

REMARKS

Claims 1 – 42 are currently pending in this application. Claims 1, 31, and 39 are presently amended. Claims 19 – 27, 30, 34, and 35 were previously withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for stating that claim 37 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Double Patenting Objection

In the Action, claims 31 and 39 are objected to as being a substantial duplicate of claim 1 under 37 C.F.R. § 1.75. As claims 1, 31, and 39 are not yet allowed, this objection is moot and Applicants will address the Examiner's objection in due course once claim 1, 31, or 39 is allowed.

Objections to the Specification

In the Action, the Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as “an upper transverse surface” in claims 1, 31, and 39. Applicants amended claims 1, 31, and 39 to recite an “upper transversal surface” and/or “lower transversal surface,” support for which is found in the originally filed Specification at Paragraph [0053]. Withdrawal of the objection to the specification is, therefore, respectfully requested.

Claim Rejections - 35 U.S.C. § 102

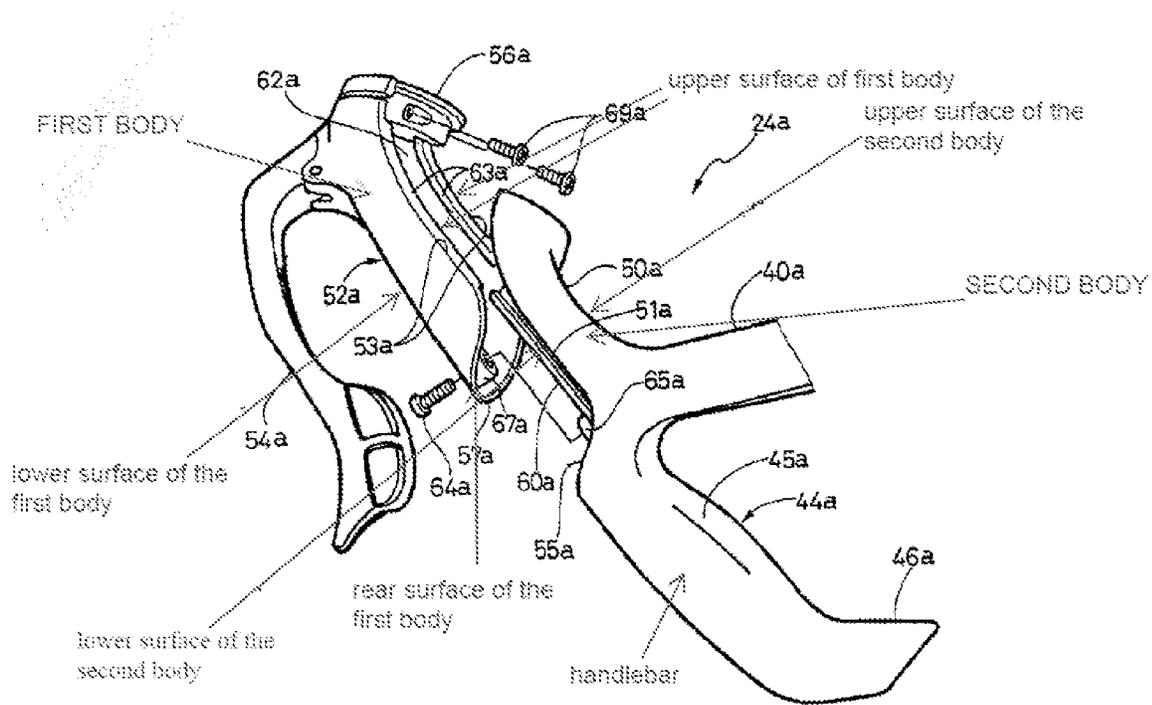
Claims 1-5, 7, 11, 13-18, 28, 29, 31-33, and 39-42 are rejected under 35 U.S.C. § 102(b) as being anticipated by Irie (U.S. 6, 546,827) (“Irie”). Applicants respectfully traverse this rejection.

The claimed control device for a bicycle has at least a first body, a second body, and a lever. The lever controls at least one bicycle component and is hinged to a front portion of the first body. The first body defines a first grip portion of the control device and includes a front portion, rear surface shaped to be associated with a bicycle handlebar, and an upper transversal surface that defines an upper transversal wall of the control device. The second body is distinct from the first body, defines a second grip portion of the control device, and includes a lower transversal surface that at least partially defines a lower transversal wall of the control device. The first and second bodies are positioned so that, when the fingers of a hand of a cyclist are on the lever, the hand of the cyclist rests on the upper transversal surface of the first body.

