

Applicant: Giuseppe Dal Pra'
Application No.: 11/366,984

REMARKS

After the foregoing Amendment, claims 9-14, 16-17, 30-42, and 44-56 are pending in this application. Claims 9, 11-14, 16-17, 30-31, 33-35, 37, 39-41, 45-46, and 48 were amended and new claims 51-53 were added to reflect the changes in the claims based on the concluded reexamination proceeding of U.S. Patent No. 6,698,567. Claims 54-56 were previously presented as new claims 51-53, but have been renumbered to conform to the changes in the numbering of the claims in view of the reexamination. No new matter has been introduced into the application by these amendments.

Applicant would like to bring to the Examiner's attention that claim 52, as published in the Reexamination Certificate issued on December 2, 2008 for U.S. Patent No. 6,698,567 and reflected in the current claim amendments, contains a printing error omitting claim language directed to "a pair of electric switches to control a gear change, fixed to the supporting body." Applicant has filed a Request for Certificate of Correction to amend the error, and will amend this application accordingly once the Certificate of Correction issues.

Oath/Declaration

The Action found the reissue oath/declaration to be defective for failing to identify at least one error which is relied upon to support the reissue application.

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This has been addressed in the Supplemental Reissue Declaration submitted with this Reply and by the amendment to the claims.

Applicant respectfully requests that the objection to the reissue oath/declaration be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1-53 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the claims in the reissue application were not the current patent claims based on the concluded reexamination proceeding. The claims have been amended to conform to the current patent claims with the Reexamination Certificate issued on December 2, 2008 for U.S. Patent No. 6,698,567. The Mar. 2, 2006 Preliminary Amendment's previously presented new claims 51-53 are renumbered and presented here as claims 54-56, because the Reexamination Certificate already included claims 51-53. Claims 54-56 are otherwise unchanged from the Preliminary Amendment.

Based on the amendments presented above, withdrawal of the § 112 rejection of claims 1-53 is respectfully requested.

Claim Rejections - 35 U.S.C. § 251

Claims 1-53 were rejected as being based on a defective reissue declaration under 35 U.S.C. § 251. As noted above, Applicant has submitted a Supplemental

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Reissue Declaration to correct the defect. Accordingly, withdrawal of the § 251 rejection of claims 1-53 is respectfully requested.

Conclusion

If the Examiner believes that an interview will advance placement of this reissue application in condition for allowance, the Examiner is invited to contact the undersigned at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present reissue application, including claims 9-14, 16-17, 30-42, and 44-56, is in condition for allowance as a reissue patent, and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures (1)