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Dated: October 14, 2008

Signature: 

(Scott E. Charney)

Docket No.: AIRBUS 3.0-049  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Arnaby Law

Application No.: 11/316,126

Group Art Unit: 3644

Filed: December 22, 2005

Examiner: T. Q. Dinh

For: WING UNIT, IN PARTICULAR SPAR  
BOX, FOR FORMING AERODYNAMICALLY  
ACTIVE SURFACES OF AN AIRCRAFT,  
IN PARTICULAR AIRFOILS,  
HORIZONTAL TAIL UNITS OR RUDDER  
UNITS OF A PLANE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed September 12, 2008, setting forth a Restriction Requirement in the above-identified application. The response is timely filed on October 14, 2008 as October 12, 2008 was a Sunday and October 13, 2008 was a national holiday, the Patent Office being closed on both days.

In the Office Action, the Examiner required restriction to one of the following Species under 35 U.S.C. §121:

- I. Species A referring to Figure 1;
- II. Species B referring to Figure 2; or
- III. Species C referring to Figure 3.

The Examiner contends that the species are independent or distinct because claims to the different or distinct species recite the mutually exclusive characteristics of such species. In addition, the Examiner contends that these species are not obvious variants of each other based on the current record.

In response, Applicant hereby elects Species A, corresponding to claims 1 to 11 and 14 to 20, for prosecution. Moreover, Applicant notes that at least claim 1 is generic. Applicant reserves the right to file a divisional application corresponding any non-elected claims or subject matter that is not reconsidered after prosecution on the merits. This election is made with traverse. Applicant traverses the restriction because it is not believed that the three Examiner-identified species result in a substantial search burden on the Patent Office.

Species A, depicted in Fig. 1, shows a wing of an aircraft comprising a rib structure with actuators being arranged between individual ribs only in a portion of the rib structure, e.g. for dynamically adapting the surface geometry and the load performance of that part of the aircraft wing, in particular during flight. Species B, shown in Fig. 2, describes an embodiment similar to that of Fig. 1 with the exception that actuators are arranged between essentially all ribs of the rib structure of the aircraft wing. Thus, the Examiner-identified Species B merely builds on Species A.

Moreover, Species C, depicted in Fig. 3, not only comprises actuators similar to those of Species A and B, (i.e. actuators between (different) ribs of the rib structure), but additionally adds actuators parallel to individual ribs. Thus Species C also builds on Species A and B.

As such, both Species B and C originate from Species A, and an examination of all Species together is not believed to be a substantial search burden for the Office. Indeed, it is believed that a search for the embodiment shown in Fig. 1 would likely reveal prior art covering all of the identified species.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 14, 2008

Respectfully submitted,

By 

Scott E. Charney

Registration No.: 51,548

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant