposed to be lost when it is not utilized within a predetermined time limit".

From this, the matters specifying the invention of Corrected Patent Invention 8 that refers to Claim 1 concerning the above Different Feature 4 are shown in the technical matter described in Evidence A No. 7.

In addition, both Cited Invention 1 and technical matter described in Evidence A No. 7 belong to a technical field of game software, and "Bonds of Friendship" campaign of Cited Invention 1 and the comeback campaign of the technical matter described in Evidence A No. 7 are common in a point of a problem to be solved as making dormant users return to a game, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 7 to Cited Invention 1.

Therefore, the matters specifying the Invention of Corrected Patent Invention 8 that refers to Claim 1 concerning the above-mentioned Different Feature 4 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 7 to Cited Invention 1.

In addition, an effect produced by the matters specifying the invention of Corrected Patent Invention 8 that refers to Claim 1 is within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 7.

Accordingly, since Corrected Patent Invention 8 that refers to Claim 1 could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 7, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (10) Regarding Corrected Patent Invention 9

##### A Comparison

Corrected Patent Invention 9 is one that specifies, in any of Corrected Patent Invention 1 to Corrected Patent Invention 8, "the selection reception function accepts the selection, when the one user is an active user who plays the game at a predetermined frequency or more".

Therefore, when Corrected Patent Invention 9 that refers to Claim 1 and Cited Invention 1 are compared, in light of the examination of the above-mentioned (4), they have the corresponding feature indicated in the above-mentioned (4), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 5]

Corrected Patent Invention 9 that refers to Claim 1 is an invention in which the "selection reception function accepts the selection, when the one user is an active user who plays the game at a predetermined frequency or more", whereas Cited Invention 1 is not clear about that point.

## B Judgment

The above Different Feature 5 will be discussed below.

"Target players who can send an invitation mail" of "Friendship Coming Back Campaign" in Cited Invention 4 are "players who made login on Feb. 19 (Tues.), 2013 or later", and have played the game at least one time on Feb. 19 (Tue.), 2013 or later regardless of a playing frequency, and, therefore, each can be said to be "an active user who plays the game at a predetermined frequency or more". Then, considering that all of the above-mentioned "players who made login on Feb. 19 (Tues.), 2013 or later" can send an invitation mail, it can be said that the matter that the player sends an invitation mail is to perform selection to send an invitation mail. In addition, since the player sends an invitation mail on a game program, when the matter that the player sends an invitation mail is seen from the game program, it can be said to accept selection by the player to send an invitation mail.

From this, the matters specifying the invention of Corrected Patent Invention 9 that refers to Claim 1 concerning the above Different Feature 5 are shown in Cited Invention 4.

In addition, both Cited Invention 1 and Cited Invention 4 belong to a common field as a game, "Bonds of Friendship" campaign of Cited Invention 1 and Welcome home! Friendship Coming Back Campaign of Cited Invention 4 are common in a point of a problem to be solved as making a dormant user return to a game, and, therefore, it could be achieved by a person skilled in the art with ease to apply Cited Invention 4 to Cited Invention 1.

From this, the matters specifying the invention of Corrected Patent Invention 9 that refers to Claim 1 concerning the above Different Feature 5 could be conceived of by a person skilled in the art with ease by applying Cited Invention 4 to Cited Invention 1.

Furthermore, an effect produced by the matters specifying the invention of Corrected Patent Invention 9 that refers to Claim 1 is within a range that could be predicted by a person skilled in the art from Cited Invention 1 and Cited Invention 4.

Accordingly, since Corrected Patent Invention 9 that refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1 and Cited Invention 4, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

### (11) Regarding Corrected Patent Invention 12

Corrected Patent Invention 12 is one that specifies, in any of Corrected Patent Invention 1 to Corrected Patent Invention 11, "the message is a message to prompt participation in the game".

Accordingly, when Corrected Patent Invention 12 that refers to Claim 1 and Cited Invention 1 are compared, "message" of Cited Invention 1 is a message for calling for return, and corresponds to "a message to prompt participation in the game" of Corrected Patent Invention 12 that refers to Claim 1, and thus there is no new different feature between Corrected Patent Invention 12 that refers to Claim 1 and Cited Invention 1 besides the above Different Feature 1.

As a consequence, in light of the examination of the above-mentioned (4),

Corrected Patent Invention 12 that refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1 and Cited Invention 4, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (12) Regarding Corrected Patent Invention 13

##### A Comparison

Corrected Patent Invention 13 is one that specifies, in any of Corrected Patent Invention 1 to Corrected Patent Invention 12, "a number of times of transmission of the message within a predetermined period is limited".

