

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **REQUEST FOR EX PARTE
REEXAMINATION**

Patent No.: 6,772,132

Reexamination

Control No.: 90/008,576

Filed: August 3, 2004

Attorney Docket No: 95549/99997



Customer Service Window
Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

Sir:

Attached is/are:

- Transmittal Letter (in dup); Response to decision *Sua Sponte vacating Ex Parte* reexamination filing date, including a Corrected Request For Ex Parte Reexamination; Copy of the patent to be reexamined, U.S. Pat No. 6,772,132; Copy of every patent or printed publication relied upon listed below and on Form PTO-1449; Form PTO-1449; Corrected Detailed Reexamination Request (including a color figure on p. 183).

Fee calculation:

- No additional fee is required.
- Small Entity.
- An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- An additional filing fee has been calculated as shown below:

				Small Entity		Not a Small Entity			
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- A check in the amount of \$_____ is enclosed.
- Please charge Deposit Account No. 23-1925 in the amount of \$_____ . A copy of this Transmittal is enclosed for this purpose.
- Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599



Concurrent Proceedings

- The patent is currently the subject of the following concurrent proceeding(s):
- Copending litigation styled:

Trading Tech. Intn'l Inc. v. eSpeed, Inc., Case No. 04 C 5312,
United States District Court, Northern District of Illinois, Eastern Division

Correspondence Address

- The name and address of the person requesting reexamination is:
James L. Katz (Reg. No. 42,711)
Brinks Hofer Gilson & Lione, NBC Tower, Suite 3600
455 North Cityfront Plaza Drive, Chicago, Illinois 60611 (312) 321-4200
- Correspondence Address: Direct all communication about the reexamination to:
Customer Number: 757

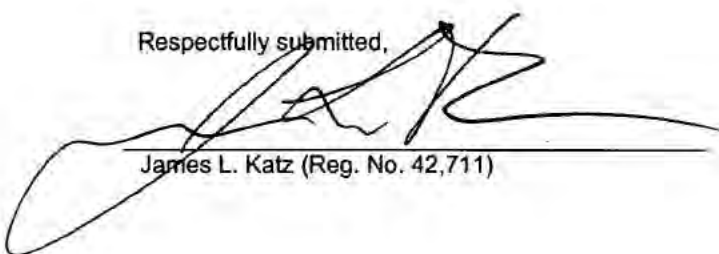
Certificate of Service

- It is certified that a copy of this response (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33 (c).
The name and address of the party served and the date of service are:
Foley & Lardner, Attn: William T. Ellis, Esq.
Washington Harbour, 3000 K Street NW, Suite 500
Washington, DC 2007-5109
Date of Service: May 25, 2007

Date

5/24/07

Respectfully submitted,



James L. Katz (Reg. No. 42,711)

TAB

9

DETAILED REQUEST - CORRECTED

This is a corrected request for Ex Parte Reexamination of Kemp, II et al. U.S. Patent 6,772,132, issued August 3, 2004, hereinafter the "Kemp '132 patent".

RESPONSE TO DECISION *SUA SPONTE* VACATING *EX PARTE*

REEXAMINATION FILING DATE

This is a response to the Decision *Sua Sponte Vacating Ex Parte* Reexamination Filing Date mailed May 10, 2007. With this response, a corrected request for Ex Parte Reexamination of Kemp, II et al. U.S. Patent 6,772,132, issued August 3, 2004, is provided. The corrected request complies with 37 CFR 1.510(b)(2) by providing an explanation of the manner and pertinence of applying each cited document to the patent claims for which reexamination is requested. Where references are applied in combination, each combination is individually identified, and the basis for forming each combination is supplied. Service of this corrected request has been made on the Agent/Attorney/Firm identified as the correspondent, as specified below.

As this corrected request is being filed within thirty (30) days of the mailing date of the Decision *Sua Sponte Vacating Ex Parte* Reexamination Filing Date, it is believed that no additional fees are due. The Director is hereby authorized to charge any additional fees to Deposit Account No. 23-1925.

