Trial decision

Invalidation No. 2017-800060

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The decision on the case of the patent invalidation trial between the above parties on Japanese Patent No. 5826909, entitled "FINANCIAL PRODUCT TRANSACTION MANAGEMENT DEVICE, AND SYSTEM AND PROGRAM FOR FINANCIAL PRODUCT TRANSACTION MANAGEMENT", dated January 7, 2019 came with a court decision of revocation of the trial decision (2019 (Gyo-Ke) 10021, rendition of decision on January 29, 2020) at the Intellectual Property High Court, the case was proceeded further, and has resulted in the following trial decision.

Conclusion

The correction of the specification and the Scope of Claims of Japanese Patent No. 5826909, regarding Claims [1 to 5, 7], [6] after the correction, shall be approved as the corrected specification and the Scope of Claims attached to the written demand for correction.

The trial of the case was groundless.

The costs in connection with the trial shall be borne by the Demandant.

Reason

No. 1 History of the procedures

The history of the procedures regarding Japanese Patent No. 5826909 is outlined below.

November 13, 2014 Filing of the application for the Patent (Japanese Patent Application No. 2014-230868)

(March 7, 2013 Original application (Japanese Patent Application No. 2013-45238)

The Original application is also a divisional application of Japanese Patent Application No. 2008-332599 (December 26, 2008).)

October 23, 2015 Registration of establishment

April 28, 2017 Demand for invalidation trial of the case

July 28, 2017 Submission of Written reply of the trial case

August 9, 2017 Written statement (Demandee)

October 2, 2017 Notification of matters to be examined

November 7, 2017 Submission of Oral Proceedings statement brief (Demandant)

November 9, 2017 Submission of Oral Proceedings statement brief (Demandee)

November 21, 2017 Oral proceeding

February 26, 2018 Advance notice of a trial decision

May 7, 2018 Written demand for correction

(The Demandant did not submit a written refutation as an opinion on the demand for correction.)

October 22,2018 Notice of reasons for refusal of correction

October 22, 2018 Notice of proceeding result by ex officio

(The Demandant did not submit a written opinion as an opinion on the reasons for refusal of correction.)

November 26, 2018 Written opinion

November 26, 2018 Written amendment (Name of the document to be amended: Substitute specification)

January 7, 2019 Trial decision

February 18, 2019 Access to Intellectual Property High Court

January 29, 2020 Rendition of decision 2019 (Gyo-Ke) 10021 (revocation of the trial decision)

No. 2 Outline of the Demandant's allegation

The Demandant demands the decision that the patent for the inventions according to Claim 1 to Claim 7 of the Scope of Claims of Japanese Patent No. 5826909 shall be invalidated. The costs in connection with the trial shall be borne by the Demandee.

The outline of the reasons for invalidation and means of proof are as follows.

1 Regarding Reason for invalidation 1

(1) The invention according to Claim 1 of Japanese Patent No. 5826909 (hereinafter

referred to as "the Patent") (hereinafter referred to as "Invention 1", the same applies to the inventions according to other claims, and Invention 1 to Invention 7 are collectively referred to as "the Invention") to Invention 7 could be easily invented by a person skilled in the art before the filing of the application on the basis of the invention (hereinafter referred to as "Invention A-1") described in Evidence A No. 1 (U.S. Patent Publication No. 2002/0194106) disclosed on December 19, 2002 and the invention (hereinafter referred to as "Invention A-2") described in Evidence A No. 2 (Japanese Unexamined Patent Application Publication No. 2002-183446) disclosed on June 28, 2002. Thus, the Demandee should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act.

Therefore, the Invention and the patent for the Invention fall under the provisions of Article 123(1)(ii) of the Patent Act, and should be invalidated.

(2) Allegation especially on Invention 1

A "(3) The Invention

Invention 1 to Invention 7 are as described in the Scope of Claims attached to the application of the Patent.

A Invention 1

Invention 1 is described separately as follows.

1A A financial product transaction management device for managing trading order of a financial product including:

1B order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and

1C order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein

1H the financial product transaction management device is characterized in that

1D the order information generation means

1E repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

1F at the start of a sales transaction, places a market order and validates a limit order for settling the market order,

1G when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information."

(Written demand for trial p. 6 l. 26-p. 7 l. 25)

B "(5) Reason for invalidation 1 (lack of inventive step based on Invention A-1 and

Invention A-2)
A Comparison between Invention 1, Invention 6, and Invention A-1
... (Omitted) ...
(D) Comparison on Component 1E and Component 6E
... (Omitted) ...
d Summarizing the above a to c, Evidence A No. 1-1 discloses a configuration of repeating LOCK processing which sells or buys a stock by market order or limit order in Part 1, and buys or sells the stock by limit order in Part 2, based on a LOCK order. As described in (A), the LOCK order includes information corresponding to the "trading order application information", the stock corresponds to the "financial product", order information relating to the order in Part 1 corresponds to the "first order information", and order information relating to the order in Part 2 corresponds to the "second order information". Thus, Invention A-1 includes the matter, "repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, and second order information for carrying out the other of the selling and buying orders for the financial product at a limit price".

Invention A-1 is different from Invention 1 and Invention 6 in that Invention A-1 does not include "stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price" (hereinafter referred to as "Different Feature 1")."
(Written demand for trial p. 30 l. 1-p. 37 l. 23)

C "(F) Comparison on Component 1G and Component 6G
... (Omitted) ...
b The example in the Evidence A No. 1-1 [0085], 'This would translate to buy 100 shares of XYZ at $50.00 (with a LOCK price of $1), sell at $51 a share, buy back at $50, and sell again at $51', means that the contract price of the market order is 50 dollars per share when the market order is adopted in Part 1.

The description in the Evidence A No. 1-1 [0085], '... buy back at $50 ...' means buying back at the same limit price as the contract price of the preceding market order (50 dollars per share). This is obvious from the fact that the limit price of the limit order in Part 2 is decided based on the contract price in Part 1. In the LOCK order, it is obvious from the fact that subsequent orders are based on the contract price in (first) Part 1.

Even if, in this example, the same market order as the buying order in Part 1 in the first cycle is repeated in a buying order in Part 1 in the second cycle, the contract price of the market order in Part 1 in the second cycle may be the same as the contract price (51 dollar per share) of the limit order in Part 2 of the first cycle. Thus, the market order in Part 1 in the second cycle resulting in buying back at the selling price in the limit order in Part 2 in the first cycle, obviously makes no sense as investment. The order, 'buy back at "$50"', at the set price is obviously a limit order.
c In light of the above, Evidence A No. 1-1 discloses repeating, in the LOCK order, an order including generating, when a limit order of the Part 2 following a market order of Part 1 is agreed upon regarding the first LOCK order, order information on Part 1 and Part 2 of the next LOCK order, validating the next limit order at the same limit price as

the contract price of the market order regarding Part 1, validating, when the next limit order is agreed upon, a limit order at the same limit price as the limit price of the limit order following the market order regarding Part 2, and executing the limit order.

As described in (D), the order information relating to the order in Part 1 corresponds to the 'first order information', and the order information relating to the order in Part 2 corresponds to the 'second order information'. Thus, Evidence A No. 1-1 discloses the matter, 'when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information'.

Therefore, Invention A-1 includes Component 1G and Component 6G.

(G) Comparison of Component 1H and Component 6H

... (Omitted)...

As indicated in (A), Invention A-1 includes Component 1H and Component 6H."

(Written demand for trial p. 38 l. 22-p. 43 l. 7)

D "(H) Examination of the different feature (Different Feature 1)

a Foreword

The configurations of Invention 1 and Invention 6 relating to Different Feature 1, which are only a design matter that can be implemented appropriately by a person skilled in the art, could be easily conceived by a person skilled in the art. Even if not, the configurations of Invention 1 and Invention 6 relating to Different Feature 1 could be easily conceived by a person skilled in the art on the basis of Invention A-1 and Invention A-2.

b The invention relating to Different Feature 1 is a design matter

In addition to buying or selling a preceding sold or bought financial product by limit order, buying or selling the financial product by stop order for loss cut is only well-known and conventional arts in the field of financial product without requiring examples. In Invention A-1, it is essential that the price of the limit order based on the first order information in the next order information group coincides with the contract price of the preceding market order. Thus, in Invention A-1, it is not essential how to buy or sell the financial product sold or bought by the limit order.

As above, whether to include 'stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price' in the order information group is only a design matter which can be appropriately implemented by a person skilled in the art in consideration of whether to include an order relating to loss cut. Thus, the configurations of Invention 1 and Invention 6 relating to Different Feature 1 are only the matters which can be appropriately implemented by a person skilled in the art on the basis of Invention A-1 and the well-known and conventional arts. The effects to be produced by Invention 1 and Invention 6, which can be predicted by a person skilled in the art on the basis of Invention A-1 and the well-known and conventional arts, are not remarkable.

c Even if the configurations relating to Different Feature 1 are not a design matter, the configurations relating to Different Feature 1 could be easily conceived by a person

skilled in the art on the basis of Invention A-1 and Invention A-2
... (Omitted) ...

As above, Evidence A No. 2 discloses a configuration of generating, in a system of a trustee side, on the basis of information required for an order input by a trustee, an information group including information for a new order for carrying out one of a selling order and a buying order for a financial product at a market price or a limit price, information relating to a settlement order for carrying out the other of the selling and buying orders for the financial product at a limit price, and information relating to a settlement order for carrying out the other of the selling and buying orders for the financial product at a stop price. Thus, Invention A-2 discloses the matter, "repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price".

Invention A-1 is a system invention which automatically repeats if-done order including Part 1 order for placing a selling order or a buying order for securities, such as stocks, and Part 2 order for placing a buying order or a selling order inversely, while Invention A-2 is a system invention which automatically places an if-done order similarly to Invention A-1. Thus, Invention A-1 and Invention A-2 are both inventions belonging to a limited specific field in system inventions regarding financial product transaction, and belong to a common technical field. Especially, it can be said that Invention A-1 has a technical significance in repeating if-done order automatically, and has extremely strong contact with Invention A-2 that specifies order information of if-done order in detail. Invention A-1 and Invention A-2, which aim at increasing the profit of a customer automatically by automatically placing if-done order, has the same subject. It can be said that there is a motivation to combine Invention 1 and Invention 2 because no special design is required for combining Invention 1 and Invention 2.

Therefore, the configurations of Invention 1 and Invention 6 relating to Different Feature 1 could have been easily conceived by a person skilled in the art on the basis of Invention A-1 and Invention A-2. The effects to be produced by Invention 1 and Invention 6, which can be predicted by a person skilled in the art from Invention A-1 and Invention A-2, are not remarkable."
(Written demand for trial p. 43 l. 8-p. 47 l. 23)

2 Regarding Reason for invalidation 2
(1) The patent application relating to the Patent violates the requirements for division (Article 44(2)) and the filing date does not go back to the filing date of the Original application. The Invention is the same as the invention (hereinafter referred to as "Invention A-3") described in Evidence A No. 3 (Japanese Unexamined Patent Application Publication No. 2013-137802) disclosed on July 11, 2013, and the Demandee should not be granted a patent under the provisions of Article 29(1)(ii) of the Patent Act.

Therefore, the Invention and the patent for the Invention fall under the provisions of Article 123(1)(ii) of the Patent Act, and should be invalidated.

(2) "(6) Reasons for invalidation 2 (violation of requirements for division, and lack of novelty and lack of inventive step based on Invention A-3)
A Since the Patent application relating to the Patent violates the requirements for division (Article 44(2)), the filing date does not go back to the filing date of the Original application.

The following matters are required when the filing date of a divisional application goes back to the filing date of the original application: *1 The matters described in the specification, etc. of the divisional application fall within the scope of matters described in the original specification, etc. of the original application; and *2 The matters described in the specification, etc. of the divisional application fall within the scope of matters described in the specification, etc. immediately before the division of the original application.

Component 1E (Note by the body: It is an error for 1G, the same applies hereinafter) is specified as follows: 'when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information'. In the invention (hereinafter referred to as 'the Original invention') according to Claim 1 of the Scope of Claims of the patent application (Japanese Patent Application No. 2013-45238, which is hereinafter referred to as 'the Original application') according to Invention A-3, which is the original application of the patent application according to the Patent, the configuration corresponding to Component 1E is as follows: 'when the limit order based on the second order information is agreed upon, validates the limit order at the same price as the price of the market order based on the first order information in the next order information group, subsequently, repeats an agreement of the limit order based on the first order information, and an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information' (Evidence A No. 3). Especially, the configuration of the Original application corresponding to Component 1E, 'generates the order information group, and validates the limit order based on the first order information of the generated order information group' is as follows: 'validates the limit order at the same price as the price of the market order based on the first order information in the next order information group'.

Thus, Component 1E is formed by deleting the underlined part (Note by the body: the part "at the same price as the price of the market order" in the configuration) from the configuration of the Original application, 'validates the limit order at the same price as the price of the market order based on the first order information in the next order information group'. Accordingly, for 'the limit order' in Component 1E, the price is not restricted, and arbitrary limit prices can be set to the limit price. It can be considered as a superordinate concept of the configuration of the Original application, 'validates the limit order at the same price as the price of the market order based on the first order information in the next order information group'.

According to the description of Evidence A No. 3 [0005] to [0008], which is a

publication of unexamined patent application relating to the Original application, the Original invention sets the following problems of the prior art: If-done order of a market order cannot be placed in an order immediately after the start of transaction; and If-done order cannot be repeated. As means for solving the problems, Evidence A No. 3 discloses, based on the contract price of the market place agreed upon immediately after the start of transaction, generating an order information group, placing a limit order and a stop order, which are a settlement order, based on the order information group, generating a new order information group when the limit order is agreed upon, placing a limit order at the same price as the contract price of the preceding market order on the basis of the order information group, and placing, when the limit order is agreed upon, on the basis of the new order information group, a limit order and a stop order at the same price as a limit order and a stop order, which are preceding settlement orders and are settlement orders of the limit order.

Thus, Evidence A No. 3 [0044] includes the description, '... in the market repeat if-done, the first if-done carries out one of a buying order or a selling order at a market price in a first order, and carries out the other of the buying and selling orders in a second order at a limit price. ... After the agreement of the second order, if-done formed of the first order at a limit price (which is a contract price in the first market order) and the second order at a limit price is repeated a plurality of times.' Paragraph [0062] includes the description, 'The initial first order in this embodiment is carried out by market order, and the second and subsequent first orders are carried out by limit order. Thus, the agreement information generation part 14 sets the contract prices of the market order to the limit price of the second and subsequent first orders.' In [FIG. 7], it is described that the price of the second and subsequent first orders at a limit price is a contract price of the first market order. The descriptions in [0044], [0062], and [FIG. 7] of Evidence A No. 3, which have not been amended from the specification, etc. originally attached to the application, coincide with the descriptions in the original specification, etc. of the Original application.

