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D E C I S I O N
of 7 February 1995

Case Number: T 0177/92 - 3.2.5

Application Number: 86904495.8

Publication Number: 0227793

IPC: B65H 1/08

Language of the proceedings: EN

Title of invention:

Method and apparatus for identifying and indicating the content of document canisters

Applicant:

DIEBOLD, INCORPORATED

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 56

Keyword:

"Inventive step (yes, after amendment)"

Decisions cited:

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Headnote/Catchword:

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Case Number: T 0177/92 - 3.2.5

D E C I S I O N
of the Technical Board of Appeal 3.2.5
of 7 February 1995

Appellant:

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Representative:

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Decision under appeal:

Decision of the Examining Division of the European Patent Office dated 25 July 1991 refusing European patent application No. 86 904 495.8 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: C. V. Payraudeau
Members: A. Burkhart
W. D. Weiß

Summary of Facts and Submissions

- I. The Appellant (Applicant) lodged an appeal against the decision of the Examining Division on the refusal of the application No. 86 904 495.8.

The Examining Division had found that the subject-matter of the valid claims did not involve an inventive step within the meaning of Article 56 EPC in view of the pertinent state of the art represented by the following documents:

D1: FR-A-2 443 405

D2: US-A-3 611 403.

- II. In his Statement of Grounds the Appellant submitted essentially that the prior art referred to in the decision of the Examining Division did not teach or even suggest the feature that the information indicating means comprise spring-loaded buttons which are slidably mounted in holes.

- III. After a communication pursuant to Article 110(2) EPC, in which the Board of Appeal raised an objection with respect to the clarity of Claim 1 of the main request and of the auxiliary requests on file and made a proposal for overcoming this deficiency, the Appellant filed on 28 February 1994 a set of 13 claims and a new description on which the present decision is based.

- IV. The only independent Claim 1 reads as follows:

"1. Apparatus for dispensing documents, including at least one removable container (10) for holding a supply of documents (30) and a machine associated with said container, said apparatus comprising:

a housing (101) of said machine, said container (10) mounted on said housing during operation of the apparatus;

a picker mechanism (100) mounted on said housing in operative connection with said container for removing documents from the supply for dispense;

a plurality of information indicating means associated with said container, said means being selectable between a first condition and a second condition, an arrangement of said conditions representing a characteristic of said documents;

a plurality of means (128) associated with said machine for sensing the state of the indicating means; and

control means (130) in operative connection with said sensing means controlling the picker mechanism (100) according to said characteristic;

characterised in that the said information indicating means comprise a plurality of holes (26) adapted to receive buttons (25) therein and spring-loaded buttons (25) selectively slidably mounted in said holes (26), in that said first condition is the presence and said second condition is the absence of a button extending from a hole, in that the sensing means comprise actuators (128) associated with electrical switches (130), each actuator (128) being, in an operating position, in alignment with a respective hole (26) so as to contact the spring-loaded buttons (25) extending therefrom when present, and in that the arrangement of the buttons (25) in the holes (26) is changeable according to different characteristics of said documents."

V. The Appellant requests that the decision under appeal be set aside and a patent be granted on the basis of the following documents:

Title: "Apparatus for dispensing documents"
Description: pages 1 to 24, filed on 28 February 1994.
Claims: 1 to 13, filed on 28 February 1994.
Drawings: Figures 1 to 10, as originally filed.

Reasons for the Decision

1. *Amendments*

The subject-matter comprising the features of Claim 1 is disclosed in the originally filed Claims 1 and 3 to 6, and on page 15, line 15; page 19, line 31 to page 20, line 29 and page 22, lines 1 to 9 of the originally filed description according to publication No. WO-A-87/00154.

The wording of the new dependent Claims 2 to 13 is based on the originally filed dependent claims as follows:

- Claim 2 corresponds to originally filed Claim 7,
- Claim 3 corresponds to originally filed Claim 8,
- Claim 4 corresponds to originally filed Claim 13,
- Claim 5 corresponds to originally filed Claim 14,
- Claim 6 corresponds to originally filed Claim 15,
- Claim 7 corresponds to originally filed Claim 16,
- Claim 8 corresponds to originally filed Claim 17,
- Claim 9 corresponds to originally filed Claim 22,
- Claim 10 corresponds to originally filed Claim 23,
- Claim 11 corresponds to originally filed Claim 24,
- Claim 12 corresponds to originally filed Claim 25, and
- Claim 13 corresponds to originally filed Claim 26.

