

5 [解答例]

We have received a first Office Action in the present application.

To summarize the Action briefly: The claimed invention of the present application concerns a camera flash control unit and control method, in which the control unit adjusts the lens aperture automatically in response to ambient light conditions while keeping the shutter speed constant within certain predetermined limits. Claims 1-4 are apparatus claims, and claims 5-8 are method claims corresponding to the apparatus claims 1-4.

The Examiner has rejected all claims 1-8 because of lack of novelty over U.S. Patent No. 6,543,210 to Nakamura. In addition, the Examiner has also rejected claims 1-8 because of lack of inventive step, or as obvious over Nakamura in view of Kilby. Finally, the Examiner has rejected claims 1-8 as lacking adequate descriptive support and as being indefinite.

The lack-of-novelty rejection

The Examiner asserts that the claimed invention is not novel over Nakamura. Specifically, the Examiner argues that the language in claim 1 (an apparatus claim directed to the camera flash control unit), “wherein the control unit controls the drive unit so as to adjust the lens aperture to a predetermined state while maintaining a predetermined shutter speed”, is deemed to be functional, a statement of intended use, and a statement of a future act which may or may not occur. Accordingly, the language in claim 1 is afforded no patentable weight as it fails to structurally distinguish the apparatus claim from the apparatus disclosed by Nakamura.

With respect to this lack-of-novelty rejection, our preliminary review indicates that it would be difficult to argue that the Examiner is mistaken in his or her characterization of either the prior art reference or the claimed invention. However, we believe that we can overcome the rejection by incorporating the limitations of the dependent claims 2-4 and 6-8 into the independent claims 1 and 5, respectively. As you are aware, doing so will narrow the scope of patent protection. Another drawback will be that the narrowing may open the availability of equivalents of the narrowed element to future discussion. Please advise us how you wish to proceed.

The lack-of-inventive-step rejection

The Examiner has rejected claims 1-8 because of lack of inventive step, or as

obvious over Nakamura in view of Kilby. Specifically, the Examiner asserts that it would have been obvious to those of skill in the art to combine the exposure device and method of Nakamura with the automatic exposure control system of Kilby to achieve the claimed invention. However, we believe that there is no suggestion to combine the Nakamura and
5 Kilby references, and moreover, that the combination of the flash control unit with a constant shutter speed represents more than the predictable use of prior art elements according to their established functions. Please advise us how you wish to proceed.

The lack of adequate descriptive support and indefiniteness rejection

10 The Examiner has rejected claims 1-8 as lacking adequate descriptive support and as being indefinite; specifically, the Examiner contends that the structure and operation of the control unit and the control method are unclear.

In response to this rejection, we have two main choices. We can leave the claims unchanged and argue that the claim language is considered to be clear in light of the state of the art upon filing. Alternatively, we can amend the claims to clarify that the control unit
15 adjusts the *size* of the lens aperture automatically according to the ambient light level while keeping the shutter speed constant, as described in the specification at page 17, lines 7-24 and as shown in FIGS. 2 and 3. Proposed claim amendments are appended below. Please advise us how you wish to proceed.

(609 words)