Comparing the configuration of 'the limit order' in the Component 1E and the description of Evidence A No. 3, Evidence A No. 3 only discloses that the second and subsequent first orders at a limit price is a contract price of the first market order, and does not describe that the price of the second and subsequent first orders at a limit price may be arbitrary set. Evidence No. 3 does not disclose the price of the second and subsequent first orders at a limit price, or how to set a price other than the contract price of the first market order, at all. Accordingly, in the specification, etc. at the time of the filing of the Original application and immediately before the division, it is not described formally and substantially that the price of the second and subsequent first orders at a limit price can be set to an arbitrary price, according to the technical problem and the means for solving the problem.

Therefore, since Component 1E does not satisfy both *1 and *2 requirements, which are required for the filing date of a divisional application to go back to the filing date of the original application, Article 44(2) is not applied to the patent application relating to Invention 1, resulting in violation of the requirements for division. Invention 2 to Invention 7 depend from Invention 1. In the same way, Article 44(2) is not applied to the patent application relating to Invention 2 to Invention 7, resulting in violation of the requirements for division.

As above, the filing date of the patent application relating to the Invention does

not go back to the filing date of the original application, and the filing date is the actual filing date, November 13, 2014.

B The Invention, which is identical with Invention A-3, lacks novelty and inventive step

Invention A-3 is as recited in [Claim 1] and [Claim 7]. Comparing the Invention with Invention A-3, the Invention is a superordinate concept of Invention A-3, conversely, Invention A-3 is a subordinate concept of the Invention. Therefore, it is obvious that the novelty of the Invention is denied by Invention A-3, and even if there is a different feature between the Invention and Invention A-3, it is obvious that a person skilled in the art could easily conceive of the configuration relating to the different feature on the basis of Invention A-3.

C Summary

In light of the above, since the Demandee should not be granted a patent for the Invention under the provisions of Article 29(1)(iii) and Article 29(2), the Invention falls under Article 123(1)(ii), and should be invalidated.

The above was approved in the decision of the trial focusing on the reasons for invalidation on Invention 1 (Evidence A No. 4)." (*1 and *2 represent circled numbers.)
(Written demand for trial p. 59 l. 11-p. 62 l. 20)

(3) "(3) Notice '3. Regarding the disputed matter', '(2) Regarding Reason for invalidation 2 and Reason for invalidation 3,' 'a. For the Demandant", For '(a-1)'

The specification, etc. relating to the Patent [0005] and [0007] includes the following descriptions as '[Problem to be solved by the invention]': 'The problem of the system of Patent Document 1 is that the system cannot treat a limit order of if-done order. When a customer desires to place multiple if-done orders in parallel, in the system of Patent Document 1, each of the if-done orders must be placed and order procedures of the customer are complicated.'; and 'The system of Patent Document 1 also cannot treat a case of placing an if-done order by market order.' Thus, the problem of the Invention is, according to the fact that the specification, etc. relating to the Patent [0005] focuses on the limit order, regarding a market order, the matter 'placing an if-done order by market order' which has not existed, obviously.

According to the description in the specification, etc. relating to the Patent [0042], 'The market-price repeat if-done is an order method of applying a repeat if-done to a market order. Thus, in normal repeat if-done, if-done order (after one of a limit-price buying order and a limit-price selling order is carried out as a first order, the other of the limit-price buying order and the limit-price selling order is carried out as a second order) is repeated a plurality of times automatically', it is obvious that the specification, etc. relating to the Patent [0005] focuses on a limit order. However, the specification, etc. relating to the Patent [0042] includes the following description, 'In the market-price repeat if-done, at the first if-done, one of a buying order and a selling order is conducted at a market price in a first order, then the other of the buying order and the selling order is conducted at a limit price in a second order. ... After the agreement of the second order, if-done including the first order at a limit price (the limit price is a contract price in the first market order) and the second order at a limit price is repeated a plurality of

times'. The description unambiguously defines a new order method, 'market-price repeat if-done', by interposing a market order with respect to 'repeat if-done' which has no room for interposing a market order, in addition to the above matter 'placing an if-done order by market order'.

Even if the new order method 'market-price repeat if-done' is not unambiguously defined, the 'repeat if-done', which includes only limit order, is repeating buying and selling at the first specific price as a result of "repeating" "if-done", that is, repeating 'if-done' of the first limit order by limit order. When applying the 'repeat if-done' to a market order, a person skilled in the art who has found the description has to *1 repeat the first market order and limit order also in the second and subsequent orders and repeat a market order and a limit order in the second and subsequent orders, or *2 applying the effect of 'repeat if-done' that buying and selling at the first specific price is repeated, to the case where a market order intervenes in the first order, and repeat a combination of the first limit order and a limit order using the contract price of the first market order as a limit price in the second and subsequent orders. The description of the specification, etc. relating to the Patent [0042] selects the latter. As described above, since the matter 'placing an if-done order by market order" did not exist, even a person skilled in the art who has found the description could not derive the idea other than *2. It cannot be said that the idea other than *2 is substantially described in the specification, etc. relating to the Patent. Even if a person skilled in the art who has found the description could derive the idea other than *2, it is nothing less than *1, and it is not the Patent invention.' (*1 and *2 represent circled numbers.)
(Oral proceedings statement brief p. 4 l. 14-p. 6 l. 7)

3 Regarding reason for invalidation 3
(1) Since the Invention does not satisfy the requirements for support, the Demandee should not be granted a patent for the invention under the provisions of Article 36(6)(i) of the Patent Act.

Therefore, the Invention and the patent relating to the Invention, which fall under Article 123(1)(iv) of the Patent Act, should be invalidated.

(2) '(7) Reasons for invalidation 3 (violation of requirements for support)

As described in (6) A, for "the limit order" in Component 1E, the price is not restricted, and arbitrary limit prices can be set to the limit price. The descriptions in Evidence A No. 3 [0044], [0062], and [FIG. 7] corresponding to the description of the specification etc. originally attached to the Original application are identical with the description of the specification, etc. relating to the Patent [0044], [0062], and [FIG. 7]. According to the above descriptions, it is not described formally and substantially that the price of the second and subsequent first orders at a limit price can be set to an arbitrary price.

Since the detailed description of the invention of the specification, etc. relating to the Patent does not include means for solving the problem of the Invention and technical matters required for a person skilled in the art to understand the invention, the Invention does not satisfy the requirements for support (Article 36(6)(i)). Thus, the patent relating to the Invention falls under Article 123(1)(iv) and should be invalidated.

The above was approved in the decision of the trial focusing on the reasons for invalidation on Invention 1 (Evidence A No. 4).'

(Written demand for trial p. 62 l. 21-p. 63 l. 10)

4 Means of proof

The Demandant submitted Evidence A No. 1-1, Evidence A No. 1-2, and Evidences A No. 2 to No. 4 attached to the written demand for trial.

Evidence A No. 1-1: U.S. patent publication No. 2002/0194106

Evidence A No. 1-2: Translation of U.S. patent publication No. 2002/0194106

Evidence A No. 2: Japanese Unexamined Patent Application Publication No. 2002-183446

Evidence A No. 3: Japanese Unexamined Patent Application Publication No. 2013-137802

Evidence A No. 4: Court decision 2015 (Wa) No. 4461

No. 3 Outline of the Demandee's allegation

The Demandee demands the decision that the trial of the case was groundless and the costs in connection with the trial shall be borne by the Demandant.

The summary of the Demandee's allegation is as follows.

1 Regarding Reason for invalidation 1

'No. 2 Regarding the reasons for invalidation on the Patent Invention (Claim 1)

1 Different Feature alleged by the Demandant

(1) The Demandant alleges that the different feature between Patent Invention 1 and the Invention A-1 is as follows, "Different Feature 1 The Patent invention 1 ... the 'order information group' includes 'stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price', while the 'order information group' in Invention A-1 does not include the 'stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price'.

(2) However, as described later, Invention A-1 discloses only the configuration of repeating limit order, and does not disclose a configuration of placing the second and subsequent new orders as limit order while placing the first new order as market order, like Components 1E and 1F of Patent Invention 1. Therefore, Patent Invention 1 and Invention A-1 are different in the above points of Components 1E and 1F in addition to Different Feature 1 indicated by Demandant.

2 Repeating of order in Invention A-1

... (Omitted) ...

(3) There is no disclosure about modifying the execution condition

A As described above, Invention A-1 is an invention of repeating limit order based on the order information 19, and Evidence A No. 1-2 does not describe or indicate that the execution condition of new order (Part 1) is modified (can be modified) when the first LOCK order is placed or when the second LOCK order is placed.

B As is obvious from FIG. 6 and FIG. 7 of the Evidence A No. 1-2, in Invention A-1, the first LOCK order and the second LOCK order are carried out based on the same information 19. It is clearly described that the same execution condition is employed in the first new order and the second and subsequent new orders.

3 Combination of Invention A-1 and Invention A-2

(1) Evidence A No. 2 does not disclose a configuration of repeating generation of order information group and, of course, does not also disclose a configuration of modifying execution condition for the first and second orders. Thus, even if Invention A-1 is combined with Invention A-2, the configuration, like Patent Invention 1, of placing the first new order at a market price and placing the second and subsequent new orders at a limit order cannot be implemented.
(2) Neither Invention A-1 nor Invention A-2 disclose or indicate a configuration of 'repeating stop order'. The reason why the combination of the inventions results in repeating stop order is completely unclear.

As described above, the stop order is a transaction that loses money by selling cheap a financial product bought for a high price.

Employing the stop order which loses money in Invention A-1 which aims at gaining profits by repeating orders, loses the characteristics of Invention A-1. It can be said that there is a disincentive.
(3) As is obvious from FIG. 6 of Evidence A No. 1-2, the Invention A-1 specifies LOCK value, which is a profit margin obtained when a settlement order is agreed upon based on new order information, and only the LOCK value is input on the settlement order.

In Invention A-1 like the above system, it is not supposed to carry out two kinds of settlement orders (two kinds of settlement orders cannot be carried out only by the LOCK value), and Invention A-1 does not disclose a configuration of specifying an execution condition of settlement order (or does not assume carrying out two kinds of settlement orders with different execution conditions, at all).

There is no motivation to combine Invention A-2 which carries out two kinds of settlement orders with different execution conditions with Invention A-1, at all.'
(Written reply p. 5 l. 21-p. 10 l. 25)

2 Regarding Reason for invalidation 2
(1) '(2) The specification before the division indicates, regarding the problems to be solved by the invention, as follows:

A "the system cannot treat a limit order of if-done order" ([0005])

B "when a customer desires to place multiple if-done orders in parallel, each of the if-done orders must be placed and order procedures of the customer is complicated" ([0005])

C "when the price of the financial product significantly fluctuates from before and recovery cannot be expected for some time, many traders having the financial product desire selling the financial product so as to minimize the loss", however, "customers cannot automatically sell a financial product obtained by a buying order at a limit price, in accordance with future market condition, or cannot automatically stopping if-done order in accordance with future market condition" ([0006])

D "the system cannot treat a case of placing an if-done order by market order" ([0007]).

In light of the above, the invention disclosed in the specification before the division is described as follows:
"The Invention has been made in view of the above problem, and aims at providing a financial product transaction management device which can place multiple if-done orders without requiring a system user to perform complicated order procedures, can

automatically stop the if-done order in accordance with future market condition, increase convenience of customers using the system, and reduce the risk of the customers due to the if-done orders." ([0008])

The Invention after the division is capable of placing the first if-done order at a market price (Problem "D") and placing the second and subsequent if-done orders at a limit price (Problem "A") with the configurations of A and C, capable of placing multiple if-done orders without requiring a system user to perform complicated order procedures (Problem "B") with the configuration of B, and capable of automatically selling a financial product when the price of the financial product significantly fluctuates from before and recovery cannot be expected for some time (Problem "C") with configuration of D. Accordingly, the Invention after the division is the invention disclosed in the specification, etc. at the time of division. On the premise of the Invention, it is very easy for a person skilled in the art to understand that the specification, etc. before the division discloses the Invention.

(3) The Demandant alleges, based on the specification, etc. at the time of division [0044], [0062], and [FIG. 7], that the specification, etc. at the time of division discloses only the embodiment that the price of the second and subsequent first orders at a limit price is a contract price of the first market order (i.e., the configuration of the original invention before the division).

However, the description in [0044] presented as grounds by the demandant is, as described in [0039], "The transaction procedure in carrying out market-price repeat if-done order using the financial product transaction management system 1A of this embodiment is described below",
only a part of the description explaining one embodiment (the embodiment mainly for explaining the original invention before the division). The description does not define the price of the first order at a limit price in Invention 4. (Note by the body: Footnote 4 "0078" clearly indicates that "Needless to say, the above embodiment is an example of this invention, and the invention is not limited to the above embodiment.)

The description of [0044] is as follows:
"The limit price of the second order may be specified in advance or may be automatically decided so that a difference in rate or amount of money from a market price may be equal to a preset value. After an agreement of the second order, if-done including a first order at a limit price (the limit price is a contract price in the first market order) and a second order at a limit price is repeated a plurality of times",
which only describes that the price of the first order at a limit price is the same price as that of the first market order with brackets. Ordinarily in Japanese, the contents described with brackets are not essential matter but additional matter. Thus, the above description obviously shows that the configuration that the price of a first order at a limit price is a contract price of a market order is only an additional description in the embodiment.

By eliminating the brackets for additional description from the description, it is understood that "after an agreement of the second order, if-done including a first order at a limit price ... and a second order at a limit price is repeated a plurality of times". Thus, the specification at the time of division clearly indicates the embodiment that does not specify the price of a first order at a limit price.

Paragraph [0062] indicated by the Demandant includes the following description, "When a market order based on the first order 51a is agreed upon, the agreement

information generation part 14 rewrites corresponding data in the database 18. Specifically, data on the first order 51a, which is order information on the market order in an order table 181, is deleted and data in the field 'amnt' 182a of a customer account information table 182 is increased/decreased by the agreed price. The initial first order in this embodiment is carried out by market order, and the second and subsequent first orders are carried out by limit order. Thus, the agreement information generation part 14 sets the contract prices of the market order to the limit price of the second and subsequent first orders", which only describes the contents of the embodiment in [0059]. The above description only indicates that the contract price is set to the limit price of the second and subsequent first orders in this embodiment, and need not limit the configuration. The same applies to [FIG. 7] indicated by the Demandant.
(4) As such, the Demandant (court decision of Evidence A No. 4) misunderstands as if the specification, etc. at the time of division describes only the invention limited by the embodiment due to the contents of the original invention. Comparing the Invention with the specification, etc. at the time of division without such biased view, a person skilled in the art can clearly understand that the specification at the time of division discloses the Invention on the premise of the Invention, obviously."
(Written reply of the trial case p. 14 l. 8-p. 17 l. 9)

(2) '(5) The Demandant alleges that the specification, etc. at the time of division "does not disclose how to set the price of the second and subsequent first orders at a limit price, or how to set a price other than the contract price of the first market order, at all."

