

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** PATRICIA SCHURKO, PAUL MASARIK, AND DONNA HUDDLE

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Appeal No. 2001-1017  
Application No. 08/988,151

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ON BRIEF

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Before KRASS, GROSS, and BLANKENSHIP, ***Administrative Patent Judges.***  
GROSS, ***Administrative Patent Judge.***

***DECISION ON APPEAL***

This is a decision on appeal from the examiner's final rejection of claims 1 through 39, which are all of the claims pending in this application.

Appellants' invention relates to a method of operating a banking system over a network including determining whether a customer's request received at a host computer is capable of being fulfilled by a customer service representative or by an automated system and routing the request accordingly. Claim 1 is illustrative of the claimed invention, and it reads as follows:

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1. A method of operating a banking system over a data transfer system comprising the steps of:

inputting a customer banking request from among a menu of said banking requests at a personal computer;

transmitting said customer banking request to a host computer remote from said personal computer;

receiving said customer banking request at said host computer;

identifying a type of customer banking request received;

comparing said type of request to a stored table of request types, each of said request types having an attribute indicating whether said request type is capable of being fulfilled by a customer service representative or by an automated system; and

depending upon said attribute, directing said request either to a queue for handling of said request by a customer service representative or to a queue for processing said request by an automated system.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Keyser, Jr. et al. (Keyser)	5,025,373	Jun. 18, 1991
Muller	5,561,711	Oct. 01, 1996

Claims 1 through 39 stand rejected under 35 U.S.C. § 103 as being unpatentable over Keyser in view of Muller.

Reference is made to the Examiner's Answer (Paper No. 11, mailed August 30, 2000) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (Paper

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No. 10, filed June 22, 2000) and Reply Brief (Paper No. 12, filed November 2, 2000) for appellants' arguments thereagainst.

**OPINION**

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 39.

Each of independent claims 1, 19, and 24 recites the steps of comparing the type of request "to a stored table of request types, each of said request types having an attribute indicating whether said request type is capable of being fulfilled by a customer service representative or by an automated system," and "depending upon said attribute, directing said request either to a queue for handling of said request by a customer service representative" or directing the request "to a queue for processing said request by an automated system." The examiner asserts (Answer, pages 4-5) that Keyser teaches the comparing step in claim 7, column 5, lines 44-48, and column 12, lines 43 and 48, but fails to disclose directing the request according to attributes associated with different request types. The examiner attempts to remedy this deficiency of Keyser with Muller.

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Without determining whether Muller is nonanalogous art (appellants' first argument at pages 5-8 of the Brief), we find that the combination, as presented by the examiner, fails to disclose the comparing and directing steps as reproduced *supra*. Specifically, the portions of Keyser relied upon by the examiner do not teach comparing the type of request to a stored table of request types. Column 5, lines 44-48, lists the various types of banking requests that a customer could make, but says nothing about comparing an actual request to that list. Further, claim 7 and the referenced lines of column 12 deal with identification of the type of machine that is accessing the system, not with types of requests.

Keyser does indicate (column 7, lines 39-41) that the message transmitted to the host computer may be a request for a return call from a bank employee. Thus, Keyser suggests that one type of request is a service request with no automated fulfillment. Since other types of requests are capable of automated fulfillment, it would appear that the system must make a determination as to whether to fulfill the request or to direct the request to a bank employee. However, nothing in Keyser teaches or suggests making that determination by comparing the request to a table of requests, with each request having an

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attribute indicating whether the request is capable of automated fulfillment. Furthermore, we have no evidence of record that the claimed steps of comparing and directing based on attributes are necessarily present in Keyser's system.

Muller teaches (column 1, lines 28-34) routing a customer service call to an agent or automatically processing the call depending on the information input by the customer. The input information could be considered attributes (particularly since appellants fail to define "attribute" in the specification). However, Muller, like Keyser, fails to teach comparing the request to a table of requests. Therefore, assuming *arguendo* that Keyser and Muller can be combined, their combination fails to teach each and every element of the claims. Consequently, we cannot sustain the rejection of independent claims 1, 19, and 24, nor of their dependents, claims 2 through 18, 20 through 23, and 25 through 39.

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**CONCLUSION**

The decision of the examiner rejecting claims 1 through 39 under 35 U.S.C. § 103 is reversed.

**REVERSED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ANITA PELLMAN GROSS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
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	)	
HOWARD B. BLANKENSHIP	)	
Administrative Patent Judge	)	

AG/RWK

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