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. With this amendment, Applicant has amended claim 1 and added new claims 30-39.

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."). In absolute terms, atmospheric pressure is 14.7 psi, but Cotner et al. normalizes to atmospheric pressure as is apparent at col.2, lines 56-61, "When the first one of cells in each generally square unit in each of the two upper layers of cells is pressurized to about 1 psi (above atmospheric), the second or other cell interdigitated with the first cell in each generally square unit is depressurized to about 0 psi." In view of this, Cotner et al. is referring to atmospheric pressure when it states that pressure is reduced to 0 psi, and the passage cited by the Examiner at col.5, line 29 to 32 merely teaches arriving at atmospheric pressure in the cells 38 by opening a valve in the pressure generator.

The valve in Cotner et al. is not described in any detail or illustrated, but read in context, it is reasonable to conclude that the valve is a passive means for equalizing the pressure in the cells with the surrounding atmospheric pressure. There is no discussion or suggestion in Cotner et al. to actively evacuate the cells with a vacuum pump to drop pressure below atmospheric pressure.

Also, there is no compressible material described, illustrated, or in any way disclosed in Cotner et al. Cotner et al. therefore does not teach compressing a compressible material by evacuating the cells, as recited in Claim 1. Even if Cotner et al. taught a compressible material in the cells (e.g., a foam structure as recited in Claim 2), such compressible material would not necessarily be compressed by reducing the pressure in the cells to atmospheric pressure.

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 the features discussed above. Therefore, independent Claim 1 is allowable. Claims 18-19 depend from Claim 1, and are therefore allowable for the same reason.

New independent claim 30 recites, among other limitations, an evacuation assembly operable to evacuate the interior by drawing air from the interior space and compress the compressible material. As discussed above, Cotner et al. does not disclose the active drawing of air from an interior space or resultant compressing of a compressible material within the interior space. None of the other prior art cited by the Examiner teach or suggest these concepts either. Claim 30 is therefore allowable, as are the claims which depend from Claim 30.

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 and 30-39.

Respectfully submitted,

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