However, according to the specification at the time of division, regarding a first order, a second order, and a stop order of the Invention, when the first order of the Invention is a buying order,

• The price is higher in the second order than the first order because a difference generated by selling by the second order a financial product purchased by the first order makes profits,

• The price is lower in the stop order than the first order because the loss is minimized by selling the financial product by stop order when the price of the financial product significantly fluctuates from before and recovery cannot be expected for some time.

Thus, the following relationship between the first order, the second order, and the stop order (or the fact that the relationship can solve the above problems) can be naturally recognized.

← Low price High price →

Stop order < First order < Second order

In the embodiment indicated by the demandant, there is only an example of an embodiment, regarding the price of a first order, that uses a contract price of the first market order as the price in the second and subsequent limit orders in order mainly to describe the Original invention, and the invention disclosed in the specification at the time of division is not interpreted in a limited way due to the description."
(Written reply of the trial case p. 17 l. 10-p. 18 l. 3)

(3) The Demandee submitted a written opinion of Ken MAEDA, an associate professor of Kobe University, attached to the written statement dated August 9, 2017. The

Demandee did not submit the written opinion as means of proof, but the body treats it as Evidence B No. 1.
The summary of the allegation in the written opinion is as follows.
"No. 3 Ideal solution of this case
1 Whether or not Invention 3 falls within the scope of matters described in the specification, etc. before the division
(1) Conclusion

As described below, Invention 3 is a matter which can be derived from all the descriptions of the specification before the division or drawings (Specification, etc. 2), and it is included in the technical matters described in the Specification, etc. 2. Thus, when the configuration of Invention 3 is given, the Specification, etc. 2 includes the description for a person skilled in the art at the time of the filing of the application to understand how to reproduce the configuration and that the configuration solves intended problems. Therefore, there is no violation of requirements for division in the patent application relating to Invention 3.
(2) Technical ideas described in the embodiment

The Specification, etc. 2 includes the following description as problems of a prior art (Patent document 1): *1 If-done order of a market order cannot be placed in an order immediately after the start of transaction ([0007]); *2 When a customer desires to repeat multiple if-done orders, order procedures of the customer is complicated ([0005]); *3 If-done order cannot be automatically stopped in accordance with future market condition ([0006]).

It is described that "the Invention" aims to provide a financial product transaction management device for solving the above three problems ([0008]). Subsequently, the configuration of the Invention 2 is described for solving the problem. According to these descriptions, it can be said that Invention 2 is an invention which has the above three problems as the problems to be solved.

The method for reproducing the configuration relating to Invention 2 and the matter that the method can solve the intended problems are explained in the description of the embodiment in the Specification, etc. 2 [0023] and below.

That is, the embodiment describes a method of "market-price repeat if-done" in which a first order is placed at a market price in the first if-done and a second order is placed at a limit price. By employing the method, the system can treat a case of placing a market order immediately after the start of transaction, and can easily treat if-done order, thereby solving problems *1 and *2. As a specific execution method of the "market-price repeat if-done" in the embodiment, it is described that the limit price of the first order in the second and subsequent if-dones is the same as a contract price of the first market order ([0044] [0062]). In the example, the if-done orders can be simply repeated by fixing the first order price in the second and subsequent if-dones to be equal to the "contract price of the first market order" (by setting the price of the second order to an appropriate price in the same way), thereby solving problem *2.

In order to solve problem *3, the stop order is also embedded in the second and subsequent if-done order group so as to enable "loss cut".
(3) It can be recognized that the Invention 3 solves the intended problem
(i) Regarding the fact that the embodiment description focuses on the invention of subordinate concept

The configuration of Invention 3 is basically the same as the configuration of

Invention 2 (or the configuration explicitly described in the embodiment), with the exception of one point. The difference is that, in Invention 2 and the embodiment, the price of the first order must be the same as the price of the market order (Component 2F), while Invention 3 does not include such limitation (included in the superordinate concept, Component 3F-2).

The embodiment assumes that, in order to solve problem *2, the prices of the second order and the stop order are decided while the first order price is set to be equal to the contract price of the first market order, and the orders are repeated with the same price in all the second and subsequent if-dones.

However, a person skilled in the art who has found the embodiment can easily understand that it is required for solving the problem *2 only to decide a limit price of a first order, a limit price of a second order, and a stop price of a stop order, in this order, for each if-done by an appropriate method. Thus, in the prior art, a customer is required to place each order for repeating multiple if-done orders. However, Invention 2 employs a configuration of automatically generating the second and subsequent if-done order groups a plurality of times, which is a core of means for solving the problems. It can be easily understood that a specific price set for each order is irrelevant to solving the problem and it is not an essential part of the means for solving the problem. The important matter is the sequence between the prices of the order group and the mechanism for automatically deciding the prices for each if-done order.

The matter defined in the embodiment that a first order price is equal to a contract price of the first market order is only a specific example. This may produce an effect that a simple rule is obtained for deciding a price of a first order in the second and subsequent if-done orders and that the first order price is set so that repeated orders can be easily agreed upon (this effect is achieved by first order price=market price at the start of transaction). However, a person skilled in the art can easily understand that problems *1 to *3 can be solved even if other arbitrary prices are set.

It can be said that the configuration specified in the embodiment or Invention 2 solves other problems in addition to problems *1 to *3 to be basically solved by the invention. However, the Specification, etc. 2, which discloses technical ideas of a subordinate concept for achieving such additional effect, also discloses technical ideas of a superordinate concept which does not achieve the effect, simultaneously.

On the premise that there is a description for reproducing the configuration of Invention 2 because arbitrary prices are permitted, it can be said that there is a description for reproducing the configuration of Invention 3. The Specification, etc. substantially includes a description for a person skilled in the art to understand that the configuration of Invention 3 can solve problems *1 to *3."
(*1 to *3 represent circled numbers.)
(Evidence B No. 1 p. 17 l.1-p. 19 l. 4)

(4) "(d-1) Regarding the violation of requirements for division (Reason for invalidation 2)

The description of [Description of Embodiments] in the specification relating to the Patent and the description of the drawings are the same as the description of [Description of Embodiments] and the description of the drawings at the filing of the Patent Application relating to the Patent (Japanese Patent Application No. 2014-230868). The description of [Description of Embodiments] and the description of the

drawings of the patent application relating to the Patent are the same as the description of [Description of Embodiments] and the description of drawings originally attached to the Original application (Japanese Patent Application No. 2013-45238).

Therefore, ... (Omitted) ... the described matters of the specification and drawings, which are grounds for correction, are all within the scope of the descriptions of the specification and drawings originally attached to the Original application. The Invention after Correction 1 obviously falls within the scope described in the specification and drawings originally attached to the Original application. The invention according to Claim 2 after the correction which is dependent from Claim 1 after the correction, the inventions according to Claim 3 to Claim 5 dependent from Claim 2 after the correction, and the invention according to Claim 5 dependent on Claim 1 to Claim 5 after the correction also fall within the scope described in the specification and drawings originally attached to the Original application.

The inventions according to Claims 1 to 5 after the correction of the Patent, based on Correction A-1, and the invention according to Claim 7 after the correction do not fall under the violation of requirements for division mentioned in the specification of the Original application or the "Advance notice of a trial decision" dated February 26, 2018 (dispatch date: May 8, 2018) "2" (1), and obviously satisfy the requirements for division. The filing date of the inventions according to Claims 1 to 5 after the correction of the Patent and the invention according to Claim 7 after the correction is December 26, 2008, which is the filing date of the Original application (Japanese Patent Application No. 2008-332599) of the Original application (Japanese Patent Application No. 2013-45238) of the patent application relating to the Patent (Japanese Patent Application No. 2014-230868), under the provisions of Article 44(2) of the Patent Act."
(Written demand for correction p. 20 l. 26-p. 21 l. 21)

3 Regarding Reason for invalidation 3
(1) "The Demandant's allegation on the violation of the requirements for support is, as a result, the same as the Demandant's allegation on the violation of the requirements for division. Thus, the matter indicated in 'No. 5' is applicable also to the requirements for support.

Therefore, the Reason for invalidation 3 alleged by the Demandant is groundless."
(Written reply of the trial case p. 18 l. 14-p. 18 l. 17)

(2) "(d-2) Regarding novelty (Reason for invalidation 3)
... (Omitted) ... The inventions according to Claim 1 to Claim 5 after the correction of the Patent and the invention according to Claim 7 after the correction are described in the specification of the Patent [Description of Embodiments] and drawings. Therefore, the inventions according to Claim 1 to Claim 5 after the correction of the Patent and the invention according to Claim 7 after the correction, which are described in the specification and the drawing so that a person skilled in the art may recognize that the problem of the invention is solved, satisfy the provisions of Article 36(6)(i) of the Patent Act."
(Written demand for correction p. 21 l. 22-p. 22 l. 3)

4 Means of proof

As described above, the written opinion of Ken MAEDA, an associate professor of Kobe University, attached to the written statement dated August 9, 2017 is treated as Evidence B No. 1.

Evidence B No. 1: Written opinion of Ken MEDA, an associate professor of Kobe University

No. 4 Regarding the demand for correction

1 Contents of correction

The contents of the correction (hereinafter referred to as "the Correction") made by the written demand for correction submitted on May 7, 2018 demand to correct the specification and the Scope of Claims of Japanese Patent No. 5826909, for each group of claims, according to the corrected specification and the Scope of Claims attached to the written demand for correction.

The contents of the correction are as follows. The underlines were added by the Demandee for indicating corrected portions.

(1) Correction A

A Correction A-1

Claim 1 of the Scope of Claims recited as follows,

"A financial product transaction management device for managing trading order of a financial product including:

order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein

the financial product transaction management device is characterized in that

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

at the start of a sales transaction, places a market order and validates a limit order for settling the market order,

when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information",

is corrected as follows,

"A financial product transaction management device for managing trading order of a

financial product including:

order input receiving means which receives trading order application information for placing buying or selling orders of the financial product;

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and

order information recording means which records the order information generated by the order information generation means, wherein

the financial product transaction management device is characterized in that

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

the order information recording means records the generated order information group,

the order information generation means,

at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order,

when the limit order based on the second order information for settling the market order is agreed, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group,

when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information,

subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information,

when the limit order based on the second order information is agreed, a stop order based on the stop order information is stopped, and

when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped".

B Correction A-2

Claim 2 of the Scope of Claims recited as follows,

"The financial product transaction management device recited in Claim 1 including:

order information recording means which records the order information generated by the order information generation means; and

agreement information generation means which contracts the financial product on the basis of the order information, wherein

the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times"
is corrected as follows,

"The financial product transaction management device recited in Claim 1 including

agreement information generation means which contracts the financial product on the basis of the order information, wherein

the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times".

C Correction A-3

Claim 6 of the Scope of Claims recited as follows,

"A financial product transaction management system for managing trading order of a financial product including:

order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein

the financial product transaction management system is characterized in that

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

at the start of a sales transaction, places a market order and validates a limit order for settling the market order,

when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information",
is corrected as follows,

"A financial product transaction management system for managing trading order of a financial product including:

order input receiving means which receives trading order application information

for placing buying or selling orders of the financial product;

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and

order information recording means which records the order information generated by the order information generation means, wherein

the financial product transaction management system is characterized in that

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

the order information recording means records the generated order information group,

the order information generation means,

at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order,

when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group,

when the limit order based on the first order information is agreed, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information,

subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information,

when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and

when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped".

(2) Correction B

A Correction B-1

The description in [0009] of the specification,

"In order to solve the above problems, the invention recited in Claim 1 is a financial product transaction management device for managing trading order of a financial product including: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and order information generation means which generates order information for the financial

product based on the trading order application information received by the order input receiving means, wherein the financial product transaction management device is characterized in that the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information.

The invention recited in Claim 2 includes, in addition to the configuration recited in Claim 1, order information recording means which records the order information generated by the order information generation means; and agreement information generation means which contracts the financial product on the basis of the order information, wherein the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times",

is corrected as follows,

"In order to solve the above problems, the invention recited in Claim 1 is a financial product transaction management device for managing trading order of a financial product including: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and order information recording means which records the order information generated by the order information generation means, wherein the financial product transaction management device is characterized in that the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, the order information recording means records the generated order information group, the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates

the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group, when the limit order based on the first order information is agreed, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information, when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped.

The invention recited in Claim 2 includes, in addition to the configuration recited in Claim 1, agreement information generation means which contracts the financial product on the basis of the order information, wherein the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times".

B Correction B-2

The description in [0013] of the specification,

"The invention recited in Claim 6 is a financial product transaction management system for managing trading order of a financial product including: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein the financial product transaction management system is characterized in that the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order or a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, when the limit order for settling the market order is agreed, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information.

The invention recited in Claim 7 is a program for causing a computer to function as a financial product transaction management device recited in one of Claim 1 to Claim 5",

is corrected as follows,

"The invention recited in Claim 6 is a financial product transaction management system for managing trading order of a financial product including: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and order information recording means which records the order information generated by the order information generation means, wherein the financial product transaction management system is characterized in that the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, the order information recording means records the generated order information group, the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group, when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information, when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped.

The invention recited in Claim 7 is a program for causing a computer to function as a financial product transaction management device recited in one of Claim 1 to Claim 5".

(3) Correction C

A Correction C-1

The description in [0014] of the specification,

"The inventions according to Claim 1 and Claim 6 include: order input receiving

means which receives trading order application information for placing buying or selling orders of the financial product; and order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information. Accordingly, the inventions allow a customer using the system to repeatedly place multiple if-done orders without complicated order procedures, in a limit order of a financial product, while improving convenience of the customer buying and selling the financial product at the limit order, thereby increasing convenience of customers using the system and reducing the risk of the customers due to the if-done orders",
is corrected as follows,

"The inventions according to Claim 1 and Claim 6 include: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and order information recording means which records the order information generated by the order information generation means, wherein the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order or a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, when the limit order for settling the market order is agreed upon, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information. Accordingly, the inventions allow a customer using the

system to repeatedly place multiple if-done orders without complicated order procedures, in a limit order of a financial product, while improving convenience of the customer buying and selling the financial product at the limit order, thereby increasing convenience of customers using the system and reducing the risk of the customers due to the if-done orders".

