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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MUTHUKUMAR GOPALAKRISHNAN,
SIRISHA TAKASI, and IAN M. JOY

Appeal 2020-000645
Application 14/317,574
Technology Center 3600

Before ELENI MANTIS MERCADER, NORMAN H. BEAMER, and
GARTH D. BAER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 3–5, and 7–19. We have jurisdiction over the pending rejected claims 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 NCR Corporation as the real party in interest. (Appeal Br. 3.)

THE INVENTION

Appellant's disclosed and claimed invention is directed to maintaining media and operational information for devices connected to a self service terminal such as an automatic teller machine, in which application specific device information is gathered. (Spec., Abstract.)

Independent claim 1, reproduced below, is illustrative of the subject matter on appeal:

1. A computer implemented method of providing application specific device information on a self service terminal in which multiple applications control the same device, the method comprising the steps of:

receiving from a first application, by a software component a command to operate a first device connected to the self service terminal;

storing, by the software component, first application device specific information for the first device after receiving the command from the first application;

receiving, by the software component, from a second application a command to operate the first device;

storing, by the software component, second application device specific information for the first device after receiving the command from the second application; and

wherein:

the software component is logically located between the applications and an XFS component of the self service terminal and is an extension to the XFS component;

storing first application device specific information for the first device comprises storing a count of the number of operations performed by the first device at the command of the first application and wherein storing second application device specific information for the first device comprises storing a count of the number of operations performed by the first device at the command of the second application, the data stored as a

count for each device of an operation type performed by each application.

Appeal Br. 16. (Claims App.)

REJECTIONS²

The Examiner rejected claims 1, 3–5, 7, 12, 14, 16, and 19 under 35 U.S.C. § 103 as being unpatentable over Swinfen (US 2015/0186857 A1, pub. July 2, 2015) and Meurer (US 2004/0215566 A1, pub. Oct. 28, 2004). (Final Act. 7.)

The Examiner rejected claims 8 and 15 under 35 U.S.C. § 103 as being unpatentable over Swinfen, Meurer, and Angus et al (US 2014/0151272 A1, pub. June 5, 2014) (hereinafter “Angus”). (Final Act. 11.)

The Examiner rejected claim 9 under 35 U.S.C. § 103 as being unpatentable over Swinfen, Meurer, and Jones (US 2004/0154964 A1, pub. Aug. 12, 2004). (Final Act. 12.)

The Examiner rejected claims 10, 11, 17, and 18 under 35 U.S.C. § 103 as being unpatentable over Swinfen, Meurer, and Werther (US 2003/0080185 A1, pub. May 1, 2003). (Final Act. 13.)

The Examiner rejected claim 13 under 35 U.S.C. § 103 as being unpatentable over Swinfen, Meurer, and Shah, “Development Environments for ATMs”, available at: <https://web.archive.org/web/20160722060032/>

² The patent ineligibility rejection of claims 1, 3–5, and 7–19 in the Final Rejection was withdrawn in the Advisory Action. *See* Final Act. 4, Adv. Act. 2, Ans. 3.

<http://www.thejaywalker.net/2006/08/development-environments-for-atms.html>. (Final Act. 14.)

ISSUE ON APPEAL

Appellant's arguments in the Appeal Brief presents the following issue:³

Whether the Examiner erred in finding the combination of Swinfen and Meurer teaches or suggests the limitation of

storing first application device specific information for the first device comprises storing a count of the number of operations performed by the first device at the command of the first application and wherein storing second application device specific information for the first device comprises storing a count of the number of operations performed by the first device at the command of the second application, the data stored as a count for each device of an operation type performed by each application,

as recited in independent claim 1, and the commensurate limitation recited in independent claim 14. (Appeal Br. 11–14.)

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments. Arguments Appellant could have made but chose not to make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We disagree with Appellant's arguments, and we adopt as our own: (1) the pertinent

³ Rather than reiterate the arguments of Appellant and the positions of the Examiner, we refer to the Appeal Brief (filed April 8, 2019); the Final Office Action (mailed Nov. 8, 2018); the Advisory Action (mailed Jan. 31, 2019); and the Examiner's Answer (mailed Aug. 12, 2019) for the respective details.

findings and reasons set forth by the Examiner in the Action from which this appeal is taken (Final Act. 2–15); and (2) the corresponding reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. (Ans. 3–6.) We concur with the applicable conclusions reached by the Examiner and emphasize the following.

