

REMARKS

Claims 1-8 and 10-51 are currently pending in this application. Claims 1, 3, 4, 46, 47, 49, and 50 are amended. New claim 51 is added. Claim 9 was previously canceled.

Allowable Subject Matter

The 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. § 112

Claims 1-8, 10-25, and 46-50 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant respectfully traverses this rejection.

Claims 1, 46, 49, and 50 have been amended to overcome these rejections. Accordingly, withdrawal of the § 112, second paragraph, rejection of claims 1-8, 10-25, and 46-50 is respectfully requested.

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"). The Applicant respectfully traverses this rejection.

Claim 1 recites:

An integrated control device for operating a brake and a derailleur associated with a bicycle, the control device comprising
a support body configured to be fixed to a handlebar of the bicycle,
a single lever that is connected to the support body and operates both the brake and the derailleur,
the single lever has a rest position in which it is inactive,
movement of the single lever from the rest position in a first direction relative to the support body operates only the brake through a brake cable that is directly connected to an intermediate body that is arranged between the support body and the single lever and moves with the single lever, and
movement of the single lever from the rest position in a second direction relative to the support body operates only the derailleur, whereby movement of the single lever for a first distance in the second direction operates the derailleur in a first shift direction, and movement of the single lever for a second distance in the second direction operates the derailleur opposite to the first shift direction, whereby the second distance is different from the first distance.

Tsumiyama and Jordan both fail to disclose a **single lever** with two distinct directions of movement, wherein movement of the single lever in a **first direction operates only the brake**, movement of the single lever in a **second direction by a first distance** operates a derailleur in a **first shift direction**, and movement of the single lever in the **second direction by a second distance** operates the derailleur **opposite to the first shift direction** as required by claim 1. Jordan discloses a first shift movement of a lever corresponds to a **single gear shift** and a second shift movement corresponds to a **plurality of gear shifts**. (See Jordan, Abstract). Jordan cannot perform upshifting and downshifting via movement of a single lever in a **single direction based on the distance that the single lever moves in that single direction**.

Tsumiyama discloses a lever 150 that operates the brake if moved in a **first direction**, upshifts if the lever 150 is moved in a **second direction**, and downshifts if the lever 150 is moved in a **third direction**. Tsumiyama operates on the principle of **requiring a cyclist to move their hand with respect to the control device in three distinct directions** in order to achieve braking, upshifting, and downshifting. The present application discloses downshifting if a single lever is moved by a **first distance** in a **first direction**, and upshifting if the single lever is moved a **second distance** in the **same first direction**. As disclosed by the present application: “[t]he movement of the derailleur in the first direction

corresponds to downward gearshifting and the movement of the derailleur in the opposite direction corresponds to upward gearshifting, and therefore a first movement of the single lever causes downward gearshifting, whereas a second further movement causes upward gearshifting. **This way of operating is more instinctive for the cyclist.**” (See Published Application, paragraph [0020]) (emphasis added). The configuration also allows a cyclist to never have to reorient their hands with respect to the handlebar in order to brake, upshift, or downshift. (See *id.*, paragraph [0018]). The combination of Tsumiyama and Jordan fail to disclose a bicycle control device including the structural limitations of claim 1 that provide these advantages.

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.

New claim 51 recites moving a single lever in a first direction performs braking, and movement of the single lever in a second direction for a first predetermined distance operates the derailleur in a first shift direction and movement in the second direction for a second predetermined distance operates the derailleur in a second shift direction that is different from the first shift direction. Tsumiyama and Jordan fail to disclose these features.

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. The Applicant respectfully traverses this rejection.

Dal Pra' fails to remedy the deficiencies of Jordan because Dal Pra' fails to disclose a single lever with two distinct directions of movement, wherein movement of the single lever in a first direction operates only the brake, movement of the single lever in a second direction by a first distance operates a derailleur in a first shift direction, and movement of the single lever in the second direction by a second distance operates the derailleur opposite to the first shift direction as required by claim 1. As explained in the previous Reply, 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. Dal Pra' discloses a separately formed first lever (9) and second lever (10) which puts this type of control device in a separate class of control devices than the present application. The Action states "parts 9 and 10 could also be interpreted as a single lever made of two parts." (See Current Action, page 13). It is unclear how the Examiner interprets the explicit teaching of two levers of Dal Pra' to somehow mean a single lever could perform the same functions without substantially reconstructing the control device of Dal Pra'. The first lever (9) actuates the brake 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 counter-clockwise direction. (*See* Dal Pra', paragraph [0058]). Dal Pra' discloses **two separate levers** that perform separate shifting functions and are capable of being separately actuated, and fails to disclose a single lever with the structural limitations recited by claim 1. Accordingly, withdrawal of the § 103 rejection of claim 1 in view of Dal Pra' and Jordan is respectfully requested.

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.

As previously argued, 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. In response to this argument, the Examiner merely states that the test for combining references is "what the combined teachings of the references would have suggested to those of ordinary skill in the art." (*See* Current Action, page 23). The Examiner ignores the fact that rejection combines multiple references, **which operate under**

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completely different principles and include a varying numbers of levers for performing braking and shifting via a bicycle control device, to try to argue the pending claims are obvious. Accordingly, withdrawal of all of the § 103 rejections in view of Tsumiyama, Jordan, and Dal Pra' is respectfully requested.

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, the 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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