

ソフトウェア特許と プログラム開発

株式会社 アテナテレコムラボ



2012年5月31日

◆ 特許法...国内法 PCTとは

◆ ソフトウェア特許とは

各国に共通

- ・ 装置構成に置き換えて
- ・ ハードと関連した手順として

◆ 弁理士さんに？ 発明者が？

◆ 特許取得の戦略

訴訟が目的ではない。

しかし、訴訟で勝てる条件を整えておかないと 使えない。

◆ どの国に出すか？ JPO , USPTO ,SIPO ...

◆ 職務発明

考慮すべき事柄

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Application	Patent	Earliest Publication	Attorney Docket No.	Status Date	Filing or 371(c) Date	Image File Wrapper
13/251,295	-	US 2012-0023100 A1	-	02-21-2012	10-03-2011	View
13/024,330	-	US 2011-0137862 A1	-	05-03-2012	02-10-2011	View
12/996,382	-	US 2011-0093770 A1	-	05-11-2012	12-03-2010	View
12/995,158	-	-	-	11-29-2010	-	View
12/864,872	-	US 2011-0082833 A1	-	05-16-2012	11-18-2010	View
12/743,367	-	US 2011-0161292 A1	-	04-19-2012	10-12-2010	View
12/688,854	8,171,003	US 2010-0131479 A1	-	04-11-2012	01-15-2010	View
12/601,005	-	US 2010-0198789 A1	-	06-13-2011	04-13-2010	View
09/117,669	6,526,455	-	-	02-06-2003	08-04-1998	View

Results sorted by Application Number Descending

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Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count	PDF
05-15-2012	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	5	<input type="checkbox"/>
05-15-2012	892	List of references cited by examiner	PROSECUTION	1	<input type="checkbox"/>
05-15-2012	SRNT	Examiner's search strategy and results	PROSECUTION	5	<input type="checkbox"/>
05-15-2012	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2	<input type="checkbox"/>
05-15-2012	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
05-15-2012	SRNT	Examiner's search strategy and results	PROSECUTION	2	<input type="checkbox"/>
05-15-2012	SRNT	Examiner's search strategy and results	PROSECUTION	5	<input type="checkbox"/>
05-15-2012	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1	<input type="checkbox"/>
05-15-2012	OA EMAIL	Email Notification	PROSECUTION	1	<input type="checkbox"/>
02-23-2012	LET.	Miscellaneous Incoming Letter	PROSECUTION	1	<input type="checkbox"/>
02-19-2012	LET.	Miscellaneous Incoming Letter	PROSECUTION	1	<input type="checkbox"/>

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The
United
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of
America



The Director of the United States Patent and Trademark Office

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America, and if the invention is a process, of the right to exclude others from using, offering for sale or selling throughout the United States of America, or importing into the United States of America, products made by that process, for the term set forth in 35 U.S.C. 154(a)(2) or (c)(1), subject to the payment of maintenance fees as provided by 35 U.S.C. 41(b). See the Maintenance Fee Notice on the inside of the cover.

David J. Kappas

Director of the United States Patent and Trademark Office



US008171003B2

**(12) United States Patent
Kamimura**

**(10) Patent No.: US 8,171,003 B2
(45) Date of Patent: May 1, 2012**

- (54) **METHOD AND APPARATUS FOR CHANGING REFERENCE OF DATABASE** 5,870,765 A 2/1999 Bauer et al.
5,884,325 A 3/1999 Bauer et al.
5,890,176 A 3/1999 Kish et al.
(76) Inventor: **Kunio Kamimura, Koganei (JP)** 5,926,816 A 7/1999 Bauer et al.
6,088,694 A * 7/2000 Burns et al. I/1
6,151,606 A 11/2000 Mendez
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days. 6,343,299 B1 1/2002 Huang et al.
(Continued)

FOREIGN PATENT DOCUMENTS

- (21) Appl. No.: **12/688,854**
(22) Filed: **Jan. 15, 2010**
(65) **Prior Publication Data**
US 2010/0131479 A1 May 27, 2010
Related U.S. Application Data
(63) Continuation-in-part of application No. 12/601,005, filed as application No. PCT/JP2008/001424 on Jun. 4, 2008.
(30) **Foreign Application Priority Data**
Jun. 6, 2007 (JP) 2007-150665
Jun. 4, 2008 (WO) PCT/JP2008/001424
Jun. 12, 2008 (WO) PCT/JP2008/001506
Jun. 3, 2009 (WO) PCT/JP2009/002490
Jun. 3, 2009 (WO) PCT/JP2009/002491

