

REMARKS

Claims 1-29 are pending in the present application. Applicant confirms the election of Group I (claims 1-19) and the withdrawal of claims 20-29.

Claim Rejections under 35 U.S.C. § 102(b) in view of Cotner et al.

Claims 1 and 18-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,243,723 ("Cotner et al."). The present invention as recited in independent claim 1 is not anticipated by Cotner et al. because Cotner et al. does not teach or even suggest a mattress assembly that includes "an evacuation assembly including a vacuum pump" as recited in claim 1. The Examiner has cited the pressure generator (42) of Cotner et al. as anticipating the recited vacuum pump, but the pressure generator (42) of Cotner et al. performs the opposite function from the recited vacuum pump. Therefore, independent Claim 1 is not anticipated by Cotner et al. Claims 18-19 depend from Claim 1, and are therefore allowable for the same reason.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2-9 and 11-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cotner et al. in view of U.S. Patent No. 6,223,369 ("Maier et al."). Maier et al. does not cure the deficiencies of Cotner et al. because Maier et al. does not teach or suggest a vacuum pump. Consequently, the rejection should be withdrawn.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cotner et al. in view of Maier et al. and further in view of U.S. Pub. No. 2004/0074008 ("Martens et al."). Martens et al. does not teach or suggest a vacuum pump as recited in claim 1, and therefore does not cure the deficiencies of Cotner et al. and Maier et al. In view of this, claim 10 is allowable.

CONCLUSION

In view of the foregoing, Applicant respectfully requests entry of the present Amendment and allowance of Claims 1-19.

Respectfully submitted,

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