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受験番号：06IPL006

科目：「知財法務実務」

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We received a First Office Action with respect to the present application.

We here inform you a brief summary of the Office Action. The claimed invention relates to a flash control of a camera and method of flash control.

The control as claimed automatically adjusts the aperture of lenses in response to light condition in the environment while holding the shutter speed constant within predetermined limits.

Claim 1-4 are apparatus claims and claim 5-8 are method claims corresponding to the apparatus claims.

The Examiner rejects claims 1-8 as not being novel over U.S. Patent 6543210 to Nakamura.

He also rejects claims 1-8 as not having inventive steps over combination of Nakamura and Kilby.

He further rejects claims 1-8 as not having appropriate supports in the specification and as being indefinite.

[Rejection of Lack of Novelty]

The Examiner asserts that the claimed invention is not novel over Nakamura. Especially, the Examiner asserts that the recitation of claim 1, an apparatus claim relating to a flash control of a camera, “the control controls the drive unit such that the aperture of the lenses is adjusted to a predetermined condition while maintaining a predetermined shutter speed” is a functional description relating to a desired use or uncertain future operation. He says that the above recitation of claim 1 has no patentable weight because it cannot distinguish the apparatus as claimed from the apparatus disclosed in Nakamura in its structure.

We reviewed the rejection of lack of novelty briefly as follows: It seems difficult to us to argue that the Examiner is misunderstanding the cited prior art or features of the claimed invention. However, it will be possible to overcome the rejection by incorporating the limitations of dependent claims 2-4 and 6-8 into independent claims 1 and 5, respectively. As you know, such amendment will limit the scopes of the claims. Furthermore, there is another concern that the validity of equivalents of the limiting features may be controversial in the future. Please let us know how you would like us

to proceed.

[Rejection of Lack of Inventive Step]

The Examiner rejects claims 1-8 as not having inventive steps over the combination of Nakamura and Kilby, that is, as being obvious to one of ordinary skill in the art from the combination. Especially, the Examiner points out that it would have been obvious to one of ordinary skill in the art to combine the exposure control and method of Nakamura and the automatic exposure control of Kilby to reach the claimed invention. However, no suggestions to combine Nakamura and Kilby could be found. Moreover, we think that applying of keeping the shutter speed constant to the flash control surpasses the use of prior art elements according to their established functions in a predictable manner. Please let us know how you would like us to proceed.

[Rejection of Lack of Support and Indistinctness]

The Examiner rejects claims 1-8 as not being supported by the specification appropriately and as being indefinite. Especially, the Examiner asserts that the structure and operation of the flash control and method of flash control are not distinct.

There are two ways for replying to this rejection. The first way is to maintain the present claims without any amendments and argue that the recitations of the claims are thought to be distinct in view of the technical standard at the time of filing the application. An alternative way is to amend the claims to more clearly recite that the control automatically adjusts the size of the aperture of lenses according to the light level in the environment while holding the shutter speed constant as described in page 17, line 7-24 of the specification and illustrated in Figs. 2 and 3. A draft of the claims is shown below. Please let us know how you would like us to proceed.