

REMARKS

Claims 1, 4, 6, and 10 are amended; and claims 3 and 5 are canceled, without prejudice or disclaimer. Claims 1-2, 4, and 6-12 are pending.

The amendments to the abstract and claims are based on the application as originally filed. Therefore, it is respectfully submitted that no new matter has been added.

In the office action, the abstract was objected to. The abstract is replaced with a new abstract which overcomes the objection, so reconsideration and withdrawal of the objection are respectfully requested.

In the office action, it is stated that claims 5-10 are objected to but would be allowable if rewritten. However, claims 1-4 and 11-12 were rejected under 35 U.S.C. § 102(b) in view of U.S. Patent Number 5,125,461 to Höser.

Claim 1 is amended to recite the allowable subject matter of claim 5 as well as of intervening claim 3, and claims 3 and 5 are canceled. Accordingly, claim 1 is allowable.

Claims 4, 6, and 10 are amended to depend from amended claim 1, so the pending dependent claims 2, 4, and 6-12 depend from claim 1 and any intervening claims.

Therefore, the pending claims 1-2, 4, and 6-12 recite allowable subject matter, and so are patentable over the cited art, and are in condition for allowance, since the cited art does not disclose or suggest all of the elements, steps, and features of the present invention, and one having ordinary skill in the art would not look to the cited art for the elements, steps, and features of the present invention.

In particular, the Höser patent does not disclose actuating means comprising a swiveling member on the impact mechanism side that is held at a second rotary bearing so as to be swivelable transverse to the switch-side swiveling member, as in amended claim 1 and the remaining pending claims 2, 4, and 6-12.

Therefore, all pending claims 1-2, 4, and 6-12 are patentable over Höser, so reconsideration and withdrawal of the rejection of claims 1-2, 4, and 11-12 are respectfully requested.

Entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

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Date: April 8, 2009

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