

受験番号：06IPL005

科目：「知財法務実務」

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We have received a first Notice of Reasons for Rejection on the present application.

We summarize the contents of the Rejection as follows.

First, the inventions recited in claims of the present application relate to the flash-controlling unit installed in a camera and the controlling method thereof.

The controlling unit is operable to automatically adjust an aperture of a lens in response to an ambient brightness level while keeping a shutter speed constant within a specified range.

The current claims 1 to 4 of the present application relate to an apparatus, and the current claims 5 to 8 relate to a method corresponding to the apparatus.

The Examiner rejects all claims 1 to 8 as the inventions recited in these claims lack the novelty over USP 6,543,210 of Nakamura (hereinafter “Nakamura”).

In addition, the Examiner rejects claims 1 to 8 as the inventions recited in these claims lack the inventive step over the combination of Nakamura and Kilby.

Further, the Examiner rejects claims 1 to 8 as the inventions of these claims are not appropriately supported in the description of the specification, and these claims are unclear.

<Rejection on the Novelty>

The Examiner points out that the claimed invention is not new over Nakamura. Specifically, the Examiner indicates the wordings of claim 1 (an apparatus claim relating to a flash-controlling unit installed in a camera), i.e., “the controlling unit for controlling the driving unit in a manner to adjust an aperture of the lens in a specified condition while keeping a specified shutter speed”, are pertinent to the functional or desired-purpose description. The wordings relate to a future action which cannot be predicted to happen. Therefore, the Examiner recognizes that an apparatus recited in the apparatus claims of the present application cannot be structurally distinguished from an apparatus disclosed in Nakamura due to the wordings of claim 1 of the present application, thus, the apparatus of the present invention does not have the patentability.

We have briefly reviewed the rejection on the novelty. We think it is difficult to argue that the Examiner mistakenly understands the respective features of the present invention and the invention of the cited reference. However, we also think that we can overcome the rejection by amending the independent claims 1 and 5 by incorporating the subject matters of the dependent claims 2 to 4 and those of the dependent claims 6 to 8 into the independent claims 1 and 5 respectively. As you are aware, such amendments cause the protective scope of the patent to be narrowed. There will be other problem, in the future, concerning the effectiveness of the equivalents of the subject matters to be newly incorporated in the independent claims. Please let us have your opinion as to how to proceed with the present application in view of the above.

<Rejection on the Inventive Step>

The Examiner also rejects claims 1 to 8 since the inventions of these claims lack the inventive step over the combination of Nakamura and Kilby. In other words, the Examiner points out that the present invention is obvious to a person skilled in the art by the combination of these cited references. Particularly, accordingly to the Examiner, it is obvious for a person skilled in the art to achieve the present invention by combining the exposure device and the method thereof of Nakamura with the automatic exposure controlling device of Kilby. However, there is no suggestion to combine Nakamura with Kilby. Further, the flash-controlling unit which is also capable of keeping the shutter speed constant is beyond a configuration used in predictable aspects in accordance with established functions of the conventional elements of the cited references. We would also like to have your opinion as to how to proceed with the present application in view of the above.

<Rejections on Lack of the Appropriate Support of the Description and the Unclearness>

The Examiner rejects claims 1 to 8, since the inventions of these claims are not appropriately supported in the description of the specification and these claims are unclear.

Particularly, the Examiner points out the structure and operation of the controlling unit and the controlling method are unclear.

We propose two choices to comply with this rejection. One is to argue the clearness of the wordings in claims without amending claims, in light of the state of the art at time of the filing of the present application. The other one is to amend the

current claims in a manner to clarify that the controlling unit automatically adjusts a size of the aperture of the lens in response to the ambient brightness level while keeping the shutter speed constant, as disclosed in page 17, lines 7 to 24 of the specification and shown in Figs. 2 and 3. The claim amendments proposed by us are shown below. Please let us have your opinion as to how to proceed with the present application in view of the above.