THE PATENT OWNER

The Kemp '132 patent identifies Trading Technologies International, Inc., 1603 Orrington Avenue, Suite 1300, Evanston, IL 60201 as the assignee of the patent. An assignment search indicates that the application for the Kemp '132 patent (Serial No. 09/590,692, filed June 9, 2000) was assigned by the inventors to Trading Technologies International, Inc. by an assignment recorded at Reel 011188, Frame 0355 on October 2, 2000. No later assignments have been found. The Patent Owner of record (which is believed to be the current Patent Owner) is therefore Trading Technologies International, Inc.

The Kemp '132 patent identifies "Foley & Lardner" as the "Attorney, Agent or Firm" that prosecuted it. According to the Power of Attorney filed with the application, as reflected by the correspondence address shown in PAIR, the current correspondence address for the Kemp '132 patent is "Foley & Lardner LLP, Suite 500, 3000 K Street NW, Washington, DC 20007." The assignment recordation shows a correspondence address of "Foley & Lardner, William T. Ellis, Washington Harbour, 3000 K Street NW, Suite 500, Washington, DC 20007-5109." Accordingly, service of this Corrected Reexamination Request has been made on the Agent/Attorney/Firm identified above by first class mail.

THE REEXAMINATION REQUESTER

Requester James L. Katz acts in an individual capacity, relying on information obtained from a third party.

CLAIMS TO BE REEXAMINED

Reexamination of all claims (Claims 1-56) of the Kemp '132 patent is requested.

REFERENCES CITED

The references that are relied upon for reexamination are the following:

- A. "Orientation Materials for Participants: New Future Options Trading System," September 1997, Operation System Development Section, Tokyo Stock Exchange (in Japanese with accompanying English translation). Denoted by Bates numbers TSE0000000609-TSE0000000627 ("TSE Orientation Materials" or "TSE A");
- B. "Futures and Options Trading System: Transaction Terminal Operation Procedures," August 1998, Operation System Development Section, Tokyo Stock Exchange (in Japanese with accompanying English translation). Denoted by Bates numbers TSE0000000628-TSE0000000643 ("TSE Operation Procedures" or "TSE B");¹

¹ All citations herein to specific pages within the TSE Orientation Materials and TSE Operation Procedures references will refer to the particular Bates number added to each page of the English translation.

- C. U.S. Patent Application Publication No. 2003/0097325, entitled “USER INTERFACE FOR AN ELECTRONIC TRADING SYSTEM,” filed April 9, 1999 and published May 22, 2003, to Friesen et al. (“Friesen”); and
- D. U.S. Patent No. 5,960,411, entitled “METHOD AND SYSTEM FOR PLACING A PURCHASE ORDER VIA A COMMUNICATION NETWORK,” filed September 12, 1997 and issued September 28, 1999 to Amazon.com, Inc. (“Amazon”).

Paper copies of these references and a PTO-1449 form listing these references are enclosed, so that the Examiner may consider them and acknowledge their consideration by initialing the form.

The TSE Orientation Materials and TSE Operation Procedures references are each available as a statutory bar reference against the Kemp '132 patent, under 35 U.S.C. § 102(b), as a printed publication published in a foreign country more than one year prior to the June 9, 2000 filing date of the Kemp '132 patent, and more than one year prior to the March 2, 2000 claimed priority date.²

Friesen is available as a reference against the Kemp '132 patent, under 35 U.S.C. § 102(e), as an application for patent, published under 35 U.S.C. § 122(b), by another filed in the United States before the invention by the applicant for patent. Friesen is presently owned by Trading Technologies International, Inc. However, for the purposes of

