



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,250	09/22/2010	6772132	049506/296191	3537

39310 7590 12/14/2010

MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/14/2010

Please find below and/or attached an Office communication concerning this application or proceeding.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Walter Scott
Alston & Bird LLP
101 South Tryon Street Suite 4000
Charlotte, NC 28280-4000

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/011,250.

PATENT NO. 6772132.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/011,250	Patent Under Reexamination 6772132	
	Examiner Sam Rimell	Art Unit 3992	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 22 September 2010 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: Decision

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. 160605, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/Sam Rimell/ Primary Examiner, Art Unit 3992		
cc:Requester (if third party requester)		

DECISION ON REQUEST FOR EX PARTE REEXAMINATION

A request for reexamination affecting claims 1-2, 8, 14, 20, 22-23, 25, 27-28, 30, 32-33, 37-38, 40, 42-43, 47-48 and 53 of US Patent 6,772,132 has been received and considered. No substantial new questions of patentability have been raised by the request. Detailed rationale for this finding is set forth in this action.

**References Asserted by Requester as Raising
Substantial New Questions of Patentability**

- U.S. Pre-Grant Publication 2003/0097325 to Friesen et al, published May 22, 2003 and filed April 9, 1999.
- U.S. Patent 5,297,031 to Gutterman et al, published March 22, 1994 and filed March 6, 1990.
- U.S. Patent 7,212,999 to Friesen et al, published May 1, 2007 and filed April 9, 1999.
- LIFFE. The Application Program Interface (API) reference manual for LIFFE CONNECT, September 1998, Release 3.1, published by LIFFE, London England (hereafter referred to as LIFFE CONNECT).
- Swiss Exchange SWX, Swiss Exchange SWX TS User Manual, Version 2.1, December 31, 1998, published by Swiss Exchange SWX (hereafter referred to as SWX Manual).

Availability of Asserted References as Prior Art

The references to LIFFE and SWX Manual were published prior to March 2, 2000 effective filing date of U.S. Patent 6,772,132. Accordingly, these references are available as prior art under 35 USC 102(a).

Art Unit: 3992

The reference to Gutterman et al was published more than one year prior to the March 2, 2000 effective filing date of U.S. Patent 6,772,132 and thus is available as prior art under 35 USC 102(b).

The references to Friesen et al ('325) and Friesen et al ('999) were filed prior to the March 2, 2000 effective filing date of U.S. Patent 6,772,132 and thus are available as prior art under 35 USC 102(e).

Summary of Prosecution History for U.S. Patent 6,772,132

- U.S. application 09/590,692 was filed June 9, 2000.
- A non-final office action was mailed by USPTO on June 8, 2001. Claims 1-21 were withdrawn. Claims 22-40 were rejected under 35 USC 112, second paragraph. Claims 22-40 were rejected under 35 USC 102(e)/103(a) in view of www.tradingtechnologies.com.
- Applicant submitted a response with remarks on October 9, 2001. Claims 1-21 were cancelled. Claims 22, 23, 30 and 36 were amended. Claims 41-88 were added.
- A Notice of Allowance was issued by USPTO on July 13, 2002. Claims 71-88 were indicated as cancelled. Claims 22-70 were indicated as allowed. The attached correspondence includes an initialed form PTO 1449 signed January 9, 2002. Reasons for patentability stated:

“The prior art fails to teach a method of placing a trade order, computer readable medium with instructions for placing a trade order, and/or a client system for placing a trade order comprising a dynamic display and a static display. The static display, directed to the commodity price, does not change. In contrast, the values of the bid/ask, reflecting the market depth for the commodity, are dynamically displayed and are aligned with the corresponding

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.