

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DANIEL JAMES WINARSKI

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Appeal No. 2000-1766  
Application No. 09/095,029

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ON BRIEF

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Before FRANKFORT, CRAWFORD, and BAHR, Administrative Patent Judges.  
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the examiner's rejection of claims 1 through 25, which are all the claims pending in this application.

Appellant's claimed subject matter is a bi-directional magazine for a storage bin of a data storage library. An understanding of the claimed subject matter can be gleaned by reference to appealed claim 1 which appears in the appendix to the appellant's brief.

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The references

The following references were relied on by the examiner in support of the rejection.

Cooper	2,872,048	Feb. 3, 1959
Felde et al. (Felde)	5,537,268	July 16, 1996
Yoshie (JP'907) <sup>1</sup>	61-150907	July 9, 1986

The rejections

Claims 1, 2, 5 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cooper.

Claims 1 through 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yoshie in view of Felde.

Rather than reiterate the entire arguments of the appellant and examiner in support of their respective positions, reference is made to the brief and the reply brief and the answer for the full exposition thereof.

Opinion

In reaching our conclusions on the issues raised in this appeal, we have carefully considered appellant's specification and claims, the applied references, and the respective viewpoints

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<sup>1</sup> A translation of this document is attached to this decision.

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advanced by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

We turn first to the examiner's rejection of claims 1, 2, 5 and 10 under 35 U.S.C. § 103 as being unpatentable over Cooper. In support of this rejection the examiner finds that Cooper discloses a library having books or data storage devices mounted on shelves or magazines 40. The examiner finds that the magazines are removable from first and second opposite ends of a bin or shelving assembly 60 in which they are mounted. The examiner recognizing that Cooper does not disclose storage trays for supporting the data storage devices states:

. . . it would have been obvious for one of ordinary skill in the art to have modified the apparatus of Cooper by utilizing the magazines to hold other types of data storage devices, such as CD's, videotapes, cassettes, etc., which are commonly supported in a storage tray when not in use, as this would be a simple design expediency, the use of which in the apparatus of Cooper would require neither undue experimentation nor produce unexpected results. [final rejection at page 3]

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. . . the knowledge generally available to one of ordinary skill would suggest that since libraries are known to contain many types of storage media besides books (particularly more so now than in 1959), including audio and video tapes, CD's, etc., which are commonly stored in trays, one would be motivated to utilize the apparatus of Cooper for these other types of storage media.[answer at page 5]

Appellant argues that Cooper does not suggest the use of a storage tray for holding the storage device or book. It is true that Cooper does not disclose a storage tray, however, we agree with the examiner that it is well known that a library stores other storage devices other than books such as audio and video tapes, CDs and etc. and as such it would have been obvious to store video or audio tapes and/or CDs in their storage trays (i.e. conventional plastic storage cases for audio tape or CD) on the drawers or magazines 40 of Cooper on which the books are stored.

Appellant argues that Cooper teaches away from the invention because each drawer or magazine opens only half way. Cooper indeed discloses that the drawer opens only half way into one range aisle 30 or 32.

The examiner states that:

. . . the claims do not preclude one data storage device (book) to be removed from opposite ends of a drawer (in the short dimension) while that drawer is removed from one end of a bin, and a different book to be removed from opposite ends of a drawer's short dimension while the

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drawer is removed from the opposite end of the bin.  
[answer at page 4]

However, while it is true that different books can be removed from opposite lateral sides of the drawer, no one book is removable from both lateral sides of the drawer. Rather, one book can only be removed from the one lateral side of the drawer closest to the book because the other books in the other row of the drawer prevent removal of the book from the other side of the drawer. In addition, in our view, the lateral sides of the drawers are not "ends" as recited in claim 1. Rather, the "end" of a drawer of Cooper is that portion of the drawer which opens into aisle 30 or 32. As such, we will not sustain this rejection as it is directed to claim 1 or claims 2, 5 and 10 dependent thereon.

We turn next to the examiner's rejection of claims 1 through 25 as unpatentable under 35 U.S.C. § 103 over Yoshie in view of Felde.

In support of this rejection, the examiner finds that Yoshie discloses the invention of claim 1 except that Yoshie does not disclose that the trays can be removed from either end of the magazines. The examiner relies on Felde for disclosing data cassette storage system wherein cassettes 5 which house a data storage device are removably stored in magazines 4, which

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themselves are stored in bins and that individual trays can be removed from opposite ends of the magazine.

Appellant argues that there is no motivation for combining the teachings of Yoshie and Felde. We agree.

Yoshie specifically discloses that the small box 26, which the examiner analogizes as the tray recited in claim 1, has a vertical restraint 32 on side wall 31 which along with the indentation 33 on tray 26 prevent the articles 12 from toppling in the container 13 so that an article can stand up when other articles are not present in the container 13 (page 12 of translation). As such, a person of ordinary skill in the art would not have been motivated to eliminate the side wall 31 so that the article could be removed from both sides of tray 26.

In view of the foregoing, the decision of the examiner is reversed.

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REVERSED

CHARLES E. FRANKFORT	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
MURRIEL E. CRAWFORD	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JENNIFER D. BAHR	)	
Administrative Patent Judge	)	

MEC/jrg

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