² The TSE Orientation Materials reference was cited in a Notice of Opposition to a European Patent filed against European Patent No. 1 319 211 by DEUTSCHE BORSE AG on January 12, 2006 (TAB A). The TSE Operation Procedures reference was cited in a Notice of Opposition to a European Patent filed against European Patent No. 1 319 211 by Eccoware Limited on January 13, 2006 (TAB B). European Patent No. 1 319 211 was filed based on a PCT Application, Publication No. WO 01/65403, which claims priority to U.S. Provisional Application No. 60/186,322 to which the Kemp '132 patent also claims priority. These Opposition documents, as well as several other Oppositions and supporting documentation filed against European Patent No. 1 319 211, available from the file history thereof, establish that the TSE Orientation Materials and TSE Operation Procedures references were publicly available documents available more than one year prior to the June 9, 2000 filing date of the Kemp '132 patent, and more than one year prior to the March 2, 2000 claimed priority date. See TAB B, Notice of Opposition to a European Patent filed against European Patent No. 1 319 211 by Eccoware Limited, page 6 (indicating that the Futures/Options Trading System – Guidelines for Operating the Trading Terminals, Tokyo Stock Exchange (August 1998) was distributed to around 200 companies without restriction in August 1998); see also Deposition of Atsushi Kawashima from Trading Tech. Int'l, Inc. v. eSpeed, Inc. Case No. 04 C 5312, United States District Court of Illinois, Eastern Division (TAB H) (obtained from the file history of EP 1 319 211), pages 9-15 (indicating that the Tokyo Stock Exchange's Manual entitled, “System for Buying and Selling Futures and Options: transaction Terminal Operation Guidelines,” denoted by Bates numbers TSE0000000647-TSE0000000810, referred to herein as TSE C (TAB F), was distributed in 1998 to around 200 companies that carry out futures trading at the Tokyo Stock Exchange) and pages 60-62 (indicating that the TSE Orientation Materials reference (TSE A) was publicly distributed in September 1997 without restriction to participants that carry out futures trading at the Tokyo Stock Exchange).

35 U.S.C. § 103(a), Friesen is not disqualified under 35 U.S.C. § 103(c) as being owned by the same person, or subject to an obligation of assignment to the same person, who owns the claimed invention of the Kemp '132 patent at the time the claimed invention was made. As shown in the assignment records of the U.S. Patent Office, included herewith, Trading Technologies International, Inc., the owner of the Kemp '132 patent, did not acquire ownership of Friesen until November 19, 2003, well after the April 9, 1999 filing date of Friesen.

Amazon is available as a reference against the Kemp '132 patent, under 35 U.S.C. § 102(e), as a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent. For the purposes of 35 U.S.C. § 103(a), Amazon is not disqualified under 35 U.S.C. § 103(c) as being owned by the same person, or subject to an obligation of assignment to the same person, who owns the claimed invention of the Kemp '132 patent at the time the claimed invention was made. As shown in the assignment records of the U.S. Patent Office, included herewith, Amazon is presently owned by Amazon.com, Inc.

The TSE Orientation Materials, TSE Operation Procedures, Friesen and Amazon references are applied below to the claims of the Kemp '132 patent.

STATEMENT OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY

The TSE Orientation Materials, TSE Operation Procedures, Friesen and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references. Therefore, there is a substantial likelihood that a reasonable examiner would consider the TSE Orientation Materials, TSE Operation Procedures, Friesen and Amazon references important in deciding whether or not the claims are patentable. Accordingly, whether the issued claims of the Kemp '132 patent are patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures, Friesen and Amazon references, as applied below, is a substantial new question of patentability.

**APPLICATION OF TSE ORIENTATION MATERIALS, TSE OPERATION
PROCEDURES, FRIESEN AND AMAZON TO THE CLAIMS**

Claims 1-56 of the Kemp '132 patent would be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b), or obvious under 35 U.S.C. § 103(a) as described below, and further summarized in the accompanying claim charts and annotated Figure 1, taken from the TSE Orientation Materials reference. For the convenience of the Examiner, similar claims of the Kemp '132 patent have been grouped together and are further discussed in order of their dependent relationship.

A. Independent Claims 1, 8 and 14

1. Claim 1 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 1 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 1 of the Kemp '132 patent would be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference. The TSE Orientation Materials reference teaches all of the elements of claim 1 of the Kemp '132 patent including: a method of placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price, using a graphical user interface and a user input device (*See* TSE A at 613-614); setting a preset parameter for the trade order (*See* TSE A at 613-614, 616); displaying market depth of the commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including at least a portion of the bid and ask quantities of the commodity, the dynamic display being aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market (*See* TSE A at

613-714); displaying an order entry region aligned with the static display prices comprising a plurality of areas for receiving commands from the user input devices to send trade orders, each area corresponding to a price of the static display of prices (*See* TSE A at 616); and selecting a particular area in the order entry region through single action of the user input device with a pointer of the user input device positioned over the particular area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 1</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>1. A method of placing a trade order³ for a commodity on an electronic exchange having an inside market⁴ with a highest bid price and a lowest ask price, using a graphical user interface and a user input device, said method comprising:</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See</i> TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613.