B Correction C-2

The description in [0015] of the specification,

"The invention recited in Claim 2 includes: order information recording means which records the order information generated by the order information generation means; and agreement information generation means which contracts the financial product on the basis of the order information, the agreement information generation means contracting the financial product on the basis of first order information and second order information, wherein the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times. Accordingly, the invention allows a customer using the system to place multiple if-done orders without complicated order procedures, in a limit order of a financial product, and can automatically stop if-done order in accordance with future market condition, thereby increasing convenience of customers using the system and reducing the risk of the customers due to the if-done orders",
is corrected as follows,

"The invention recited in Claim 2 includes: agreement information generation means which contracts a financial product on the basis of order information, the agreement information generation means contracting the financial product on the basis of first order information and second order information, wherein the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times. Accordingly, the invention allows a customer using the system to place multiple if-done orders without complicated order procedures, in a limit order of a financial product, and can automatically stop if-done order in accordance with future market condition, thereby increasing convenience of customers using the system and reducing the risk of the customers due to the if-done orders".

2 Judgment on Propriety of Correction

(1) Notice of reasons for refusal of correction

Regarding the written demand for correction, the body issued a notice of reasons for refusal of correction on October 22, 2018. The outline of the reasons for refusal of correction is as follows.

"1 History of the procedures

(Omitted)

2 Contents of correction

(Omitted)

3 Judgment on Propriety of Correction

(1) Regarding Corrections A-1 and A-2

We will examine the following matters of correction in the Corrections A-1 and A-2, especially in A-1: 'the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order'.

A The matters of correction are formed by adding 'the order information generation means' regarding the description before the correction, 'at the start of a sales transaction, places a market order and validates a limit order for settling the market order', and adding a matter of validating 'a stop order for settling the market order' in addition to 'a limit order for settling the market order'.

B As to whether the matters of correction are within the scope of matters described in the specification, the scope of claims, or drawings originally attached to the application, the written demand for correction 6 (3) B (A) c (c-3) includes the following description: 'The configuration in the Invention 1 after the correction, "the order information generation means, at the start of a sales transaction, ... (Omitted) ... validates ... and a stop order for settling the market order", is based on the description in [0059] "In this embodiment, as shown in FIG. 7, at the time t1 when the order processing is completed, the agreement information generation part 14 executes processing of contracting the first order 51a in the position (Step S21)", the description in [0061] "When the market order based on the first order 51a is agreed upon, the agreement information generation part 14 changes the second order 51b and the stop order 51c in the first order information group 51A from invalid order information to valid information (Step S22).", and [FIG. 1], [FIG. 4A] and [FIG. 7] of the specification and drawings disclosed in the Gazette containing the Patent relating to the Patent".'

We will examine whether the matters of correction are within the scope of matters described in the specification, the Scope of Claims, or drawings originally attached to the application.

(A) The specification describes the "order information generation means" as follows.

"[0048]

In this embodiment, the order information generation means 16 generates a first order as order information of a new market order, generates a second order as order information of a settlement limit order, and a stop order as order information of a settlement stop order. By generating the second order as order information of a settlement limit order, profits from an order generated by the first-place order information are fixed sequentially by the second-order information, thereby preventing order procedures or information processing in the financial product transaction management system 1A from being complicated. Furthermore, by generating the stop order as order information of a settlement stop order, a stop order can be limited in a case of a settlement procedure of a customer for minimizing a loss generated due to a limit-order transaction, which requires a stop order truly, thereby preventing misuse of stop order and preventing information processing in the financial product transaction management system 1A from being complicated."

"[0052]

When a customer clicks an approval button (not shown) by operating the operation part 21, the order information generation part 16 of the financial product transaction management device 1 generates order information based on data input in Step S1 (Step S8). Specifically, each order information is formed by grouping

multiple pieces of data input in the above procedures by order price and applying a sequence number to the orders recorded in the sequence number table 184. Information for discriminating the sequence number used for the order information from unused numbers is applied to the sequence number table 184. Multiple pieces of order information formed in one procedure of Step S8 form an order information group (simply referred to as 'order information group')."
"[0053]
The order information generation part 16 records the generated order information group in the order table 181 (Step S9). ..."
"[0054]
When the order processing is completed, the order information generation part 16 generates an initial order information group (hereinafter referred to as 'the first order information group'). At this time, the first order included in the order information group is generated as valid order information (an order formally requested from a customer, the same applies in this specification), while the second order, as the second-place order information, included in the same order information group is generated as invalid information (order information for which a series of processing using the order information has not been started, the same applies in this specification). For setting validity/invalidity of order information, a dedicated flag (not shown) may be prepared in the order table 181, for example."

Therefore, the "order information generation part 16" in the above specification corresponds to the "order information generation means".

(B) The description of [0059] presented as grounds for correction in the written demand for correction, "In this embodiment, as shown in FIG. 7, at the time t1 when the order processing is completed, the agreement information generation part 14 executes processing of contracting the first order 51a in the position (Step S21)", indicates that the "agreement information generation part 14" "executes processing of contracting the first order 51a" that is the "market order", and does not indicate that processing is executed by the "order information generation means" or the "order information generation part 16".

(C) The description of [0061] presented as grounds for correction in the written demand for correction, "When the market order based on the first order 51a is agreed upon, the agreement information generation part 14 changes the second order 51b and the stop order 51c in the first order information group 51A from invalid order information to valid information (Step S22)", indicates that the "agreement information generation part 14" "changes" "the second order 51b" which is a limit order for settling a market order and "the stop order 51c" which is a stop order for settling the market order" "from invalid order information to valid information (Step S22)", and does not indicate that the change is executed by the "order information generation means" or the "order information generation part 16".

(D) [FIG. 1] illustrates a system configuration diagram in the financial product transaction management system and a function block diagram of the financial product transaction management device, including the "order information generation part 16" and the "agreement information generation part 14" as separate functional blocks. [FIG. 4] illustrates a flowchart showing a processing procedure after the agreement of a limit order by if-done order in the financial product transaction management device, and includes the description "change the second order and the stop order from invalid to

valid" (S22), but it is not described that this step is executed by the "order information generation means" or the "order information generation part 16". [FIG. 7] is a time chart schematically illustrating agreement processing based on a limit order by if-done order in the financial product transaction management device, and there is no description of specifying processing of the "order information generation means" or the "order information generation part 16".
(E) Claim 2 defines "agreement information generation means which contracts the financial product on the basis of the order information" and defines that "the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times". The "agreement information generation means" corresponds to the "agreement information generation part 14" in the specification [0059] and [0061]. The "order information generation means" and the "agreement information generation means" are, as shown in [FIG. 1], separate functional blocks. It is not described that one functional block of the "order information generation means" is the "agreement information generation means".
(F) As described in (A) to (E), the matters of correction are not described in the specification, etc. originally attached to the application, and it cannot be said that the matters of correction are obvious matters from the description of the specification, etc. originally attached to the application. The matters of correction introduce new technical matters in relation to the technical matters derived by summing up all the descriptions in the specification, etc. originally attached to the application. Thus, it cannot be said that the matters of correction are within the scope of matters described in the specification, etc. originally attached to the application.
(2) Regarding Correction A-3

We will examine the following matters of correction in the matters of correction in 2 (3), especially: "the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order".

The matters of correction, which are the same as the Correction A-1 examined in (1), are not described in the specification, etc. originally attached to the application for the same reason. It cannot be said that the matters of correction are obvious matters from the description of the specification, etc. originally attached to the application. The matters of correction introduce new technical matters in relation to the technical matters derived by summing up all the descriptions in the specification, etc. originally attached to the application. Thus, it cannot be said that the matters of correction are within the scope of matters described in the specification, etc. originally attached to the application.
4 Closing

As above, the Correction A-1, A-2 and the Correction A-3 are addition of new matter. Thus, the Correction does not fall under the provisions of Article 126(5) of the Patent Act which is applied mutatis mutandis in the provisions of Article 134-2(9) of the Patent Act."
(2) Amendment on Notice of reasons for refusal of correction (amendment by the written amendment dated November 26, 2018)

The amendment on the notice of reasons for refusal of correction (amendment by

the written amendment dated November 26, 2018) is an amendment on the substitute specification attached to the written demand for correction, and includes the following amendment according to the written opinion submitted on the same day.

A Amendment 1

The configuration, "and agreement information generation means which contracts the financial product on the basis of the order information", is added to Claim 1 and Claim 6 of the scope of claims of the substitute specification.

B Amendment 2

The recitation in Claim 1 and Claim 6 of the Scope of Claims of the substitute specification, "the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order", is amended as follows: "the agreement information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order".

C Amendment 3

The recitation in Claim 1 and Claim 6 of the Scope of Claims of the substitute specification, "subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information", is amended as follows: "subsequently, repeats an agreement of the limit order based on the first order information by the agreement information generation means, an agreement of the limit order based on the second order information by the agreement information generation means after the agreement of the limit order based on the first order information, and generation of the next order information group by the agreement information generation means after the agreement of the limit order based on the second order information".

D Amendment 4

The recitation in Claim 1 and Claim 6 of the Scope of Claims of the substitute specification, "when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped", is amended as follows: "when the limit order based on the second order information is agreed upon, the agreement information generation means stops a stop order based on the stop order information".

E Amendment 5

The recitation in Claim 1 and Claim 6 of the Scope of Claims of the substitute specification, "when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped", is amended as follows: "when the stop order based on the stop order information is agreed upon, the agreement information generation means stops generation of a limit order based on the second order information included in the same order information group as the stop order

information and the order information group to be generated after the above order information group".

F Amendment 6

The recitation in Claim 2 of the Scope of Claims of the substitute specification, "and agreement information generation means which contracts the financial product on the basis of the order information" is deleted.

G Amendment 7

The description of [Means for Solving the Problem] in [0009],[0013] of the specification of the substitute specification is amended so as to correspond to the above amendments A to E for Claim 1 and Claim 6.

H Amendment 8

The description of [Means for Solving the Problem] in [0010] of the specification of the substitute specification is amended in association with the above amendment F for Claim 2.

I Amendment 9

The description of [Advantage of the Invention] in [0014] of the specification of the substitute specification is amended in association with the above amendments A to E for Claim 1 and Claim 6.

J Amendment 10

The description of [Advantage of the Invention] in [0015] of the specification of the substitute specification is amended in association with the above amendment F for Claim 2.

(3) Judgment on the above amendments by the body

A Regarding Corrections A-1 and A-3

Amendment 1, which is an addition of the matter, "and agreement information generation means which contracts the financial product on the basis of the order information", with respect to the Corrections A-1 and A-3 in the demand for correction, does not fall under deletion of matters of correction or amendment of slight defect obviously, and is to modify the Corrections A-1 and A-3.

Amendment 2, which is to amend the matters of correction, "the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order", in Corrections A-1 and A-3 in the demand for correction, is amended as follows: "the agreement information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order". The amendment, which is to amend the processing to be executed by "the order information generation means" to the processing to be executed by the "agreement information generation means", does not fall under deletion of matters of correction or amendment of slight defect obviously, and is to modify Corrections A-1 and A-3.

Amendments 3 to 5, which are to limit means for executing the processing by

adding the matter "the agreement information generation means" to Corrections A-1 and A-3 in the demand for correction that does not limit the means for executing the processing, do not fall under deletion of matters of correction or amendment of slight defect obviously, and are to modify Corrections A-1 and A-3.

B Regarding Correction A-2

Amendment 6, which is a deletion of the description, "and agreement information generation means which contracts the financial product on the basis of the order information", with respect to Correction A-2 in the demand for correction, does not fall under deletion of matters of correction or amendment of slight defect obviously, and is to modify Correction A-2.

C Regarding Corrections B-1 and B-2

Amendments 7 and 8, which are amendments corresponding to Amendments 1 to 6 with respect to Corrections B-1 and B-2 in the demand for correction, do not fall under deletion of matters of correction or amendment of slight defect obviously as with the descriptions in A and B, and is to modify Corrections B-1 and B-2.

D Regarding Corrections C-1 and C-2

Amendments 9 and 10, which are amendments corresponding to Amendments 1 to 6 with respect to Corrections C-1 and C-2 in the demand for correction, do not fall under deletion of matters of correction or amendment of slight defect obviously as with the descriptions in A and B, and is to modify Corrections C-1 and C-2.

E Closing

The amendment is an amendment on the substitute specification attached to the written demand for correction and does not amend the written demand for correction per se. However, the object of the demand of the written demand for correction is identified with the corrected specification, etc. Thus, it can be said that the corrected specification is also amended substantially by the above amendment on the substitute specification.

As described in A to D, none of Amendments 1 to 10 fall under deletion of matters of correction or amendment of slight defect, and they are to modify the matters of correction. Thus, the amendments are to modify the overall substance of the written demand for correction.

Therefore, Amendments 1 to 10 do not fall under the provisions of Article 131-2(1) which is applied mutatis mutandis in the provisions of Article 134-2(9) of the Patent Act.

(4) Judgment on the demand for correction by the body

A Purpose of correction

(A) Regarding Correction A-1

Claim 1 after the correction is limited to inventions including the configurations, "order information recording means which records the order information generated by the order information generation means" and "the order information recording means records the generated order information group", which are not included in Claim 1 before the correction, resulting in restriction of Claim 1 before the correction.

Claim 1 after the correction is limited to inventions including the configuration, "the order information generation means, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order", and is configured so that a stop order for settling a market order is validated in addition to a limit order for settling the market order at the start of a sales transaction, resulting in restriction of Claim 1 before the correction which does not include such limitation.

Claim 1 after the correction is limited to inventions including the configuration, "when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group", and is configured to validate a limit order with the same prices as the price of a market order placed at the start of a sales transaction with the agreement of a limit order based on second order information, resulting in restriction of Claim 1 before the correction which does not include such limitation.

Claim 1 after the correction is limited to inventions including the configuration, "when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information", and is configured so as to limit agreement of an order based on the order information and the kind and the sequence of the orders to be validated after the agreement so that a stop order is agreed based on the first order information, out of the first order information, the second order information, and the stop order information constituting the order information group, and a limit order based on the second order in the order information and a stop order based on the stop order information in the order information group are validated, resulting in restriction of Claim 1 before the correction which does not include such limitation.

Claim 1 after the correction is limited to inventions including the configuration, "when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped", and is configured to limit an order to be stopped when agreed upon based on the second order information and an order to be stopped when agreed upon based on the stop order information, resulting in restriction of Claim 1 before the correction which does not includes such limitation.

In light of the above, Claim 1 after the correction corrected by Correction A-1 is restriction of Claim 1 before the correction. Claims 2 to 5 and 7 after the correction dependent from Claim 1 after the correction are also restriction of Claims 2 to 5 and 7 before the correction, respectively.

Thus, Correction A-1 is intended for restriction of the Scope of Claims stipulated in Article 134-2(1)(i) of the Patent Act.

