

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YOSHIHIRO KAJIYAMA,  
AKIHISA INATANI  
and JUNICHI ARAMAKI

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Appeal No. 1997-2316  
Application No. 08/329,616

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ON BRIEF

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Before HAIRSTON, FLEMING and BARRY, Administrative Patent  
Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1  
and  
3 through 18. In a first Amendment After Final (paper number  
19), claims 12 and 13 were amended, and in a second Amendment

After Final (paper number 27), claims 12 and 15 were amended.

The disclosed invention relates to a disk loading mechanism for a recording/reproducing apparatus which can accept disks of several diameters as well as a disk cartridge. The diameter of a recess in the disk loading mechanism for the disk cartridge is smaller in diameter than the diameters of the recesses for the disks.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A disc loading device comprising:

a supporting base having a disc rotating driving unit for rotationally driving discs of different diameters as recording media on which information signals are to be recorded or are pre-recorded, and a disc transporting tray for holding and transporting said discs, said disc transporting tray being arranged above said supporting base and being movable between a position in which it is drawn into an outer casing containing said supporting base therein and a position in which it is drawn out of said outer casing,

said disc transporting tray including:

a first positioning recess for holding and positioning a first disc having a first diameter, said first positioning recess being formed in an upper surface of the disc transporting tray as a circle having a diameter corresponding to said first diameter, a second positioning recess for holding and positioning a second disc having a second diameter smaller than said first diameter, said second positioning recess being formed in a

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bottom surface of said first positioning recess as a circle having a diameter corresponding to said second diameter and a third positioning recess for holding and positioning a third disc having a third diameter smaller than said second diameter, said third positioning recess being formed as a rectangle corresponding to the contour of a disc cartridge containing said third disc having the third diameter.

The Japanese references relied on by the examiner are:

Suzuki 1986 (Published Japanese Kokai Patent Application)	61-206961	Sept. 13,
Suzuki 1986 (Published Japanese Kokai Patent Application)	61-206962	Sept. 13,
Suzuki 1986 (Published Japanese Kokai Patent Application)	61-233465	Oct. 17,

Claims 1 and 3 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki '962 in view of Suzuki '465.

Claims 1 and 3 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki '961 in view of Suzuki '465.

Reference is made to the briefs and the answers for the respective positions of the appellants and the examiner.

#### OPINION

The obviousness rejections of claims 1 and 3 through 18

are reversed.

Suzuki '962 discloses the use of two trays 10a and 10b to hold a disk 2 and a disk cartridge 12, respectively (Figure 1; translation, pages 6 and 13).

Suzuki '465 discloses a cartridge loading mechanism that has a tray 1 with multiple steplike recessed surfaces that form rectangular slots 10 and 11 for holding cartridges 12a and 12b, respectively, of different sizes (Figure 1). All of the disks in the cartridge have the same center hole (translation, pages 8 and 10), and more than three cartridges at three or more levels may be supported in the tray (translation, page 5). Suzuki '465 admits that it is known to load disks of different diameters (translation, page 3), and states that the rectangular slots 10 and 11 can be replaced with disk-shaped slots to accommodate the disks of different diameters in the tray (translation, page 8).

Suzuki '961 discloses a placement stand 10a that supports both a disk 2 in a disk groove 15, and a disk cartridge 12 in a cartridge support plate 40 (Figure 1; translation, pages 5 through 8, 10 and 11). The disk 2 and the disk in the disk cartridge 12 appear to have the same diameter.

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All of the claims on appeal require the disk loading device tray to have at least one circular positioning recess and a rectangular positioning recess. The circular positioning recess holds a circular disk, and the rectangular positioning recess holds a disk cartridge. The diameter of the disk in the disk cartridge has a smaller diameter than the diameter of the circular positioning recess.

The examiner is of the opinion (Answer, page 4) that the combined teachings of Suzuki '962 and Suzuki '465 would result in a "single tray with multiple recesses to hold a plurality of discs." Inasmuch as Suzuki '465 teaches the use of a tray with a plurality of disk cartridges or a tray with a plurality of disks, the combined teachings of the two Suzuki references would have only suggested the use of two trays, as in Suzuki '962, with a plurality of disks in one of the trays and a plurality of disk cartridges in the other tray (Brief, page 7). For this reason, the obviousness rejection of claims 1 and 3 through 18 based upon the teachings of Suzuki '962 and Suzuki '465 is reversed.

Turning to the obviousness rejection based upon the teachings of Suzuki '961 and Suzuki '465, appellants argue

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(Supplemental Reply Brief, pages 2 and 3) that:

All of the claims 1-11, 14, 17 and 18 require a single tray with three concentric recesses, at least one of which is circular to accommodate a so-called "naked disc" and another of which is rectangular to accommodate a cartridge. As in claims 12 and 15, the first recess accommodates a disc which is larger in diameter than the disc accommodated in the second recess. The third recess is the smallest. In claims 1-11, the third recess is rectangular. In claims 12-18, the second recess is rectangular.

To obviate these claims the Examiner now combines two references, Suzuki '961 modified in view of Suzuki '465 to have a single tray with the claimed arrangement of three recesses for accommodating naked discs and cartridges. However, Suzuki '465 *specifically* teaches that if discs and cartridges are to be loaded, then separate trays must be used. See page 8, lines 6-17 of the Suzuki '465 English translation:

"... [A] system directly employing discs is readily realized in an identical information recording/reproducing device by **replacing the cartridge tray with a tray provided with multiple steplike disc-shaped slots.**" [Emphasis provided].

This arguably defeats the Examiner's rationale for the modification of Suzuki '961 and is exactly the opposite of what is taught and claimed by the Applicants. Suzuki '961 does disclose a tray which can accommodate a naked disc or the same disc in a cartridge, however there appears to be no suggestion of a single tray accommodating any one of a combination of three different sized discs, one of them larger than the disc in a cartridge.

Suzuki '961 and '465 only disclose two recesses.

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Further, all of the claims require that the rectangular recess (the "third" recess in claims 1, 3-11 and the "second" recess in claims 15-18) has a smaller diameter than the circular first recess. Suzuki '961 and '465 contain no such suggestion.

We agree with appellants' arguments in their entirety.

The combined teachings of Suzuki '961 and Suzuki '465 would not have suggested a rectangular recess that is smaller in diameter than the circular recesses. In summary, the obviousness rejection of claims 1 and 3 through 18 based upon the teachings of Suzuki '961 and Suzuki '465 is reversed.

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DECISION

The decision of the examiner rejecting claims 1 and  
3 through 18 under 35 U.S.C. § 103 is reversed.

REVERSED

	)	
KENNETH W. HAIRSTON	)	)
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
LANCE LEONARD BARRY	)	)
Administrative Patent Judge	)	

KWH:hh

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