³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁴ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See* the Kemp '132 patent, Col. 4, lines 58-60.

<p style="text-align: center;">Kemp '132 patent Claim 1</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>setting a preset parameter⁵ for the trade order;⁶</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>
<p>displaying market depth of the commodity, through a dynamic display⁷ of a plurality of bids and a plurality of asks⁸ in the market for the commodity, including</p> <p>at least a portion of</p> <p>the bid and ask quantities of the commodity,</p> <p>the dynamic display being</p> <p>aligned with a static display⁹ of prices¹⁰ corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>

⁵ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁶ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." (TAB G) However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e. the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

<p style="text-align: center;">Kemp '132 patent Claim 1</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>displaying an order entry region¹¹ aligned with the static display prices comprising a plurality¹² of areas for receiving commands from the user input devices to send trade orders, each area corresponding to a price of the static display of prices; and</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

⁷ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁹ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

¹⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further construed this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands

<p style="text-align: center;">Kemp '132 patent Claim 1</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>selecting a particular area in the order entry region through single action¹³ of the user input device with a pointer of the user input device positioned over the particular area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>

2. Claim 1 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 1 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references

to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹² For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

¹³ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 1 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and TSE Operation Procedures references. One of ordinary skill in the art would be motivated to combine the teachings of the TSE Orientation Materials and TSE Operation Procedures references because both references relate to the same trading interface to the Tokyo Stock Exchange. The TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches all of the elements of claim 1 of the Kemp '132 patent including: a method of placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price, using a graphical user interface and a user input device (*See* TSE A at 613-614); setting a preset parameter for the trade order (*See* TSE A at 613-614, 616; TSE B at 642); displaying market depth of the commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including at least a portion of the bid and ask quantities of the commodity, the dynamic display being aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market (*See* TSE A at 613-714; TSE B at 637-641); displaying an order entry region aligned with the static display prices comprising a plurality of areas for receiving commands from the user input devices to send trade orders, each area corresponding to a price of the static display of prices (*See* TSE A at 616; TSE B at 642); and selecting a particular area in the order entry region through single action of the user input device with a pointer of the user input device positioned over the particular area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>I. A method of placing a trade order¹⁴ for a commodity on an electronic exchange having an inside market¹⁵ with a highest bid price and a lowest ask price, using a graphical user interface and a user input device, said method comprising:</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See TSE A at 613-614.</i></p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. <i>See TSE A at 613.</i> 	

¹⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).* This construction is consistent with the disclosure of the references relied upon herein.

¹⁵ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See the Kemp '132 patent, Col. 4, lines 58-60.*

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>setting a preset parameter¹⁶ for the trade order;¹⁷</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> □ Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.
<p>displaying market depth of the commodity, through a dynamic display¹⁸ of a plurality of bids and</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out</p>

¹⁶ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

¹⁷ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." (TAB G) However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e. the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

¹⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>a plurality of asks¹⁹ in the market for the commodity, including at least a portion of the bid and ask quantities of the commodity, the dynamic display being aligned with a static display²⁰ of prices²¹ corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;</p>	<p>displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p> <p>Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640.</p> <p>7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below.</p> <p><input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse. Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press an arrow key on a</p>

market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹⁹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

²⁰ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

²¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further construed this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
		<p>keyboard to move a cursor on the board screen up or down. Scroll prices up or down by one line. <input type="checkbox"/> Press the "up key" or the "down key" on the keyboard. When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively.</p> <p>In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen". <input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse. <input type="checkbox"/> Press the "Home" key on the keyboard.</p> <p>The board information is automatically refreshed even during scrolling operations. Information in the OVER or UNDER section is not displayed during scrolling operations. While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. <i>See</i> TSE B at 641.</p>
<p>displaying an order entry region²²</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i></p>	<p><i>See</i> figure of input order screen. TSE B at 642.</p>

²² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>aligned with the static display prices</p> <p>comprising a plurality²³ of areas for receiving commands</p> <p>from the user input devices</p> <p>to send trade orders,</p> <p>each area corresponding to a price of the static display of prices;</p> <p>and</p>	<p>TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <p>each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	
<p>selecting</p> <p>a particular</p> <p>area in the order entry region</p> <p>through</p> <p>single action²⁴ of the user input device with a pointer of the user input device positioned over the particular</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This</p>	<p><i>See</i> TSE B at 642.</p>

