

REMARKS

In response to the Examiner's Election/Restriction Requirement, the Applicants hereby elect the claims of Group IV (that is, claims 17-26 and 32-34) for examination. As indicated above, the claims 1-11, 12, 13-16 and 27-31 have been withdrawn from the present application.

Section 121 of the Patent Statute allows a restriction requirement in the event that two independent and distinct inventions are claimed in a single patent application. It is not seen how the inventions set forth in the five claim groups identified by the Examiner are independent and distinct. There is a clearly disclosed relationship between these inventions as all relate to an antenna system and elements for tuning the antenna system to a frequency of a signal to be received. Thus, the inventions are believed to be related and not independent.

As to the distinctiveness between the five inventions, the Examiner suggests that the inventions are unrelated because they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects.

Contrary to the Examiner's claims, all the claimed embodiments share the same function (to tune the antenna). The Applicants further suggest that the elected and the withdrawn claims share one or more common operations, functions and effects. For example, although independent antenna claims 1, 12, 13, 17/32 and 27 (which the Examiner has identified as comprising five independent inventions) are patentably distinct, the commonality of claim elements can be readily seen and searching in pertinent classes will yield art related to each of these claims. All these claims relate to controlling elements of the antenna to control the antenna resonant frequency. For example, it is not seen how claims 1 and 12 require a restriction requirement as both claims include similarly described elements (i.e., an antenna structure, a decoder, and a switch matrix). The antenna structure claim element is claimed with slightly more detail in claim 1. But certainly this is not a reasonable basis for issuing a restriction requirement.

The independent claims represent different definitions of the same disclosed subject matter, i.e., an antenna having an adjustable resonant frequency with controlling elements for controlling that resonant frequency. The inventions as claimed are in fact related, and while the design of some of the details may differ, at a macro level they are all related to controlling the resonant frequency of the antenna. The independent claims claim different, but related elements for controlling that resonant frequency. Further, the inventions are not unconnected in design, operation and affect. They all relate to controlling the resonant frequency. Also, since the inventions are related and searchable in the same field, there is no extra burden imposed on the Patent Office when all are searched concurrently.

Preparing and filing independent claims of varying scope and claiming the invention from different perspectives is common practice, and thus one questions whether the Examiner suggests that each independent claim by its very nature, always constitutes a separate invention that demands a restriction requirement.

On the bases set forth above, the requirement for restriction is traversed and it is suggested that the restriction requirement be withdrawn. The Applicants consider the invention to be defined by claims 1-34 and examination of all claims in one group is appropriate.

In any case, to be responsive to the Examiner's restriction requirement and to move the case along to examination and issue, the Applicants have elected the claims of Group IV as set forth above. The Applicants reserve the right to file a divisional application or take other action as appropriate to protect the invention as set forth in the withdrawn claims. It is respectfully requested, however, that the restriction requirement be withdrawn and that a complete examination of the application in compliance with Section 131 be performed.

If a telephone conference will assist in clarifying or expediting this Amendment, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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