Accordingly, when Corrected Patent Invention 13 that refers to Claim 1 and Cited Invention 1 are compared, in light of the examination in the above (4), they have the corresponding feature indicated in the above-mentioned (4), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 6]

Corrected Patent Invention 13 that refers to Claim 1 is an invention in which "a number of times of transmission of the message within a predetermined period is limited", whereas Cited Invention 1 is not clear about that point.

##### B Judgment

The above-mentioned Different Feature 6 will be discussed below.

"<<Comeback mini-mail>> and <<mini-mail>>" of the technical matter described in Evidence A No. 3 correspond to "message" of Corrected Patent Invention 13 that refers to Claim 1.

In addition, "mini-mail" of the technical matter described in Evidence A No. 3 is a mail that "can be sent up to 10 mails per day at most", and thus it is said to be one for which "a number of times of transmission within a predetermined period is limited".

Accordingly, the matters specifying the invention of Corrected Patent Invention 13 that refers to Claim 1 concerning the above Different Feature 6 are shown in the technical matter described in Evidence A No. 3.

In addition, both Cited Invention 1 and the technical matter described in Evidence A No. 3 belong to a common field as a game, "Bonds of Friendship" campaign of Cited Invention 1 and the friend return & friend invitation campaign of the technical matter described in Evidence A No. 3 are common in a point of a problem to be solved as making a dormant user return to a game, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 3 to Cited Invention 1.

From this, the matters specifying the invention of Corrected Patent Invention 13 that refers to Claim 1 concerning the above Different Feature 6 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 3 to Cited Invention 1.

Furthermore, an effect produced by the matters specifying the invention of Corrected Patent Invention 13 that refers to Claim 1 is within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 3.



Therefore, Corrected Patent Invention 13 that refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 3, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

(13) Regarding Corrected Patent Invention 14

Corrected Patent Invention 14 is one that specifies, in any of Corrected Patent Invention 1 to Corrected Patent Invention 13, "the reward giving function gives a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game".

Accordingly, when Corrected Patent Invention 14 that refers to Claim 1 and Cited Invention 1 are compared, "2000 friendship pt is presented when a friend returns" of Cited Invention 1 corresponds to "gives a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game" of Corrected Patent Invention 14 that refers to Claim 1, and thus Corrected Patent Invention 14 that refers to Claim 1 and Cited Invention 1 do not have new different features besides the above Different Feature 1.

Then, in light of the examination of the above-mentioned (4), Corrected Patent Invention 14 that refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1 and Cited Invention 4, and, therefore, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

(14) Regarding Corrected Patent Invention 15

A Comparison

Corrected Patent Invention 15 is one that specifies, in Corrected Patent Invention 14, "the reward giving function further gives a reward to the other user according to a length of a period during when the other user has not played the game".

Therefore, when Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 and Cited Invention 1 are compared, in light of the examination in the above-mentioned (4) and (13), they have the corresponding feature indicated in the above (4) and (13), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 7]

Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 is an invention in which "the reward giving function further gives a reward to the other user according to a length of a period during when the other user has not played the game", whereas Cited Invention 1 is not clear about that point.

B Judgment

The above Different Feature 7 will be discussed below.

"User having returned" of the technical matter described in Evidence A No. 8 corresponds to "other user" of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1.

In addition, "<<an item that is useful for cultivating a card>>, <<one piece of Homunculus of Dragon Tribe>>, <<five pieces of Healing Water>>, and <<Kizuna

2000 pt>>" of the technical matter described in Evidence A No. 8 correspond to "reward" of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1.

Then, "comeback campaign" of the technical matter described in Evidence A No. 8 is a campaign "of the contents that, when the user having returned has not made login for two weeks or more, one piece of Homunculus of Dragon Tribe is given, and, when the user having returned has not made login for one month or more, one piece of Homunculus of Dragon Tribe, five pieces of Healing Water, and Kizuna 2000 pt are given", and, therefore, "contents" of "comeback campaign" of the technical matter described in Evidence A No. 8 correspond to "gives a reward to the other user according to a length of a period during when the other user has not played the game" of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1.

From this, the matters specifying the invention of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 concerning the above Different Feature 7 is shown in the technical matter described in Evidence A No. 8.

