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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22428

7590

02/10/2004

FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 EXAMINER

WEISBERGER, RICHARD C

ART UNIT

PAPER NUMBER

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DATE MAILED: 02/10/2004

-	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	09/590,692	06/09/2000	Gary Allan Kemp II	024051/0135	2769

TITLE OF INVENTION: CLICK BASED TRADING WITH INTUITIVE GRID DISPLAY OF MARKET DEPTH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$25	\$0	\$25	05/10/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

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- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- □ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

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PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.



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(Depositor's nam	ne)
(Signatu	ıre)
(Da	ite)

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09/590,692	06/09/2000	Gary Allan Kemp II	024051/0135	2769

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nonprovisional	nonprovisional YES			\$0	\$25	05/10/2004
EXAMINER		ART UNIT		CLASS-SUBCLASS		
WEISBERGER, RICHARD C 362				705-037000		
1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).				inting on the patent front page f up to 3 registered patent	attorneys or 1	
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.			agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or 2			
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.			agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.			

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(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or cat	egories (will not be printed on the patent);	☐ individual	□ corporation or other private group entity	☐ government
4a. The following fee(s) are enclosed:	4b. Payment of Fee(s):			
☐ Issue Fee	☐ A check in the ame	ount of the fee(s)	is enclosed.	
☐ Publication Fee	☐ Payment by credit	card. Form PTO-	2038 is attached.	
☐ Advance Order - # of Copies	☐ The Director is he Deposit Account Nur	ereby authorized nber	by charge the required fee(s), or credit any enclose an extra copy of this	overpayment, to form).
Director for Patents is requested to apply the Issue Fe	e and Publication Fee (if any) or to re-apply	any previously p	oaid issue fee to the application identified abo	ve.
(Authorized Signature)	(Date)			
NOTE; The Issue Fee and Publication Fee (if recother than the applicant; a registered attorney or interest as shown by the records of the United State	agent; or the assignee or other party in			
This collection of information is required by 37 C obtain or retain a benefit by the public which is tapplication. Confidentiality is governed by 35 U.S. estimated to take 12 minutes to complete, includin completed application form to the USPTO. Time case. Any comments on the amount of time young sestions for reducing this burden, should be sepatent and Trademark Office, U.S. Departmet 22313-1450. DO NOT SEND FEES OR COMP. SEND TO: Commissioner for Patents, Alexandria,	g gathering, preparing, and submitting the will vary depending upon the individual u require to complete this form and/or nt to the Chief Information Officer, U.S. at of Commerce, Alexandria, Virginia LETED FORMS TO THIS ADDRESS.			

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FOLEY AND LARDNER				WEISBERGER, RICHARD C		
SUITE 500 3000 K STREET NW				ART UNIT	PAPER NUMBER	
WASHINGTO	WASHINGTON, DC 20007			3624		
				DATE MAIL ED. 02/10/200	4	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Page 3 of 3









Application No.	Applicant(s)	
09/590,692	KEMP ET AL.	
Examiner	Art Unit	
Richard C Weisberger	3624	M41

Notice of Allowability -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. X This communication is responsive to amendment, terminal disclaimer and interview summary. 2. The allowed claim(s) is/are 22-70 and 89-9 3. The drawings filed on 12 August 2002 are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). b) Some\* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. \_ 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). \* Certified copies not received: 5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). (a) The translation of the foreign language provisional application has been received. 6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 8. CORRECTED DRAWINGS must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) I hereto or 2) to Paper No. \_\_\_ (b) including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner. (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson. 9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1⊠ Notice of References Cited (PTO-892) 2☐ Notice of Informal Patent Application (PTO-152) 3 Notice of Draftperson's Patent Drawing Review (PTO-948) 4

✓ Interview Summary (PTO-413), Paper No.\_\_\_\_ 5⊠ Information Disclosure Statements (PTO-1449), Paper No. \_. 6 Examiner's Amendment/Comment 7 Examiner's Comment Regarding Requirement for Deposit 8 Examiner's Statement of Reasons for Allowance of Biological Material 9 Other

U.S. Patent and Trademark Office PTO-37 (Rev. 04-01)

**Notice of Allowability** 

Part of Paper No. 28.







Page 2

Application/Control Number: 09/590,692

Art Unit: 3624

### Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: The following is an examiner's statement of reasons for allowance: This statement of reasons for allowance includes the major differences in the claims not found in the prior art of record and reasons why that differences are considered to define patentably over the prior art. The statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be relied upon for this purpose. Rather, this statement reflects what the examiner considers important and therefore the primary reasons for the allowance of the claims.

The primary reason for allowance is the limitation directed to the "dynamic display" of a plurality of the quantity of bids and asks aligned with a "static display" of corresponding prices. Here, unlike the prior art, the "static" display of prices is just that, static, and does not move in response to a change in the inside market. With this display of market depth, claimed in each of the independent claims, a trader places a trade order with the pointer in the area of the order entry region of the dynamic market depth region, through a single computer implemented action, see Figures 3 and 4. For example, in figure 3, a click on Bid Q 18 will send an order to the market to sell 17 lots of the commodity at a price of 89.

The closest prior art including US Patent 6,408,282, PCT WO 01/16852 and commonly owned non-patent literature "X Trader" (see, applicant's response to USPTO's request for information) all lack this feature. The PTO also inquired as to the subject matter of alleged infringement referenced in applicant's petition to make



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