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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALFRED SCHMIDT, PETER DOPFER, and
ERWIN DEMMELER

Appeal 2020-000595
Application 13/055,499
Technology Center 3600

Before EDWARD A. BROWN, LYNNE H. BROWNE, and
BRANDON J. WARNER, *Administrative Patent Judges*.
BROWNE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 16–25 and 27–37. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM IN PART.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as DIESECKE+DEVRIENT CURRENCY TECHNOLOGY GMBH. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to an apparatus for processing documents of value and a method for operating the apparatus. Spec. ¶ 1. Claim 16, reproduced below, is illustrative of the claimed subject matter:

16. An apparatus for processing documents of value comprising:
 - several processing zones located on the apparatus and arranged to process documents of value, each of said several processing zones having at least one door moveable between an open and a closed position,
 - said apparatus comprising sensors arranged to detect events which require an intervention of an operator of the apparatus;
 - a control unit; and
 - at least one actuator associated with each door of the several processing zones arranged to open the door under the control of the control unit,
 - wherein said control unit is arranged to monitor the sensors and as soon as the respective sensor detects a malfunction to select a correct door out of the several doors of the several processing zones associated with the event detected by the respective sensor; and
 - to automatically operate the at least one actuator of a respective door upon detection of an event associated with the respective processing zone at which the door is located, so that by the selected correct door opening automatically an operator is led directly to the one processing zone of the several processing zones in which the intervention of the operator is required.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Genth	US 4,811,680	3/14/1989
Ligtenberg	US 2007/0019375 A1	1/25/2007
Zagorchev	US 2009/0043172 A1	2/12/2009
Bally	US 2009/0159585 A1	6/25/2009
Mori	US 2009/0293424 A1	12/3/2009
Kogo	JP 04350044 A	12/4/1992
Shin	JP 2004020804 A	1/22/2004

REJECTIONS

1. Claims 16, 17, 19, 25, 31, and 34–36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mori and Kogo.
2. Claim 20 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Mori, Kogo, and Ligtenberg.
3. Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Mori, Kogo, and Bally.
4. Claims 18, 19, 22–24, 27–30, and 32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mori, Kogo, and Shin.
5. Claims 22–24, 27, 30, and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mori, Kogo, and Genth.
6. Claim 37 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Mori, Kogo, and Zagorchev.

OPINION

*Rejection 1 – Obviousness of claims 16, 17, 19, 25, 31, and 34–36
based on Mori and Kogo*

Claims 16, 19, 25, 31, and 34

Appellant argues claims 16 and 25 together.² Appeal Br. 9. We select independent claim 16 as the representative claim, and claims 19, 25, 31, and 34 stand or fall with claim 16.³ 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner finds that Mori discloses an apparatus 100 for processing documents of value having several processing zones 102–106. Final Act. 2. The Examiner finds that each processing zone has at least one “door/cover” movable between open and closed positions. *Id.* The Examiner finds that apparatus 100 includes sensors 104c, a sensor for detecting the conveyed sheets P, and a lever sensor 71c arranged to detect a difficulty (e.g., a paper jam). *Id.* at 3 (citing Spec. ¶¶ 33, 49, 53, 54, 59–61). The Examiner finds that Mori discloses a control unit. *Id.* (citing Spec. ¶¶ 8, 31, 43).

The Examiner determines that Mori fails to disclose at least one actuator for each door/cover arranged to open the door/cover under the control of the control unit. Final Act. 3. Given the fact that Mori fails to disclose such actuators, the Examiner determines that Mori also fails to disclose a control unit arranged to automatically operate them. *Id.*

² Appellant provides additional arguments for the patentability of claims 35 and 36, which are discussed in the following sections.

³ Appellant does not present separate arguments for claims 19, 31, and 34, which also stand rejected based on the combined teachings of Mori and Kogo and depend from claim 16. *See* Appeal Br. 22. Accordingly, claims 19, 31, and 34 stand or fall with claim 16.

