

| | | | |
|-------------------------------|----------------------|--------------|----|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/884,637 | KEMP ET AL | |
| | Examiner | Art Unit | |
| | Richard C Weisberger | 3624 | ML |

-- 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.

- This communication is responsive to amendment, terminal disclaimer, interview summary.
- The allowed claim(s) is/are 41-54 and 56-81.
- The drawings filed on 09/01 are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - All
 - Some
 - None of the:
 - Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - 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: _____
- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a) (to a provisional application).
 - The translation of the foreign language provisional application has been received.
- 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.

- 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.
- CORRECTED DRAWINGS must be submitted.
 - Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-946) attached
 - hereto or 2) to Paper No. _____.
 - Including changes required by the proposed drawing correction filed _____ which has been approved by the Examiner.
 - 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.
- 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)

| | |
|--|--|
| <input type="checkbox"/> Notice of References Cited (PTO-882) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-946) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |

ELLIS 00948

Application/Control Number: 09/894,637
Art Unit: 3624

Page 2

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 special

ELLIS 00949

Page 3

Application/Control Number: 09/894,637
Art Unit: 3624

in related case SN 09/590,692. The USPTO found no evidence of public use or any printed publication of the system known as J Trader, the subject matter of potential infringement and the applicant's basis for his petition to make special, earlier than November 6, 2000. Therefore, the USPTO has concluded that the system known as J trader is not prior art to the instant application, which has a filing date of June 06, 2000.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Respectfully

By, _____

Richard Weisberger

ELLIS 00950

Feb 17 2004 6:24PM Trading Technologies
02/17/2008 17:14 FAX 972749... J09 JACKSON WALKER LLP

24761169

P.8

008

Application/Control Number: 09/894,637
Art Unit: 3524

Page 4

ELLIS 00951

p.8

3124761182

Feb 18 2004 3:44PM TT