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April 9, 1993

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VIA FACSIMILE

Re: STADELMAN - USSN 07/762,976
FRICTIONAL DAMPER
Your ref.: R/Ba
Our ref.: STADELMANN-1

Dear Sirs:

Enclosed herewith is a copy of the Examiner's answer to our February 16, 1993 appeal brief in the above identified application.

As you will note, we have made some progress in that the the Examiner has allowed claims 8 - 10 and 12. However, the Examiner continues to reject claims 1, 2, 4, 5 and 11 on the basis of the same prior art on which he has further elaborated.

Our options at this point are:

1) Accept the allowed claims and add dependent claims covering whatever features not otherwise included in the allowed claims, from the rejected claims 1, 2, 4, 5 and 11.

2) File a response to the Examiner's answer, or

3) Proceed with our brief as filed without a response to the Examiner's answer.

We do not recommend pursuing option 1) at this time as it is an option that is available no matter what the outcome of pursuing option 2) or 3).

It seems to us that the Examiner's rejections using Bauer ('008) and ('297) have not been materially helped by his answer because neither patent teaches a communicating passage between grease chamber (22) and grease storage chamber (23).

Indeed, the Examiner's comments in paragraph 26 as best we could understand, do not appear supportable.

However, his rejection of the claims under Bauer ('008) in view of Johnson has been sharpened by his indication that element 96 of Johnson is a closed insert body that opens towards chamber 82 and the channel (unnumbered) connecting the chamber 82 with chamber 9. Johnson seems to support the idea of a communication passage between an internal grease storage chamber and the outside circumference of the piston. We believe we should respond to this as best we can. Any assistance you can provide would be helpful

Whether you wish to pursue option 2) or 3), you also need to consider whether you wish to pursue an oral hearing at this time. The due date for requesting such hearing is 30 days from the Examiner's answer (as is the due date for a response to the Examiner's answer). We are inclined to think that an oral hearing would not be particularly helpful in this case. We will probably win or lose on the basis of our brief.

Further, the PTO Rules of Practice indicate that,

> An oral hearing should be requested only in those circumstances in which the appellant considers such a hearing necessary or desirable for a proper presentation of his appeal. An appeal decided without an oral hearing will receive the same consideration by the Board of Appeals and Interferences as appeals decided after the oral hearing.

We would appreciate your instructions regarding the filing of an answer and whether to pursue an oral hearing as soon as possible to meet the

<u>May 1, 1993</u>

due date for both. A debit memorandum for services is attached to the confirmation copy of this letter.

Sincerely,

Norman J. Latker
Managing Attorney

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Enclosures