

Appeal decision

Appeal No. 2018-1783

Appellant IWAMURA, Keiichi

Patent Attorney TAIYO, NAKAJIMA & KATO

The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2015-509790, entitled "PROCESSING DEVICE AND PROGRAM" (International Publication No. WO 2014/162539, published on October 9, 2014) has resulted in the following appeal decision.

Conclusion

The appeal of the case was groundless.

Reason

No. 1 History of the procedures

This application was originally filed on April 3, 2013 as an International Patent Application.

National documents were submitted on October 2, 2015. A written application for exception to lack of novelty was submitted on November 2, 2015. A request for examination was filed and a written amendment was submitted on November 16, 2015. Reasons for refusal were issued by the examiner on December 28, 2016. Against this, a written opinion was submitted, and a written amendment was submitted on May 11, 2017. An examiner's decision of refusal was issued by the examiner on October 30, 2017. Against this, a written appeal was filed and a written amendment was submitted on February 7, 2018. A report pursuant to Article 164(3) of the Patent Act was issued by the examiner on May 18, 2018. Written statements were submitted on June 1, 2018 and November 14, 2018. A notice of examination of evidence dated August 21, 2019 was issued by the body to the Appellant on the basis of the provisions of Article 150(5) of the Patent Act. A written opinion was submitted on September 12, 2019.

No. 2 Reasons for refusal in the original examiner's decision of refusal

The reasons for refusal in the examiner's decision of refusal dated October 30, 2017 in the original examination (hereinafter referred to as "Original examiner's

decision of refusal") are summarized as follows.

1. (Novelty) The inventions according to the following claims of this application, each of which is an invention described in the following Publication 1 distributed in Japan or abroad before the application was filed or an invention available to the public through electric telecommunication lines, fall under the provisions of Article 29(1)(iii) of the Patent Act. Thus, the appellant should not be granted a patent for the inventions.

2. (Inventive step) Each of the inventions according to the following claims of this application is an invention which would have been easily made by a person ordinarily skilled in the art of the invention before the filing of the application, based on the invention described in the following distributed Publication 1 or the invention available to the public through electric telecommunication lines. Thus, the appellant should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act.

Note

· Claims 1 to 6

· Cited Documents 1, 2

1. Kei TAKAHASHI, Keiichi IWAMURA, Secret Sharing Scheme Suitable for Cloud Computing, IEICE technical report, Vol. 112, No. 226, September 27, 2012, p. 11-p. 16

2. IEICE (The Institute of Electronics, Information and Communication Engineers), About submission of documents, [online], [browsed on December 28, 2016], Internet <URL:<https://www.ieice.org/jpn/kenkyuukai/geikou.html>>

· Cited Document 1 was distributed on September 27, 2012, which is a date of issue. The invention described in Cited document 1 is acknowledged as being known to the public on the same day. The application was filed on April 3, 2013. Thus, regarding the Inventions, the provisions of Article 30(2) of the Patent Act cannot be applied to the invention described in Cited Document 1.

No. 3 Regarding the Appellant's allegation in suitability of exception to lack of novelty

The Appellant alleges, in the written appeal dated February 7, 2018, that Cited Document 1 was published on October 4, 2012, this application was filed within six months after the publication date, and Article 30(2) of the former Patent Act (articles before the revision by Act No. 33 of 2018, hereinafter referred to as "Former Article 30(2)") is applied. The contents thereof are as follows.

1 Allegation described in the written opinion dated May 11, 2017

(1) The IEICE technical report, which is a material of the conference, was scheduled to be delivered to each conference venue in advance. However, all copies of Cited Document 1, which are paper media, are stored in cardboard boxes sealed with packing tape until the day of the conference. Therefore, the paper medium Cited Document 1 had not been "distributed" (Article 29(1)(iii) of the Patent Act) from the publication date until October 4, 2012, which was the day of the conference.

(2) The document had not been distributed before October 4, 2012 to presenters.

(3) The document had not been distributed before October 4, 2012 also to subscribers.

(4) The document had not been distributed before October 4, 2012 in other societies.

(5) The document was not distributed by an electronic medium, such as on the Web, at that time. The online service of technical reports was started in April 2013.

(6) In Cited Document 2, there is a description that the publication date of the conference materials (technical reports) is the date of publicly known. Also in the explanation about patent certificate in IEICE, the following descriptions are included, "Date of publicly known (In this conference, the publication date* is the date of publicly known)", "*Publication date: In the journal of this conference, the publication date of online version is the date of publicly known".