- JP S61-134853 A 6/1986
(Continued)

OTHER PUBLICATIONS

Athena Telecom Lab, Inc., "New developing project spreading over the world", web contents referenced from <http://www.atele.com>, uploaded from Mar. 9, 2009 to Apr. 23, 2009.
(Continued)

Primary Examiner — Brent Stace

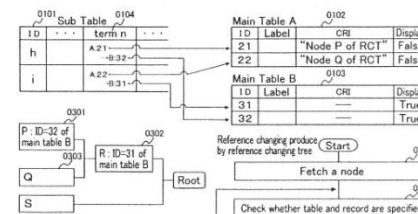
(57) ABSTRACT

Introduced is information that indicates a changing of "a reference that points a referenced record" to "another reference that points another record". This information is named as "changing reference information (CRI)" and is registered to a referred record. When accessing a referencing record, there is a possibility to access referenced record by necessity of a program or an operator. At this time, CRI registered to originally referenced record is accessed. And the reference is changed to new record as indicated by the CRI. Thus, status of a DB in a device is changed by the invention. When PCs have reproduced DBs that are copy of the original and edit their own reproduced DBs so as to change a reference, these editorial contents with CRI will be propagated to other PCs. Other PCs change references of their reproduced DBs according to the CRIs.

(56) References Cited

- U.S. PATENT DOCUMENTS**
5,325,496 A 6/1994 Hays et al.
5,504,879 A * 4/1996 Eisenberg et al. I/1

9 Claims, 7 Drawing Sheets





US008171003B2

(12) **United States Patent**
Kamimura

(10) **Patent No.:** **US 8,171,003 B2**
(45) **Date of Patent:** **May 1, 2012**

(54) **METHOD AND APPARATUS FOR CHANGING REFERENCE OF DATABASE**

(76) **Inventor:** **Kunio Kamimura, Koganei (JP)**

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

5,870,765 A	2/1999	Bauer et al.	
5,884,325 A	3/1999	Bauer et al.	
5,890,176 A	3/1999	Kish et al.	
5,926,816 A	7/1999	Bauer et al.	
6,088,694 A *	7/2000	Burns et al.	1/1
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6,343,299 B1	1/2002	Huang et al.	

(Continued)

FOREIGN PATENT DOCUMENTS

JP S61-134853 A 6/1986

(Continued)

(21) **Appl. No.:** **12/688,854**

(22) **Filed:** **Jan. 15, 2010**

(65) **Prior Publication Data**

US 2010/0131479 A1 May 27, 2010

Related U.S. Application Data

(63) Continuation-in-part of application No. 12/601,005, filed as application No. PCT/JP2008/001424 on Jun. 4, 2008.

OTHER PUBLICATIONS

Athena Telecom Lab, Inc., "New developing project spreading over the world", web contents referenced from <http://www.atele.com>, uploaded from Mar. 9, 2009 to Apr. 23, 2009.

(Continued)

(30) **Foreign Application Priority Data**

Primary Examiner — Brent Stace

インターネット出願

ファイル(F) オンライン(O) 目録(M) 表示(V) ツール(T) ヘルプ(H)

文書入力 合成入力 表示 印刷 オンライン出願 ヘルプ

出願	結果	四法	手続名	整理番号	件名及び事件の表示	出願番号	提出日	頁
出願	接受	特許	特許料納付書			特願2010-260142	2012/02/06	---
GUEST	接受	特許	意見書			特願2010-260142	2011/12/21	---
利用者 1	接受	特許	手続補正書			特願2010-260142	2011/11/21	---
入力チェック結果	接受	特許	早期審査に関する事情説明書			特願2010-260142	2011/11/14	---
送信ファイル	接受	特許	上申書			特願2010-260142	2011/11/14	---
受理済	接受	特許	手続補正書			特願2010-260142	2011/11/14	---
受領書	接受	特許	特許料納付書			特願2010-515778	2011/10/26	---
通信履歴	接受	特許	特許料納付書			特願2010-515775	2011/10/26	---
	接受	特許	手続補正書		不服2010-025659	特願2010-515778	2011/09/27	---
	接受	特許	手続補正書		不服2010-026288	特願2010-515775	2011/09/27	---
	接受	特許	意見書		不服2010-025659	特願2010-515778	2011/08/12	---
	接受	特許	手続補正書		不服2010-025659	特願2010-515778	2011/08/12	---
	接受	特許	意見書		不服2010-026288	特願2010-515775	2011/07/15	---
	接受	特許	手続補正書		不服2010-026288	特願2010-515775	2011/07/15	---
	接受	特許	手続補正書			特願2010-515675	2011/06/02	---
	接受	特許	出願審査請求書			特願2010-515675	2011/06/02	---

