"Optionally"

[-] said housing of said first central module, said housing of said second module and said housing of said third module when [selectively] optionally joined to said housing of said first central module and said housing of said second module forming a modular structural unit[,]; and

[-] said grinding machine (1) having a central dust removal connector (13) to serve said modular structural unit.

clamping disk

24-30 should depend from 22

31-47 a first clamping s/d be "said"

REMARKS

Applicant has carefully reviewed the Examiner's October 19, 1992, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

39 line 33 should be 37

In response to the Examiner's rejection of the claims 21-47 under 35 U.S.C. § 112, second paragraph, Applicant has carefully amended claims 21 and 32 to address and eliminate each of the Examiner's objections. Accordingly, Applicant respectfully submits that this rejection is now moot.

38 [illegible] 32 clamping disk

More specifically, Applicant has deleted each use of the word "selectively" in claims 21 and 32 in favor of the word "optionally". Applicant respectfully submits that this amendment overcomes the Examiner's objection in light of the decision in Ex parte Wu, 10 USPQ 2d 203, where the Patent and Trademark Office Board of the Patent Appeals and Interference indicated that,

> the phrase "optionally containing a polyamine," in application claim for method for using particular composition to inhibit corrosion on metal surfaces, does not warrant rejection under 35 USC 112, since composition set forth in claims can consist of first three components recited or can include polyamine as fourth component, and therefore claims are not indefinite due to inclusion of optionally claimed component.

This decision is further supported by Ex parte Cordova, 10 USPQ 2d 1949, where the Board similarly indicated that,

> Term "optionally" in claims for polyester or polyamide fiber coated with alkyd resin denotes that unsaturated aliphatic carboxylic acid may or may not be employed, and does not obfuscate subject matter claimed as invention, and thus rejection of claims based on ambiguity of such term must be reversed.

Applicant believes that the above decisions clearly support that the "optional" inclusion of structure in a claim does not render such claim indefinite under 35 U.S.C. § 112, second paragraph, as maintained by the Examiner.

In regard to the Examiner's comment regarding the "modular structural unit" in claim 21, Applicant has amended the claim to indicate that the cutting machine (if used), grinding machine and stamping device each have a housing which when engaged together form a single modular unit.

Claims 21 and 32 have been further amended to indicate that the transport devices effect transfer between the different machines and devices as well as transport in and out of such machines and devices.

Claim 32 has been further amended to clarify that the first central module comprises a stamping device for processing lollypop samples for analysis. Similarly, claim 32 has been amended to clarify that the third module processes cylindrical and conical samples for analysis.