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Diebold, Incorporated c/o Black, McCuskey, Souers & Arbaugh, LPA 220 Market Avenue, South, Suite 1000 Canton, OH 44702			SHAPIRO, JEFFREY ALAN	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GÜNTER BAITZ and THOMAS BLECHERT

Appeal 2018-001441
Application 14/596,534
Technology Center 3600

Before MICHELLE R. OSINSKI, JEREMY M. PLENZLER, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's decision rejecting claims 1, 2, and 5–20.² An oral hearing was held on September 10, 2019. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Wincor Nixdorf International GmbH. Appeal Br. 2.

² Claims 3 and 4 are cancelled.

THE CLAIMED SUBJECT MATTER

Claims 1 and 16 are independent. Claims 2 and 5–15 depend from claim 1. Claims 17–20 depend from claim 16. Claim 16 is reproduced below.

16. A device for handling notes of value, the device comprising:

a head module including a transport unit and a drive unit for driving the transport unit, the transport unit is configured to transport notes of value to and from the safe module;

a safe configured to accommodate at least one cash box for storing notes of value, the safe includes a wall defining an opening through which notes of value can pass into and out of the safe;

an intermediate module within the opening of safe, the intermediate module including gear wheels and gear wheel mounts, the gear wheel mounts are configured to support the gear wheels in at least:

a first gear orientation in which the gear wheels provide a first gear train of a first length to span the opening having a first thickness; and

a second gear orientation in which the gear wheels provide a second gear train of a second length greater than the first length to span the opening having a second thickness greater than the first thickness;

a first gear interface of the head module configured to apply drive force generated by the drive unit to the intermediate module; and

a second gear interface of the safe or the cash box, the second gear interface configured to apply the drive force from the intermediate module to a cash box mechanism or transport elements of the safe;

wherein the intermediate module mechanically connects the first gear interface to the second gear interface.

REJECTIONS

References	Basis	Claims
Furuichi, ³ Nireki, ⁴ and Catteneo ⁵	§ 103	1, 2, 5–13, and 16–20
Furuichi, Nireki, Catteneo, and Murakami ⁶	§ 103	14
Furuichi, Nireki, Catteneo, and Wendell ⁷	§ 103	15

OPINION

Appellant argues claims 1, 2, 5–13, and 16–20 as a group, specifically addressing claim 16. Appeal Br. 5–12. We select claim 16 as representative. Claims 1, 2, 5–13, and 17–20 stand or fall with claim 16. *See* 37 C.F.R. § 41.37(c)(1)(iv). Appellant does not argue claims 14 and 15 separately, which each depend from claim 1. *See* Appeal Br. 12.

The Examiner finds that Furuichi teaches a number of the features recited in claim 16. Final Act. 3–9.⁸ The Examiner acknowledges that “Furuichi does not expressly teach the drive train of the intermediate unit.” *Id.* at 4. The Examiner finds, however, that Furuichi teaches an

intermediate module (50) . . . adaptable to at least two different wall thicknesses (T49), as mentioned at paragraph 90, of the wall so that at least for these two wall thicknesses it can transmit the drive force from the drive unit to the cash box

³ W0 2012/132121 A1, published Oct. 4, 2012. The Examiner cites to US 2013/0247799 A1 when referring to Furuichi. Final Act. 3.

⁴ US 2011/0128526 A1, published June 2, 2011.

⁵ EP 0 671 538 A1, published Sept. 13, 1995.

⁶ US 8,049,597 B1, issued Nov. 1, 2011.

⁷ US 2005/0006197 A1, published Jan. 13, 2005.

⁸ The Examiner refers to the findings and rationale regarding claim 1, when rejecting claim 16. Final Act. 12.

mechanism and/or the transport elements of the safe module, as mentioned at paragraphs 28, 39, noting also casing thickness setting section (2d) and casing thickness data (3b), as illustrated at figure 2 and paragraphs 68 and 71, which enables the intermediate module to become adapted to at least two different wall thicknesses, the intermediate module can transmit the drive force from the drive unit to the cash box mechanism and/or the transport elements of the safe module.

Id.

Appellant does not dispute this finding, that Furuichi's intermediate module 50 is adaptable to span at least two different wall thicknesses, in the Appeal Brief. Rather, in the Appeal Brief, Appellant contends that "[t]here is thus no transfer of drive force across the passing unit 50 [in Furuichi], which is in contrast to Applicant's claimed invention." Appeal Br. 7–8 (emphasis omitted). This does not identify error in the rejection because the Examiner proposes modifying Furuichi to provide a transfer of drive force. Indeed, in the Appeal Brief, Appellant acknowledges that the Examiner relies on Nireki for this feature. *See id.* at 8 ("For Applicant's claimed intermediate module and first and second gear interfaces, the Examiner relied on the Nireki reference.").

