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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,577	05/25/2007	6766304	95549/99998	6362

39310 7590 01/07/2008

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

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/07/2008

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/008,577.

PATENT NO. 6766304.

ART UNIT 3993.

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)).

PTOL-465 (Rev.07-04)

**Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No.

90/008,577

Patent Under Reexamination

6766304

Examiner

Jeanne Clark

Art Unit

3993

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

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) Patent owner's communication(s) filed: _____.
 - (b) Patent owner's late response filed: _____.
 - (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
 - (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (e) Other: *Patent owner did not file comments after order grant.*
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification: Yes No
 - (g) Change in the Drawing(s): Yes No
 - (h) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 1-40.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented cancelled claims: _____.
2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08).
5. The drawing correction request filed on _____ is: approved disapproved.
6. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
 been received.
 not been received.
 been filed in Application No. _____.
 been filed in reexamination Control No. _____.
 been received by the International Bureau in PCT Application No. _____.
- * Certified copies not received: _____.
7. Note attached Examiner's Amendment.
8. Note attached Interview Summary (PTO-474).
9. Other: _____.

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
PTOL-469 (Rev.08-06)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No --

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding: The prior art of record fails to teach a method, or computer readable medium having a dynamic display of bid and ask regions in a commodity market positioned along a common static price axis, such that when the inside market changes, the price levels along the common static price axis do not move in combination with the other claim limitations in independent claims 1 and 27. Dependent claims 2-26 and 28-40 are found patentable for the same reason.

Although TSE (Orientation) A, TSE (Operation) B, Amazon, and Friesen raised a substantial new question of patentability as set forth in the order granting reexamination dated August 2, 2007, these references do not anticipate the above-mentioned claim limitations and do not render the claims obvious. TSE (Orientation) A and TSE (Operation) B clearly teach that the display of prices is automatically updated every three seconds so as to keep the "center price" in the middle of the screen. This teaching is directly counter to the static display of U.S. Patent No. 6,766,304, which uses the static common static price axis so that the user does not accidentally place an order at the unintended price (see column 2 lines 60-68). The requester relies on the one statement in TSE (Operation) B on page 640, which states that in the scroll screen the price display locations do not change automatically, for the teaching of a common "static" price axis. This teaching does not meet the claim limitations, as it is only a teaching that the automatically centering of the "center price" does not occur when the user is in the scroll mode. If it did, the user would not be able to scroll to the desired price, because the scrolling would result in the

“center price” not being in the center of the screen. Amazon and Friesen also do not teach such claim limitations nor render the claims obvious.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Court related documents

On October 24, 2007, Patent owner’s representative and the examiner discussed the submission of court related documents and documents material to the examination. To date, the Patent owner has not submitted any such documents. While the examiner does not disagree with the patent owner’s summary of the interview on October 24, 2007, the examiner would like to clarify that the representative was informed that unduly large submissions of documents “may” be returned or not entered in accordance with MPEP 2282. In addition, the examiner is unclear what the patent owner’s representative is suggesting in the last paragraph of their summary. To the extent that the patent owner’s representative is suggesting that the examiner stated that they are excused from their duty of disclosure under 37 CFR 1.56 and 1.555, such is not the case. The examiner has no authority to do so. The patent owner is advised that entry of prior art submissions or any other documents related to the merits of the proceedings must be filed with a petition under 37 CFR 1.182 in accordance with MPEP 2287.

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