The Examiner finds that Kogo discloses a control unit 29 and an actuator 21, 24 associated with a door/cover of a processing zone of, presumably, an apparatus for processing documents. Final Act. 3. The Examiner finds that Kogo includes a sensor 27 for detecting paper jams and that “the processing zone [is] arranged to open the door/cover under the control of the control unit.” *Id.* (emphasis omitted). The Examiner finds that Kogo’s control unit 29 is arranged to automatically (i.e., without the intervention of the operator) operate actuator 21, 24 of the door/cover upon detection of an event such as a paper jam. *Id.* at 4. The Examiner finds that this automatic operation would lead an operator directly to the processing zone in which the intervention of the operator is required. *Id.*

The Examiner further finds that, in Kogo, sensors 27 are controlled by control unit 29 and control unit 29 is arranged to select and open the door of the processing zone requiring intervention “as soon as the sensor detects a malfunction.” Final Act. 4 (emphasis omitted). The Examiner finds that Kogo’s control unit 29 monitors sensors 26 and 27 to select the correct door. *Id.* The Examiner asserts that Kogo’s reference in its Abstract to “the pertinent access door” implies that more than one door is associated with an event such as a paper jam. *Id.* at 4–5.

The Examiner reasons that it would have been obvious “to have provided a control system portion, sensors, door/cover locks and door/cover actuators, as taught by Kogo, in Mori’s apparatus for processing documents for the purpose of automatically opening one of Mari’s door/covers []covering one of Mari’s processing zones.” Final Act. 5. According to the Examiner, the proposed modification would “alert[] an operator to a malfunction of the processing apparatus in a particular zone by not only

displaying a notice on a display, and not only by lighting a particular light near said zone, but also automatically opening the door/cover to the zone where the malfunction is located.” *Id.*

Appellant contends that Kogo “fails to cure the deficiencies of *Mori* with respect to claim 16” because, “*Kogo* only discloses the recording-paper-position detecting sensor and control part, but fails to disclose” the control unit as claimed. Appeal Br. 12. In support of this contention, Appellant asserts that “*Kogo* cannot teach leading an operator to the correct door, at least because, *Kogo* only teaches the apparatus as only having one openable door, where there is no question as to which door has to be opened for an intervention” *Id.* at 13 (citing Schmidt Dec. ¶ 8). Appellant asserts further that Kogo “provides no teaching of how to perform a selection if multiple doors and multiple processing zones were present in the apparatus.” *Id.*

Appellant’s argument is unconvincing because it does not consider the combined teachings of *Mori* and *Kogo* as applied in the rejection. As discussed above, the Examiner finds that *Mori* disclose an apparatus having multiple processing zones, each having at least one door and sensors for monitoring these zones for difficulties. Final Act. 2–3. The Examiner further finds that *Kogo* discloses an actuator for automatically opening at least one door of a similar apparatus. Based on these findings, the Examiner determines that it would have been obvious to add *Kogo*’s actuator to each of *Mori*’s doors, to monitor *Mori*’s processing zones for difficulties, and to automatically open the door for the affected processing zone based on *Mori*’s detection of the difficulty. *See* Final Act. 5. We see no reason why

Kogo's teachings would be limited to only one door as argued by Appellant. Rather, Kogo's teachings would apply equally to all of Mori's doors.

Next, Appellant contends that "modification of the sheet processing apparatus of *Mori* with the teachings of *Kogo* . . . would have resulted in an automatic opening of the door/cover that allows access to the jammed recording paper." Appeal Br. 14. According to Appellant, "the skilled person would [have] modified the stacking storage cover of the stacking devices of *Mori* to automatically open to allow the operator to access any difficulty, instead of the door of the respective unit, which does not allow access to the difficulty." *Id.*

Appellant's argument is unconvincing because the elements in Mori that correspond to Kogo's door are Mori's doors 103(a)–105(a), not its covers 71b. Although Mori's covers 71b must be unlocked to provide access to jammed paper, the door where the paper jam is located must first be opened to access the associated cover. Mori ¶ 48. We agree with the Examiner that the apparent reason the doors of Kogo's apparatus are opened is to provide an indication to the operator of where the paper jam is located. Final Act. 5. In Mori, opening of covers 71b would not provide such indication. Further, when a difficulty is detected in Mori, opening of one of doors 103(a)–105(b) automatically unlocks cover 71b for that processing zone. Mori ¶ 59. Thus, one skilled in the art considering Kogo's teachings would apply them to Mori's doors 103(a)–105(a), not Mori's covers 71b.

