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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/444,969 08/26/2009 Göran Sjölund BRNNP0103US 4079

7590 07/13/2016
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER

RANDALL, JR., KELVIN L

ART UNIT PAPER NUMBER

3651

DATE MAILED: 07/13/2016

PRIORITY ACKNOWLEDGMENT

- 1. Receipt is acknowledged of priority papers submitted under 35 U.S.C. 119. The papers have been placed of record in the file.
2. Applicant's claim for priority, based on papers filed in parent Application Number submitted under 35 U.S.C. 119, is acknowledged.
3. The priority papers, submitted, after payment of the issue fee are
- acknowledged
While the priority claim or certified copy filed will be placed in the file record, neither will be reviewed and the patent when published will not include the priority claim. See 37 CFR 1.55(a)(2).
- not acknowledged since the processing fee in 37 CFR 1.17(i) has not been received.
4. For utility and plant applications filed on or after November 29, 2000, the priority claim is not entered because the claim was not presented within the time limit required by 37 CFR 1.55(a)(1). A petition to accept a delayed claim for priority under 35 U.S.C. 119(a) - (d) or (f), or 365(a) may be filed. See 37 CFR 1.55(c) and MPEP 201.14(a).

Quynh Nguyen, for

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/444,969	08/26/2009	Göran Sjöönell	BRNNP0103US	4079
23908	7590	01/29/2016	EXAMINER	
RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115			RANDALL, JR., KELVIN L	
			ART UNIT	PAPER NUMBER
			3651	
			NOTIFICATION DATE	DELIVERY MODE
			01/29/2016	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@remnerotto.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GÖRAN SJÖNELL

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Appeal 2014-000443<sup>1,2</sup>  
Application 12/444,969  
Technology Center 3600

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Before MICHAEL C. ASTORINO, PHILIP J. HOFFMANN, and  
TARA L. HUTCHINGS, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the rejection of claims 1, 3–8, and 10–21. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

According to Appellant, the “invention relates to dispensing devices, and in particular lockable dispensing devices intended to dispense

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<sup>1</sup> Our decision references Appellant’s Specification (“Spec.,” filed Apr. 9, 2009), Appeal Brief (“Appeal Br.,” filed June 12, 2013), and Reply Brief (“Reply Br.,” filed Oct. 1, 2013), as well as the Office Action (“Office Action,” mailed Oct. 12, 2012) and the Examiner’s Answer (“Answer,” mailed Aug. 1, 2013).

<sup>2</sup> Appellant identifies “[t]he real party in interest . . . [as] Sjönell & Co. Aktiebolag.” Appeal Br. 2.

medicaments at pre-determined times, comprising reminder and alarming means.” Spec. 1, ll. 17–19. Claims 1, 12, and 21 are the only independent claims under appeal. Claim 1, which we reproduce below, is representative of the appealed claims.

1. A time-controlled dispensing device comprising at least a tray and a cover for consecutive dispensing of doses of medicaments, comprising

(a) a desired number of pre-filled storage compartments and/or cartridges each containing one predetermined dose of one or several medicaments, said tray being fitted with a transport for displacing the tray to a position where a desired compartment and/or cartridge will be in the only dispensing position suitable for removal of the dose from the compartment and/or the cartridge,

(b) a timer connected to the transport for controlling the transport of the tray in (a) at predetermined time intervals;

(c) a reminder device directed to the person using the device, and/or

(d) an alarm indicating at a distance that removal of the dose has or has not occurred;

wherein the dispensing device is configured for mounting to a wall, whereby the medicaments could easily drop out of the dispensing device at pre-set times by way of gravity, and wherein the reminder device and/or the alarm is triggered respectively by nonmovement of a lever and/or a hatch dependent on the removal or not of the dose.

Appeal Br., Claims App.

#### REJECTIONS AND PRIOR ART

The Examiner rejects the claims as follows:

claims 1, 3, 4, and 10–17 under 35 U.S.C. § 103(a) as unpatentable over Weldi (US 2002/0190075 A1, pub. Dec. 19, 2002), Depeursinge

(US 6,625,518 B2, iss. Sept. 23, 2003), and Baum (US 2004/0182873 A1, pub. Sept. 23, 2004);

claims 5, 7, and 19 under 35 U.S.C. § 103(a) as unpatentable over Weldi, Depeursinge, Baum, and Benaroya (US 4,572,403, iss. Feb. 25, 1986);

claims 6 and 18 under 35 U.S.C. § 103(a) as unpatentable over Weldi, Depeursinge, Baum, and Varis (US 2003/0127463 A1, pub. July 10, 2003);

claim 8 under 35 U.S.C. § 103(a) as unpatentable over Weldi, Depeursinge, Baum, and Pearson (US 7,159,720 B2, iss. Jan. 9, 2007); and

claims 20 and 21 under 35 U.S.C. § 103(a) as unpatentable over Weldi, Depeursinge, Baum, Benaroya, and Varis.

