

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KIYOTAKA AWATSU, MASAHIKO WADA,
AKEMI ODA, and YASUKO SHIBATA

Appeal No. 1998-2174
Application No. 07/813,733

HEARD: JANUARY 20, 2001

Before THOMAS, LALL, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-15 and 24.

We affirm.

BACKGROUND

The invention is directed to a cash processing system for automatically performing cash handling operations associated with banking services. Claim 1 is reproduced below.

1. A cash processing system comprising:

a cash safe which is detachable;

a cash processing apparatus which detachably receives said cash safe and automatically places and withdraws an amount of cash in the received cash safe according to a command from personnel; and

a cash handling apparatus which detachably receives said cash safe and performs transactions including a cash dispensing service and services which do not require cash dealing, said cash handling apparatus withdrawing cash from said cash safe to supplement cash into a stacker which stores cash for payment, the cash for payment during the cash dispensing service being taken from the stacker and not said cash safe, said cash handling apparatus analyzing a requested one of the transactions so that cash may be placed in, or dispensed from, said cash safe during selected ones of the transactions without interrupting the transaction.

The examiner relies on the following references:

Utsumi et al. (Utsumi)	5,135,212	Aug. 4, 1992 (filed Feb. 12, 1990)
Nakagawa (published European Patent Application)	0,164,733	Dec. 18, 1985
Sato (published UK Patent Application)	2,217,086	Oct. 18, 1989
Kawamura et al. (Kawamura) (published UK Patent Application)	2,220,646	Jan. 17, 1990

Appeal No. 1998-2174
Application No. 07/813,733

Claims 1-7 and 9-13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kawamura, Sato, and Utsumi.

Claims 8, 14, 15, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kawamura, Sato, Utsumi, and Nakagawa.

Claims 16-23 and 24-42 have been withdrawn from consideration.

We refer to the Final Rejection (Paper No. 30) and the Examiner's Answer (Paper No. 34) for a statement of the examiner's position and to the Brief (Paper No. 33) and the Reply Brief (Paper No. 35) for appellants' position with respect to the claims which stand rejected.

OPINION

Although appellants' asserted grouping of the claims on appeal is unclear (see Brief, page 3; Reply Brief, page 1), appellants do not argue any claims separately with respect to the rejection over Kawamura, Sato, and Utsumi. We select claim 1 as representative of the claims subject to that ground of rejection. See 37 CFR § 1.192(c)(7).

The examiner states the rationale for the section 103 rejection over Kawamura, Sato, and Utsumi on pages 4 and 5 of the Answer. The examiner finds that Kawamura teaches an ATM which includes a detachable bank note cassette 16 which is used to recharge stackers 21 and 22 (see Kawamura, Fig. 3), and also used to receive currency from the stackers. Kawamura is also found to teach a "bank note arranging machine"

100 (Fig. 7) which is used to automatically refill cassette 16 under the control of an operator. Sato is relied upon as suggesting the added feature of removing currency from a cassette in a cash processing apparatus. (Instant claim 1 requires that the cash processing apparatus automatically “places and withdraws an amount of cash” in the received cash safe (emphasis added).) The examiner relies on Utsumi, as set forth on page 5 of the Answer, for the teaching of analyzing the type of transaction requested by the user of an ATM, to determine whether supplementation of currency can be performed without interrupting the transaction. The examiner concludes that it would have been obvious to the artisan to modify the teachings of Kawamura and Sato in view of the efficiencies taught by Utsumi.

The examiner thus sets forth a reasonable prima facie case for obviousness of the subject matter of claim 1, at the least. The examiner’s findings are supported by, inter alia, the “cash safe” 16, “cash processing apparatus” 100, and “cash handling apparatus” 12 as disclosed by Kawamura in Figures 3 and 7, in view of Kawamura’s written description of the devices. The examiner’s findings are also supported by Sato and by the Utsumi reference, which teaches maintenance of currency within a cassette residing in a cash handling apparatus (ATM) during selected transactions, such as those transactions which do not require cash dispensing, as shown in the logic of Figure 4.

In the Brief and Reply Brief, appellants note the deficiencies, in turn, of the prior art applied, but fail to rebut the rejection. Nonobviousness cannot be established by

Appeal No. 1998-2174
Application No. 07/813,733

attacking references individually where the rejection is based upon the teachings of a combination of references. In re Merck & Co., 800 F.2d 1091, 1097, 231 USPQ 375, 380 (Fed. Cir. 1986) (citing In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981)). Appellants in particular focus on the deficiencies of Utsumi; however, what Utsumi is argued as failing to disclose is not what that particular reference is relied upon as teaching. Appellants have thus not shown that any of the features of instant claim 1 are absent from the prior art.

Nor are appellants' general allegations of a "lack of suggestion" in the prior art for the combination persuasive. The examiner points out the teachings relied upon in the references. Appellants have not addressed those teachings, and have largely ignored the evidence upon which the rejection is based. Appellants have not shown that the examiner's finding¹ that suggestion for the combination was present in the prior art is erroneous.

We therefore sustain the section 103 rejection of claims 1-7 and 9-13, as appellants have not shown the rejection of any of the claims to be in error.

For the subject matter of claims 8, 14, 15, and 24, the examiner adds Nakagawa to the combination of references. Nakagawa is relied upon as suggesting, inter alia, an

¹ The presence or absence of a motivation to combine references in an obviousness determination is a pure question of fact. In re Gartside, 203 F.3d 1305, 1316, 53 USPQ2d 1769, 1776 (Fed. Cir. 2000).

Appeal No. 1998-2174
Application No. 07/813,733

“upper level apparatus,” particularly in view of the Abstract, Figure 1, and pages 4, 5, 10, and 11 of the reference. (See Answer, page 6.)

Appellants mention the Nakagawa reference (Brief, page 5), but do not address the teachings of the reference that are relevant to the rejection. The only arguments which may have been presented in rebuttal to the rejection of claims 8, 14, 15, and 24 appear on page 7 of the Brief, wherein appellants allege advantages in the claimed “upper level apparatus.” However, the commentary avoids Nakagawa entirely. Thus, appellants have failed to show error in the rejection of claims 8, 14, 15, and 24. We therefore sustain the section 103 rejection of those claims.

CONCLUSION

Since we have sustained the 35 U.S.C. § 103 rejection of claims 1-7 and 9-13, and the rejection of claims 8, 14, 15, and 24 under the same statute, the examiner’s decision in rejecting claims 1-15 and 24 is affirmed.

Appeal No. 1998-2174
Application No. 07/813,733

No time period for taking any subsequent action in connection with this appeal
may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES D. THOMAS
Administrative Patent Judge

PARSHOTAM S. LALL
Administrative Patent Judge

HOWARD B. BLANKENSHIP
Administrative Patent Judge

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Appeal No. 1998-2174
Application No. 07/813,733

STAAS & HALSEY
700 ELEVENTH STREET N.W.
SUITE 500
WASHINGTON , DC 20001