JPO（日本特許庁）

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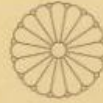
発送書類の受取 表示 印刷 ヘルプ

出願	発送	請求	閲覧	補助	国際出願	証明書	四法	書類名	整理番号	事件番号	応答期間	発送番号	受信時刻
							● 特許	特許査定	P2491J1	2010-260142		057995	12:15:59
							●	発送目録					12:16:01

識別番号395022203

- 2012年01月31日
- 2011年12月05日
- 2011年10月24日
- 2011年09月27日
- 2011年07月13日
- 2011年06月15日
- 2011年05月17日
- 2011年05月09日
- 2011年03月17日
- 2011年02月14日
- 2011年02月08日
- 2010年12月22日
- 2010年12月06日
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- 2010年10月19日
- 2010年08月24日
- 2010年08月23日
- 2010年08月11日
- 2010年07月06日

JPO (日本特許庁)



特許証
(CERTIFICATE OF PATENT)

特許第4855537号
(PATENT NUMBER)

発明の名称
(TITLE OF THE INVENTION)

データベース並行編集方式

特許権者
(PATENTEE)

東京都小金井市東町 丁目 番 号

株式会社アテナテレコムラボ

発明者
(INVENTOR)

上村 邦夫

出願番号
(APPLICATION NUMBER)

特願2010-515775

出願日
(FILING DATE)

平成21年 6月 3日(June 3, 2009)

登録日
(REGISTRATION DATE)

平成23年11月 4日(November 4, 2011)

この発明は、特許するものと確定し、特許原簿に登録されたことを証する。
(THIS IS TO CERTIFY THAT THE PATENT IS REGISTERED ON THE REGISTER OF THE JAPAN PATENT OFFICE.)

平成23年11月 4日(November 4, 2011)

特許庁長官
(COMMISSIONER, JAPAN PATENT OFFICE)

岩井良行



取得容易な特許

発明が複雑→だれも使いたいとは思わない

⇒ 特許証を飾るのが目的なら充分

VS

使える特許 (例1と例2)

単純な発明→「言われてみれば...」

皆が使いたくなる

注 だれでも思いつくなら取得は困難

⇒ 特許取得の努力、頑丈な特許設計

どの様な特許を狙うのか？

(従来)

氏名	開発ソフト
ブラウン	Embarcadero
バルマー	Visual Studio
藤井	Embarcadero
Mr. X	Eclipse

クリック

氏名	開発ソフト
ブラウン	Embarcadero
バルマー	Eclipse
藤井	...
Mr. X	...

