

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN M. TASKETT and BARBARA PIERNOT

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Appeal No. 1998-2480  
Application No. 08/510,590

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ON BRIEF

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Before KRASS, RUGGIERO, and HECKER, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-6 and 8-23, all of the claims remaining in the application.

The invention is directed to the provision of a prepaid telephone card for the visually impaired.

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Representative independent claim 1 is reproduced as follows:

1. A method for printing a plurality of prepaid telephone calling cards for use by the visually impaired, comprising, for each of said plurality of cards, the steps of:

printing in braille a first word in a first information field on said card, said first word being identical for each of said plurality of cards; and

printing in braille a unique second word in a second information field on said card, said second word comprising a prepaid calling card account code.

The examiner relies on the following references:

Kubo et al. (Kubo)	4,761,542	Aug. 2, 1988
Turnbull	GB 2,226,984	Jul. 18, 1990

Claims 1-6 and 8-23 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner cites Kubo with regard to claims 1 and 8-23, adding Turnbull with regard to claims 2-6.

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

#### OPINION

We will sustain the rejection of claims 1-6 and 8-20 but we will not sustain the rejection of claims

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21-23.

With regard to independent claim 1, appellants argue that while Kubo contains a general teaching of the use of braille on bank or credit cards, it does not teach or suggest the specific use of braille on prepaid telephone cards nor the combination of a first braille field which is uniform across a batch of cards with a second braille field which is unique to each card within the batch.

We agree with the examiner that since the use of credit card-size/type prepaid telephone cards was known at the time of the instant invention (appellants do not deny this) and Kubo teaches the use of braille on credit/bank cards, the artisan would clearly have been led to use braille on prepaid telephone calling cards. Since telephone calling cards were known to have at least two fields, at least one for an individual account number and one for a uniform toll-free access number, both numbers of which must be decipherable by a user in order for the card to have any utility, it would have naturally led the artisan to use braille in these two fields on the telephone calling card. Accordingly, we hold that Kubo would have made it obvious, within the meaning of 35 U.S.C. 103, to employ braille on a prepaid telephone calling card in at least two fields, a first field that is uniform (the access number) across a batch of cards and a second field which is unique (individual account number) to each card within the batch.

With regard to claims 2-6, while appellants identify these claims at page 8 of the principal brief, it is clear from that passage of the principal brief that these claims will fall with claim 1 as the specific

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limitations of these claims are not separately argued. Appellants merely indicate that the reference to Turnbull, employed in the rejection of these claims, fails to provide for the perceived deficiencies of Kubo. As explained supra, however, we find no deficiencies in Kubo with regard to sustaining a rejection of claim 1 under 35 U.S.C. 103.

Appellants argue that the additional limitation of the first braille word comprising a telephone access number in claim 4 patentably distinguishes over the prior art. We disagree for the reasons supra. Once the artisan would have been led to employ Kubo's teachings to a prepaid telephone access card, employing braille for the telephone access code would naturally flow.

The rejection of claims 1-6 and 8-20 under 35 U.S.C. 103 is sustained as appellants do not argue the limitations of the other dependent claims in this group apart from the limitations of claim 1.

Turning now to the rejection of claims 21-23 under 35 U.S.C. 103, we will not sustain this rejection.

Claims 21-23 are directed to specific dimensions for the first and second fields. These dimensions are meant to make the printed information easier to read by the visually impaired. The applied references do not disclose or suggest these dimensions but the examiner contends that they would have been obvious since the use of viewing aids for the visually impaired was known and the use of an oversized visual field "would make the card more functional and practical" [answer-page 9]. While we are sympathetic to the examiner's reasoning, we find no evidence before us that would have suggested an oversized field in a credit card or telephone calling card environment. While such an oversized field

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would, indeed, make the card “more functional and practical,” it appears from the evidence before us that only appellants’ specification suggests this

functionality and practicality. Accordingly, we will not sustain the rejection of claims 21-23 under 35 U.S.C. 103.

We have sustained the rejection of claims 1-6 and 8-20 but we have not sustained the rejection of claims 21-23.

Accordingly, the examiner’s decision is affirmed-in-part.

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

**AFFIRMED-IN-PART**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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JOSEPH F. RUGGIERO	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCE
	)	

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STUART N. HECKER )  
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