

REMARKS/ARGUMENTS

Claims 1-8 are pending in the present application. Claims 9-11 have been withdrawn. In responding to the current Office Action, claim 1 has been amended and claim 5 has been cancelled. No new matter has been introduced by these amendments.

Allowable Subject Matter

The Applicant thanks the Examiner for indicating that claim 5 contains allowable subject matter. The Examiner indicated that claim 5 would be allowable if amended to include all of the limitations of the base claim from which claim 5 depends.

Claim Rejections

Claims 1-4 and 6-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Okamura et al. (WO 2008/072768) (hereinafter, "Okamura"). The Applicant respectfully disagrees.

In order to expedite prosecution the present application however, Applicant has amended independent 1 to incorporate the limitations of claim 5, (now cancelled). Specifically, claim 1 now recites "wherein the external electrode has a slit formed in a portion of the external electrode corresponding to a location of the stress relaxing layer between the piezoelectric layers." Therefore, the Applicant respectfully submits that independent claim 1 is in condition for allowance.

Applicant: Nakamura et al.
Application No.: 13/387,625

Claims 2-4 and 6-8 are ultimately dependent upon claim 1, and the Applicant believes these claims are allowable over the cited references' of record at least by the virtue of their dependency.

Based on the arguments presented above, withdrawal of the current 35 U.S.C. §102 rejection of the pending claims is respectfully requested.

Applicant: Nakamura et al.
Application No.: 13/387,625

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 telephonic 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, the Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Nakamura et al.

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