

**REMARKS**

Claims 1-8 and 10-50 are currently pending in this application. Claims 1, 6, 46, 47, 49, and 50 have been amended. Claim 9 was previously canceled.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 11-25 contain allowable subject matter and would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. As discussed below in detail, the references of record fail to disclose or suggest every element of independent claim 1, which has been amended to incorporate a limitation not disclosed or suggested by the cited references. Claims 11-25 are dependent upon claim 1 and are similarly allowable over the references of record.

**Claim Rejections - 35 U.S.C. § 103**

Claims 1-8, 10, and 46-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsumiyama et al. (U.S. 2002/0139218) (hereinafter "Tsumiyama") in view of Jordan et al. (U.S. 2006/0207375) (hereinafter "Jordan"). Applicant respectfully traverses this rejection.

Claim 1 recites a single lever is movably connected to the support body and is operatively associated with both the brake and the derailleur. An intermediate

shaft has a first end rotatably connected to a main shaft associated with the single lever. A second end of the intermediate shaft is slidably connected to a derailleur component. The single lever has a rest position in which it is inactive. The single lever moves in a first direction relative to the support body to operate the brake through a brake cable that is directly connected to an intermediate body. The intermediate body is arranged between the support body and the single lever and moves with the single lever. The lever moves in a second direction relative to the support body by a first distance to operate the derailleur in a first derailleur direction, and by a second distance to operate the derailleur in a second derailleur direction.

As noted in the previous Reply, the combination of Tsumiyama and Jordan fails to disclose an intermediate shaft having a first end rotatably connected to a main shaft associated with the single lever and a second end slidably connected to a derailleur component. Tsumiyama discloses a brake lever (150) with a fixedly attached operating plate (320) which is actuated for upward and downward shifting. (See Tsumiyama, paragraph [0029]). Tsumiyama fails to disclose an intermediate shaft rotatably connected to a shaft associated with the single lever that is also slidably connected to a derailleur component. Tsumiyama also fails to disclose operating the brake through a brake cable directly connected to an intermediate body that is arranged between the support body and the single lever and that moves

with the single lever. As shown in Figures 7A and 7B, Tsumiyama's cable (170) has a cable hook (160) that is pivotably connected to the brake lever base (130) by a pivot pin (160). Tsumiyama's brake cable is not directly connected to any intermediate body that moves with the lever. Additionally, Tsumiyama fails to disclose an intermediate body arranged between the support body and the single lever.

Jordan similarly fails to render claim 1 obvious because Jordan fails to disclose a single lever that operates both a brake and derailleur. As shown in Jordan's Figure 1, the brake lever (28) is separate from the control lever (20). Jordan also fails to disclose any component that could be considered an intermediate shaft having the features as recited by claim 1. Further, Jordan's control lever (20) is not slidably connected to the derailleur component as recited by claim 1.

Claims 46, 49, and 50 recite similar features as claim 1 and are patentable over Tsumiyama and Jordan for the reasons stated above. Claims 2-8, 10, 47, and 48 depend from claims 1 and 46 and are similarly patentable.

Claims 1-8, 10, and 46-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dal Pra' (EP 1739001A) in view of Jordan.

As discussed above, Jordan fails to disclose a single lever controlling the brake and shifting mechanisms and an intermediate shaft that is both rotatably

and slidably connected to the main shaft and derailleur component, respectively. Dal Pra' is cited solely for teaching an intermediate shaft having a first end rotatably connected to a main shaft associated with the single lever and a second end slidably connected to a derailleur component. It is noted that the Action incorrectly cites the throat (23) of cable winding bush (19) as the intermediate shaft. Dal Pra' fails to disclose a single lever controls both the braking mechanism and the shifting mechanism. Dal Pra' discloses a separately formed first lever (9) and second lever (10). The first lever (9) actuates the brakes when it is pulled towards the handlebars (2). The first lever (9) also upwardly shifts the control shifting mechanism when the lever is rotated in the counter clockwise direction about axis (X2). (See Dal Pra', paragraph [0056]). The second lever (10) moves with the first lever (9) when the first lever (9) is rotated. (See *id.*). The second lever (10) downwardly shifts the control shifting mechanism when the lever is rotated in the counterclockwise direction. (See Dal Pra', paragraph [0058]). When the second lever (10) is actuated, the first lever (9) remains still. (See *id.*). Clearly, Dal Pra' discloses two separate levers that perform separate shifting functions and are capable of being separately actuated.

Claims 46, 49, and 50 recite similar features as claim 1 and are patentable over Dal Pra' and Jordan for the reasons stated above. Claims 2-8, 10, 47, and 48 depend from claims 1 and 46 and are similarly patentable.

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**Application No.:** 12/029,047

Further, the pending claims are patentable over any other reasonable combination of the above references as any further combination of the references would require substantial reconstruction of the combined device. Pursuant to M.P.E.P. § 2143.01[VI], “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.” A combination is improper if the combination would require substantial reconstruction and redesign of elements and a change of the basic principle under which a primary reference was designed to operate. (See M.P.E.P. § 2143.01[VI]) (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349, 352 (CCPA 1959)).

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**Conclusion**

If the Examiner believes that an interview will advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience to arrange the same.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including all of the pending claims, is allowable. Reconsideration and a notice of allowance are respectfully requested.

Respectfully submitted,

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