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February 5, 1992

Cabinet Madeuf
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75116 Paris, FRANCE

Re: KOEHL, J. - USSN 07/691,663
RAPID INTERCHANGEABILITY DEVICE ON EARTHMOVER APPARATUSES AND ON VIBRATORS UNDER APPARATUS...
Your Ref: JC/MN CF 88/73; Our Ref: KOEHL=2A

Gentlemen:

Enclosed herewith is a copy of the Examiner's January 24, 1992 Final Official Action on the above-identified application.

Unfortunately, as you will note, the Examiner continues to object to a number of formal matters. He has further rejected the claims under 35 U.S.C. § 102(b) as being anticipated by Erickson (W.O. 83/03629).

Given the finality of the Examiner's action, we are left with the following options:

1) File a response for purpose of putting the claims in better condition for appeal (this could include a telephone interview with the Examiner to ascertain what might be allowable);

2) Refile the application again as a continuation with new claims (if necessary) to distinguish the invention from Erickson; or

3) Abandon the invention in the U.S.A.

If you wish to pursue option 1), we believe that most of the formal matters can be resolved. However, the Examiner's continuing objection to the term "fixation points" and the issues related to that term is a matter on which we will need your instructions.

Further, your instructions on distinguishing the Erickson patent are important. We would remind you that the finality of the Examiner's rejection precludes amending the

claims as a matter of right in any response filed. (The Examiner can refuse their entry as raising new issues.)

If you wish to proceed, we recommend pursuing option 1) above, as the same work involved in pursuing a response would have to be undertaken to produce a preliminary amendment to accompany a continuation application under option 2) above.

A shortened statutory period for response has been set to expire in three months, i.e. the last day of the term will be April 24, 1992, unless the term is extended upon petition and payment of an appropriate late fee. As is usual in the case of final rejections, we recommend that if you wish to proceed to file a response for purposes of appeal, the response should be filed within only two months, namely by March 24, 1992. In order to give us sufficient time to prepare and file a response, we would appreciate receiving your instructions by

March 10, 1992.

We are enclosing a copy of the Erickson patent to facilitate your review.

Also enclosed is our debit memorandum for services.

Sincerely,

Norman J. Latker

NJL:hrh
Enclosures
koehl.ltr