In finding that the combination of Swinfen and Meurer teaches or suggests the independent claim 1 limitation at issue, the Examiner relies on Swinfen’s disclosure of:

- (1) an ATM having an application layer comprising ATM application 21 operating under any XFS-compatible application environment, in which messages between the application layer and the hardware layer are sent via an XFS Manager and an XFS layer, and ATM application 21 controls or communicates with hardware devices of the ATM terminal;
- (2) a further application 38 via operation of proxy APIs is used to take control of hardware or other devices of the ATM terminal; and
- (3) usage data monitored by the ATM application, and usage data for individual users is logged by the further application 38. (Final Act. 7–8; Swinfen, Fig. 2, ¶¶ 140, 156, 100, 133, 229.)

The Examiner further relies on the Meurer’s disclosure of tracking of ATM activity such as monthly count totals for ATM operations such as withdrawal transactions, deposit transactions, jams, and total transactions, and display of records using a transaction activity tab. (Final Act. 9; Ans. 4–6; Meurer, Figs. 7A, 7B, 7E, ¶¶ 82, 119–120, 54.)

Appellant argues that Meurer

fails to distinguish between which of multiple applications requested performance of the transactions and does not indicate which devices were involved in performance of the

transactions. For example, a withdrawal transaction may involve a currency dispenser and a receipt printer, but at the same time, a number of customers may not desire a receipt which would then not be printed and if the printer is out of paper, a receipt simply cannot be printed.

(Appeal Br. 12.) Appellant contends that the Examiner’s finding that Meurer “silently disclose[s] monitoring the device counts” is an “assertion” that “is an admission that the reference does not provide such a teaching or suggestion” (Appeal Br. 13, citing Final Act. 4), and that “just because a withdrawal or deposit was made doesn’t mean a receipt was printed,” or in baseball terminology, “just because a run was scored, there may not have even been an RBI [run batted in] as the run may have been the result of a passed pitch.” (Appeal Br. 14.)

We are not persuaded by Appellant’s arguments. The Examiner finds, and we agree, that “the Meurer reference (FIGs. 7A and 7E and [¶¶ 82, 119–120]), as previously cited, tracks the daily transaction statistics of an ATM for such operations as withdrawal transactions (W/D Txn), transfer transactions (Tfr Txn), Deposit Transactions (Dep Txns), Jams, etc.” (Ans. 4), and that

[o]ne of ordinary skill in the art would know that the devices utilized in, for example, a withdrawal transaction would include an ATM interface, cash dispenser, a receipt printer, etc. Therefore, the cited reference clearly teaches monitoring specific ATM operations, and therefore, the associated devices to the operations.

(Ans. 4–5.) The Examiner’s findings are confirmed in Meurer, in which the present invention is well suited to support and assist a maintenance system because the present invention can already determine from the daily imported processor transaction files the number of jams, mis-feeds, over or short dispenses, out-of-

cash shutdowns, and the like occurring at a terminal, and alert the user of needed maintenance.

(Meurer ¶ 497.) Appellant does not challenge the Examiner’s detailed findings in the Answer, as no Reply was filed.

Accordingly, we sustain the Examiner’s obviousness rejection of independent claim 1, as well as independent claim 14 commensurate in scope, and all dependent claims not argued separately. *See* Appeal Br. 14.

For the reasons stated above, we affirm the Examiner’s obviousness rejection of claims 1, 3–5, and 7–19.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3–5, 7, 12, 14, 16, 19	103	Swinfen, Meurer	1, 3–5, 7, 12, 14, 16, 19	
8, 15	103	Swinfen, Meurer, Angus	8, 15	
9	103	Swinfen, Meurer, Jones	9	
10, 11, 17, 18	103	Swinfen, Meurer, Werther	10, 11, 17, 18	
13	103	Swinfen, Meurer, Shah	13	
Overall Outcome			1, 3–5, 7–19	

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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)(1)(iv).

AFFIRMED