(B) Regarding Correction B-2

Claim 2 after the correction is to eliminate unreasonableness that redundancy occurs due to adding the configuration to Claim 1 after the correction, by deleting the

description, "order information recording means which records the order information generated by the order information generation means", included in Claim 2 before the correction, for clarification. Claims 3 to 5 after the correction dependent from Claim 2 after the correction also clarify Claims 3 to 5 before the correction, respectively.

Therefore, Correction A-2 is intended for clarification of an ambiguous statement stipulated in Article 134-2(1)(iii) of the Patent Act.

(C) Regarding Correction A-3

As with Correction A-1, Claim 6 after the correction corrected by Correction A-3 is restriction of Claim 6 before the correction. Thus, Correction A-3 is intended for restriction of the Scope of Claims stipulated in Article 134-2(1)(i) of the Patent Act.

(D) Regarding Corrections B and C

Correction B and Correction C are to correct the detailed description of the invention corresponding to Correction A-1 to Correction A-3.

Thus, Correction B and Correction C are intended for clarification of an ambiguous statement stipulated in Article 134-2(1)(iii) of the Patent Act.

B New matter and substantial enlargement or alteration of the Scope of Claims

(A) Described matter of the Specification

"[0001]

This invention relates to a technology of managing or supporting transaction of financial products, such as foreign exchange."

"[0009]

In order to solve the above problems, the invention recited in Claim 1 is a financial product transaction management device for managing trading order of a financial product including: order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means, wherein the financial product transaction management device is characterized in that the order information generation means repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price, at the start of a sales transaction, places a market order and validates a limit order for settling the market order, when the limit order for settling the market order is agreed, generates the order information group, and validates the limit order based on the first order information of the generated order information group, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information.

The invention recited in Claim 2 includes, in addition to the configuration recited in Claim 1, order information recording means which records the order information generated by the order information generation means; and agreement information generation means which contracts the financial product on the basis of the order information, wherein the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times."

"[0021]

One embodiment is described below with reference to the drawings."

"[0025]

As shown in FIG. 1, the financial product transaction management device 1 includes a data processing part 10 as functional means to be implemented by the above programs and hardware resources, and a database 18 for recording various data to be processed by the data processing part 10. The data processing part 10 executes processing for generating or processing various data to be used in the financial product transaction management device 1, and includes a front page distribution part 11, as functional means, an order input receiving part (order information receiving means) 12, a deposit and withdrawal information generation part 13, an agreement information generation part (agreement information generation means) 14, an account information generation part 15, an order information generation part (order information generation means) 16, a database (DB) connection base part 17, and a price information reception management part 19."

"[0028]

The order information generation part 16 generates information on an order of an agreed financial product on the basis of information processed by the order input receiving part 12. The orders in this case include an if-done order of a market order in addition to a market order, a limit order, and an if-done order of a limit order.

[0029]

The agreement information generation part 14 executes agreement processing based on an order generated by the order information generation part 16, and processing for transmitting information on completed agreement processing to a client terminal 2 of a customer. The term 'agreement' means various procedures and processing for effecting purchase and sale of a financial product on the basis of an order of a customer."

"[0048]

In this embodiment, the order information generation means 16 generates a first order as order information of a new market order, generates a second order as order information of a settlement limit order, and a stop order as order information of a settlement stop order. ..."

"[0053]

The order information generation part 16 records a generated order information group in an order table 181 (step S9). Specifically, corresponding information (data corresponding to the item in the column 'Remarks' 181a) is recorded in association with each field name shown in FIG. 2A. ... In the above procedures, the order processing in this embodiment is completed.

[0054]

When the order processing is completed, the order information generation part 16 generates an initial order information group (hereinafter referred to as 'the first order information group'). At this time, the first order included in the order information group is generated as valid order information (an order formally requested from a customer, the same applies in this specification), while the second order, as the second-place order information, included in the same order information group, is generated as invalid information (order information for which a series of processing using the order information has not been started, the same applies in this specification). For setting validity/invalidity of order information, a dedicated flag (not shown) may be prepared in the order table 181, for example."

"[0060]

When a market order based on the first order 51a is agreed upon, the agreement information generation part 14 rewrites corresponding data in the database 18. Specifically, data on the first order 51a, which are order information on the market order in an order table 181, are deleted and data in the field "amnt" 182a of a customer account information table 182 are increased/decreased by the agreed price. The initial first order in this embodiment is carried out by market order, and the second and subsequent first orders are carried out by limit order. Thus, the agreement information generation part 14 sets the contract prices of the market order to the limit price of the second and subsequent first orders."

[0061]

When the market order based on the first order 51a is agreed upon, the agreement information generation part 14 changes the second order 51b and the stop order 51c in the first order information group 51A from invalid order information to valid information (Step S22)."

"[0076]

Needless to say, the above embodiment is an example of this invention, and the invention is not limited to the above embodiment."

(B) Matters to be identified from the described matters of the Specification

[0025] includes the description of, as one embodiment of "the Invention", a "financial transaction device 1" including a "data processing part 10" which executes "processing for generating or processing various data", a "database 18", a "front page distribution part 11", an "order input receiving part (order input receiving means) 12", a "deposit and withdrawal information generation part 13", an "agreement information generation part (agreement information generation means) 14", an "account information generation part 15", an "order information generation part (order information generation means) 16", a "database (DB) connection base part 17" and a "price information reception management part 19".

According to the descriptions of [0028], [0048], [0053], and [0054], the following matters can be recognized: the "order information generation part 16" executes processing of generating an "order information group" on the basis of "information processed by the order information receiving part 12", and recording the "generated order information group" in an "order table 181" (FIG. 2A); the "order information generation part 16" executes processing of generating, in generating "the first order information group", "first order" included in "the first order information group" at the time of generation as "valid order information" by setting a dedicated flag for validating/invalidating order information in the order table 181, for example, and generating "second order information" as "invalid order information".

Meanwhile, according to [0029], [0060], and [0061], the following matters can be recognized: the "agreement information generation part 14" executes "agreement processing based on an order generated by the order information generation part 16" and "processing for transmitting information on completed agreement processing to a client terminal 2 of a customer"; the "agreement information generation part 14" executes, when a "market order" based on "first information 51a" included in "the first order information group 51A" is agreed upon, processing of changing "second order 51b" which is a limit order for settling the "market order" and "stop order 51c" from "invalid order information" to "valid order information".

In light of the above, it is recognized that the Specification discloses the following matters, as "one embodiment" of "the Invention": the "order information generation part 16" which is "order information generation means" executes processing of setting validity/invalidity for "first order" and "second order" included in "the first order information group" when generating "the first order information group", and the "agreement information generation part 14" which is "agreement information generation means" executes, when a "market order" based on "first information 51a" included in "the first order information group" is agreed upon, processing of changing "second order" (limit order) for settling the "market order" and "stop order" from "invalid" to "valid".

Accordingly, it is recognized that the Specification discloses a technical matter that the "order information generation means" ("order information generation part 16") sets validity/invalidity of order information included in "the first order information group" when generating "the first order information group".

In this embodiment, the following matters are understood: the processing of the "order information generation means" ("order information generation part 16") changing a "second order" (limit order) for settling a "market order" of "first order 51a" included in "the first order information group" and a "stop order" from "invalid" to "valid" is executed by the "agreement information generation means " ("agreement information generation part 14"), which is not by the "order information generation means" ("order information generation part 16"). However, according to the description of the Specification [0076], it is understood that "the Invention" is not limited to the configuration where the processing of changing a "second order" (limit order) for settling a "market order" of a "first order", and a "stop order" from "invalid" to "valid" is executed by the "agreement information generation means "("agreement information generation part 14").

(C) Judgment

According to the demand for correction, the following matters are recognized: the Correction A-1 adds, regarding the matter before the correction, "at the start of a sales transaction, places a market order and validates a limit order for settling the market order", the matter of validating not only a "limit order for settling the market order" but also a "stop order for settling the market order". In Claim 1 after the correction, it is recognized that the "order information generation means" executes "at the start of a sales transaction" the processing of "placing a market order and validating a limit order for settling the market order, and a stop order for settling the market order".

(a) Claim 1 before the correction describes that the "order information generation means" executes "at the start of a sales transaction" processing of "placing a market order and validating a limit order for settling the market order". The Specification [0009] includes the same contents as Claim 1 before the correction. (2) The Specification discloses a technical matter that the "order information generation means" ("order information generation part 16") sets validity/invalidity of order information included in "the first order information group" when generating "the first order information group". (3) In the "one embodiment" of "the Invention" described in the Specification, the processing of changing a "second order" (limit order) for settling a "market order" of "first order 51a" included in "the first order information group" and a "stop order" from "invalid" to "valid" is executed by the "agreement information generation means" ("agreement information generation part 14"), which is not by the "order information generation means" ("order information generation part 16"); however, according to the description of the Specification [0076], it is understood that "the Invention" is not limited to the configuration where the processing of changing a "second order" (limit order) for settling a "market order" of a "first order", and changing a "stop order" from "invalid" to "valid" is executed by the "agreement information generation means "("agreement information generation part 14"). According to the above facts, it is recognized that the configuration in Claim 1 after the correction, "the order information generation means" "at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order", does not introduce new technical matters in relation to the technical matters derived by summing up all the descriptions in the specification, the Scope of Claims, or drawings attached to the Application. Thus, it is recognized that the Correction A-1, which falls within the scope of matters described in the specification, etc. attached to the Application, does not fall under addition of new matter.

Therefore, it is recognized that the Correction A-1 falls under the requirements of Article 126(5) of the Patent Act. Furthermore, it is recognized that the Correction A-3 which includes the same corrections and the Correction A-2, which eliminates the irrationality of Claim 2 due to the correction of the Correction A-1, also do not fall under addition of new matter and fall under the requirements of Article 126(5) of the Patent Act.

Therefore, it is recognized that the corrections made by the Correction A-1 to Correction A-3, which do not obviously enlarge or alter the Scope of Claims, fall under the provisions of Article 126(6) of the Patent Act.

C Closing

The correction in 1 made by the demand for correction, as indicated in A and B, is intended for restriction of the Scope of Claims or clarification of an ambiguous

statement, does not fall under addition of new matter, and does not substantially enlarge or alter the Scope of Claims. Thus, the correction satisfies the requirements for correction.

No. 5 Corrected invention of the case

The inventions according to Claim 1 to Claim 7 corrected by the demand for correction (the invention according to Claim 1 is hereinafter referred to as "Corrected invention 1", and the same applies to the inventions according to the other claims), which are specified by the matters recited in Claim 1 to Claim 7 of the Scope of Claims of the written demand for correction dated May 7, 2018, are as follows.

<The Corrected invention>
[Claim 1]
A financial product transaction management device for managing trading order of a financial product including:
order input receiving means which receives trading order application information for placing buying or selling orders of the financial product;
order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and
order information recording means which records the order information generated by the order information generation means, wherein
the financial product transaction management device is characterized in that
the order information generation means
repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,
the order information recording means records the generated order information group,
the order information generation means,
at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group,
when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information,
subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after

the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information,

when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and

when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped.

[Claim 2]

The financial product transaction management device recited in Claim 1 including

agreement information generation means which contracts the financial product on the basis of the order information, wherein

the agreement information generation means repeats processing of contracting the financial product based on the first order information out of the order information recorded in the order information recording means and processing of contracting the financial product based on the second information, a predetermined number of times.

[Claim 3]

The financial product transaction management device recited in Claim 2, wherein

when the stop order based on the stop order information is agreed upon, the order information generation means stops a limit order based on the first order information and a limit order based on the second order information,

the agreement information generation means executes cancelling processing of erasing, when an agreement is made based on the stop order information, all order information which has not been generated at the time of generating the stop order information, out of the first order information and the second order information generated in association with the trading order application information which has generated the stop order information, from the order information recording means.

[Claim 4]

The financial product transaction management device recited in Claim 2 or Claim 3, wherein

the agreement information generation means executes cancelling, when a cancel request is made for an established order of the financial product, all order information before agreement out of the first order information and/or the second order information and/or the stop order information corresponding to the order to be cancelled.

[Claim 5]

The financial product transaction management device recited in any of Claim 2 to Claim 4, comprising

customer account information recording means which records deposit balance information of a specific customer, wherein

the order information recording means records amount information based on

order price of the first order information and the second order information, as attribute information, and

the order information generation means compares the amount information based on order price with the deposit balance information, and generates the first order information and the second order information when a value of the deposit balance information is equal to or larger than the amount information based on the order price.

[Claim 6]

A financial product transaction management system for managing trading order of a financial product including:

order input receiving means which receives trading order application information for placing buying or selling orders of the financial product;

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; and

order information recording means which records the order information generated by the order information generation means, wherein

the financial product transaction management system is characterized in that

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price,

the order information recording means records the generated order information group,

the order information generation means,

at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order,

when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group,

when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information,

subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information,

when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and

when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same

order information group as the stop order information and the order information group to be generated after the above order information group is stopped.

[Claim 7]
A program characterized by causing a computer to function as the financial product transaction management device recited in any one of Claim 1 to Claim 5.

No. 6 Judgment on the reasons for invalidation by the body

1 Regarding Reasons for invalidation 1 (lack of inventive step)
(1) Described matters of Evidences A
(1-1) Evidence A No. 1
Evidence A No. 1 describes the following matters. Evidence A No. 1-2 is employed as translation, mainly. The underlines were added by the body.
A "[0004] This invention applies to buying and selling stocks, options, commodities, bonds, and most forms of equities and securities. This invention has useful application for the individual investor, the securities broker, and others who trade securities."

B "[0024] FIG. 6 shows an alternative embodiment of the LOCK method by adding options of number of cycles and increments in price changes for each increment."

C "[0074] The LOCK method and invention comprises (A) an investor who invests in a securities market with an objective to make a profit; (B) a host securities broker (such as E-Trade, Ameritrade, etc.) with a computer network, for handling their transactions. The host computer network includes a database server that provides an electronic security order template. With this template in place, the host computer network can store and organize security transaction requests so that when an investor initiates a transaction, the network processes the request and sends it to a security exchange (such as the New York Stock Exchange, NASDAQ, etc.); (C) individual computer workstations for each investor or broker. Each computer workstation would include a video monitor, a means for the investor of broker to send user commands to the host computer network, and a means for the investor or broker to receive and display (on the video monitor) security order templates and instructions transmitted from the host computer network; (D) a communications network electronically linking the investor's computer workstation to the host computer network; (E) a two-part securities exchange order (referred to as the LOCK order) that the investor initiates and that contains specific instructions for the host computer network to transact the security exchange. The LOCK order would include instructions and information for buying or selling a security, the name of the security, the quantity of that security, to buy the limit price or current market price at which to transact the security exchange and the increase or decrease in security price to initiate part-two of the transaction (referred to as the LOCK profit); (F) a software module that allows the investor at the computer workstation to interact with the host computer network. With this software the investor can select security exchange options and transmit them to the host computer network then receive confirmation that was underway. (G) an additional software module (referred to as the LOCK management module) as part of the securities broker host computer network.