The originally filed description has been adapted to the amended Claim 1 and a discussion of the relevant prior art has been introduced into the description.

Therefore, the amendments are not subject to objection based on Article 123(2) EPC.

2. *Novelty*

None of the documents referred to by the Examining Division during the examining procedure or cited in the Search Report discloses an apparatus for dispensing documents comprising all the features of Claim 1.

Novelty has also been admitted by the appealed decision.

Therefore, the subject-matter of Claim 1 is new.

3. *Inventive step*

3.1 Closest prior art.

The closest prior art is represented by document D1, which describes an apparatus for dispensing documents, including at least one removable container for holding a supply of documents and a machine associated with said container, comprising a housing of said machine, said container mounted on said housing during operation of the apparatus; a picker mechanism mounted on said housing in operative connection with said container for removing documents from the supply for dispense; a plurality of information indicating means associated with said container, said means being selectable between a first condition and a second condition, an arrangement of said conditions representing a characteristic of said documents; a plurality of means associated with said machine for sensing the state of the indicating means;

and control means in operative connection with said sensing means controlling the picker mechanism according to said characteristic.

The information indicating means of this prior art apparatus comprise either magnets being selectable between a switch-closing or a switch-opening condition or light emitting diodes being selectable between a switched-on or a switched-off condition.

This prior art arrangement has the drawback that the magnetic or optic indication means are rather complicated and delicate in use and that misalignment of the container with respect to the teller machine may result in that a proper sensing of the state of the information indicating means by the sensing means is no longer possible.

3.2 Problem

Therefore, the problem underlying the invention consists in improving the apparatus known from the document D1 in order to make the information indicating means simpler and tougher, to ensure a reliable identification of the content of the document container even if the container is not perfectly aligned with the dispensing machine and to allow the arrangement of the information indicating means to be more readily changeable.

3.3 Solution

This problem is solved by modifying the apparatus known from document D1 in the sense that the information indicating means comprise a plurality of holes adapted to receive spring-loaded buttons which are selectively slidably mounted in said holes, in that the first condition is the presence and the second condition is

the absence of a button extending from a hole, in that the sensing means comprise actuators associated with electrical switches, each actuator being, in an operating position, in alignment with a respective hole so as to contact the spring-loaded buttons extending therefrom when present, and in that the arrangement of the buttons in the holes is changeable according to different characteristics of the documents.

The simple mechanical arrangement of holes and slidable buttons constitutes a tough, reliable and readily changeable information indicating system, and, as the buttons are under the action of springs, they can be driven to a maximum extension from their respective holes so that they physically engage the corresponding actuators, even if the face plate of the container and the switch plate of the teller machine are not perfectly parallel due to misalignment of the container in the machine or out-of-square configuration of the container, and thus, also in these adverse conditions the spring-loaded buttons allow the container to reliably convey the necessary information to the teller machine.

- 3.4 The teaching of document D2 does not render obvious this solution.

Document D2 discloses a test sample rack or carrier for supporting a plurality of sample containers and transporting the same to a testing station for the testing of each sample. The carrier has an upstanding coding flange adapted to receive protecting information indicating buttons fixed in holes at predetermined location thereon so that the same will activate a two-digit binary counting device as the carrier passes the testing station.

Besides the fact that document D2 does not refer to an apparatus for dispensing documents, the information indicating buttons disclosed therein are not slidably mounted in the holes and are not spring-loaded.

Therefore, even if the person skilled in the art would take into consideration document D2 when looking for a solution of the problem underlying the invention, he would not be induced by the teaching of this document to modify the apparatus known from document D1 in the sense that the indicating means are constituted by spring-loaded buttons which are slidably mounted in holes.

3.5 Also the other documents referred to by the Examining Division during the examining procedure or cited in the Search Report do not disclose or suggest the feature "spring-loaded buttons slidably mounted in holes".

3.6 For the foregoing reasons, the subject-matter according to Claim 1 involves also an inventive step in the meaning of Article 56 EPC.

4. Therefore, the subject-matter of Claim 1 constitutes a patentable invention within the meaning of Article 52(1) EPC.

The same applies to the subject-matter to the dependent Claims 2 to 13 relating to specific embodiments of the subject-matter of Claim 1.

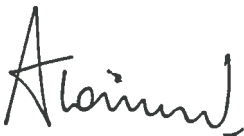
5. A patent can thus be granted according to the request of the Appellant.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the first instance with the order to grant a patent on the basis of the description, claims, and drawings cited under point V of this decision.

The Registrar:



A. Townend

The Chairman:



C. Payraudeau