REMARKS

Claims 1-96 have been cancelled, and new claims 97-108 have been added in this supplemental preliminary amendment. It is the specific intention of the applicant that new claims 97-107 *do not* read on the combination of a personal computer and an analog data generating and processing device. Rather, such claims read on an infringing analog data generating and processing device by itself.

It is respectfully submitted that the new claims are patentable over all of the prior art of record, including the references that the Examiner has been asked to assume, for the sake of argument, are prior art with respect to this application. An exemplary analysis in support of this conclusion is presented hereinafter with respect to prior art US Patent No. 5,917,545.

One feature of the new claims is that they affirmatively recite that a "central processing unit" of an "ADGPD processor" and a "program memory" are configured to cause a unidirectional sensor to generate analog data, and to transmit digitized data representative of the analog data to an i/o connector. The claimed i/o connector is designed to be operatively coupled to, for example, a multi-purpose interface of a PC (but is not required to be so connected for purposes of evaluating direct infringement of claims 97-107). Exemplary structure corresponding to this claim element is, for example, the central processing unit of the DSP shown in Figure 2 of the subject application. The new claims are not limited to this exemplary structure.

The '545 patent does not, for example, teach or suggest the above-described subject matter of the new claims. Figure 3 of the '545 patent shows a CPU 118, a PC card i/f 120, and two bus buffers A and B. The CPU 118 is not capable of causing a transfer of information from

the memory 119 to a notebook computer to which the device is connected. One reason for this is that, for example, the bus buffers A and B are activated to electrically isolate the CPU 118 from accessing the memory when the device is connected to a PC. For this reason alone, for example, the new claims should be found to be patentable over the '545 patent.

Other features of the new claims further evidence their patentability over all of the references that have been submitted to the Examiner assuming, for the sake of argument, that they are prior art. In this regard, the new claims recite, for example, that the ADGPD is adapted to cause a "response signal" to be automatically sent to the PC without any user intervention by means of a deice external to the ADGPD. The new claims also recite that the response signal contains data that is consistent with the ADGPD being a device that can transfer files of digital data by means of a communications protocol (*e.g.*, the SCSI command set), and that the ADGPD thereafter is subsequently able to process data transfer commands in accordance with the communications protocol.

Exemplary structure that corresponds to this claim element is shown, for example, in Figure 2 of the patent application. In accordance with this exemplary embodiment, the central processing unit of the DSP shown in Figure 2 is adapted to cause a response signal to be sent to a connector via an interface, the response signal containing information that is consistent with the Figure 2 device being able to transfer files of digital data in accordance with a communications protocol (*e.g.*, the SCSI command set) "without any user intervention by means of a device external to the ADGPD."

The use of the phrase "without any user intervention by means of a device external to the ADGPD" in the newly submitted claims means that (i) no user has to load an applications level

program onto a device external to the ADGPD (*e.g.*, a PC) at any time and/or that (ii) no user has to interact with a device external to the ADGPD (*e.g.*, setting up a file system on a PC) at any time in order to allow the ADGPD to "thereafter subsequently" be "able to process data transfer requests in accordance with the communications protocol (*e.g*, the SCSI command set). The new claims are not limited to the structure illustrated in Figure 2 of the application.

The '821 patent to Murata does not, for example, teach or suggest structure that corresponds to the above-described claim feature. In direct contrast to the claimed subject matter, all devices disclosed in the '821 patent affirmatively require user intervention in order to cause the PC to understand how to communicate with the scanner disclosed in the patent. A short analysis in support of this conclusion follows.

Column 4, lines 20-35 of the '821 patent state that an "mkfs" or "newfs" UNIX command must be executed before the scanner can be recognized. These commands are operating system commands, and have to be entered by the user or be embedded in an application program running on a workstation to which the '821 patent scanner is connected. The commands require parameters to be given, including at least mkfs i-node device_name. This means that, for example, the user has to enter the node at which the file system is to be made and the device name (associated with the device file and driver in the system). These parameter values are not standard and may differ according to the actual hardware configuration of the workstation. If these commands are embedded in an application program, the application program can only be successfully run on different workstations if there is an appropriate means for entering the parameters by the user.

As readily apparent to one of ordinary skill in the relevant art, the UNIX operating

system of the '821 patent does not automatically recognize devices, nor does it perform data transmission with a device even though the device may emulate the UNIX file system. Detailed operator instructions or an application program containing the embedded instructions is required to administer and coordinate the data exchange described in the '821 patent. For this reason alone, for example, the new claims should be found to be patentable over the '821 patent.

A Japanese language brochure describing a Nikon Coolpix 100 camera, an English translation thereof, and a one page specification describing the Nikon Coolpix 100 camera previously were submitted for the Examiner's consideration. In a previously filed paper, the undersigned attorney stated that he assumed that the product illustrated in these documents operated in a manner consistent with, for example, the above-described US Patent No. 5,917,545.

Subsequent to the filing of that paper, an actual sample of the Nikon Coolpix 100 camera was obtained and analyzed. This analysis indicates that the sample product may not have exactly the same construction as the device that is illustrated in the '545 patent. For example, the bus buffers A and B shown in Figure 3 of the '545 patent (that are used to electrically isolate the CPU 118 from the memory 119 while the device is plugged into and receives power from a notebook computer) are not readily apparent in the Nikon Coolpix 100 product that was analyzed.

The analysis also appears to indicate, however, that a microprocessor is put in a state where it is incapable of accessing a memory of the sample product when the sample product is plugged into and receives power from a notebook computer. As such, the microprocessor of the sample product is not capable of executing a set of instructions that cause data from the memory

to be transferred to the notebook computer.

In previously filed papers, the Examiner was asked to assume, for the sake of argument, that various camera manuals, cameras, software and products (*e.g.*, the information previously submitted about the Nikon Coolpix 100 camera and various Casio products) actually were prior art. For purposes of clarity, the applicant takes this opportunity to reiterate that no admission is made as to whether or not any such material actually is prior art. In this regard, applicant disputes that all such previously submitted material is prior art to the newly submitted claims.

Regarding the Nikon Coolpix 100 camera and information relating to the above-referenced camera manuals, etc., the assignee currently is investigating whether any of this information actually is prior art. As such, the applicant and assignee respectfully ask that the Examiner consider whether or not the currently pending claims are patentable over all such information. The issue of whether or not any such information is or is not prior art to the currently pending claims would become irrelevant if the Examiner were to agree with the undersigned attorney that the new claims are clearly patentable over all of this information.

An IDS is being submitted herewith. One of the items referenced in the IDS is the above-referenced used Nikon Coolpix 100 camera that was obtained and analyzed. The Examiner is respectfully requested to consider all of the information disclosed in the IDS.

A short validity analysis with respect to the sample Nikon Coolpix 100 camera is presented hereinafter. The Nikon Coolpix 100 camera does not, for example, teach or suggest one or more features of the new claims. One feature of the new claims that is not taught or suggested by the product is, for example, the claim feature that concerns a "central processing unit" of an "ADGPD processor" and a "program memory" that are configured both to cause

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