

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEROME DAOUT, JUAN-JOSE MORENO and CHRISTIAN BERCOVITZ

Appeal No. 2006- 1525
Application No. 10/221,694

ON BRIEF

Before OWENS, NAPPI, and FETTING, **Administrative Patent Judges**.
FETTING, 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 through 18 and 20 through 22, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellants' invention relates to a method for replenishing currency in a machine. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method of controlling the replenishment of a currency store which can be filled to capacity in variable proportions of currency items of different denominations and which can dispense currency items of selected denominations received during multiple transactions, the method comprising determining whether or not to send a currency item to an available location in the store in dependence upon the denomination of that currency item and the level of at least one denomination currently stored in the store, wherein a currency item of a different denomination can instead be subsequently sent to said location and the proportions of different denominations in the store can thus be controlled.

PRIOR ART

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

Smeets et al. (Smeets)	4,836,825	June 6, 1989
Wennersten et al. (Wennersten)	6,213,310	April 10, 2001
		(eff. filing August 5, 1999)

REJECTIONS

Claims 1-15, 17, 18 and 20-22 stand rejected under 35 U.S.C. § 102(e) as being unpatentable as anticipated by Wennersten.

Claims 1-16 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Smeets.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's

answer (mailed January 4, 2006) and supplemental answer (mailed March 9, 2006) for the reasoning in support of the rejection, and to appellants' brief (filed November 7, 2005) and reply brief (filed February 27, 2006) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations that follow.

Claims 1-15, 17, 18 and 20-22 rejected under 35 U.S.C. § 102(e) as being unpatentable as anticipated by Wennersten.

The appellants argue that Wennersten fails to show determining whether or not to send a currency item to an available location in the store in dependence upon the denomination of that currency item and the level of at least one denomination currently stored in the store [See Brief at p. 4]. The examiner responds that Wennersten's apparatus is inherently structured to perform Applicant's claimed methods because the information of what denomination and where each piece of currency is placed is available for use in either accounting for the total amount in the machine or the total amount given out or placing a particular denomination in a particular part of the store, or any other accounting or store management requirement and that Wennersten discloses segregating banknotes by denomination at col. 1 , lines 40-44 and col. 2, lines 30-35, and transfer of banknotes from the drum magazine to a storage cassette in lines 54-62. [See Answer at p. 7].

While all that the examiner states concerning the teachings of Wennersten are so, none of what the examiner presents from Wennersten describes determining whether or not to send a currency item to an available location in the store in dependence upon the denomination of that currency item and the level of at least one denomination currently stored in the store. We find nothing in Wennersten that relies on the level of at least one denomination currently stored in the store to decide whether a currency item goes to a particular location. As to the examiner's argument that Wennersten is configured to provide such a function, the examiner has shown no programming that would cause the configuration to operate as claimed in this way. Therefore, we find the examiner's arguments unpersuasive.

Accordingly, we **do not sustain** the examiner's rejection of claims 1-15, 17, 18 and 20-22 as rejected under 35 U.S.C. § 102 as being unpatentable as anticipated by Wennersten.

Claims 1-16 and 18 rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Smeets.

The appellants argue that Smeets fails to show determining whether or not to send a currency item to an available location in the store in dependence upon the denomination of that currency item and the level of at least one denomination currently stored in the store [See Brief at p. 4]. The examiner responds that it would have been obvious for one of ordinary skill in the art to segregate coins by denomination. [See Answer at p. 7]. We note that not only would it have been obvious to do so, Smeets anticipates this particular feature, but this is not the claim limitation. The claim limitation

is that of determining whether or not to send a currency item to an available location in the store in dependence upon the denomination of that currency item and the level of at least one denomination currently stored in the store, wherein a currency item of a different denomination can instead be subsequently sent to said location. While Smeets does indeed determine whether a coin denomination tray is full before sending a coin to that tray, if the tray is full, no other denomination is going to that location. Therefore the examiner's argument is unpersuasive.

Accordingly, we **do not sustain** the examiner's rejection of claims 1-16 and 18 as rejected under 35 U.S.C. § 103 as being unpatentable as obvious over Smeets.

CONCLUSION

To summarize,

- The rejection of claims 1-15, 17, 18 and 20-22 under 35 U.S.C. § 102 as being unpatentable as anticipated by Wennersten, is **not sustained**.
- The rejection of claims 1-16 and 18 under 35 U.S.C. § 103 as being unpatentable as obvious over Smeets, is **not sustained**.

REVERSED

TERRY J. OWENS)
Administrative Patent Judge)
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) BOARD OF PATENT
ROBERT E. NAPPI) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
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ANTON W. FETTING)
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