In addition, Appellant argues that "*Mori* does not 'merely' lack the automation of the movement of the door/cover . . . but fails to provide any reason why the skilled person would have modified the doors (102a to 105a) to be locked/unlocked or opened automatically." Appeal Br. 15.

Appellant's argument is unconvincing because we are unaware of any requirement that the primary reference provide a reason for the proposed modification of itself. Rather, the test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Here, the Examiner reasons that

it would have been obvious to one of ordinary skill in the art to have provided a control system portion, sensors, door/cover locks and door/cover actuators, as taught by Kogo, in Mori's apparatus for processing documents for the purpose of automatically opening one of Mori's door/covers door/covering one of Mori's processing zones, thus alerting an operator to a malfunction of the processing apparatus in a particular zone by not only displaying a notice on a display, and not only by lighting a particular light near said zone, but also automatically opening the door/cover to the zone where the malfunction is located.

Final Act. 5. Appellant does not explain why the Examiner's reasoning is flawed, and thus, does not apprise us of error.

Finally, Appellant contends that "the skilled person **would not** have automated the opening/closing of the door, since such automatic opening of the doors would have decreased the security of the sheet processing apparatus." Appeal Br. 16 (citing Mori Figs. 6–9) (internal citation omitted). Appellant also argues that such a modification "would have lengthened the power supply time and increased the time the electromagnetic lock is turned on, which would have improperly changed the principle of operation of *Mori*." *Id.* (citing MPEP § 2143.01(VI)). In support of this contention, Appellant argues that "if the doors were automatically opened . . . not only

would such automation bypass a condition for unlocking the stacking portion, e.g., loses its security function, but also such automation would prevent *Mori* from performing its function to shorten the power supply time of the electromagnetic lock.” *Id.*

Appellant’s argument is unconvincing. In *Mori*, opening of a door 103(a)–105(a) only triggers automatic opening of an associated cover 71b in the instance when a difficulty is encountered. *Mori* ¶¶ 63–64. Applying Kogo’s teachings to *Mori*’s apparatus by providing an actuator to automatically open the door upon detection of a difficulty would not alter the operation of *Mori*’s cover locking/unlocking mechanism. Thus, the proposed modification would not change *Mori*’s principle of operation.

For these reasons, we sustain the rejection of claims 16, 17, 19, 25, 31, and 34.

Claim 35

In addition to the arguments discussed above, Appellant provides an additional argument for claim 35. Appeal Br. 19–20. Asserting that “*Mori* only discloses a cover opening-closing permission display lamp to indicate whether access to the stacking device is allowed,” Appellant contends that *Mori* “fails to disclose ‘wherein the apparatus is arranged to indicate the automatic opening of the door by one or more acoustic and/or visual signals before the automatic opening of the door,’” as required by the claim. Appeal Br. 20. In support of this contention, Appellant argues that, in *Mori*, “[o]nly after the opening of the door of the unit is the cover opening-closing permission display lamp 71m visible to notify that the stacking device 71 is in the unlocked state and can be accessed to the operator.” *Id.* at 19–20 (citing *Mori* ¶ 60).

In response to this argument the Examiner asserts that Mori recites “the phrase ‘displaying permission of access to the stacking device.’” Ans. 16 (citing Mori, Abst.). The Examiner also points out that in the next sentence Mori states, “When a condition of unlocking a stacking portion and opening of the door is detected, the electromagnetic lock is held in an unlocking state and a cover opening-closing permission display lamp is turned on.” *Id.* (quoting Mori, Abst.).

The Examiner is correct. Mori discloses “when the opening of the door is detected, a cover opening-closing permission lamp/light is turned on.” Ans. 17. This, however, is not what claim 35 requires. Rather, claim 35 requires the exact opposite, stating, “wherein the apparatus is arranged to indicate the automatic opening of the door by one or more acoustic and/or visual signals *before* the automatic opening of the door.” Appeal Br. 27.

For this reason, we do not sustain the rejection of claim 35.

Claim 36

In addition to the arguments discussed above, Appellant argues that “neither *Mori* nor *Kogo* teach actively notifying an operator” as required by claim 36. Appeal Br. 22. Claim 36 states “that by the selected correct door opening automatically the operator is notified and led directly to the first processing zone in which the intervention is required.” *Id.* at 27.

