

REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis. Claims 24,25. 27-30 remain pending. Claims 31- 34 have been added and claim 26 cancelled.

Applicant traverses the rejection of claims 24-29 as being obvious over Grosse-Holling (U.S. 3841938), Garske et al. (U.S. 4,990,206), in view of any one of Cesarnoi (U.S.2003/0029040), Daly (US2005/0247442), Chen (U.S. 2004/0154737) or Azdasht (DE 4319742A1). Amended claim 24 requires forming a flange with spherically shaped form, and directing a laser beam through the form to create a continuous weld between the flange and the tube plate. The cited prior art does not disclose nor suggest these steps. Instead, the prior art discloses the use of a rolling ball through which laser energy is directed to form a weld as the ball is moving.

The instant claims require forming a flange by pressing the tube against the tube plate to form a flange. None of the cited prior art disclose or suggest forming a flange. Further, the prior art does not disclose nor suggest forming a continuous weld. Accordingly, the amended claims are in allowable form and this rejection should be withdrawn.

Further, Applicant traverses the rejection of claims 25-29 in view of either Grosse or Garske, in view of Cesarone, Daly, Chen Azdasht, or Damsohn (U.S. 5,749,414). Amended claim 24 recites method steps not disclosed nor suggested by the cited prior art. The addition of Damsohn does not correct this deficiency. Further, claims 25-29 depend from an allowable base claim, and is therefore also allowable.

Additionally, Applicant traverses the rejection of claims 25-29 in view of either Grosse or Garske, in view of Cesarone, Daly, Chen Azdasht, or Nijman (U.S. 4,510,005). Amended claim 24 recites method steps not disclosed nor suggested by the cited prior art. The addition of Nijman does not correct this deficiency. Accordingly, for the reasons discussed above, the claims are in allowable form.

Claims 31-34 have been added and recite features and steps not disclosed by the cited prior art. Claim 31 requires the step of rotating the laser beam about a central axis of the tube to generate the continuous weld between the flange and the tube plate. The prior art does not disclose forming of a flange or rotating the laser beam about a central axis for form the continuous weld. Claim 32 requires that the laser beam is directed through the spherically shaped form at an angle relative to the axis. The prior art does not disclose this step.

Claim 33 requires that the opening in the tube plate includes a beveled open end within which the tube is received. Claim 34 requires that the tube comprises at least a partially formed flanged end, the flanged end disposed at angle relative to a top surface of the tube plate. The cited prior art does not disclose these features. Accordingly, the new claims recited method steps not disclose nor suggested by the cited prior art.

Accordingly, the claims are in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. \$490.00 for the two month extension of time. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/John M. Siragusa/

John M. Siragusa
Registration No. 46,174
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: May 29, 2009