The "online version" is IEICE Technical Report Online Service. Since April 2013, when the IEICE Technical Report Online Service started, publication date of a technical report (one week before the date of event) has been always defined as a date of publicly known.

Accordingly, in Cited Document 2, or the like, the description that the publication date is the date of publicly known is not applicable before April 2013, or on September 27, 2012.

(7) In the colophon of Cited Document 1, "Issued on September 27, 2012" is shown. However, the document was not distributed on the publication date shown in the colophon. Cited Document 1 was distributed on October 4, 2012.

2 Allegation described in the written amendment dated March 26, 2018

In addition to the allegation described in the written statement dated November 16, 2015, Cited Document 1 was distributed only through distribution on the day of the conference, advance distribution to presenters, advance distribution to subscribers, distribution in other societies, and issuance by an electronic medium, such as on the Web.

Therefore, Cited Document 1 had not been distributed until the day of the conference (October 4, 2012).

3 Allegation described in the written statement dated November 14, 2018

(1) Cited Document 1 was treated as follows.

A The document was sent to Makuhari Messe, which is a venue of the conference to be held on October 4, 2012, and addressed to Akira NISHIMURA, who was coordinator of the conference

B The document was delivered directly to the office of IEICE (Kikai Shinko Kaikan building).

C After the date of delivery to the venue (normally the last day of the month in which the conference is held), the document was delivered directly to ASC, which is a company in charge of delivery to annual subscribers of Cited Document 1.

Copies of Cited Document 1 sent in the above route A were delivered by Akira NISHIMURA in the venue of the conference on October 4, 2012.

Four copies of Cited Document 1 delivered in the above route B were all stored in the office of IEICE. One of them was managed for browsing, but no one browsed Cited Document 1 from September 27, 2012 to October 4, 2012.

Copies of Cited Document 1 delivered in the above route C were sent to annual subscribers in the middle of November 2012.

The Online disclosure service of IEICE technical reports was started in April 2013.

(2) Relationship between the treatment of Cited Document 1 and applicability of Article 29(1)(iii) of the Patent Act

A Route (1) B

In the colophon of Cited Document 1 in the proof request, "Issued on September 27, 2012" is shown. One of four copies of Cited Document 1 delivered in the route B was managed for browsing.

Specifically, Cited Document 1 was stored in the reading room of IEICE (First floor of Kikai Shinko Kaikan building), and the IEICE technical reports were available. The procedure for reading in IEICE is disclosed in the guideline of IEICE magazine.

However, since there are not many subscribers of IEICE magazine, there are not many persons who know the reading procedure in IEICE. In fact, no one browsed Cited Document 1 from September 27, 2012 to October 4, 2012.

As such, Cited Document 1 was not likely to be browsed by many people in the period from September 27, 2012 to October 3, 2012.

For the applicability to the "distributed publication" in Article 29(1)(iii) of the

Patent Act, it should be understood that the document must be under the situation where many people are likely to read the document. However, according to the above concrete facts, since Cited Document 1 was not likely to be browsed by many people from September 27, 2012 to October 3, 2012, the document was not under the situation where many people are likely to read the document.

Thus, even although the description, "Issued on September 27, 2012", is shown in the colophon of Cited Document 1, Cited Document 1 did not fall under the "distributed publication" in Article 29(1)(iii) of the Patent Act in the period from September 27, 2012 to October 3, 2012.

B Route (1) A

Copies of Cited Document 1 sent by route A, which were addressed to Akira NISHIMURA, were managed to be received by Akira NISHIMURA in the venue of the conference. In other words, the documents were managed so as not to be disclosed to unspecified persons until they were distributed by Akira NISHIMURA on October 4, 2012.

Thus, Cited Document 1 did not fall under the "distributed publication" in Article 29(1)(iii) of the Patent Act in the period from September 27, 2012 to October 3, 2012.

(3) In light of the above, Cited Document 1 fell under the "distributed publication" in Article 29(1)(iii) of the Patent Act only after October 4, 2012.

This application was filed within six months from October 4, 2012.

In light of the above, regarding the Invention, the provisions of Article 30(2) of the Patent Act can be applied to the invention described in Cited Document 1.

No. 4 Summary of the notice of examination of evidence by the body

The body carried out an ex officio examination of evidence as to whether or not the Application falls under the former Article 30(2). As a result of the examination, the evidences shown below were found. The body issued the notice of examination of evidence dated August 21, 2019 to the Appellant on the basis of the provisions of Article 150(5) of the Patent Act, and asked for an opinion within a designated period.

