

REMARKS

Claim 1 is pending and under consideration.

This preliminary amendment reflects the discussions with the Examiner on May 13, 2008. In accordance with this interview, the Examiner was concerned about potential obviousness-type double patenting issues with respect to the following applications: U.S. Patent Application Nos.: 11/429,335, 11/959,499, 11/959,505, 11/959,512, 11/959,526, 11/959,563, 11/959,583, 11/959,599, 11/959,635, 11/959,654, 11/959,671, 11/959,724, 11/959,743, 11/959,780, 11/959,801, 11/959,829, 11/959,850, 11/959,900, 11/959,931, 11/959,953, 11/959,977, 11/960,012, 11/960,046, 11/960,078, 11/960,104, and 11/960,140. In order to expedite prosecution without admission as to the indistinctiveness of the claims, enclosed is a Terminal Disclaimer addressing the Examiner's concerns.

Additionally, as discussed with the Examiner in the interview, the instant claim distinguishes over U.S. Patent No. 6,700,843 to Kuroda since, to the extent Kuroda discusses changing wobbles in two different areas of the lead in area, such changes are related only to the amplitude of the wobbles, but not the modulation techniques of the wobbles themselves. Specifically, col. 14, lines 58-65 of Kuroda discusses changing an amplitude of a wobble within a lead in area to distinguish a pre-record and a remaining area of the lead in area, which are distinguished during reproduction as having different modulation degrees so as to control a laser pattern type as described in col. 18 and shown in FIG. 10. However, other than changing amplitudes, Kuroda does not describe changing modulation techniques as does the recited invention, and would not be so understood by one of ordinary skill in the art. As such, it is respectfully submitted that the present invention distinguishes over Kuroda.

As this reference was first presented by the Examiner, it is respectfully requested that the Examiner indicate consideration of Kuroda using an appropriate form PTO-892.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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