In addition, both Cited Invention 1 and the technical matter described in Evidence A No. 8 belong to a common field as a game, "Bonds of Friendship" campaign of Cited Invention 1 and the comeback campaign of the technical matter described in Evidence A No. 8 are common in a point of a problem to be solved as making a dormant user return to a game, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 8 to Cited Invention 1.

Accordingly, the matters specifying the invention of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 concerning the above Different Feature 7 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 8 to Cited Invention 1.

In addition, an effect produced by the matters specifying the invention of Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 is within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 8.

Therefore, since Corrected Patent Invention 15 that refers to Claim 14 that in turn refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 8, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (15) Regarding Corrected Patent Invention 16

##### A Comparison

Corrected Patent Invention 16 is one that specifies, in Corrected Patent Invention 14, "the reward giving function further gives a reward to the other user according to a performance of the other user in the game".

Accordingly, when Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 and Cited Invention 1 are compared, in light of the examination in the above-mentioned (4) and (13), they have the corresponding feature indicated in the above-mentioned (4) and (13), and are different in the following point in addition to

the above Different Feature 1.  
[Different Feature 8]

Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 is an invention in which "the reward giving function further gives a reward to the other user according to a performance of the other user in the game", whereas Cited Invention 1 is not clear about that point.

## B Judgment

The above-mentioned Different Feature 8 will be discussed below.

"Players who had performed member registration during the period from Jan. 1, 2008 to Jan. 31, 2012, who do not have a record of login to the game within a period from Feb. 1, 2012 to Mar. 26, 2012, and for whom login to the game was able to be confirmed during the period from Mar. 29, 2012 0:00 to May 6, 2012 23:59" of the technical matter described in Evidence A No. 9 correspond to "other user" of Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1.

In addition, "<<golden charm exchange ticket>>, <<Golden God Charm exchange ticket>>, <<LV3 refining stone>>, and <<LV5 refining stone>>" of the technical matter described in Evidence A No. 9 correspond to "reward" of Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1.

Then, "comeback campaign" of the technical matter described in Evidence A No. 9 is "of the contents that, in the case where the maximum level of a character within the account that has come back is LV30-49, one golden charm exchange ticket and one Golden God Charm exchange ticket are presented; in the case where it is LV50-79, one golden charm exchange ticket, one Golden God Charm exchange ticket, and one LV3 refining stone are presented; and in the case where it is LV80 or more, one golden charm exchange ticket, one Golden God Charm exchange ticket, and one LV5 refining stone are presented", and, due to the experimental rule of games, the level of a character in a game is a level to which the performance of the character in the game, that is, the performance of the user who manipulates the character in the game is reflected, and, therefore, "contents" of "comeback campaign" of the technical matter described in Evidence A No. 9 corresponds to "gives a reward to the other user according to a performance of the other user in the game".

For this reason, the matters specifying the invention of Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 concerning the above-mentioned Different Feature 8 are shown in the technical matter described in Evidence A No. 9.

In addition, both Cited Invention 1 and technical matter described in Evidence A No. 9 belong to a common field as a game, "Bonds of Friendship" campaign of Cited Invention 1 and the comeback campaign of the technical matter described in Evidence A No. 9 are common in a point of a problem to be solved as making a dormant user return to a game, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 9 to Cited Invention 1.

From this, the matters specifying the invention of Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 concerning the above Different Feature 8 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 9 to Cited Invention 1.

Furthermore, an effect produced by the matters specifying the invention of The Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 is within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 9.

Accordingly, since Corrected Patent Invention 16 that refers to Claim 14 that in turn refers to Claim 1 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 9, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

#### (16) Regarding Corrected Patent Invention 17

##### A Comparison

Corrected Patent Invention 17 is an invention in which "a reward giving function for giving a reward to the other user, when the other user who receives the message transmitted by the message transmission function comes back to the game" of "game program" of Corrected Patent Invention 1 is made to be "a reward giving function for carrying out at least one of (i) giving a reward to the one user, when the other user who receives a message transmitted by the message transmission function comes back to the game, and, (ii) giving a reward to the other user, when the other user who receives a message transmitted by the message transmission function comes back to the game", and the matter specifying the invention of "the one user and the other user are set in a manner capable of continuing the game based on the reward" is added.

Accordingly, when Corrected Patent Invention 17 and Cited Invention 1 are compared, in light of the examination in the above-mentioned (4), they have the corresponding feature indicated in the above-mentioned (4), and are different in the following point in addition to the above Different Feature 1.

[Different Feature 9]

Corrected Patent Invention 17 is an invention in which "the one user and the other user are set in a manner capable of continuing the game based on the reward", whereas Cited Invention 1 is not clear about that point.