Note

1 Website of The Institute of Electronics, Information and Communication Engineers

(IEICE)

"(ellipsis)"

2 E-mail document dated July 12, 2019 addressed to IEICE from the chief trial examiner Akira NAKAMA

"(ellipsis)"

3 E-mail document dated July 12, 2019 addressed to the chief trial examiner Akira NAKAMA from IEICE

"(ellipsis)"

No. 5 Summary of the Appellant's opinion for the notice of examination of evidence

Regarding the notice of examination of evidence in No. 4, the Appellant alleges, in the written opinion dated September 12, 2019, as follows in addition to the allegation that Cited Document 1 is required to be "under the situation where many people are likely to read the document" in order to fall under the "distributed publication" (Article 29(1)(iii) of the Patent Act).

1 The persons who can take the procedure for browsing/copying the Cited Document 1 are primarily "specific persons" who are members purchasing an IEICE magazine. Secondly, even if the persons are not members, the persons who can take the procedure for browsing/copying Cited Document 1 are persons who received or browsed the IEICE magazine from a specific person who is a member, and each of such persons is "a specific person".

2 The persons who can take the procedure for browsing/copying Cited Document 1 are primarily members who purchased the IEICE magazine, and secondarily persons who are not members and received or browsed the IEICE magazine from a specific person who is a member. The number of such persons is not many. In fact, no one

browsed Cited Document 1 in the period from September 27, 2012 to October 4, 2012, and the document was not under the situation where "many people" are likely to read the document. Thus, Cited Document 1 does not fall under a "distributed publication".

No. 6 Judgment by the body on the suitability of exception to lack of novelty

The former Article 30(2) stipulates, regarding an invention which came to fall under either of the items of Article 29(1) of the Patent Act resulting from an action of a person who has a right to obtain a patent, that the person files the application of the patent within six months from the date on which the invention came to fall under the article. However, it cannot be acknowledged that the Appellant filed the application within six months since the invention fell under Article 29(1)(iii) of the Patent Act, as follows.

1 Meaning of "distributed publication"

The "distributed publication" in Article 29(1)(iii) of the Patent Act is "an information transmission medium, such as documents/drawings copied for the purpose of disclosing to the public by distribution, and distributed material. The materials copied to be disclosed to the public by distribution are not necessarily limited to materials of which considerable number of copies are formed from the original and provided widely to the public so as to satisfy the requirements of the public for expecting browsing by the public. It is reasonable to understand that materials copied from the original and delivered in response to a request from the public are available as long as the original is to be disclosed and freely browsed by the public and the copy thereof is to be delivered quickly in response to a request from the public without delay" (The Supreme Court Ruling on July 4, 1980, 34-4 Minshu p. 570).

2 In light of the above, the following facts can be recognized.

- (1) Cited Document 1 is a journal periodically issued under the title of "IEICE technical report", and it is a booklet distributed to subscribers and distributed in a conference (hereinafter referred to as "EMM study group") held by the Study Committee of Multimedia Information Hiding/Enrichment, which is one of the committees of IEICE (Written statement from Akira NISHIMURA (Evidence 1 attached to the Appellant's written opinion)).
- (2) In the colophon of Cited Document 1, the publication date, September 27, 2012, is shown.
- (3) According to the proof request dated October 30, 2018 attached to the supplemental statement dated November 15, 2018, it is acknowledged that Cited Document 1 has a route, "(2) direct delivery to the office of IEICE (Kikai Shinko Kaikan building) on

September 27, 2012" as a dispatch/delivery route from a printing office, and that Cited Documents 1, four in total, delivered in the route "(2) delivery..." were all stored in the office on September 27, 2012 and one of them was managed for browsing. This fact was confessed by the Appellant in the written statement dated the same day.

(4) According to the "Website of The Institute of Electronics, Information and Communication Engineers (IEICE)", the report collection entitled, "IEICE technical report", is issued in the Institute. The booklet of the report collection can be browsed even by a non-member for 300 yen, and can be copied for 10 yen per copy.

(5) As with fact (4), Cited Document 1 could be browsed and copied even by a person who is not a member of IEICE as of September 27, 2012 (E-mail document dated July 12, 2019 addressed to IEICE from the chief trial examiner Akira NAKAMA, and E-mail document dated July 12, 2019 addressed to the chief trial examiner Akira NAKAMA from IEICE).

3 Considering the facts in the above 2, it can be said that Cited Document 1, which is a journal published periodically, could be browsed and copied by anyone in response to a request to IEICE as of September 27, 2012, which is the publication date.