This software would link the host computer network to the security exchange markets and track and monitor the status of the investor's LOCK order. At the appropriate market price, the software would initiate a two-part, sequenced securities exchange order to buy a stock at the investor's specified price, then add the specified desired profit price and place a second order."

D "[0080] FIG. 3 shows the logic execution and conversion of the LOCK invention and process. FIG. 3's right side represents the investor's input request that is used to execute Part one of the LOCK process. The buy/sell instruction 2 convert from part 1 from buy to part 2 to sell 11. An example is if the order states to buy 100 XYZ, part 1 will buy then convert to a sell order in part 2. The order's time to be valid box in part 1 can be specified as day or good to be canceled 4. If part 1 on the LOCK order is executed, this information will convert to a good till canceled order. An option for the investor is to see the status of his order and request modification to the LOCK order or cancel the second half of the LOCK order if unexecuted. An example may be that the investor's LOCK order is executed and he now holds 100 shares of XYZ and is waiting for a LOCK price move of 2.00 before he sells. During this time the investor queries the electronic investment company on the status of the LOCK order and sees that part one has been executed and now wishes to cancel the "sell" order in part 2 of the LOCK order. The investor submits a cancellation request and, if received in time, the LOCK order could be cancelled and the investor would only have part 1 of the LOCK order's results. Similarly, if the investor wished to cancel the entire LOCK order before part 1 has been executed, the order would be cancelled in a method similar to canceling traditional unexecuted orders."

E "[0081] The stock symbol 5, and stock quantity 6, remain the same in part 1 and part 2. An alternate embodiment could change the quantity, such as selling half in part 2 then cycling through part 2 again selling the second half at an increased price. The price selection for part 1 involves either a market order 7, which executes the trade at the prevailing market rate, or a Limit Order 8, which specifies a price. For the investor to execute a Limit Order, normally he or she must check a box and enter the price at which to execute it, or if market conditions permit, at a better price. The part 1 order executed price in combination with information in the LOCK box 9, and the LOCK price 10, will form the Limit Order execution price for the part 2 of the LOCK transaction."

F "[0082] FIG. 4 shows the conventional electronic trading process requiring two orders to open and close a position. The process begins with the investor 17 placing a buy or sell order18 with an electronic trading company or organization 20. The electronic trading company 20 generates an electronic order 21 that is submitted 22 to a securities exchange 23. The order 21 is presented in the trading pit 24 and when a buyer/seller accepts the order, the order is filled 25. Once the order has been executed or filled 25, the electronic trading company is notified and the investor's account is documented 26 and the investor 17 is informed. The investor 17 must now place another order 27 to close out his or her position and make a profit. An example of this process would be if an investor 17 initiated the process to buy 100 shares of stock XYZ at $50.00 a share 18, received notification that the order was fully executed 26 now the

investor 17 must resubmit an order 27 to sell 100 shares of XYZ at $52.00 to make a profit. The order 27 is submitted to the electronic trading company where a new order is generated 28, order submitted 29, presented in the trading pit 30, filled 31, documented and the account is updated and the investor notified 32. Current state of-the-art methods require the investor or broker 17 to be involved in both transactions."

G "[0083] FIG. 5 shows the main embodiment of the LOCK method, process and order flow sequence for opening and closing a LOCK order. The method begins with the investor 17 submitting a LOCK order 19, which contains sufficient information as described in FIG. 3. The LOCK order 19 is submitted to the electronic trading company 20 where the order is identified as a LOCK order and enters the LOCK management module process 12. The LOCK management module 12 comprises the software interfaces that receive the LOCK order 19 document and generate a tracking record 33, record the LOCK increment 35, monitor the submission of the first part of the LOCK order submission 34, as the order 34 enters the securities exchange 23 trading pit 36, and the order is filled 37, then record the first order being filled 8, generate the second part of the LOCK order 39, and submit the second part of the LOCK order 40. The second part of the LOCK order 40 is resubmitted to the trading pit 41, and once the second order is filled 42, the electronic trading company 20 records the account balance 43 and notifies the investor 17 that the LOCK transaction has been completed."

H "[0085] Alternative embodiments include inserting the option to automatically re-cycle through the process again and an additional option to increase or decrease the buy/sell prices. FIG. 6 and FIG. 7 show an alternative embodiment of the LOCK method by adding a number of cycles and increment options to the methodology. FIG. 6 shows the additional information required to cycle through the process. FIG. 7shows the methodology for reentering the LOCK management module 12. The addition of "Number of Cycles" 44 would allow the investor to automatically reenter the LOCK process again in hopes of making more profit. An example of specifying two cycles would mean to buy 100 shares of XYZ (with a LOCK price of $1) at $50 a share, sell at $51 a share, buy back at $50, and sell again at $51. This investment process would allow the individual investor to take advantage of daily small stock fluctuations."

I FIG. 6

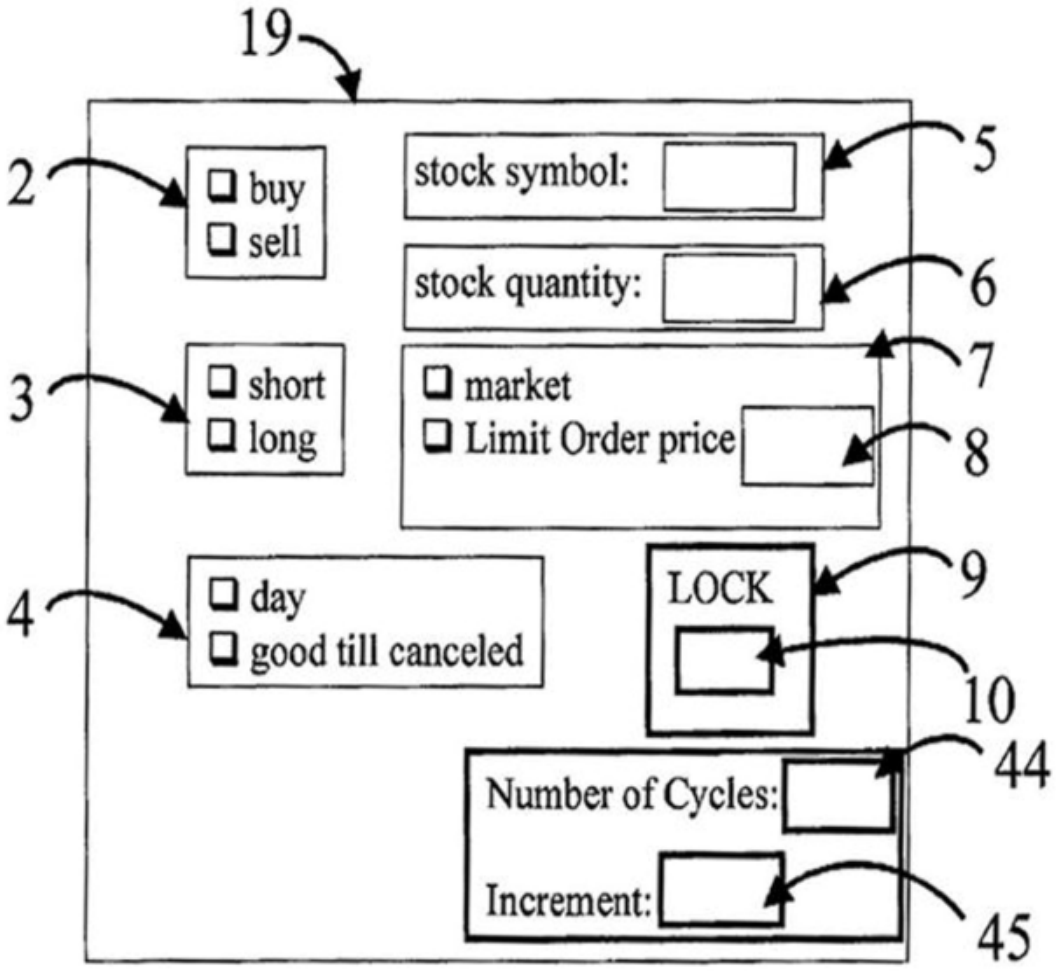
19
2
buy
sell
stock symbol:
5
stock quantity:
6
3
short
long
market
Limit Order price
7
8
4
day
good till canceled
LOCK
9
10
Number of Cycles:
44
Increment:
45

FIG 6

J FIG. 7

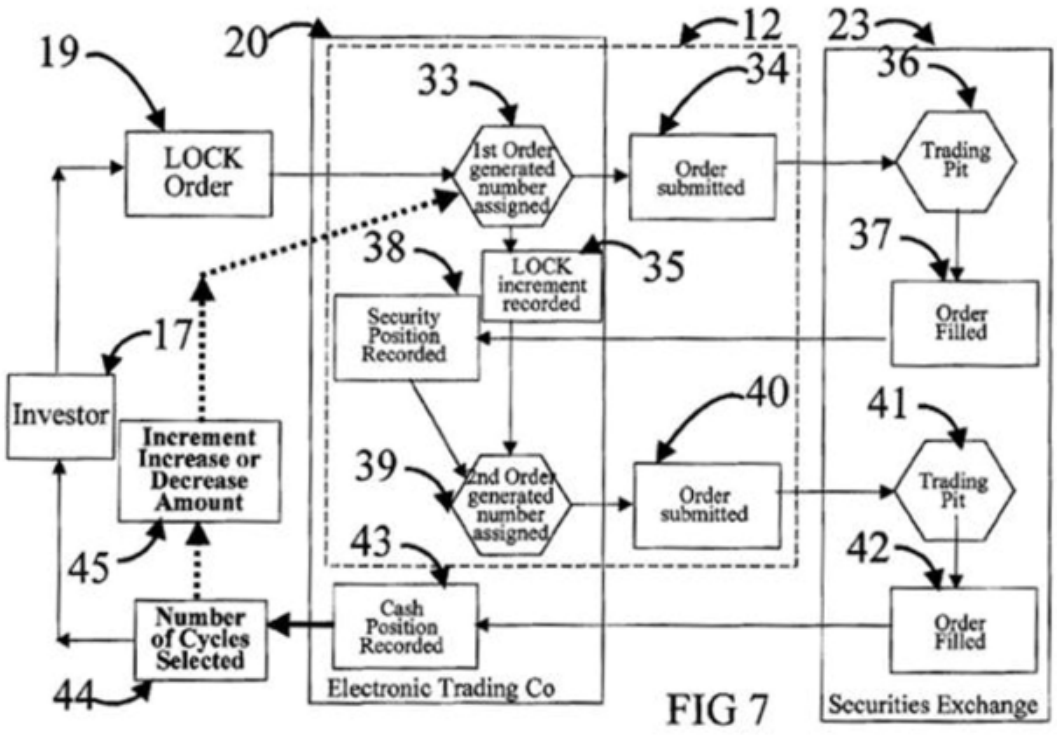

FIG 7

K According to A to J, it is recognized that Evidence A No. 1 describes the following invention (hereinafter referred to as "Invention A-1").

<Invention A-1>

"A host securities broker

comprising an investor who invests in a securities market and a host securities broker (such as E-Trade, Ameritrade, etc.) with a computer network, for handling their transaction, wherein the host computer network includes a database server that provides an electronic security order template, and with this template in place, the host computer network can store and organize security transaction request so that when an investor initiates a transaction, the network processes the request and sends it to a security exchange (such as the New York Stock Exchange, NASDAQ, etc.),

individual computer workstations for each investor or broker would include a video monitor, a means for the investor of broker to send user commands to the host computer network, and a means for the investor or broker to receive and display (on the video monitor) security order templates and instructions transmitted from the host computer network,

an additional software module (referred to as the LOCK management module) as part of the securities broker host computer network would link the host computer network to the security exchange markets and initiate a two-part, sequenced securities exchange order to buy a stock at the investor's specified price, then add the specified desired profit price and place a second order,

the buy-sell instruction 2 representing the investor's input request that is used to execute Part 1 of the LOCK process converts from part 1 to buy to part 2 to sell 11, the stock symbol 5, and stock quantity 6, remain the same in part 1 and part 2, the price selection for part 1 involves either a market order 7, which executes the trade at the

prevailing market rate or a Limit Order 8, which specifies a price, for the investor to execute a Limit Order normally he or she must check a box and enter the price at which to execute it, the part 1 order executed price in combination with information in the LOCK box 9, and the LOCK price 10 will form the Limit Order execution price for the part 2 of the LOCK transaction,

the LOCK method for opening and closing a LOCK order begins with the investor 17 submitting a LOCK order 19, the order is identified as a LOCK order and enters the LOCK management module process 12, the LOCK management module 12 comprises the software interfaces that receive the LOCK order 19 document and generate a tracking record 33, record the LOCK increment 35, monitor the submission of the first part of the LOCK order submission 34, as the order 34 enters the securities exchange 23 trading pit 36, and the order is filled 37, then record the first order being filled 38, generate the second part of the LOCK order 39, and submit the second part of the LOCK order 40, the second part of the LOCK order 40 is resubmitted to the trading pit 41 and once the second order is filled 42, records the account balance 43 and notifies the investor 17 that the LOCK transaction has been completed,

alternative embodiments include the option to automatically re-cycle through the process again, for reentering the LOCK management module 12, the investor can automatically reenter the LOCK process again in hopes of making more profit by adding the number of cycles 44."

(1-2) Evidence A No. 2

Evidence A No. 2 describes the following matters.

A "[0037] When the settlor 2 terminates the transaction by 'contract for difference', in accordance with fluctuation of product price, the settlor 2 instructs the trustee 3 to place an 'settlement order' for resale or buy-back (Step (E)). As with the case of a new order, this instruction is made by accessing a home trade site of the trustee 3, and an order record regarding the settlement order is added to an order management database 33. The 'contract for difference' is a settlement method in which a payment is settled only with a difference between an initial sales contract price and a subsequent resale/buy-back price without transferring actuals or the amount of money. The 'settlement order' is an order to terminate a transaction for reselling a long position or buying back a short position."

