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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/366,984	03/02/2006	Giuseppe Dal Pra	CAM3-PT002RE	2615
3624	7590	02/02/2010	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3655	
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			02/02/2010	PAPER

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.

Office Action Summary	Application No. 11/366,984	Applicant(s) DAL PRA, GIUSEPPE	
	Examiner Rodney H. Bonck	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2009 and 05 January 2010.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9, 11-14, 16, 17, 30, 31, 33-35, 37, 39-41, 45, 46, 48 and 51-56 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9, 11-14, 16, 17, 30, 31, 33-35, 37, 39-41, 45, 46, 48, 52 and 53 is/are allowed.
- 6) Claim(s) 51 and 54-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/29/09.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

The following action is in response to the amendment received December 29, 2009 and supplemented on January 5, 2010. Currently, claims 9, 11-14, 16, 17, 30, 31, 33-35, 37, 39-41, 45, 46, 48 and 51-56 are pending.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed December 29, 2009. The cited documents have been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim calls for a "brake lever for operating at least one switch of a bicycle electric device" and then calls for "at least one control lever ...for operating at least one switch associated with said bicycle electric device". It is unclear whether the "at least one switch" associated with the control lever is the same as, or in addition to, the "at least one switch" associated with the brake lever. Furthermore, it is unclear which switch is referred to by "said at least one switch", in line 5 of the claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 55 is rejected under 35 U.S.C. 102(a and e) as being anticipated by Jinbo et al.('078). The Jinbo et al. device is a control lever 43 attached to a support body 25, mounted on a bicycle handlebar 19 adjacent to a brake lever 29,33 (Fig. 5), for operating at least one switch 51 of a bicycle electric device 15. The control lever is movable in at least two directions, *i.e.*, about an axis defined by bolt 31 and about an axis defined by pivot 27. The lever is positioned so that movement in a first direction (about bolt 31) brings the lever into contact with switch 51 via contact 47L. Movement in the second direction (about pivot 27) has no influence on the switch, since the switch will remain contacted or not contacted, regardless of the position about pivot 27.

Claims 51 and 54-56, insofar as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Watarai('969). Regarding claim 51, Watarai provides a control

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lever 10 attached to support body 9, mounted on handlebar 8 adjacent to brake lever 7, for operating at least one switch 13a, 13b of bicycle electric device 24. The control lever is movable in at least two directions, *i.e.*, from the neutral position (N) toward switch upshift position (U), or from the neutral position (N) toward the downshift position (D) (see Fig. 3). Movement in the first direction, from “N” to “U”, brings the lever into contact with switch 13a, and movement in a second direction, from “N” to “D”, has no influence on switch 13a and does not move switch 13a. Regarding claim 54, Watarai discloses a support body 9 mounted on a bicycle handlebar 8 adjacent to a brake lever 7. The support body carries a control lever 10 that is movable in at least two directions, as defined above regarding claim 51. The switches 13a, 13b are associated with bicycle electric device 24. Movement of the lever 10 from the neutral position toward the upshift position brings the lever into contact with switch 13a, and movement of the lever 10 in another direction, toward the downshift position, avoids contact with switch 13a. Regarding claim 55, Watarai provides a control lever 10 attached to support body 9, mounted on handlebar 8 adjacent to brake lever 7, for operating at least one switch 13a, 13b. The brake lever is movable in at least two directions, as defined above regarding claim 51. Movement in the first direction, from “N” to “U”, brings the lever into contact with switch 13a, and movement in a second direction, from “N” to “D”, has no influence on switch 13a. Regarding claim 56, Watarai provides a control lever 10 attached to support body 9, mounted on handlebar 8 adjacent to brake lever 7, for operating at least one switch 13a, 13b. The brake lever is movable in at least two directions, as defined above regarding claim 51. The lever 10 is positioned such that

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movement in the first direction, from “N” to “U”, operates switch 13a, and movement in a second direction, from “N” to “D”, does not operate switch 13a or move switch 13a.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 56 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Romano('277) in view of Jinbo et al.('078). Romano discloses a control lever 44 (Fig. 8) attached to support body 42, mounted on a bicycle handlebar 70 adjacent to a brake lever 43, for operating at least one switch 40 (Fig. 2) of a bicycle electric device 27. Element 40 in Romano is a control unit that can be considered a switch in that it energizes or deenergizes geared motor 27. It is unclear from Romano in what directions lever 44 can move. The Jinbo et al. device is a control lever 43 attached to a support body 25, mounted on a bicycle handlebar 19 adjacent to a brake lever 29,33 (Fig. 5), for operating a bicycle electric device 15. The control lever is movable in at least two directions, *i.e.*, about an axis defined by bolt 31 and about an axis defined by pivot 27. It would have been obvious to use the Jinbo et al. lever arrangement to operate switch 40 of Romano via the contacts 47N, 47L, since the Jinbo et al. lever arrangement would allow braking and shifting with the operator's hand remaining on the

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brake lever. Movement in a first direction, around the axis of bolt 31, would operate switch 40; and, movement in a second direction, around pivot 27, would not operate switch 40 or move the switch.

Allowable Subject Matter

Claims 9, 11-14, 16, 17, 30, 31, 33-35, 37, 39-41, 45, 46, 48, 52 and 53 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukuda('036), Lee('916), Anderson('307), Campagnolo('454), Bellio et al.('017), Campagnolo('356), Hsu('041), Lacombe et al.('451), Watarai('649), Buhlmann('425), Wakebe et al.('557), Genzling('892), and Romano('776) are other documents of record in the reexamination of US Patent 6,698,567 and are made of record in this case. Also cited is a translation of JP 1-39275 Y2 that was cited by applicant in an earlier IDS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on (571) 272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney H. Bonck/
Primary Examiner, Art Unit 3655

rhb
January 21, 2010