Cited Document 1, which is a journal published periodically, is "an information transmission medium, such as a document or a drawing, copied for the purpose of disclosing the contents to the public through distribution", and could be browsed and copied by anyone as of September 27, 2012. Thus, it is acknowledged that the document was "ready to be disclosed publicly to be freely browsed and a copy thereof could be issued in response to a request from the public without delay", or had fallen under a "distributed publication" (Article 29(1)(iii) of the Patent Act).

Accordingly, it can be said that Cited Document 1 fell under a "distributed publication" on September 27, 2012, which is more than six months before the International filing date (April 3, 2013) of the Application.

The Former Article 30(2) stipulates, regarding an invention which came to fall under either of the items of Article 29(1) of the Patent Act resulting from an action of a person who has a right to obtain a patent, that the person files the application of the patent within six months from the date on which the invention came to fall under the article. It cannot be acknowledged that the Application was filed within six months from the date on which the invention came to fall under the Article 29(1)(iii) of the Patent Act. Thus, the application for exception to lack of novelty stipulated in the Former Article 30(2) cannot be approved.

4 Regarding Appellant's allegation

(1) The Appellant continuously alleges that Cited Invention 1 was distributed on October 4, 2012, and the allegations are as follows.

A Cited Document 1 was distributed only through distribution on the day of the conference, advance distribution to presenters, advance distribution to subscribers, distribution in other societies, and issuance by an electronic medium, such as on the Web. Cited Document 1 was distributed for the first time on October 4, 2012 (Written opinion dated May 11, 2017 and Written amendment dated March 26, 2018).

B It should be understood that a document must be under the situation where many people are likely to read the document in order that the document may fall under a "distributed publication" in Article 29(1)(iii) of the Patent Act. The persons who could take the procedure for browsing/copying Cited Document 1 in the office of IEICE are "specific persons", not "many people". Thus, Cited Document 1 did not fall under the "distributed publication" in the period from September 27, 2012 to October 3, 2012 (Written statement dated November 14, 2018).

(2) Judgment by the body on the Appellant's allegation

The date on which Cited Document 1 was distributed is as examined in 1 to 3 of "No. 6 Judgment by the body on the suitability of exception to lack of novelty".

Accordingly, none of the Appellant's allegations can be accepted.

5 Summary

Since Cited Document 1 came to fall under the "distributed publication" in Article 29(1)(iii) of the Patent Act on September 27, 2012, the Former Article 30(2) is applied unless the application was filed within six months from the date on which the invention came to fall under the article, or before expiration of March 27, 2013 (Article 3(1)(i) and (ii)). The application was filed on April 3, 2013. Thus, the Former Article 30(2) is not applied.

No. 7 Regarding the Invention

The invention according to Claim 1 of the application (hereinafter referred to as "the Invention") is as follows, which is described in Claim 1 of the Scope of Claims amended by the written amendment dated May 11, 2017.

"A processing device,

in a system which disperses secret information into n pieces of information and allows the secret information to be restored by collecting k dispersion values, wherein the

secret information cannot be restored by k-1 or less dispersion values, including:
 storage means for storing information for specifying secret information; and
 encryption means for encrypting information specifying the secret information
 stored in the storage means by use of key information set by setting means for obtaining
 dispersion values."

No. 8 Matters described in the cited document

In "1. Kei TAKAHASHI, Keiichi IWAMURA, "Secret Sharing Scheme Suitable for Cloud Computing, IEICE technical report", Vol. 112, No. 226, September 27, 2012, p. 11-p. 16" (hereinafter referred to as "the Cited Document"), which is a document cited as Cited Document 1 in the reasons for refusal dated December 28, 2016 in the original examination (hereinafter referred to as "Original examiner's reasons for refusal") and, as examined in "No. 3 Regarding suitability of exception to lack of novelty", a document known to the public before the international filing date of the Application, the following matters are described with related drawings.

A. "The secret sharing scheme is a technology of restoring original secret information by collecting k ($k \leq n$) pieces of data out of n dispersed pieces of data, wherein information on the secret information cannot be obtained at all from fewer than k pieces of data." (p. 11 left column l. 13-l. 17)

B. "3. Proposal method

We explain a proposal method which is a secret sharing scheme suitable for application to cloud computing. The proposal method is a secret sharing scheme suitable for a cloud system configured as shown in FIG. 1.