B "[0041] 4. Order type

Before explaining the characteristics of this trading system, we explain the types of order to be used in commodity futures, as an introduction thereof. There are 'market order', 'limit order', and 'stop order', as different classifications, in addition to the above 'new order' and 'settlement order'. In placing a new order or an settlement order, an execution condition, such as 'market order', 'limit order', or 'stop order', must be specified. The 'market order', which is an order without specified sale price, is used in 'buying or selling at any price' or to close a sale regardless of the price. In intraday trading, market order takes precedence of limit order for agreement (price priority). In the same market order, a preceding order takes precedence for agreement (time priority). The 'limit order', which is an order to be closed only at a designated price or at a more advantageous price, has a condition of 'buying at a certain price or lower, or selling at a certain price or higher'. For example, when an order of 'buying Tokyo Gold 2000

April options at a limit price of 1,100 yen' is closed, the trading is necessarily closed at an agreement price of 1,100 yen or lower, and is not closed when the sale price is higher than 1,100 yen. When this order is used for settlement, a profit fixation level may be set. The 'stop order', which is 'an order to be closed only at a designated price or a more disadvantageous price', has a condition of 'buying at a certain price or higher, or selling at a certain price or lower'. For example, when a customer who bought Tokyo Azuki at 12,000 yen is going to cut a loss for Azuki when the price dips below 11,500 yen, an order is executed when the price is equal to or lower than 11,490 yen by placing a selling order by stop order at 11,490 yen. When this order is used for settlement, a profit fixation level may be set."

C "[0081] Meanwhile, by using 'effect-premised consecutive double settlement order', an order style like a model case 4 can be easily implemented without burdening the settlor 2. FIG. 22 is an explanatory diagram of an order style using 'effect-premised consecutive double settlement order'. When inputting a new order, the settlor 2 inputs a new order and two kinds of settlement orders (limit order and stop order) to be validated when the new order is effected, simultaneously. In response, the trustee 3 places a new order. The two kinds of settlement orders are not placed until the new order, which has been placed earlier, is effected. When the placed new order is effected, the suspended two kinds of settlement orders (limit order and stop order) for the same trading are validated and placed automatically. Then, when the market price satisfies the condition and one settlement order is effected, the other one is automatically cancelled. As shown in FIG. 22, in the 'effect-premised consecutive double settlement order', a new order and two kinds of settlement orders for the same trading can be input simultaneously when the new order is input, thereby implementing the order style like the model case 4 with only one action. When a new order is effected, settlement order is automatically effected, thereby eliminating the necessity of checking market price movement and effect status of new order, like conventional home trading. Thus, convenience of the settlor 2 can be significantly improved."

D "[0082] We explain processing procedures of the system in the 'effect-premised consecutive double settlement order'. FIG. 23 is an explanatory diagram of a display screen in the 'effect-premised consecutive double settlement order' displayed on a display device of a settlor-side personal computer 21. The settlor 2 sequentially inputs necessary information on the contents of a new order in an input screen 48 displayed on the display device, and presses the 'to Double settlement order input' button 48a when completing input of the necessary information. An input screen 49 for double settlement order on the same trading as the new order is displayed due to the action. The settlor 2 sets a limit value for each of limit order and stop order in the input screen 49. When a new order is input, a concluded price (contract price) is not determined. Thus, execution conditions of the limit and stop orders to be placed when the new order is effected are set as follows, 'equal to or higher (or lower) than the price which is higher (or lower) than the new order concluded price by certain amounts of yen'. The settlor 2 presses the 'Execute/Send' button 49a after inputting all necessary information. In a reception content confirmation screen 50 displayed after the above action, after confirming the contents of the new order and the contents of settlement order (limit order/stop order) regarding them, the settlor 2 presses the 'Send/Execute' button 50a

again. The new order and the settlement order regarding the same trading are simultaneously transmitted to a trustee-side system."

E "[0083] FIG. 24 is an explanatory diagram of order records to be generated by 'effect-premised consecutive double settlement order'. In the 'effect-premised consecutive double settlement order', a new order, a limit order and a stop order as settlement order, are treated as a set. Parent A, Child A, and Child B, which are corresponding records of the orders, are associated with 'RNO=001'. As with 'effect-premised consecutive order', at the time of receiving the order, a new order is added to an order management database 33 as a complete order record (Parent A) with all necessary information included. Two settlement orders are generated as preparation records (Child A, Child B)."

F According to A to E, it is recognized that Evidence A No. 2 describes the following invention (hereinafter referred to as "Invention A-2").

<Invention A-2>

"A trading system, wherein

'new order' and 'settlement order' are used in commodity futures, the 'settlement order' is an order to terminate a transaction for reselling a long position or buying back a short position, there are also 'market order', 'limit order', and 'stop order', as different classifications, in placing a new order or an settlement order, an execution condition, such as 'market order', 'limit order', or 'stop order', must be specified, the 'market order' is an order without specifying a sale price, the 'limit order' is an order to be closed only at a designated price or at a more advantageous price, the 'stop order' is an order to be closed only at a designated price or at a more disadvantageous price, has a condition of 'buying at a certain price or higher, or selling at a certain price or lower', a loss fixation level may be set when the order is used for settlement,

in an order using 'effect-premised consecutive double settlement order', a settlor 2 inputs, in inputting a new order, the new order and two kinds of settlement orders (limit order and stop order) to be validated when the new order is effected, simultaneously, in response, a trustee 3 places a new order, the two kinds of settlement orders are not placed until the new order, which has been placed earlier, is effected, when the placed new order is effected, the suspended two-kinds of settlement orders (limit order and stop order) regarding the same trading are validated and placed automatically, and then, when the market price satisfies the condition and one order is effected, the other one is automatically cancelled."

(2) Judgment on Corrected invention 1

(2-1) Comparison

The Corrected invention 1 and the Invention A-1 are compared below.

A Regarding the "financial product transaction management device for managing trading order of a financial product" in Corrected Invention 1

Regarding the "host securities broker" in Invention A-1, according to the matters "comprising an investor who invests in a securities market and a host securities broker (such as E-Trade, Ameritrade, etc.) with a computer network, for handling their transaction" and "the host computer network includes a database server that provides an electronic security order template, with this template in place, the host computer

network can store and organize security transaction request so that when an investor initiates a transaction, the network processes the request and sends it to a security exchange (such as the New York Stock Exchange, NASDAQ, etc.)", the "host securities broker" is substantially a computer device, stores and processes securities transaction requests from investors, and sends them to a security market. Thus, the host securities broker is a device for managing trading order of a financial product, obviously.

Accordingly, Corrected Invention 1 and Invention A-1 are identical in the point of "a financial product transaction management device for managing trading order of a financial product".

B Regarding the "order input receiving means which receives trading order application information for placing buying or selling orders of the financial product" in Corrected Invention 1

In Invention A-1, each computer workstation for each investor or broker includes means for transmitting a user command to a host computer network. According to the description, "the buy-sell instruction 2 representing the investor's input request that is used to execute Part 1 of the LOCK process converts from part 1 from buy to part 2 to sell 11, the stock symbol 5, and stock quantity 6, remain the same in part 1 and part 2, the price selection for part 1 involves either a market order 7, which executes the trade at the prevailing market rate or a Limit Order 8, which specifies a price, for the investor to execute a Limit Order normally he or she must check a box and enter the price at which to execute it", Invention A-1 is configured to input information on an order application, such as stock symbol and stock quantity to be bought or sold. According to the description, "the LOCK method for opening and closing a LOCK order begins with the investor 17 submitting a LOCK order 19, the order is identified as a LOCK order and enters the LOCK management module process 12, the LOCK management module 12 comprises the software interfaces that receive the LOCK order 19 document", Invention A-1 is configured to receive an order document and receive the order.

Accordingly, Corrected Invention 1 and Invention A-1 are identical in the point of including "order input receiving means which receives trading order application information for placing buying or selling orders of the financial product".

C Regarding the "order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means" in Corrected Invention 1

Invention A-1 is, as indicated in B, configured to receive information on an order application, such as stock symbol and stock quantity to be bought or sold. As indicated in A, since "the host computer network can store and organize security transaction request so that when an investor initiates a transaction, the network processes the request and sends it to a security exchange (such as the New York Stock Exchange, NASDAQ, etc.)", Invention A-1 is configured to generate and transmit stock trading order information to a security exchange on the basis of order application information on stock transactions received from investors.

Accordingly, Corrected invention 1 and Invention A-1 are identical in the point of including "order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means".

D Regarding the description in Corrected Invention 1, "repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, second order information for carrying out the other of the selling and buying orders for the financial product at a limit price, and stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price"

The "LOCK order" in Invention A-1 is "a two-part, sequenced securities exchange order to buy a stock at the investor's specified price, then add the specified desired profit price and place a second order".

According to the description, "the buy-sell instruction 2 representing the investor's input request that is used to execute Part 1 of the LOCK process converts from part 1 to buy to part 2 to sell 11, the stock symbol 5, and stock quantity 6, remain the same in part 1 and part 2, the price selection for part 1 involves either a market order 7, which executes the trade at the prevailing market rate, or a Limit Order 8, which specifies a price, for the investor to execute a Limit Order, normally he or she must check a box and enter the price at which to execute it, the part 1 order executed price in combination with information in the LOCK box 9, and the LOCK price 10 will form the Limit Order execution price for part 2 of the LOCK transaction", the "LOCK order" is as follows: an investor specifies buying or selling, input stock symbols, inputs quantities, specifies market order or limit order, inputs the price to be executed, and inputs LOCK price, in part 1, on the basis of the order application information, an order is generated and executed for buying or selling, the stock symbol, the quantity, based on market order or limit order, and in part 2, an order is generated at a price determined by adding or subtracting LOCK price to/from the part-1 order execution price, for selling with respect to the buying in the part 1 or buying with respect to the selling in part 1, the same stock symbol and the same quantity.

Accordingly, the order in part 1 including an order for buying or selling, the stock symbol, the quantity, based on market order or limit order corresponds the "first order information for carrying out one of a selling order or a buying order for a predetermined financial product at a market price or a limit price" in Corrected Invention 1.

The order in part 2 in Invention A-1 at a price determined by adding or subtracting LOCK price to/from the part-1 order execution price, is a limit order. Thus, the part-2 order at a price determined by adding or subtracting LOCK price to/from the part-1 order execution price, for selling with respect to the buying in part 1 or buying with respect to the selling in part 1, the same stock symbol and the same quantity, corresponds to the "second order information for carrying out the other of the selling and buying orders for the financial product at a limit price" in Corrected Invention 1.

The order in part 1 and the order in part 2 in Invention A-1, which are a series of sequenced orders, are considered as forming an order information group. Since Invention A-1 is configured so that "alternative embodiments include the option to automatically re-cycle through the process again, for reentering the LOCK management module 12, the investor can automatically reenter the LOCK process again in hopes of making more profit by adding the number of cycles 44", it is obvious that the order information group including the order in part 1 and the order in part 2 is repeatedly

generated a number of times specified with the number of cycles.

Accordingly, Corrected Invention 1 and Invention A-1 are identical in the following point:

"repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, and second order information for carrying out the other of the selling and buying orders for the financial product at a limit price".

However, Corrected Invention 1 and Invention A-1 are different from each other in that Invention A-1 does not generate "stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price".

E Regarding the description in Corrected Invention 1, "at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group, when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information"

According to the matter described in Invention A-1, "the LOCK method for opening and closing a LOCK order begins with the investor 17 submitting a LOCK order 19, the order is identified as a LOCK order and enters the LOCK management module process 12, the LOCK management module 12 comprises the software interfaces that receive the LOCK order 19 document and generate a tracking record 33, record the LOCK increment 35, monitor the submission of the first part of the LOCK order submission 34, as the order 34 enters the securities exchange 23 trading pit 36, and the order is filled 37, then record the first order being filled 38, generate the second part of the LOCK order 39, and submit the second part of the LOCK order 40, the second part of the LOCK order 40 is resubmitted to the trading pit 41 and once the second order is filled 42, records the account balance 43 and notifies the investor 17 that the LOCK transaction has been completed", in "LOCK order" in Invention A-1, if a market order is specified, a market order is placed as an order in part 1 at the start of the transaction, when the order is filled, a limit order is generated and issued as an order in part 2, and when the order is filled, an account balance is recorded and a notification is given that the LOCK transaction has been completed.

According to the matter described in Invention A-1, "alternative embodiments include the option to automatically re-cycle through the process again, for reentering the LOCK management module 12, the investor can automatically reenter the LOCK process again in hopes of making more profit by adding the number of cycles 44", Invention A-1 also repeatedly generates an order information group including an order in part 1 and an order in part 2 a predetermined times specified with the number of

cycles, as described in (D).

The option specifying the number of cycles is, as shown in FIG. 6 in "1. (1) I", information to be specified when the various information on "LOCK order" is input. According to the matter, "the investor can automatically reenter the LOCK process again in hopes of making more profit by adding the number of cycles 44", an investor can reenter the contents of order input as the "LOCK order" without inputting the contents of order. Thus, it is reasonable that when a market order is specified as "LOCK order", the same contents of order as the first "LOCK order" is reentered as the second "LOCK order", or that the same market order as the first time is reentered.

Regarding the above point, in "1. (1) H", the following description is included: "An example of specifying two cycles would mean to buy 100 shares of XYZ (with a LOCK price of $1) at $50 a share, sell at $51 a share, buy back at $50, and sell again at $51. This investment process would allow the individual investor to take advantage of daily small stock fluctuations". The description shows the following example: the first order in part 1 is "buy 100 shares of XYZ (with a LOCK price of $1) at $50 a share", an order in part 2 is "sell at $51 a share", the second order in part 1 is "buy back at $50", and an order in part 2 is "sell again at $51". Although there is no description about whether the investor specifies a market order or a limit order in this example, it is considered that the investor specifies a limit order because the prices are specified in the first and second orders in part 1, and it is consistent with reentering the order.

Accordingly, Corrected Invention 1, "at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group, when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information", while Invention A-1 repeats market order in the second and subsequent orders when a market order is specified. Thus, the inventions are different from each other.

In light of A to E, Corrected Invention 1 and Invention A-1 are identical in the following point.

<Corresponding Feature>

"A financial product transaction management device for managing trading order of a financial product including:

order input receiving means which receives trading order application information for placing buying or selling orders of the financial product; and

order information generation means which generates order information for the financial product based on the trading order application information received by the order input receiving means; wherein

the order information generation means

repeatedly generates, on the basis of one piece of the trading order application information, an order information group including first order information for carrying out one of a selling order and a buying order for a predetermined financial product at a market price or a limit price, and second order information for carrying out the other of the selling and buying orders for the financial product at a limit price."

Corrected Invention 1 and Invention A-1 are different in the following points.
<Different Feature 1>

The "order information generation means" in Corrected Invention 1 generates "stop order information for carrying out the other of the selling and buying orders for the financial product at a stop price", while Invention A-1 does not generate the information.

<Different Feature 2>

Corrected Invention 1 includes "order information recording means which records the order information generated by the order information generation means", and "the order information recording means records the generated order information group". However, Invention A-1 does not clearly describe such configuration.

