

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN D. HUNTER and ARNO MULLER

Appeal No. 97-2877
Application No. 08/334,096¹

ON BRIEF

Before THOMAS, HAIRSTON and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 5.

The disclosed invention relates to a postage metering system.

¹ Application for patent filed November 4, 1994.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. An improved metering system having:

a microcomputer in bus communication with
a program memory and secure non-volatile memory units

an integrated circuit means having an address decoder module, interrupt controller module, printer controller module, said interrupt controller module and printer controller module being responsive to control signals from said address decoder

wherein said improvement comprises:

said interrupt controller having a priority interrupt signal output signal which when activated causes microprocessor to execute a meter disabling routine to prevent printing of postage,

a count down timer in communication with said interrupt controller having reset means for resetting said count down timer prior to said count down timer timing out and having means for causing said interrupt controller to output said priority interrupt signal when said count down timer has timed out, said resetting means further for controlling access to said secure memories,

input means for receiving a combination, and

means for comparing said combination with a corresponding combination stored in said secure memories, and wherein

if said combination and said corresponding combination are found valid by said comparing means, then said

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reset means first resets said count down timer and subsequently enables access to said secure memories.

The references relied on by the examiner are:

Hunter 1993	5,243,654	Sept. 7,
Hunter 1994	5,377,268	Dec. 27,
	(effective filing date of Mar. 18, 1991)	
Gilham (UK Patent Application)	2 251 210 A	July 1, 1992

Claims 1 through 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by either Gilham or Hunter '654.

Claims 1 through 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hunter '268².

Reference is made to the brief and the answer for the respective positions of the appellants and the examiner.

OPINION

The rejections of claims 1 through 5 are reversed.

The sole argument presented by appellants (Brief, pages 4 and 5) in response to the anticipatory rejections of claim 1 through 5 is as follows:

² This Hunter patent was based upon a divisional application of Ser. No. 670,804 which is now U.S. Patent No. 5,243,654 also relied on by the examiner.

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Nothing in these cited references speaks to the chronological relationship between: (1) resetting of the timer counter; and (2) gaining access to the secure memories to recharge the postage meter with postage.³ Thus, the relationship is undefined.

On the other hand, the invention which is the subject matter of the above captioned patent application particularly points out and distinctly claims in claim 1 that:

if said combination and said corresponding combination are found valid by said comparing means, then said reset means **first** resets said count down timer and **subsequently** enables access to said secure memories (emphasis added).

In this manner, the secure memories are protected from corruption by spurious inputs which may be generated when the count down timer is reset. Thus, the secure memories which contain vital accounting information are insulated from erroneous or unintended communications and are only write enabled for a short duration of time.

In response to appellants' argument, the examiner states (Answer, pages 4 and 5) that:

It is respectfully note[d] that in each of Gilham GB-'210 and Hunter ('654 and '268):

(1) the count down timer produces the interrupt signal that disables the postage meter when the timer has timed out.

³ In the absence of other arguments, all of the other limitations of claim 1 are assumed to be disclosed by each of the applied references.

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(2) this interrupt signal will remain as asserted so long as the timer has timed out, thus the meter will be disabled.

(3) therefore in order for the meter to be enabled **FIRST THE TIMER MUST BE RESET** so that the interrupt will be removed and then access to the secured memories may be granted and printing may occur.

Hence, each of Gilham GB-'210 and Hunter ('654 and '268) must first reset the timer and second grant access to the secured memories and allow the postage to be printed.

In Gilham, a portable memory 25 is shuttled back and forth between a postage meter and an accounting center 26. A pseudo-random number is preloaded into the portable memory by the accounting center. When the portable memory device is attached to the postage meter via the connector 21, the postage meter compares the pseudo-random number in the portable memory with the pseudo-random number stored in the postage meter. If the two numbers agree, then the meter is reset (page 5, lines 10 through 12; page 6, line 16 through page 7, line 27). Gilham never mentions resetting the timer in the postage meter. He does, however, specifically state (page 7, lines 1 through 4) that "[i]f the comparison is successful, the microprocessor continues in the reset routine

by reading the values stored in the registers. . . ." Thus, it appears that the first act performed by Gilham after the comparison between the two pseudo-random numbers is to allow access to the accounting data in the registers of memories 14 and 15, and not to reset the timer.

In view of this latter teaching in Gilham, we do not agree with the examiner (Answer, page 5) that Gilham "must first reset the timer and second grant access to the secured memories." Accordingly, the 35 U.S.C. § 102(b) rejection of claims 1 through 5 based upon Gilham is reversed.

Hunter '654 and Hunter '268 (hereinafter Hunter) disclose a postage metering system (Figure 1) in which a meter reader obtains a current meter reading from the postage meter 10. This current meter reading is then transferred to the billing data center 20. An encrypted combination that reflects the current meter reading is thereafter transferred back to the postage meter. The encrypted combination is entered into the postage meter, and the postage meter decrypts the combination. If the decrypted combination matches the currently stored meter reading, then the meter is reset (column 4, lines 35 through 41). The resetting of a timer is never mentioned by

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Hunter. On the other hand, Hunter does state (column 5, lines 45 through 49) that "[w]hen the user then inputs the combination provided by data center 20 into meter 10, . . . meter 10 will use the combination . . . to verify that valid register values had been input by the user. . . . Hunter also discloses (column 5, lines 63 and 64) that "the ascending register [in non-volatile memory 28] may be reset to zero each time a valid combination is received."

Inasmuch as Hunter expressly states that access may be had to the registers in the non-volatile memory each time a valid combination is received, the examiner's conclusion that Hunter "must first reset the timer and second grant access to the secured memories" is without any support in the teachings of Hunter. Accordingly, the 35 U.S.C. § 102(b) rejection of claims 1 through 5 based on the teachings of Hunter '654, and the 35 U.S.C. § 102(e) rejection of claims 1 through 5 based on the teachings of Hunter '268 are reversed.

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DECISION

The decision of the examiner rejecting claims 1 through 5 under 35 U.S.C. § 102(b), and 35 U.S.C. § 102(e) is reversed because neither of the applied references discloses "each and every limitation" of the claimed invention.⁴

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

⁴ Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir.), cert. denied, 516 U.S. 988 (1995).

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