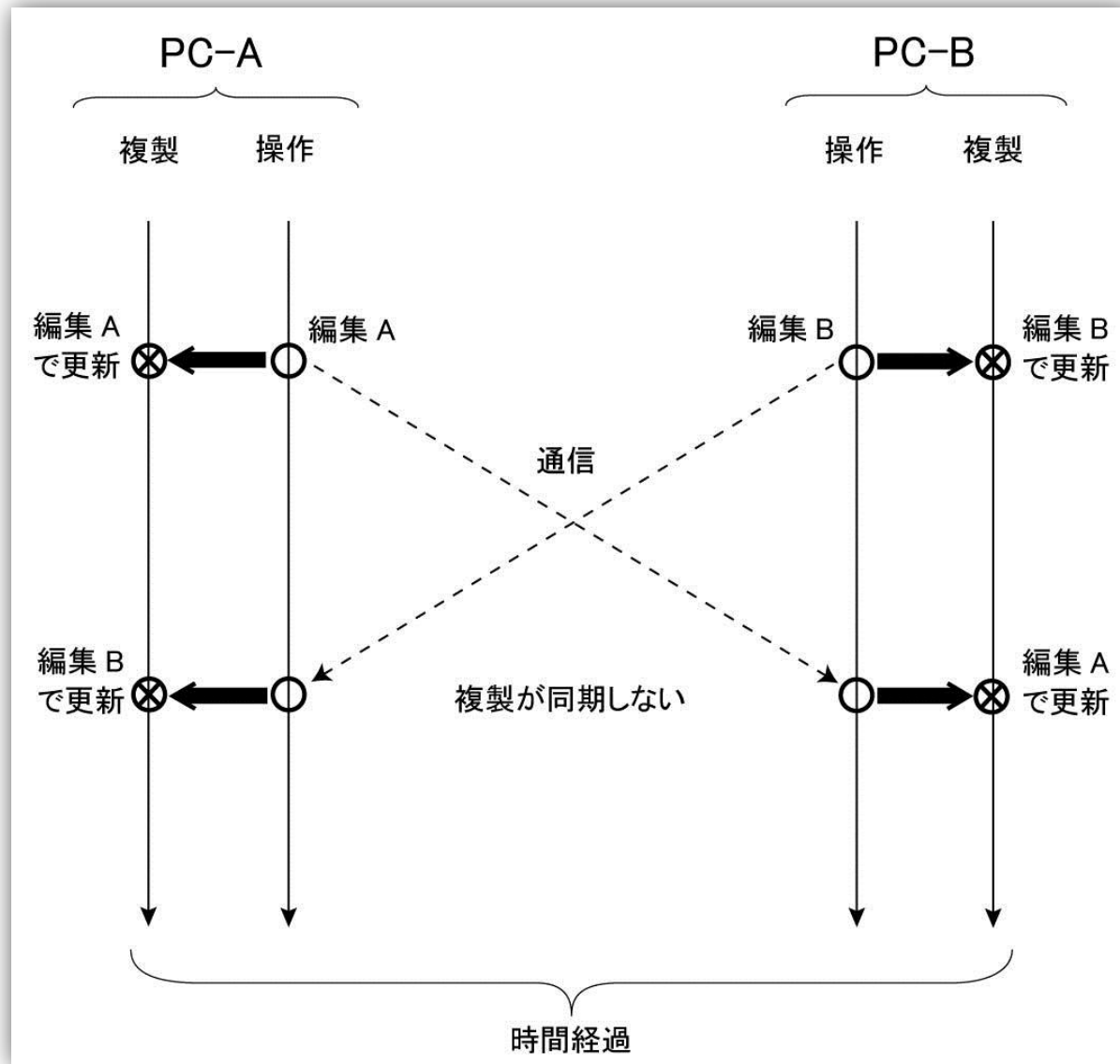
クリック

氏名	開発ソフト
ブラウン	AAA
バルマー	Visual Studio
藤井	Embarcadero
Mr. X	Eclipse

PCT/
JP08/
1566

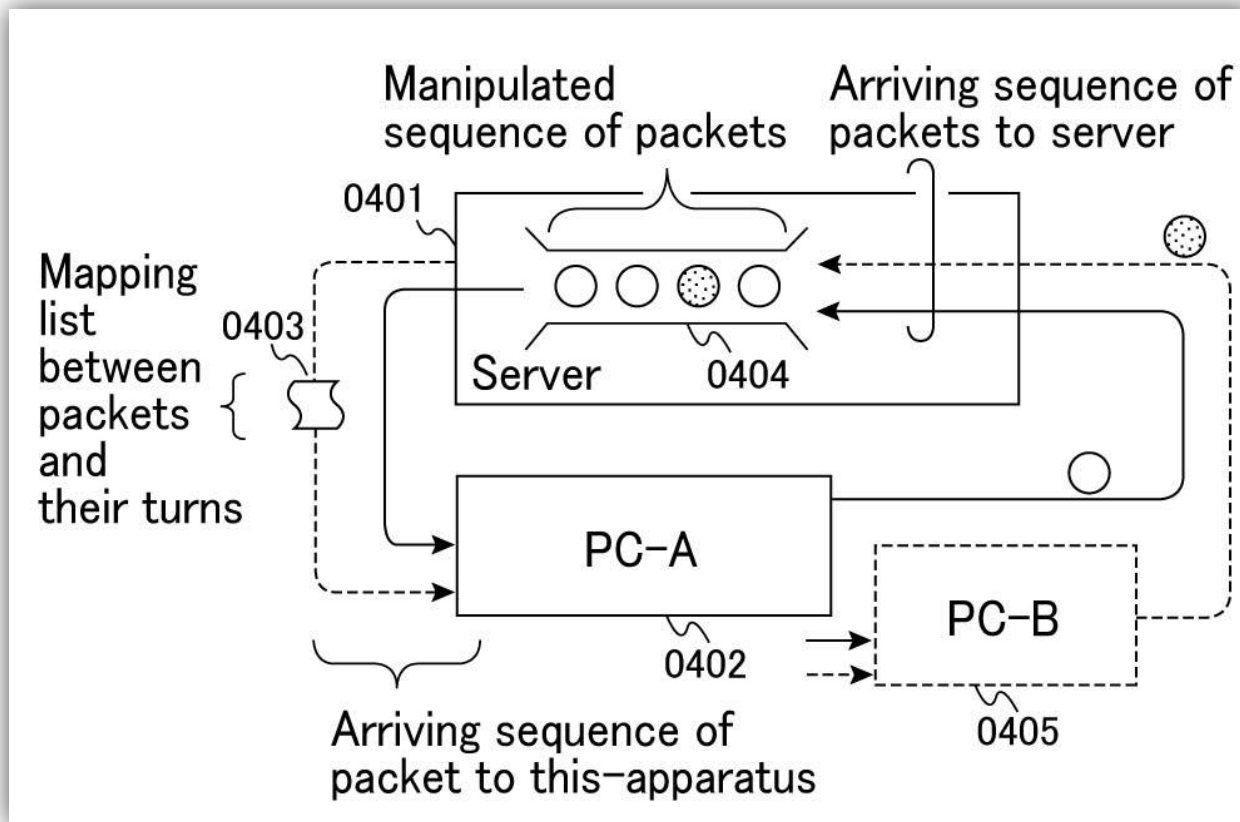
氏名	開発ソフト
バルマー	AAA
ブラウン	Visual Studio
藤井	Embarcadero
Mr. X	Eclipse

クリック



例 2 が解決する問題

並行編集でも分散コピーが同期する仕組み



日本 特許4件成立、審査待2件

米国 特許3件審査中

例 2 並行編集の同期 (PCT/JP2009/002491)

Amendment Arguments/Remarks Made in an Amendment

1.	Understanding of KEMME (*)	... P.1
1.1	Serializability	... P.1
1.2	Communication realized by multicast	... P.2
1.3	Order of messages	... P.2
1.4	SER, database replication protocol	... P.4
1.5	SI, database replication protocol	... P.4
2.	Features of amended claims compared with KEMME	... P.5
3.	Detailed explanation of amended claims	... P.9
4.	Answers to the office actin	... P.13
	Appendix A: KEMME (*)	... P.18
	Appendix B: BERNSTEIN (* *)	... P.29
	Appendix C: Isis by BIRMAN	... P.31
	Appendix D: Transis by DOLEV	... P.39
	Appendix E: Totem by MOSER	... P.41
	Appendix F: Horus by RENESSE	... P.43

(*) Kemme et al., A New Approach to Developing and Implementing Eager Database Replication Protocol, Swiss Federal Institute of Technology, ACM Transactions on Database Systems, Vol.25, No.3, September 2000, pages 333-379.

(* *) BERNSTEIN, P. A., HADZILACOS, V., AND GOODMAN, N. 1987. Concurrency Control and Recovery in Database Systems. Addison-Wesley Publ. Co., Inc., Reading, MA.