3. 1 Constitution of proposal method

First, the following dispersion equation is generated regarding each piece of secret information s_i ($i=1 \dots m$).

$$W_{ij}=S_i+a_{i1}X_j+a_{i2}X_j^2+ \dots +a_{ik-1}X_j^{k-1} \quad (1)$$

wherein x_j is an ID allocated to each server, and W_{ji} is dispersion information of secret information s_i generated using the server ID x_j . The data ID $dID[s(i)]$ allocated to each secret information is smaller than the data size of the secret information.

In this proposal method, a user transmits a user ID $ID[y]$ ($y=1, \dots, r$) of the user to a key server having only key information, and the key server which receives it generates $Eid(y, j) = Enc(ID[y], key_j)$ ($j=1 \dots l$) by use of a key j of the server and the

received user ID, to be transmitted to the user. $\text{Enc}(a, b)$ represents encrypting "a" by use of a key "b". The user encrypts the data ID $dID[s(i)]$ and generates, for all of m pieces of secret information, encryption results

$$q_{ij} = \text{Enc}(dID[s(i)], \text{Eid}(y, j)),$$

then, determines dispersion coefficients $A' = [a_{i1}, \dots, a_{ik-1}]^T$ for the secret information s_i ($i=1 \dots m$) by using $W_{1j}=q_{1j}$, $W_{2j}=q_{2j}$, ..., $W_{mj}=q_{mj}$ so that the equations correspond to the dispersion information of the key server." (p. 13 left column l. 21 to right column l. 15)

C. "(5) The user calculates dispersion information W_{i1+1}, \dots, W_{in} on the data servers x_{i+1}, \dots, x_n by use of the coefficient matrix generated in (4) in the same procedure as (k, n) threshold secret sharing scheme." (p. 13 right column the third line from the bottom to p. 14 left column l. 1)

No. 9 Invention described in the Cited Document

1 From the description in A, "The secret sharing scheme is a technology of restoring original secret information by collecting k ($k \leq n$) pieces of data out of n dispersed pieces of data, wherein information on the secret information cannot be obtained at all from fewer than k pieces of data", and the description in B, "The proposal method is a secret sharing scheme suitable for a cloud system configured as shown in FIG. 1", it is found that the Cited Document describes

"a cloud system in which original secret information can be restored by collecting k ($k \leq n$) pieces of data out of n dispersed pieces of data, and information on the secret information cannot be obtained at all from fewer than k pieces of data".

2 From the description in B, "wherein x_j is an ID allocated to each server, and W_{ji} is dispersion information of secret information s_i generated using the server ID x_j ", the description in B, "data ID $dID[s(i)]$ allocated to each secret information", the description in B, "In this proposal method, a user transmits a user ID $ID[y]$ ($y=1, \dots, r$) of the user to a key server having only key information, and the key server which receives it generates $\text{Eid}(y, j) = \text{Enc}(ID[y], \text{key}_j)$ ($j=1 \dots l$) by use of a key j of the server and the received user ID, to be transmitted to the user. $\text{Enc}(a, b)$ represents encrypting 'a' by use of a key 'b', the description in B, "The user encrypts the data ID $dID[s(i)]$ and generates, for all of m pieces of secret information, encryption results

$q_{ij} = \text{Enc}(dID[s(i)], \text{Eid}(y, j))$ ", the description in B, "determines dispersion coefficients $A' = [\alpha_{i1}, \dots, \alpha_{ik-1}]^T$ for the secret information s_i ($i=1 \dots m$) by using $W_{1j}=q_{1j}$, $W_{2j}=q_{2j}$, ...,

$W_{mj}=q_{mj}$ so that the equations correspond to the dispersion information of the key server", and the description in C, "The user calculates dispersion information $W_{i+1}, \dots W_n$ on the data servers $x_{i+1}, \dots x_n$ by use of the coefficient matrix generated in (4) in the same procedure as (k, n) threshold secret sharing scheme", it is found that the Cited Document describes

"a cloud system in which a user transmits a user ID of the user to a key server having only key information, the key server encrypts the received user ID with a key of the key server, and transmits obtained values to the user, the user encrypts data IDs allocated to each of m pieces of secret information of the user by use of the values transmitted from the key server, generates dispersion coefficients of dispersion information by use of the obtained values, and calculates dispersion information by use of a dispersion matrix of the dispersion coefficients".

3 From the matters examined in 1 and 2, it is found that the Cited Document describes the following invention (hereinafter referred to as "Cited Invention").