<Different Feature 3>

In Corrected Invention 1, "at the start of a sales transaction, places a market order and validates a limit order for settling the market order, and a stop order for settling the market order, when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order, based on the first order information of the generated order information group, when the limit order based on the first order information is agreed upon, validates the limit order based on the second order information of the order information group and the stop order based on the stop order information, subsequently, repeats an agreement of the limit order based on the first order information, an agreement of the limit order based on the second order information after the agreement of the limit order based on the first order information, and generation of the next order information group after the agreement of the limit order based on the second order information", and "when the limit order based on the second order information is agreed upon, a stop order based on the stop order information is stopped, and when the stop order based on the stop order information is agreed upon, generation of a limit order based on the second order information included in the same order information group as the stop order information and the order information group to be generated after the above order information group is stopped". Invention A-1 is not configured as above, and repeats market order in the second and subsequent orders when the market order is specified.

(2-2) Judgment on the Different features

A Regarding <Different Features 1, 2>

As indicated in (2-1) D, since an order information group including an order in the Part 1 and an order in the Part 2 is repeatedly generated a number of times specified with the number of cycles obviously, Invention A-1 includes means for recording the order information group including an order in Part 1 and an order in Part 2, obviously.

As indicated in the Described matter A-2, "stop order" for loss cut is a well-known technique.

Invention A-2 discloses a technology where when a placed new order is effected, suspended two-kinds of settlement orders; i.e., limit order and stop order, for the same trading are validated and placed automatically. Although there is no description about automatically repeating the new order and settlement order, it is obvious that each settlement order is always accompanied by unexpected risk of market price.

The order in Part 2 in Invention A-1 is an settlement order, which is always accompanied by unexpected risk of market price. Thus, a person skilled in the art could easily conceive of applying Invention A-2 for preventing spread of a loss for a customer and repeatedly generating a stop order as well as generating a limit order in Part 2 which is a limit order. A person skilled in the art also could easily conceive of recording stop order information together with an order information group including an order in Part 1 and an order in Part 2.

B Regarding <Different Feature 3>

Invention A-1 is configured to repeatedly generate an order information group including an order in Part 1 and an order in Part 2 a number of times specified with the number of cycles by specifying the number of cycles in "LOCK order". However, Evidence A No. 1 does not describe that an order in Part 1 in the second "LOCK order" is automatically changed to a limit order when a market order is specified as an order in Part 1 in the "LOCK order". The example, "An example of specifying two cycles would mean to buy 100 shares of XYZ (with a LOCK price of $1) at $50 a share, sell at $51 a share, buy back at $50, and sell again at $51", is consistent with other descriptions as a case where a limit order is specified as an order in Part 1 in "LOCK order".

In general, an orderer who has placed a market order does not always place a limit order after that, or an orderer who places a limit order after a market order does not always place an order with a contract price of the market order as a limit price. Thus, if the system is modified to automatically place a limit order as an order in the second "LOCK order" when a market order is specified in "LOCK order", it is required to place a limit order even though an orderer specifies not a limit order but a market order as input, and to configure a limit price in the limit order to reflect the intention of the orderer. However, Evidence A No. 1 does not include any description indicating that a limit order is placed even though an orderer does not specify a limit order, or that a limit order is placed at a limit price which is not concretely specified by an orderer. The system of Invention A-1 is configured to treat a market order from an orderer, as a market order, in response to an input from the orderer for specifying a market order or a limit order. It is difficult to modify the system to treat a market order placed by the orderer as a limit order at a limit price which is not concretely specified by the orderer though the orderer placed the market order.

Accordingly, there is no motivation to modify the system to automatically treat the second order in the Part 1 as a limit order when a market order is specified as "LOCK order", and such system modification should be inhibited.

Invention A-2 is not configured to repeatedly generate an order group of a new order and settlement order. Evidence A No. 2 does not describe an order method of repeatedly placing a new limit order and settlement order therefor, as subsequent orders, after an agreement of settlement order for a market order.

Therefore, a person skilled in the art could not easily conceive of the configuration regarding Different Feature 3.

(2-3) Summary

In light of the above, it cannot be said that Corrected Invention 1 could have been easily invented by a person skilled in the art based on Invention A-1 and Invention A-2.

(2-4) Demandant's allegation

In connection with Different Feature 2, the Demandant alleges as follows in the written demand for trial.

"The example described in Evidence A No. 1-1 [0085], "This would translate to buy 100 shares of XYZ at $50.00 (with a LOCK price of $1), sell at $51 a share, buy back at $50, and sell again at $51", means that a contract price of a market order is $50 a share when the market order is employed in Part 1.

The description in Evidence A No. 1-1 [0085], "... buy back at $50 ...", means buying back at a limit price which is the same as a contract price ($50 a share) of a preceding market order. This is obvious from the fact that the limit price of the limit order in the Part 2 is decided based on the contract price in the Part 1. In the LOCK order, it is obvious from the fact that subsequent orders are based on the contract price in (first) Part 1.

Even if the same market order as the buying order in Part 1 in the first cycle is repeated in a buying order in Part 1 in the second cycle, the contract price of the market order in Part 1 in the second cycle may be the same as the contract price (51 dollars per share) of the limit order in Part 2 of the first cycle. Thus, the market order in Part 1 in the second cycle resulting in buying back at the selling price in the limit order in Part 2 in the first cycle, obviously makes no sense as investment. The order, "buy back at '50$'", at the set price is obviously a limit order.

c In light of the above, Evidence A No. 1-1 discloses repeating, in the LOCK order, an order including generating, when a limit order of Part 2 following a market order of Part 1 is agreed upon regarding the first LOCK order, order information on Part 1 and Part 2 of the next LOCK order, validating the next limit order at the same limit price as the contract price of the market order regarding Part 1, validating, when the next limit order is agreed upon, a limit order at the same limit price as the limit price of the limit order following the market order regarding Part 2, and executing the limit order."

(See "No. 2 1 (2) C")

However, as indicated in "(2-1) E", Invention A-1 is configured to "automatically reenter the LOCK process again" (The addition of "Number of Cycles" 44 would allow the investor to automatically reenter the LOCK process again), which means reentering a market order or a limit order again as specified. It is reasonable and consistent that the description, "An example of specifying two cycles would mean to buy 100 shares of XYZ (with a LOCK price of $1) at $50 a share, sell at $51 a share, buy back at $50, and sell again at $51", is considered to show an example of a case of a limit order out of two specified orders.

In the first LOCK order, when a market order is placed in Part 1, automatic input after modifying order conditions may be employed for a limit order as the second LOCK order. However, such description or indication does not exist. Thus, the

Demandant's allegation is groundless.

Therefore, the Demandant's allegation cannot be accepted.

(3) Judgment on Corrected Inventions 2 to 5

Corrected Inventions 2 to 5 are inventions which further restrict Corrected Invention 1. As with Corrected Invention 1, it cannot be said that Corrected Inventions 2 to 5 could have been easily made by a person skilled in the art based on Invention A-1 and Invention A-2.

(4) Judgment on Corrected Invention 6

Corrected Invention 6 is an invention in which the "financial product transaction management device" in Corrected Invention 1 is replaced by a "financial product transaction management system", and includes the same meanings for specifying the invention. As with Corrected Invention 1, it cannot be said that Corrected Invention 6 could have been easily made by a person skilled in the art based on Invention A-1 and Invention A-2.

(5) Judgment on Corrected Invention 7

Corrected Invention 7 is a "program characterized by causing a computer to function as the financial product transaction management device recited in any one of Claim 1 to Claim 5", and claims information processing to be executed in the "financial product transaction management device" in Corrected Inventions 1 to 5 as an invention of "program". As with Corrected Invention 1, it cannot be said that Corrected Invention 7 could have been easily made by a person skilled in the art based on Invention A-1 and Invention A-2.

(6) Summary on Reason for invalidation 1

As described above, Corrected Inventions 1 to 7 could not have been easily made by a person skilled in the art based on the inventions described in Evidence A No. 1 and Evidence A No. 2. Thus, the patent for Corrected Inventions 1 to 7 cannot be invalidated by the Reason for invalidation 1 alleged by the Demandant.

2 Regarding Reason for invalidation 2 (lack of novelty due to violation of requirements for division)

(1) Regarding the violation of requirements for division

(1-1) The Patent application is a grandchild application of Japanese Patent Application No. 2008-332599 as a parent application (hereinafter referred to as "the first original application") and Japanese Patent Application No. 2013-45238 as a child application. In light of the Demandant's allegation, we examine whether or not the Patent Application, which is a grandchild application, satisfies the requirements for division with respect to the original application, which is a child application, especially whether or not Corrected Inventions 1 to 7 fall under the scope of matters described in the specification, etc. originally attached to the application and the specification, etc. immediately before the division of the Original application (Japanese Patent Application No. 2013-45238, hereinafter referred to as "the previous original application").

(1-2) Regarding the matters described in the previous original application and the specification, etc. (Evidence A No. 3)

Regarding the previous original application, the [Scope of Claims], [0009], [0011], [0014], [0016], [0018], and [0020] were modified by the amendment from the specification etc. originally attached to the previous original application to the specification, etc. immediately before the division, and the other descriptions have not been modified.

Paragraphs [0009] to [0015] of the previous original application are descriptions corresponding to the claims in the Scope of Claims, as "[Means for Solving the Problem]", and paragraphs [0016] to [0021] are descriptions on the effects to be produced by the claims as "[Advantage of the Invention]".

(1-3) Comparison between the matters described in the specification of the previous original application and the specification originally attached to the Patent application

As described in (1-2), in the specification of the previous original application and the specification at the filing of the Patent application, the descriptions in the "[Means for Solving the Problem]" and "[Advantage of the Invention]" were modified by the amendment, while the description of the "[Description of Embodiments]" has not been modified.

The description of the "[Description of Embodiments]" in the specification originally attached to the Patent application is the same as the description of the "[Description of Embodiments"] in the specification originally attached to the previous original application and the specification at the filing of the Patent application. The descriptions in [0009] to [0013] as "[Means for Solving the Problem]" described in the corrected specification of the Patent application, and in [0014] to [0019] as "[Advantage of the Invention]" fall within the scope of matters described in the specification originally attached to the previous original application and the specification at the filing of the Patent application. The corrected Scope of Claims of the Patent application, which falls within the scope of the specification after the correction of the Patent application, obviously falls within the scope of the specification originally attached to the previous original application and the specification at the filing of the Patent application.

(1-4) Summary of the violation of the requirements for division

As described above, the Patent application is a legitimate divisional application, and the filing date of the Patent application goes back to the original filing date of the initial original application.

(2) Summary on Reason for invalidation 2

In light of the above, the Patent application satisfies the requirements for division. Thus, the Reason for invalidation 2 alleged by the Demandant that Patent Inventions 1 to 7 lack novelty because the inventions are identical with the invention described in the publication of unexamined patent application (A-3) of the previous original application, which is a publication distributed before the filing of the application, on the premise that the Patent application is an illegitimate divisional application which does not satisfy the requirements for divisional application, have no basis. Therefore, the patent for Corrected Inventions 1 to 7 cannot be invalidated by the Reasons for invalidation 2.

3 Regarding Reason for invalidation 3 (violation of the requirements for support)
(1) Regarding Corrected Invention 1
A The Demandant's allegation is as follows: "The limit order" in Component 1E in Claim 1 before the correction, which does not limit the price thereof, only requires that an arbitrary limit prices is set to the limit price. The descriptions in [0044], [0062] and [FIG. 7] of Evidence A No. 3 corresponding to the description of the specification, etc. originally attached to the Original application are identical with the description in [0044], [0062] and [FIG. 7] of the specification, etc. relating to the Patent. According to the descriptions, there is no description formally or substantially that the price of the second and subsequent first orders with a limit value can be arbitrarily set.

B As to whether the description of the Scope of Claims complies with the requirements for support, it is reasonable to determine based on examining whether the invention described in the Scope of Claims is an invention described in the detailed description of the invention and whether a person skilled in the art can solve the problem of the invention based on the description of the detailed description of the invention, or whether a person skilled in the art can recognize that the problem of the invention can be solved based on the common general technical knowledge at the time of the filing of the application without any description or indication in the detailed description of the invention, by comparing the description of the Scope of Claims and the description of the detailed description of the invention.

C In light of the above, the reasons are examined as follows.
The above configuration alleged by the Demandant is defined by the correction in No. 4 as follows: "when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order based on the first order information of the generated order information group" (the underlines were added by the body). "The limit order" in the Component 1E in Claim 1 before the correction was clearly defined by the correction, as the same price as the price of the market order. The correction is made within the scope of matters described in the specification, etc. attached to the Application, as indicated in No. 4 2 (4) B.
By employing the above configuration, as described in the Correction C-1 in No. 4 1 (3) A, the invention achieves "allow a customer using the system to repeatedly place multiple if-done orders without complicated order procedures, in a limit order of a financial product, while improving convenience of the customer buying and selling the financial product at the limit order, thereby increasing convenience of customers using the system and reducing the risk of the customers due to the if-done orders", resulting in solving the problem of the invention.
Therefore, Corrected Invention 1 is an invention described in the detailed description of the invention.

(2) Regarding Corrected Inventions 2 to 7
The Corrected Inventions 2 to 5 include all the matters specifying the invention of Corrected Invention 1. Corrected Invention 6 is formed by replacing the "financial product transaction management device" in Corrected Invention 1 by the "financial

product transaction management system", and includes the same matters specifying the invention as Corrected Invention 1, "when the limit order based on the second order information for settling the market order is agreed upon, generates the next order information group, and validates the limit order with the same price as the price of the market order based on the first order information of the generated order information group". Corrected Invention 7 is a program for causing a computer to function as the financial product transaction management device in Corrected Inventions 1 to 5, and includes all the matters specifying the invention of Corrected Invention 1. As with Corrected Invention 1, Corrected Inventions 2 to 7 are inventions described in the detailed description of the invention.

(3) Summary on Reason for invalidation 3

As described above, since Corrected Inventions 1 to 7 are inventions which are described in the detailed description of the invention in the specification, etc. relating to the Patent, the patent for Corrected Inventions 1 to 7 cannot be invalidated by the Reason for invalidation 3 alleged by the Demandant.

No. 7 Closing

As described above, the patent for Corrected Inventions 1 to 7 should not be invalidated by Reasons for Invalidation 1 to 3 described in the written demand for invalidation trial.

The costs in connection with the trial shall be borne by the Demandant under the provisions of Article 61 of the Code of Civil Procedure which is applied mutatis mutandis in the provisions of Article 169(2) of the Patent Act.

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

June 11, 2020

Chief administrative judge: SATO, Satoshi
Administrative judge: MATSUDA, Naoya
Administrative judge: NOZAKI, Daishin