In the Action, the Examiner compares Irie’s bracket section (52a), the mounting section (50a), and the first control lever (54a) to a respective first body, second body, and control lever of the present application. Irie’s first body (52a) has a mating curved transverse edge (57a) and flush longitudinal edges (53a). Irie’s second body (50a) has a mating surface curved transverse edge (55a) and flush longitudinal edges (51a). When the first body (52a) is coupled to the second body (50a), flush longitudinal edges (51a, 53a) are aligned with each other to form a continuous, smooth contoured annular gripping surface (i.e. a first gripping section 42a). Similarly, curved transverse edges

(55a, 57a) are aligned with each other to define a smooth transition from the first gripping section (42a) to the second gripping section (44a). Because surface (53a) of Irie's first body (52a) abut against surface (51a) of the second body (50a), surface (53a) does not define an upper transversal wall of the control device (56a). Similarly, because surface (55a) of Irie's second body abuts against surface (57a) of the first body (52a), surface (55a) does not define a lower transversal wall of the control device (56a). (See Irie annotated Figures 7 and 8 below).

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]



Annotated FIG. 7

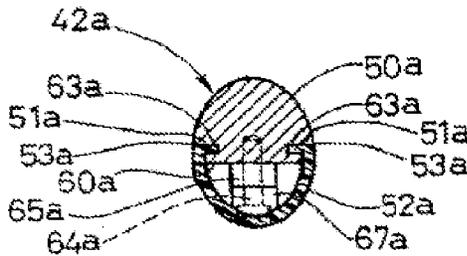


FIG. 8

In contrast to the device of Irie, Applicants' claimed second body has upper and lower transversal surfaces that partially define transversal walls of the control device. Additionally, Irie's first body (52a) is positioned with respect to the second body (50a) to create on the upper transversal surface of the second body a resting surface for the

cyclist's hand when the fingers of the cyclist's hand are on the control lever (54a). In contrast to the device of Irie, Applicants' claimed first body is positioned with respect to the second body to create on the upper transversal surface of the first body a resting surface for the cyclist's hand.

In view of the foregoing, withdrawal of the 35 U.S.C. §102 rejection of claims 1, 31, and 39 is, therefore, respectfully requested. Claims 2-5, 7, 11, 13-18, 28, 29, 32, 33, and 40-42 depend from claims 1, 31, or 39 and are allowable for at least the reasons noted above. Withdrawal of the 35 U.S.C. §102 rejection of claims 2-5, 7, 11, 13-18, 28, 29, 32, 33, and 40-42 is requested.

Claim Rejections - 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Irie. Applicants respectfully traverse this rejection.

Claim 6 depends from claim 1 and is patentable for at least the reasons noted above in connection with claim 1. Withdrawal of the 35 U.S.C. § 103(a) of claim 6 is, therefore, respectfully requested.

Claims 8-10, 36, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Irie in view of Romano (U.S. 4,945,785) ("Romano"). Applicants respectfully traverse this rejection.

Claims 8-10, 36, and 38 depend from claims 1, 31, or 39 and are patentable for at least the reasons noted above in connection with claims 1, 31, and 39. Further, Romano fails to cure the deficiencies of Irie since it does not disclose or suggest that "the

position of the first body with respect to the second body is such that when the fingers of a hand of a cyclist are on the at least one lever the hand of the cyclist rests on the upper transversal surface of the first body,” as required by claims 31 and 39.

Withdrawal of the 35 U.S.C. §103(a) rejection of claims 8-10, 36, and 38 is, therefore, respectfully requested.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Irie in view of Campagnolo (U.S. 2002/0020246) (“Campagnolo”). Applicants respectfully traverse this rejection.

Claim 12 depends from claim 1 and is patentable for at least the reasons noted above in connection with claim 1. Withdrawal of the 35 U.S.C. §103(a) rejection of claim 12 is, therefore, 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, 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,

Giuseppe Dal Pra'

Volpe and Koenig
United Plaza
30 South 17th Street
Philadelphia, PA 19103

By /Anthony S. Volpe/
Anthony S. Volpe
Registration No. 28,377
(215) 255-9101
AVolpe@vklaw.com

ASV/SAW/vag