

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROYUKI CHIGASAKI

Appeal No. 96-0528
Application No. 08/151,463¹

HEARD: January 14, 1999

Before URYNOWICZ, KRASS and CARMICHAEL, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed November 12, 1993. According to appellant, this application is a continuation of Application 07/807,211 filed December 16, 1991, now abandoned.

Appeal No. 96-0528
Application No. 08/151,463

This is a decision on appeal from the final rejection of claims 1 and 3 through 6, all of the claims pending in the application.

The invention pertains to a compact disc changer wherein a plurality of discs can be exchanged and played. More particularly, a main chassis, an elevator chassis, a disk pull-out mechanism and a locking mechanism, inter alia, are provided wherein the locking mechanism locks the main chassis to the elevator chassis in a ganged relationship with the disc pull-out operation of the disc pull-out mechanism so that there can be no relative movement between the main chassis and the elevator chassis while the pulled-out disc is played.

Independent claim 1 is reproduced as follows:

1. A disc player having a disc compartment in which a plurality of discs are stacked, said disc player comprising:

a main chassis;

an elevator chassis connected to said main chassis and having opposing side walls;

a disc pull-out mechanism connected to said elevator chassis for performing a disc pull-out operation and pulling out one disc from said disc compartment and for performing a disc insertion operation for inserting the one disc into said disc compartment after the one disc has been reproduced;

Appeal No. 96-0528
Application No. 08/151,463

International patent
1989
(Miyoshi)²

WO 89/05508

Jun. 15,

Claims 1 and 3 through 6 stand rejected under 35 U.S.C.
103 as unpatentable over Arata in view of Miyoshi.

Reference is made to the brief and answer for the
respective positions of appellant and the examiner.

OPINION

The examiner contends that Arata generally discloses the
subject matter of instant claim 1 but admits that Arata "is
silent as to a locking mechanism between the main chassis and
the elevator chassis..." [Answer - page 4] and "is also silent
as to a disc rotating mechanism that is mounted on the
elevator chassis and rotates a disc pulled-out of a disc
compartment while the elevator chassis is locked to the main
chassis..." [Answer -

² Our understanding of the Miyoshi reference is derived
from an English translation thereof prepared by the United
States Patent and Trademark Office. A copy of the translation
is attached hereto.

page 4].

In order to provide for this deficiency in Arata, the examiner cites Miyoshi and specifically points to Figure 8 of Miyoshi, identifying "locking mechanism 121 including locking member 124 and elevation drive mechanism 123, which are between main chassis 104 and elevator chassis 113 and locks the two chassis while a disc is being reproduced" [Answer - page 4]. The examiner also identifies disc rotating mechanism 120 in Miyoshi as equivalent to the claimed disc rotating mechanism.

While we have no problem with the examiner's employment of Miyoshi's disc rotating mechanism, turntable 120, to show the obviousness of such in a disc changing device, we do not agree with the examiner's reliance on elements 121, 123 and 124 of Miyoshi for a showing of the claimed locking mechanism.

As disclosed, the locking mechanism, 40, of the instant invention includes, inter alia, pull-out lever 44 and associated elements 41 and 43. When the pull-out lever 44 pulls out a disc to be played, it actuates the locking mechanism by forcing engaging pins 43 protruding from the sidewall of the elevator chassis to engage notches on locking

Appeal No. 96-0528
Application No. 08/151,463

levers 41₁ and 41₂ locking the elevator chassis to the main chassis at the position of the disc being played. The elevator chassis and the main chassis remain locked until the disc has been played and reinserted into the disc housing unit. Thus, it is clear that the claimed "locking mechanism" must, somehow, fasten the elevator chassis and the main chassis together.

We do not find such a "locking mechanism" in Miyoshi. In Miyoshi, the lift drive motor 125, via screws 121, timing belt 123, female screw segments 122, and appropriate gearing, causes vertical movement of the elevator chassis relative to the main chassis. Once the elevator chassis reaches the intended position in order to extract a disc, one might reasonably conclude, broadly, as the examiner did, that the elevator chassis is "locked" relative to the main chassis because the two are set in position vis à vis one another and the elevator chassis does not move until the lift drive motor causes the motion. However, it is our view that such an interpretation is unfairly broad in view of the "locking mechanism" disclosed and claimed by appellant. The locking mechanism of the instant claimed invention is clearly locked

Appeal No. 96-0528
Application No. 08/151,463

in the sense of fastening the elevator chassis to the main chassis wherein the elevator chassis cannot move until unfastened (as by movement of the pull-out lever 44).

Moreover, as the "elevation drive mechanism" and the "locking mechanism" are claimed as two separate elements, we view these elements as being separate and distinct, especially in view of appellant's written intent that they be construed as separate and distinct elements [bottom of page 10 to the top of page 11 of the brief]. In Miyoshi, if one regards the screws 121 and its attendant elements, including the lift drive motor 125, as the "locking mechanism," then the "locking mechanism" is *not* separate and distinct from the "elevation drive mechanism," 125 in Miyoshi.

Further, instant claim 1 does not merely call for the elevator chassis to be locked to the main chassis, but, rather, that they be locked together "in a ganged relation with the disc pull-out operation of the disc pull-out mechanism..." In Miyoshi, any such disc pull-out mechanism would be the tray hook 112 but this hook is clearly not "in a ganged relation" with the elevator and main chassis. At page 7 of the brief, appellant contends that a "ganged relation,"

Appeal No. 96-0528
Application No. 08/151,463

describing the locking mechanism with respect to the pull-out operation "implies a mechanical interaction between two components such that the movement of one component imparts movement to a second component." We find this to be a reasonable definition. The examiner, on the other hand, cites a dictionary definition of "to assemble or operate simultaneously as a group" [Answer - page 7] and states merely that this "definition is applicable to the appealed claims."

In view of appellant's disclosed operation, it would appear that a "ganged relation" between the locking mechanism and the disc pull-out operation would require a mechanical interaction between the components so that movement of one would impart movement to the other. However, even using the examiner's broader definition, we do not find that the tray hook 112 of Miyoshi needs to "operate simultaneously as a group" with motor 125 and screws 121 in the sense that there is any direct mechanical interaction between the tray hook and movement of the elevator chassis. In fact, Miyoshi provides for a lift drive motor 125 for moving the elevator chassis in a vertical manner while a separate tray hook drive motor 115 is provided for causing movement of the tray hook.

Appeal No. 96-0528
Application No. 08/151,463

Accordingly, in our view, the combination of Arata and Miyoshi would not provide for the locking mechanism, as claimed, wherein the elevator chassis is locked to the main chassis in a ganged relation with the disc pull-out operation, preventing subsequent relative movement between the main chassis and the elevator chassis in the locked position while the selected disc is being reproduced.

Appeal No. 96-0528
Application No. 08/151,463

The examiner's decision rejecting claims 1 and 3 through
6 under 35 U.S.C. 103 is reversed.

REVERSED

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
JAMES T. CARMICHAEL)	
Administrative Patent Judge)	

bae

Appeal No. 96-0528
Application No. 08/151,463

Jay H. Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036