##### B Judgment

The above-mentioned Different Feature 9 will be discussed below.

"Restorative medicine" and "to continue adventure" of the technical matter described in Evidence A No. 1-3 correspond to "reward" and "continuing the game" of Corrected Patent Invention 17.

Then, it can be understood that "if there is no physical fitness to cope with a quest, adventure cannot be continued; if the adventurer has restorative medicine, it is possible to make physical strength recover fully by using the restorative medicine" of the technical matter described in Evidence A No. 1-3 means that, if a player has restorative medicine, the physical strength is restored fully using the restorative medicine to enable the adventurer to have physical fitness to cope with a quest, and adventure can be continued, and, therefore, "if there is no physical fitness to cope with a quest, adventure cannot be continued; if the adventurer has restorative medicine, it is possible to make physical strength recover fully by using the restorative medicine" of the technical matter described in Evidence A No. 1-3 corresponds to "are set in a

manner capable of continuing the game based on the reward" of Corrected Patent Invention 17.

From this, the matters specifying the invention of Corrected Patent Invention 17 concerning the above Different Feature 9 are shown in the technical matter described in Evidence A No. 1-3.

In addition, both Cited Invention 1 and technical matter described in Evidence A No. 1-3 belong to a common field as a game, "Bonds of Friendship" campaign of Cited Invention 1 and guts of the technical matter described in Evidence A No. 1-3 are common in a point of a working effect to stimulate a game by making a relationship with friends participating in the game good, and, therefore, it could be achieved by a person skilled in the art with ease to apply the technical matter described in Evidence A No. 1-3 to Cited Invention 1.

For this reason, the matters specifying the invention of Corrected Patent Invention 17 concerning the above Different Feature 9 could be conceived of by a person skilled in the art with ease by applying the technical matter described in Evidence A No. 1-3 to Cited Invention 1.

In addition, an effect produced by the matters specifying the invention of Corrected Patent Invention 17 is within a range that could be predicted by a person skilled in the art from Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 1-3.

Accordingly, since Corrected Patent Invention 17 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, Cited Invention 4, and the technical matter described in Evidence A No. 1-3, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

(17) Regarding Corrected Patent Invention 18, and Corrected Patent Invention 19

Corrected Patent Invention 18 is an invention that is different from "game program" of Corrected Patent Invention 1 only in a category, and is substantially the identical invention. Therefore, Corrected Patent Invention 18 is an invention that could have been invented by a person skilled in the art with ease based on Cited Invention 1, the technical matter described in Evidence A No. 1-1, and Cited Invention 4, and, thus,, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

Also, Corrected Patent Invention 19 is an invention that is made by changing "game program" of Corrected Patent Invention 1 to "information processing device", and is substantially the identical invention. Therefore, Corrected Patent Invention 19 could have been invented by a person skilled in the art with ease based on Cited Invention 1, the technical matter described in Evidence A No. 1-1, and Cited Invention 4, and, thus, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

(18) Regarding Corrected Patent Invention 20, and Corrected Patent Invention 21

Corrected Patent Invention 20 is an invention that is different from "game program" of Corrected Patent Invention 17 only in a category, and is substantially the

identical invention. Therefore, Corrected Patent Invention 20 could have been invented by a person skilled in the art with ease based on Cited Invention 1, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-3, and Cited Invention 4, and, thus, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

Also, Corrected Patent Invention 21 is an invention made by changing "game program" of Corrected Patent Invention 17 to "information processing device", and is substantially the identical invention. Then, Corrected Patent Invention 21 could have been invented by a person skilled in the art with ease based on Cited Invention 1, the technical matter described in Evidence A No. 1-1, the technical matter described in Evidence A No. 1-3, and Cited Invention 4, and, thus, the Appellant should not be granted a patent therefor in accordance with the provisions of Article 29(2) of the Patent Act.

## 5. Closing

As above, the patents concerning Corrected Patent Invention 1 to Corrected Patent Invention 3, Corrected Patent Invention 6 to Corrected Patent Invention 9, and Corrected Patent Invention 12 to Corrected Patent Invention 21 are made in violation of the provisions of Article 29(2) of the Patent Act, fall under the provisions of Article 113(2) of the same Act, and should be revoked.

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

Nov. 12, 2018

Chief administrative judge:	OZAKI, Atsushi
Administrative judge:	FUJIMOTO, Yoshihito
Administrative judge:	MORITSUGU, Ken