We agree with the Examiner that the combined teachings of Mori and Kogo would have taught or suggested modifying Mori’s doors 103(a)–105(a) to each include one of Kogo’s actuators to automatically open one of these doors when a difficulty such as a paper jam is detected as discussed above. After such modification, automatic opening of the correct

door would notify and lead the operator to the processing zone where operator intervention is required, thus meeting the contested limitation.

For this reason and the reasons discussed above, we sustain the rejection of claim 36.

Rejection 2 — Obviousness of claim 20 based on Mori, Kogo, and Ligtenberg

Claim 20 depends from claim 16 and adds the limitation “wherein the apparatus is arranged to indicate the automatic opening of the door by one or more acoustic and/or visual signals before the automatic opening of the correct door.”⁴ Appeal Br. 25. The Examiner finds that “Ligtenberg teaches wherein the apparatus (200) is arranged to indicate the automatic opening of the door (304) by one or more acoustic and/or visual signals, i.[.]e., indicator light (308) before the automatic opening of the correct door.” Final Act. 9 (citing Ligtenberg ¶ 53, Figs. 3–4).

Appellant contends that “*Ligtenberg* is non-analogous art with respect to *Mori* and the present invention.” Appeal Br. 21. Appellant argues that “*Ligtenberg* not only fails to disclose several processing zones . . . , since *Ligtenberg* is only directed to a portable computer, the portable computer of *Ligtenberg* does not have any security functionality or need to access a difficulty behind the access door.” *Id.* In other words, Appellant appears to assert that *Ligtenberg* is not in the same field of endeavor as the instant invention and is not reasonably pertinent to the particular problem with which the inventors are involved. *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004) (“Two separate tests define the scope of analogous prior art:

⁴ We note that this limitation is similar to the limitation in claim 35 discussed above.

(1) whether the art is from the same field of endeavor, regardless of the problem addressed and, (2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved.”) (citing *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986); *In re Wood*, 599 F.2d 1032, 1036 (CCPA 1979)).

The Examiner does not respond to this argument. *See, generally*, Ans. We agree with Appellant that Ligtenberg is not in the same field of endeavor as the instant invention or reasonably pertinent to the particular with which Appellant is involved (i.e., the problem of providing an audio or visual signal before an automatic door is opened) because Ligtenberg's door is not automatically opened.

For this reason, we do not sustain the Examiner's rejection of claim 20.

Rejections 3–6 — Obviousness of claim 21 based on Mori, Kogo, and Bally; Obviousness of claims 18, 19, 22–24, 27–30, and 32 based on Mori, Kogo, and Shin; Obviousness of claims 22–24, 27, 30, and 33 based on Mori, Kogo, and Genth; and Obviousness of claim 37 based on Mori, Kogo, and Zagorchev

Appellant does not separately contest any of these rejections. Rather, Appellant contends that “[t]he remaining pending claims, which depend from claims 16 and 25 and contain all of the features recited in claims 16 and 25, are allowable over the proposed modification at least based on their dependency on claims 16 and 25.” Appeal Br. 22. As we have sustained the rejection of claims 16 and 25, Appellant's argument is unconvincing. Accordingly, we sustain these rejections.

CONCLUSION

The Examiner's rejections of claims 16–19, 22–25, 27–34, 36, and 37 are AFFIRMED.

The Examiner's rejections of claims 20 and 35 are REVERSED.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
16, 17, 19, 25, 31, 34–36	103	Mori, Kogo	16, 17, 19, 35, 31, 34, 36	35
20	103	Mori, Kogo, Ligtenberg		20
21	103	Mori, Kogo, Bally	21	
18, 19, 22–24, 27–30, 32	103	Mori, Kogo, Shin	18, 19, 22–24, 27–30, 32	
22–24, 27, 30, 33	103	Mori, Kogo, Genth	22–24, 27, 30, 33	
37	103	Mori, Kogo, Zagorchev	37	
Overall Outcome			16–19, 22–25, 27–34, 36, 37	20, 35

TIME PERIOD FOR RESPONSE

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 IN PART