

Application No. 12/056,594

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Phillip Bryan Howes, et al.)
) Group Art Unit: 3612
)
SERIAL NO.: 12/056,594)
) Examiner: Gordon, Stephen T.
)
FILED: March 27, 2008)
) Confirmation No.: 9840
)
FOR: VEHICLE AND CARGO)
 TRANSPORT RATCHETING TIE)
 DOWN APPARATUS AND SYSTEM)

Via EFS
Commissioner for Patents
P.O. Box 1450
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**AMENDMENT AND RESPONSE ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION**

Applicants respectfully request entry of the following amendment and remarks contained herein in response to the Final Office Action mailed November 20, 2008. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

IN THE DRAWINGS

FIG. 3 has been amended to include labels 146, 147, 148, 149. A replacement sheet is included. FIG. 4 has also been amended to label the engagement teeth 406, as disclosed in the specification and in FIGS. 7A and 7B as well.

AMENDMENT TO THE CLAIMS:

1. (Currently Amended) A ratcheting tie down system for a vehicle transporter having one or more vehicle platforms, the system comprising:

a ratchet assembly affixed to an end of a tie down shaft having a longitudinal axis, the tie down shaft being affixed to one of the one or more vehicle platforms;

a pawl mechanism coupled to the ratchet assembly,

wherein the ratchet assembly comprises:

a ratchet gear having engagement teeth coupled to the pawl mechanism;

a ratchet head coupled to the ratchet gear,

wherein an inner face of the ratchet gear is positioned in opposition to and in mechanical contact with an inner face of the ratchet head, and

wherein the ratchet gear, the ratchet head and the shaft are configured to rotate as a single integral unit when rotated in a forward direction about the longitudinal axis, and the ratchet head is configured to rotate with respect to the ratchet gear and the shaft when the ratchet head is rotated in a reverse direction about the longitudinal axis.

2. (Original) The system as claimed in Claim 1 further comprising drive bodies disposed in depressions positioned on the inner face of the ratchet head.

3. (Original) The system as claimed in Claim 2 further comprising ramped pockets disposed on the inner face of the ratchet gear.

4. (Original) The system as claimed in Claim 3 wherein the drive bodies are configured to compress into and expand out of the depressions positioned on the inner face of the ratchet head.

5. (Previously Presented) The system as claimed in Claim 3 wherein the ramped pockets each comprise:

a ramp surface positioned between an upper-most portion of each ramped pocket, said uppermost portion being adjacent and co-planar with the inner face of the ratchet gear; and

a lower-most portion positioned at a depth within the ratchet gear, thereby defining a wall within each of the ramped pockets.

6. (Previously Presented) The system as claimed in Claim 5 wherein the drive bodies are configured to ride along the ramp surface and into an adjacent ramped pocket in response to a reverse rotation of the ratchet head.

7. (Previously Presented) The system as claimed in Claim 5 wherein the drive bodies are configured to position in the lower-most portion and be in mechanical contact with the wall in response to a forward rotation of the ratchet head, the ratchet gear and the tie-down shaft.

8. (Original) The system as claimed in Claim 1 wherein the shaft is configured to receive at least one of a chain and a strap.

REMARKS

In response to the Office Action mailed on November 20, 2008, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claim Disposition

Claims 1 – 8 are pending in the application. Claims 1 – 8 have been rejected.

Claim Amendments

Claim 1 has been amended, leaving Claims 1-8 for consideration upon entry of the present amendment. No new matter has been added by the amendments. The amendment to Claim 1 is fully supported in Applicants' specification.

Claim Rejections - 35 U.S.C. § 102

Claims 1-8 stand rejected under 35 USC 102(b) as being allegedly anticipated by Ruan. Applicants respectfully traverse the rejection.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

As will respectfully be shown below, Ruan clearly does not show all of Applicants' elements as arranged in Claim 1.

Claim 1, as amended, recites "A ratcheting tie down system for a vehicle transporter having one or more vehicle platforms, the system comprising:

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