The Examiner finds that Nireki teaches a geared drive train including "drive unit (21) . . . construed as an intermediate module for transmitting the drive force of the drive unit," "head module (21, 21a, 124) . . . includ[ing] a first interface, i.e., the drive train (21) located in the upper portion/main body (2) . . . for applying the drive force from the drive unit (20) upon the intermediate module," and "cash box or . . . safe module (100) includ[ing] a second interface (124) for applying the drive force from the intermediate module upon the cashbox mechanism or the transport elements of the safe module." Final Act. 4–5. The Examiner explains that "the intermediate

module mechanically connects the two interfaces with one another,” and “in a first state the intermediate module spans a first distance between the first interface and the second interface.” *Id.* at 5. The Examiner explains that it would have been obvious to have provided Furuichi’s intermediate module with a geared drive train “for the purpose of transmitting force to the intermediate unit conveyor portion as well as transmitting force to the banknote transport unit of the cash box, thus reducing the number of motors required to operate Furuichi’s device for handling notes of value.” *Id.* at 6.

In the Appeal Brief, Appellant alleges that “[t]he Nireki reference fails to disclose or suggest Applicant’s claimed intermediate module, or first and second gear interfaces,” but does not dispute the Examiner’s findings regarding Nireki noted above, in any meaningful way. Appeal Br. 8 (emphasis omitted). Rather, Appellant discusses the teachings of Nireki without tying those teachings to any particular claim limitation or alleged deficiency in the Examiner’s findings, which rely upon Nireki as disclosing a geared drive train to transfer force from a drive unit outside of a safe to a driven unit inside of the safe. *Id.*

The Examiner further explains that

Furuichi teaches wherein in a first state, i.e., construed as a first safe plate thickness, the intermediate module spans a first distance between the first interface and the second interface and, in a second state, i.e., a second safe plate thick[ne]ss, it spans a second distance between the first and second interface that is different from the first distance, noting that it would have been obvious to have provided different gear diameters and/or to have located the gear axles in different positions based upon the different thicknesses as a matter of design choice based upon the particular thickness required to be traversed by the intermediate module.

Final Act. 7–8. That is, the Examiner finds that because Furuichi, itself, teaches spanning different thicknesses, when modifying Furuichi to provide a gear arrangement as explained above, one skilled in the art would have provided different gear diameters and/or gear placements to accommodate that same objective when the system employed a geared drive train.

Again, in its Appeal Brief, Appellant does not dispute this finding or reasoning.

As for the recitation in claim 16 that “the intermediate module includ[es] . . . gear wheel mounts [that] are configured to support the gear wheels” in the first and second orientations, the Examiner finds that

Cattaneo teaches a first state, construed as a first configuration and a second state, construed as a second [configuration], in which holes for the first state in a first hole pattern and in which holes for the second state in a second hole pattern are both present on a foundation bracket/frame/housing for the purpose of creating a single standard housing/frame thus engendering economy of parts and therefore cost and inventory required in the manufacturing assembly process.

Final Act. 8. The Examiner explains that “Cattaneo teaches a universal housing/frame (1) having three sets of holes (4, 5, 6) which enables attachment to plural motor configurations.” *Id.* The Examiner reasons that it would have been obvious to have further modified Furuichi to have “two separate sets of holes for two separate configurations of gear sets and their axles as taught by Cattaneo . . . for the purpose of reducing the number of parts required for assembly.” *Id.* at 9.

With respect to Cattaneo, the Appeal Brief, again, fails to address the findings or reasoning provided by the Examiner. *See* Appeal Br. 9, 11–12 (discussing teachings of Cattaneo without tying that discussion to any

particular alleged Examiner error, and simply alleging impermissible hindsight without further explanation).

Appellant additionally contends that the proposed modifications “would render Furuichi inoperable for its intended use.” Appeal Br. 10–11 (emphasis omitted). That contention, however, concerns the different manner in which the drive mechanism would operate with gears instead of individual drive motors, rather than supporting a position that Furuichi would be inoperable when modified.

Appellant additionally notes that “Applicant is permissibly using functional language, including ‘configured to,’ to impart structural limitations,” but fails to identify any particular structure missing from the Examiner’s rejection of the claims. Appeal Br. 11.

Based on the arguments presented in the Appeal Brief, and as explained above, the basis for the Examiner’s rejection set forth in the Final Action is essentially un rebutted. Accordingly, we are not apprised of Examiner error and sustain the Examiner’s decision to reject claims 1, 2, and 5–20.

DECISION

The Examiner’s decision to reject claims 1, 2, and 5–20 is
AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED