

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. SMITH, JONATHAN BOSCH, RICHARD THURMAN,
MARK EDWARD THOMAS, RICHARD R. CORNELL JR.
and JANE MARY CHERNOMORDIK

Appeal No. 2005-0423
Application No. 09/825,912¹

ON BRIEF

Before RUGGIERO, DIXON and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-26, which are all of the claims pending in this application.

We reverse.

BACKGROUND

Appellants' invention is directed to an electronic lock and money control system for being operated in a single unit stand-alone operation as well as in a network of multiple units having

¹ Application for patent filed April 4, 2001.

Appeal No. 2005-0423
Application No. 09/825,912

one of the units operating as a centralized network controller. The centralized control system is arranged to communicate with a data input device, an electronic display, a connector interface and an electronic lock.

Representative independent claim 1 is reproduced below:

1. An electronic lock and money control system comprising:
at least one safe comprising:

a housing having an interior compartment for securing money, and an outer door having an electronic lock mechanism to control access to the interior compartment;

a data input device;

an electronic display;

a connector interface mounted to the housing; and

a control system arranged to communicate with the data input device, electronic display, connector interface and electronic lock mechanism, wherein the control system includes a processor programmed to control operation of the electronic lock, as well as operate as a central system controller when connected to at least one other remote safe via the connector interface to monitor and accumulate financial and operational information for each remote unit.

The Examiner relies on the following references in rejecting the claims:

Cedergren	5,164,718	Nov. 17, 1992
Brooks, Jr. et al. (Brooks)	6,067,530	May 23, 2000

Appeal No. 2005-0423
Application No. 09/825,912

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks and Cedergren.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the briefs have not been considered (37 CFR § 41.67(c)(1)(vii)).

OPINION

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Furthermore, the Examiner must produce a factual basis supported by teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration, consistent with the

Appeal No. 2005-0423
Application No. 09/825,912

holding in Graham v. John Deere Co., 383 U.S. 1 (1966). Such evidence is required in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984); In re Cofer, 354 F.2d 664, 668, 148 USPQ 268, 271-72 (CCPA 1966).

Appellants argue that store host computer 43 of Brooks cannot operate an electronic lock for a safe since it is actually a separate computer connected to a number of controllers and not part of a safe (brief, page 9; reply brief, page 2). However, Appellants assert that the claims require that a fully functional safe act as a central system controller when connected to at least one remote safe (brief, page 10). Appellants further argue that if subsystem 22 of Brooks is considered as a safe, other units depicted in Figure 1B would be parts of a single "safe" 22 while no other remote safe is left to be in communication therewith (brief, page 11; reply brief, page 2). Appellants add that there is no basis for the Examiner's reliance on the cashier stations in Brooks as a central controller since although the cashiers are permitted to operate controller 36, there is no suggestion for neither the controller nor the cashier to operate as a central system (reply brief, page 3).

Appeal No. 2005-0423
Application No. 09/825,912

In response, the Examiner asserts that each subsystem 22 includes identical elements and bi-directional communication between the controller and the drop safe which indicate that "any controller 36 of the subsystem can operate as a central system controller (host) within the network" (answer, page 12). The Examiner apparently considers that based on the presence of the communication between the controller and the drop safe, the cash management system of Brooks cannot provide its predetermined functions and, therefore, must include the drop safe and the interface to communicate with another safe (id.).

After reviewing Brooks, we do not agree with the Examiner's interpretation of the store host computer 43 as the claimed processor that is required to be included in the electronic safe. Brooks discloses a series of cashier stations coupled to a conventional store host computer 43 via controllers 36 (Figure 1B) which update the host computer each time a deposit is made into the electronic safe 24 (col. 6, line 65 through col. 7, line 1). Not only is host computer 43 a central computer and separate from each of the cashier stations 1-n, there is no teaching in Brooks that indicates the store computer is a part of drop safe 24 or any other safe. We therefore agree with Appellants that even if the subsystem 22 is considered a safe with a computer,

Appeal No. 2005-0423
Application No. 09/825,912

the control of the host computer is over the other cashiers within "safe" 22, and not with at least one other remote safe.

We also remain unconvinced by the Examiner's argument that each of the subsystems 22 are identical and one controls the other units or remote safes (answer, page 12). In fact, Brooks' subsystem 22 represents the entire establishment with multiple cashier stations which communicate with the processing center for the establishment, not with another remote safe (col. 5, lines 30-40). Thus, we agree with Appellants (brief, page 11; reply brief, page 2) that if system 22 is characterized as an electronic safe, the cashier stations 1-n are also part of the system and there is no other remote safe left to be in communication with the system or safe 22.

Additionally, a review of Cedergren reveals that the other prior art evidence relied on by the Examiner also fails to teach the missing features or suggest the claimed subject matter to the skilled artisan. As the Examiner has failed to set forth a prima facie case of obviousness with respect to claim 1, as well as the other independent claim 11, the 35 U.S.C. § 103 rejection of claims 1-26 over Brooks and Cedergren cannot be sustained.

Appeal No. 2005-0423
Application No. 09/825,912

CONCLUSION

In view of the foregoing, the decision of the Examiner
rejecting claims 1-26 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
MAHSHID D. SAADAT)	
Administrative Patent Judge)	

MDS/ki

Appeal No. 2005-0423
Application No. 09/825,912

Brooks Kushman, PC
1000 Town Center, 22nd Floor
Southfield, MI 48075