

REMARKS

Claims 1-22 are currently pending in this application. By the present Reply, claim 16 has been amended.

Restriction Requirement

The Action indicated that the present application includes claims directed to the following patentably distinct species:

Species I of Figure 14 drawn to a control device wherein the driven arm of the lever has a stepped profile for controlling the driving arm of the swinging member as recited in claim 12;

Species II of Figures 15-18 drawn to a control device wherein the driven arm of the lever has a peg or a roller for controlling the driving arm of the swinging member as recited in claim 13;

Species III of Figures 19-22 drawn to a control device wherein said indexer mechanism further comprises a second swinging member as recited in claim 14; and

Species IV of Figure 25 drawn to a control device comprising a brake lever and an actuating arm of the lever provided with an articulation pivot essentially parallel to a pivot of the brake lever as recited in claims 17-18.

The Action required election of a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Action indicated that claims 1-11 and 19-22 are currently generic. Applicants also submit that claims 17 and 18 are also generic.

Applicants respectfully traverse this Restriction Requirement, but in order to expedite prosecution, elect Species II shown in Figures 15-18 and submit that at least claims 1-11, 13, and 17-22 read on this species.

A restriction requirement based on patentable distinction is proper if the inventions are distinct and a serious burden on the Examiner exists in examining the application. *See* MPEP § 803. Applicants respectfully submit that no serious burden exists in examining all of the claims in the application. The present application contains twenty two claims, of which only four are directed to the nonelected species. Furthermore, the claims are sufficiently inter-related as to require the same field of search. As such, examination of all of the pending claims together would be more efficient than separating the claims for examination in different applications.

Conclusion

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement and examination of all of the pending claims.

If the Examiner believes that an interview would advance prosecution of the application, the Examiner is respectfully requested to contact the undersigned to schedule an interview at the Examiner's convenience.

Respectfully submitted,
Dal Pra' et al.

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