

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1-18, 28, 29, 32-33, 37-38 and 40-43 are currently pending in this application. Claim 1 is presently amended. Claims 19-27, 30, 34, and 35 were previously withdrawn. Claim 43 is new. Support for the amendment is found in the figures (in particular Figs. 2 - 8 and 10 - 15) and in paragraphs: [0006], [0026], [0033], [0041], [0042] [0067] and [0115] of the originally filed specification. No new matter is added.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 5, 8 - 10, 37 and 38 contain allowable subject matter.

Objections to the Specification

The Examiner objected to the specification for failing to provide proper antecedent basis for the claimed term "a dimension". Despite the fact that specification recites size and shape, which one would readily understand to correspond to the term dimension, Applicant has amended claim 1 to eliminate the recitation of the term dimension. The withdrawal of the objection to the specification is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 1 - 18, 28 29, 32, 33, 37, 38 and 40 - 42 were rejected in the Action under 35 USC §112, second paragraph, as being indefinite.

Applicant traverses the rejection.

Without conceding the validity of the rejection and in the spirit of cooperation, Applicant has amended claim 1 to eliminate the recitation of the terms “dimension” and “selectable”, thereby obviating the rejection. Regarding the Examiner’s assertions regarding the term “configured as” Applicant believes that the Examiner has confused the claimed term “configured as”, meaning made or shaped as, with the term “configured to”, which is not recited in the claim, meaning able to do something. (See Action page 3, paragraph d).

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1 - 4, 6, 7, 11 - 18, 28, 29, 32, 33 and 40 - 42 were rejected in the Action under 35 USC § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0167871 to Irie in view of EP134265 in view of U.S. Patent No. 4,132,296 to Evett.

Applicant traverses the rejection.

As amended, claim 1 recites a control device for a bicycle, comprising:

a first body that defines a first grip portion of the control device and includes a front portion and a rear surface that is shaped to be connected to a bicycle handlebar, and an upper transversal surface that defines an upper transversal wall of the control device;

at least one lever that controls at least one bicycle component and that is directly hinged to the front portion of the first body; and

a second body that is distinct from the first body and from the at least one lever, the second body is directly connected to the first body, the second body defining a second grip portion of the control device and includes a lower transversal surface, opposite the upper transversal surface, that at least partially defines a lower transversal wall of the control device, the second body being sized and shaped to define the second grip portion's size;

wherein the upper transversal surface of the first body is configured as a palm rest surface.

The Examiner now interprets the second body in the lever 46 of Irie, which is connected to the first body (the hatching portion shown in the Appendix of the Office Action) through the interposition of the adjustment member 32, 132, 332, as seen in FIGS. 1-8 and somehow admitted by the Examiner on page 5, lines 12-14 of

Applicant: Giuseppe Dal Pra'
Application No.: 12/039,810

the Office Action. Therefore, Irie does not disclose the claimed feature “the second body is directly connected to the first body”.

Evett would not have suggested a second body directly connected to a first body, wherein the second body is distinct from the first body, as claimed. The examiner broadly interprets the claimed first body at 12 of Fig 1 of Evett and the claimed second body at 12a, 12b of Fig, 1 of Evett. However, 12a and 12b are opposite lateral sides of housing 12. (column 2, lines 31-32). Therefore, Evett does not have a second body distinct from the first body, i.e. Evett could not have suggested a second body directly connected to a first body.

Since the cited references fail to show or suggest all of the features of claim 1 as amended, withdrawal of the rejection is respectfully requested.

Claims 2-4, 7, 11-18, 28, 29, 32, 33 and 40 - 42 depend from claim 1 and are believed to be allowable for the same reasons set forth above.

Based on the amendments and arguments presented above, withdrawal of the §102(b) rejection of claims 1-4, 7, 11-18, 28, 29, 32, 33 and 40 - 42 is respectfully requested.

New claim 43 recites all the features of claim 1 and a brake lever and further recites that the second body is distinct from the brake lever. This claim is patentable for the reasons discussed above with respect to claim 1.

Applicant: Giuseppe Dal Pra'
Application No.: 12/039,810

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment remarks, Applicants respectfully submit that the present application, including claims 1-18, 28, 29, 32-33, 37-38 and 40-43, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Giuseppe Dal Pra'

By /Thomas P. Gushue/
Thomas P. Gushue
Registration No. 63,061

Volpe and Koenig, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103-4009
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

TPG/kmm
Enclosure