## ANALYSIS

### Obviousness rejection of claims 1, 3, 4, and 10–17

Independent claims 1 and 12 recite that “the dispensing device is configured for mounting to a wall.” Appeal Br., Claims App. Claims 3, 4, 10, 11, and 13–17 depend either directly or indirectly from one of claims 1 and 12. *Id.* As summarized by Appellant, “[t]he Examiner contends that it would have been obvious . . . to combine the teachings of Weldi, teaching a dispensing device for medicaments, with Despeursinge [sic], teaching a reminder device and an alarm, and Baum, teaching wall mounting, to arrive at the subject matter of claim 1.” Appeal Br. 9. Appellant argues, however, that “one . . . would not combine Baum with Weldi and Despeursing [sic]” as proposed by the Examiner. *See id.* More specifically, Appellant argues that “Weldi is directed to a small, portable dispenser” (*id.*), and that there is no reason to modify a small, portable device to be mounted to a wall (*id.* at

10). We note that the Examiner does not respond, such in the Response to Arguments section of the Answer, to either i) Appellant's arguments or citations to Weldi which discuss that Weldi is intended to be a small, portable device or ii) whether the proposed modification would result in Weldi's device no longer being small or portable (*see id.* at 9–10). We further note that the Examiner does not identify how Weldi is proposed to be modified for wall mounting, such as by identifying any particular structure in Baum that permits Baum to be mounted to a wall, and/or how such structure is to be included in Weldi. Thus, based on the foregoing, we determine that the Examiner does not establish persuasively that there is a rational reason to modify Weldi's device to be configured for mounting to a wall. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”).

Based on the above, we do not sustain the rejection of independent claims 1 and 12. We also do not sustain the rejection of dependent claims 3, 4, 10, 11, and 13–17.

Obviousness rejections of 5–8, 18, and 19

Inasmuch as we do not sustain the rejection of independent claims 1 and 12, we also do not sustain the rejections of claims 5–8, 18, and 19 depending from the independent claims. The Examiner does not establish, for example, that another reference remedies the deficiency in the rejection of independent claims 1 and 12.

Obviousness rejection of claims 20 and 21

Inasmuch as we do not sustain the rejection of independent claim 12, we also do not sustain the rejection of claim 20 depending from claim 12. The Examiner does not establish, for example, that another reference remedies the deficiency in the independent claim's rejection.

With respect to independent claim 21, the claim recites that "the dispensing device is configured for mounting to a wall." Appeal Br., Claims App. For reasons similar to those discussed above with respect to independent claims 1 and 12, we determine that the Examiner does not establish persuasively that there is a rational reason to modify Weldi's device to be configured for mounting to a wall.

DECISION

We REVERSE the Examiner's rejections under 35 U.S.C. § 103(a) of claims 1, 3–8, and 10–21.

REVERSED

pgc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant(s): Göran Sjönell  
Application No: 12/444,969  
Filing Date: August 26, 2009  
Title: DISPENSING DEVICE  
Examiner: Kelvin L. Randall, Jr.  
Art Unit: 3651  
Docket No. BRNNP0103US

RECEIVED  
SEP 15 2009  
FBI 12-21

REQUEST FOR REFUND UNDER 37 CFR 1.28

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, the refund is hereby requested in the amount of \$90, which is the difference between Fee Code 1806 (\$180) and Fee Code 2806 (\$90) under 37 CFR 1.17(p) for submission of an information disclosure statement. Payment of the large entity fee of \$180 (Fee Code 1806) was made in error on July 25, 2014, when instead payment of the small entity fee of \$90 (Fee Code 2806) should have been made.

Pursuant to 37 CFR 1.27(c)(1), the undersigned Richard F. Bis, hereby asserts small entity status is entitled to be asserted for the above-identified application. Accordingly, it is requested that the amount of \$90 for the difference in the small and large entity fee amounts of the fee listed under 37 CFR 1.17(p) be kindly deposited into Deposit Account No. 18-0988 under the above-identified attorney docket number. In the event the USPTO is unable to issue the refund, the USPTO is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By           /Richard F. Bis/            
Richard F. Bis, Reg. No. 68,722

1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113



## Electronic Patent Application Fee Transmittal

**Application Number:** 12444969

**Filing Date:** 26-Aug-2009

Refund Ref: 0030148609  
08/04/2014

Credit Card Refund Total: \$90.00

Title of Invention: DISPENSING DEVICE  
Master C: XXXXXXXXXXXX4528

08/04/2014 EEKUBAY1 00000003 12444969  
01 FC:2806 90.00 DP

**First Named Inventor/Applicant Name:** G2ran Sj2nell

**Filer:** Richard F. Bis/Brandi Montgomery

**Attorney Docket Number:** BRNNP0103US

Filed as Large Entity

### U.S. National Stage under 35 USC 371 Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

ADJUSTMENT DATE: 08/04/2014  
 07/28/2014 DATE: 08/04/2014  
 01 FC:1806  
 -100.00 DP

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Submission- Information Disclosure Stmt	1806	1	180	180
<b>Total in USD (\$)</b>				<b>180</b>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of:

Applicant(s): Göran Sjönell  
Application No: 12/444,969  
Filing Date: August 26, 2009  
Title: DISPENSING DEVICE  
Examiner: Kelvin L. Randall, Jr.  
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Respectfully submitted,

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