REMARKS

Claims 1-35 are currently pending. In the Office Action mailed August 10, 2009 the Examiner rejected claims 1, 2, 5-6, 8-19, and 24-31 as being anticipated by Conti (U.S. Patent 4,461,459). The Examiner next rejected claims 4, 9, 20, and 32-35 as being anticipated and/or obvious in view of Conti. Claim 7 stands rejected as being obvious over Conti further in view of Temple (U.S. Patent Application Publication 2007/0098342). The Examiner next rejected claims 21-23 as being unpatentable over Conti in view of Fayolle et al. (U.S. Patent Application Publication No. 2006/0285105). The Examiner also indicated the allowability of the subject matter of claim 3. Such indication is appreciated.

Applicant has amended each of the independent claims to more clearly define the present invention as being directed to a safety pull system as compared to systems associated with pulling cable like that of Conti. That is, the pending claims have been generally amended to further define the inactive nature of the elongate member for altering the operating condition of industrial equipment as well as the ability for persons nearby to readily interact with the elongate member as is generally required for safety pull systems.

For instance, claim 1 has been amended to further define that the elongate element is permanently disposed along, about, around or through the piece of equipment and positioned and oriented so that an operator can manually pull the elongate element to alter an operating condition of the piece of equipment. Claim 1 further defines that the elongate element transmits an optical signal that is monitored such that alteration of the signal can be used to alter the operating condition of piece of the equipment associated therewith. Equipment safety pull systems are well developed as is evident by the background of the present application as well as the disclosure of Nord et al. (U.S. Patent No. 4,863,012) as applied in the previous office action.

Conti discloses a system wherein a load cell is positioned between a pull line and a cable and is intended to the load signal to a user accessible location. The system of Conti assesses the force subjected to the cable to prevent damage or undesired breaking of either of the cable or the pull line. Those skilled in the art would readily appreciate that once positioned in an elongate position; each of the pull and the conductor cables are fairly inaccessible as being positioned within conduits and/or underground as is shown in Fig. 1 of Conti.

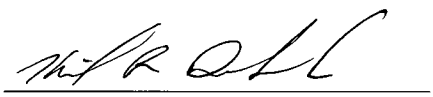
Conti discloses a system for measuring the tension in a line used to pull cable or conductors through conduit, underground passages, or the like and is generally unrelated to safety pull systems like that of the present invention and/or Nord et al. The unrelated nature of the system of Conti to the present invention is further evident in the lack of any common classification between Conti and Nord et al.

Although the terminology is somewhat similar, the device of Conti is simply too far afield from the present invention to be considered analogous art. The present invention positions a deformable elongate member relative to a piece of equipment. The claims specify that the elongate member is positioned in an exposed manner so that users can interact with the elongate member, anywhere along the length of the elongate member, to alter the operating condition of the equipment. Conti discloses a system for pulling electrical or fiber optic cable through conduit or underground locations. When either of the pulling cable or pulled cable is oriented in an elongated configuration, neither cable is readily accessible along its length to the operator or user.

The present invention is directed to communicating a signal over an elongate member that is constructed and positioned to be directly engaged by the user. The present invention is further configured to monitor the configuration of the elongate member to assess whether there has been any user interaction anywhere along the length of the elongate member. Not only are the cables of Conti inaccessible to the user, but those skilled in the art would readily appreciate the potentially disastrous and undesirable consequence of interacting with such conductors when the conductors are in a conductive state even if they were accessible along their length as defined by the pending claims. The prior art is insufficient to overcome these shortcomings regarding the application of Conti to the pending claims.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-35. Although no fees are believed due with this communication, the Director is hereby authorized to direct payment of such fees, or credit any overpayment, to Deposit Account No. 50-1170. Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved. Given the difference in operation and use between the present invention and the prior art Condi reference, the Examiner's assistance to discuss any concerns in a telephone interview that could resolve any issues would be most appreciated.

Respectfully submitted,



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