特許取得の努力： Response to USPTO

明細書 (ex.車について)

請求項 1 (台車 + 輪)

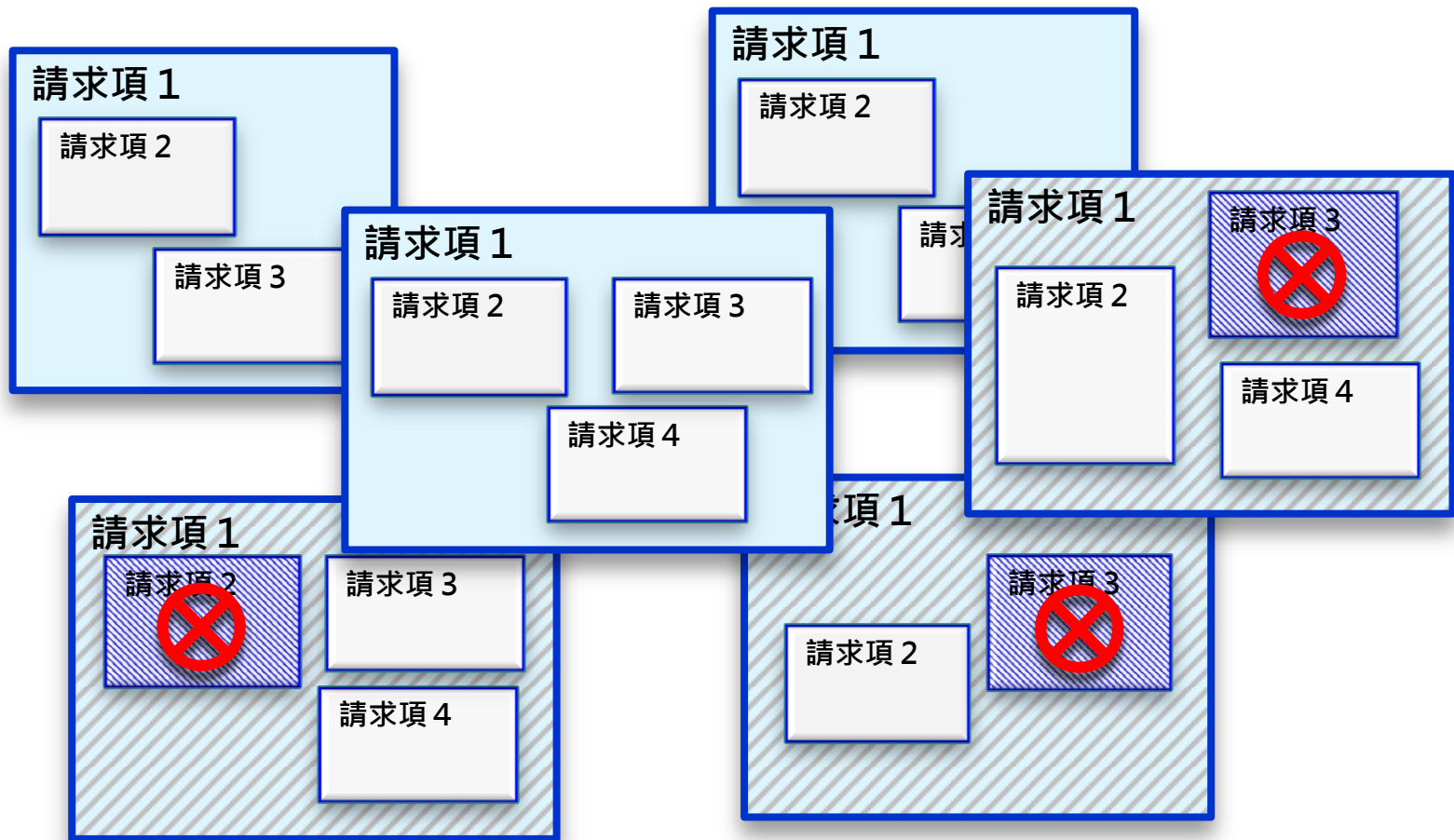
請求項 2
(台車 + 輪 1 ヶ)

請求項 3
(台車 + 2 輪)

請求項 4
(台車 + 3 輪)

...

通常の特許の構成 (概念)



 既存文献

頑丈な特許群 (例 2 の特許構成の概念)

(案A) 特許機能を実現する部品の商品化を進めています。

- ・ プロトタイプを基に一層の作り込み
- ・ 情報が必要な方は

ed22@atele.com まで

(注) 現時点で公開できる情報には、一部制限があります。

And / or

(案B) 特許機能を用いた製品開発への許諾。

And / or

(案C) 特許部品の共同開発。

事業展開

オープンソース系での開発には細心の注意が必要

- ◆ GCC
- ◆ JDK
- ◆ Eclipse

商用開発環境

- ◆ Visual Studio
- ◆ エンバカデロ ←マルチプラットフォーム

開発環境