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28060	7590	05/30/2008	EXAMINER	
TAROLLI, SUNDHELM, COVELL & TUMMINO, LLP 1300 EAST NINTH STREET SUITE 1700 CLEVELAND, OH 44114			FLETCHER, MARLON T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuyama et al. (4,608,637).

Okuyama et al. disclose an apparatus for controlling motion of a motor driven element over a range of motion and for altering said motion when undesirable resistance to the motion is encountered, said apparatus comprising: a sensor (6a, 6ab, 6d, 6da) for measuring a parameter of a motor coupled to the motor driven element that varies in response to a resistance to motion during all or part of a range of motion of the motor driven element (column 7, lines 49-62); a memory for storing a number of measurement values from the sensor based on measurements of said parameter over at least a portion of the range of motion (column 8, line 51-64); a controller (microcomputer 9) coupled to the memory for determining to de-activate the motor based on the measurement values stored in the memory as the motor driven element moves over its range of motion; and a controller interface coupled to the motor (Ma, Md, Mab, Mda) for altering motion of said motor driven element in response to a determination made by the controller (column 5, lines 9-60), wherein altering is also in response to a determination that the parameter is outside the parameter range.

As recited in claim 33, Okuyama et al. disclose an apparatus for controlling activation of a motor coupled to a motor vehicle window or panel for moving said window or panel along a travel path and deactivating the motor if an obstacle is encountered by the window or panel, said apparatus comprising: a sensor for sensing movement of the window or panel and providing a sensor output signal related to a speed of movement of the window or panel (discussed above; column 7, lines 30-37), and a controller having an interface coupled to the sensor and the switch for controllably energizing the motor (figure 4a); said controller sensing a collision with an obstruction when power is applied to the controller by: monitoring movement of the window or panel by monitoring a signal from the sensor related to the movement of the window or panel (column 7, lines 6-23; and column 8, lines 35-50), identifying a collision of the window or panel with an obstacle due to a change in the signal from the sensor that is related to a change in movement of the window or panel (Abstract; and column 8, lines 51-64); and outputting a control signal to said switch to deactivate said motor in response to a sensing of a collision between an obstacle and said window or panel (column 8, line 65 - column 9, line 7).

With respect to claims 34, Okuyama et al. a Hall-effect sensor (6a-) and a magnetic pick-up (7a-).

As recited in claim 35, Okuyama et al. disclose the apparatus, wherein the controller comprises a programmable controller including a processing unit for executing a control program and including a memory for storing multiple window or panel speed values corresponding to a signal received from the sensor (column 6, lines 52-60).

Allowable Subject Matter

3. Claims 1-32 and 36-37 are allowed.

Response to Arguments

Applicant's arguments filed 1/10/2008 have been fully considered but they are not persuasive.

Applicant's arguments are mostly persuasive. However, with regards to claims 33-35, the examiner believes that there is no distinction over the prior art. Therefore the rejection to those claims remain.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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