"A cloud system in which original secret information can be restored by collecting k ($k \leq n$) pieces of data out of n dispersed pieces of data, and information on the secret information cannot be obtained at all from fewer than k pieces of data, wherein

a user transmits a user ID of the user to a key server having only key information, the key server encrypts the received user ID with a key of the key server, and transmits obtained values to the user, the user encrypts data IDs allocated to each of m pieces of secret information of the user by use of the values transmitted from the key server, generates dispersion coefficients of dispersion information by use of the obtained values, and calculates dispersion information by use of a coefficients matrix of the dispersion coefficients."

No. 10 Comparison between the Invention and the Cited Invention and Judgment by the body

1 The "dispersion information" and "secret information" in the Cited Invention correspond to the "dispersion values" and "secret information" in the Invention, respectively.

It is obvious that the "secret information" is divided into "n pieces" of information also in the Cited Invention, from the description in the Cited Invention, "out of n dispersed pieces of data".

The "cloud system" in the Cited Invention corresponds to the "system" in the

Invention.

Therefore, the "cloud system in which original secret information can be restored by collecting k ($k \leq n$) pieces of data out of n dispersed pieces of data, and information on the secret information cannot be obtained at all from fewer than k pieces of data" in the Cited Invention corresponds to

the "system which disperses secret information into n pieces of information and allows the secret information to be restored by collecting k dispersion values, wherein the secret information cannot be restored by $k-1$ or less dispersion values" in the Invention.

2 In the Cited Invention, the "data IDs allocated to each of m pieces of secret information of the user" has means for storing the "data IDs" obviously.

The "data IDs allocated to each of m pieces of secret information of the user" in the Cited Invention correspond to the "information specifying the secret information" in the Invention.

Thus, the "means for storing data IDs allocated to each of m pieces of secret information of the user" in the Cited Invention corresponds to

the "storage means for storing information for specifying secret information" in the Invention.

3 In the Cited Invention, "the key server encrypts the received user ID with a key of the key server" and "encrypts data IDs" with the "obtained values".

The "values obtained in the key server" in the Cited Invention correspond to the "key information set by setting means" in the Invention.

In the Cited Invention, the "means" for "encryption" exists obviously.

Thus, the "means" for "encrypting data IDs allocated to each of m pieces of secret information of the user by use of the values transmitted from the key server" in the Cited Invention corresponds to

the "encryption means for encrypting information specifying the secret information stored in the storage means by use of key information set by setting means" in the Invention.

4 In the Cited Invention, the "user" "encrypts data IDs allocated to each of m pieces of secret information of the user by use of the values transmitted from the key server" in order to calculate "dispersion information". In view of the matters examined in 3,

the "means" for "transmitting obtained values to the user and encrypting data

IDs allocated to each of m pieces of secret information of the user by use of the values transmitted from the key server" in the Cited Invention corresponds to

the "encryption means for encrypting information specifying the secret information stored in the storage means by use of key information set by setting means for obtaining dispersion values" in the Invention.

5 In the Cited Invention, the "data IDs allocated to each of m pieces of secret information of the user" are held on the side of the "user", and "encrypting the data IDs" is performed on the side of the "user". Thus, it is obvious that the "means for storing" "data IDs" and the means for "encrypting data IDs" exist in the device of the "user".

In light of the matters examined in 3 and 4,

the device of the "user" in the Cited Invention, examined in the above in 5, corresponds to the "processing device" in the Invention.

6 From the matters examined in 1 to 5, the Invention and the Cited Invention are identical in the following point,

"A processing device,

in a system which disperses secret information into n pieces of information and allows the secret information to be restored by collecting k dispersion values, wherein the secret information cannot be restored by k-1 or less dispersion values, including:

storage means for storing information for specifying secret information; and

encryption means for encrypting information specifying the secret information stored in the storage means by use of key information set by setting means for obtaining dispersion values."

Thus, the Invention is the invention described in the Cited Document.

Since the Invention is the invention described in the Cited Document, a person skilled in the art could easily configure the Invention from the invention described in the Cited Document.

No. 11 Closing

Accordingly, since the Invention is the invention described in the Cited Document, the Appellant should not be granted a patent for the invention under the provisions of Article 29(1)(iii) of the Patent Act.

In addition, since the Invention could be easily made by a person skilled in the

art on the basis of the invention described in the Cited Document, the Appellant should not be granted a patent for the invention under the provisions of Article 29(2) of the Patent Act.

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

December 17, 2019

Chief administrative judge:	NAKAMA, Akira
Administrative judge:	ISHII, Shigekazu
Administrative judge:	YAMAZAKI, Shinichi