

## **REMARKS/ARGUMENTS**

Claims 1, 4 – 15, and 17 are currently pending in this application as amended. By the present amendment, claims 1, 4, 5, 7, 8, and 10 – 12 have been amended, and claims 2, 3, and 16 have been canceled.

### **Claim Rejections – 35 U.S.C. 112**

Claims 1 – 17 were rejected under 35 USC 112, second paragraph, as indefinite. In particular the phrase “in order” in claim 1 was questioned. Applicant has amended this to recite “in order one after the other” which is believed to be both clear and definite with respect to the cutting edges and sides recited, and is fully supported by the original specification and drawings.

The phrase “an auxiliary major cutting edge . . . located between the first major cutting edge and the second flat cutting edge” was also questioned. Applicant notes that Figs. 1 and 3 of the present application show that the second flat cutting edge 5c is composed of the curved cutting edge 51b which is a part of the chamfered cutting edge 51 and the first inclined cutting edge 52a which is a part of the corner cutting edge 52. This means that the auxiliary primary cutting edge 51a which is another part of the chamfered cutting edge 51 is not included in the second flat cutting edge 5c. Therefore, the auxiliary primary cutting edge 51a is not a part of the second flat cutting edge 5c. Accordingly, it is believed that claim 109 is both clear and definite.

With respect to claim 16, this claim has been canceled.

In view of these amendments, withdrawal of the section 112 rejections is respectfully requested.

### **Claim Rejections – 35 U.S.C. 102**

Claims 1 – 3, 7, 8, 10, 11, 13, and 17 were rejected under pre-AIA 35 USC 102(b) as anticipated by US2010/0239379 to Choi et al. Applicant traverses this rejection.

As amended, claim 1 includes the subject matter of claims 2 and 3, and is directed to a cutting tool that includes, among other elements, a cutting edge that has a first flat cutting edge and a first major cutting edge in order one after the

other in an intersection region of the first side surface and the upper surface, and a second flat cutting edge and a second major cutting edge in order one after the other in an intersection region of the second side surface and the upper surface. The second flat cutting edge which is located from the first intersection region to the second intersection region. The second flat cutting edge includes a curved cutting edge which is located in the first intersection region and has a downward convex curve with respect to the reference plane in a side view, and a first inclined cutting edge which is located in the second intersection region and is inclined upward with respect to the reference plane as the first inclined cutting edge separates from the curved cutting edge in the side view.

The Action lacks any detailed explanation as to how Choi et al. can meet this requirement regarding the second flat cutting edge which was previously recited in Claim 3, and moreover none of the cited references discloses or suggests this arrangement. As is clear from Figs. 7 and 13 of Choi et al., the curved cutting edge having a downward convex curve is not located in the intersection between the curved surface of the corner surface 18 and the upper surface 12 (corresponding to the first intersection region of the present application), but instead is located in the intersection between the flat surface of the corner surface 18 and the upper surface 12 (corresponding to the second intersection region of the present application). Accordingly, claim 1 cannot be anticipated by this reference, and withdrawal of the section 102 rejection of claim 1 is respectfully requested.

Claims 7, 8, 10, 11, 13, and 17 depend directly or indirectly from claim 1 and should be similarly patentable.

Claims 1, 13, 15, and 17 were rejected under pre-AIA 35 USC 102(b) as anticipated by US2007/0003384. As claim 1 has been amended to incorporate the subject matter of claims 2 and 3, this rejection should be withdrawn as moot.

**Claim Rejections – 35 U.S.C. 103**

Claim 14 was rejected under pre-AIA 35 USC 103 as obvious in view of US2007/0003384. As claim 14 depends from amended claim 1, this rejection should also be withdrawn as moot.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the Examiner by telephone at the Examiner's convenience so that such matters can be efficiently resolved.

In view of the foregoing amendments and remarks, Applicant submits that the present application, including claims 1, 4 – 15, and 17, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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