²³ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

²⁴ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>	

3. Claim 1 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Amazon

Whether claim 1 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and Amazon references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that Claim 1 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied, in further view of Amazon. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and TSE Operation Procedures references with Amazon as all of these references relate to user interfaces for efficiently placing electronic orders. Amazon, in particular, discloses that "the overhead of

confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome.” (See Amazon, Col. 2, lines 40-44). Amazon further discloses that “[t]he present invention provides a method and system for single-action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser-specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity).” (See Amazon, Col. 3, lines 30-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the single action ordering system of Amazon with the trading interface disclosed in the TSE Orientation Materials and TSE Operation Procedures references so as to streamline the trade order entry process in the trading environment where execution speed is critical. This is recognized by the Kemp ’132 patent which states that “[t]he world’s stock, bond, futures and options exchanges have volatile products with prices that move rapidly. To profit in these markets, traders must be able to react quickly. A skilled trader with the quickest software, the fastest communications, and the most sophisticated analytics can significantly improve his own or his firm’s bottom line. The slightest speed advantage can generate significant returns in a fast moving market. In today’s securities markets, a trader lacking a technologically advanced interface is at a severe competitive disadvantage.” See the Kemp ’132 patent, Col. 2, lines 1-63.

Kemp ’132 patent Claim 1	TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation	Amazon
1. A method of	The disclosed system relates		

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>placing a trade order²⁵ for a commodity on an electronic exchange having an inside market²⁶ with a highest bid price and a lowest ask price,</p> <p>using a graphical user interface and a user input device,</p> <p>said method comprising:</p>	<p>to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See</i> TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <p>★ Windows NT is employed as the OS and hence, the screen design is the same as that of Windows.</p> <p>★ All operations are performed by selecting an item in the menu on the screen.</p> <p>★ To select an item on the menu bar:</p> <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to 		

²⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

²⁶ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See* the Kemp '132 patent, Col. 4, lines 58-60.

Kemp '132 patent Claim 1	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
	the item. * When an item is selected, an input window corresponding to the item opens up. See TSE A at 613.		
setting a preset parameter ²⁷ for the trade order; ²⁸	Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. See TSE A at 613-614. When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is	9-2-2 Placing Orders from New Order Input Window 9-2-2. 1 Displaying New Order Input Window There are the following two methods to display a new order input window. <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically.	

²⁷ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." See the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." See *Trading Tech. Intn'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

²⁸ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." (TAB G) However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e. the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

Kemp '132 patent Claim 1	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
	automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.	<input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.	
displaying market depth of the commodity, through a dynamic display ²⁹ of a plurality of bids and a plurality of asks ³⁰ in the market for the commodity, including at least a portion of the bid and ask quantities of the commodity, the dynamic display being aligned with a static display ³¹ of prices ³²	The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614. Board screen is automatically refreshed	In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641. Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640. 7-3-3 Scrolling Board Information Up or Down In order to view the price	

²⁹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

³⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

³¹ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;</p>	<p>every three seconds. <i>See</i> TSE A at 613. The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below. <input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse. Scroll prices up or down by one line. <input type="checkbox"/> Press an arrow key on a keyboard to move a cursor on the board screen up or down. Scroll prices up or down by one line. <input type="checkbox"/> Press the "up key" or the "down key" on the keyboard. When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively. In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen". <input type="checkbox"/> Click the "H"</p>	

Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

³² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further construed this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
		<p>(home) button on the board screen using the mouse. <input type="checkbox"/> Press the "Home" key on the keyboard.</p> <p>The board information is automatically refreshed even during scrolling operations. Information in the OVER or UNDER section is not displayed during scrolling operations. While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. <i>See TSE B at 641.</i></p>	
<p>displaying an order entry region³³ aligned with the static display prices comprising a plurality³⁴ of areas for receiving commands from the user input devices to send trade orders, each area corresponding to a price of the static</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See TSE A at 616.</i></p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically</p>	<p><i>See figure of input order screen. TSE B at 642.</i></p>	

³³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).* This construction is consistent with the disclosure of the references relied upon herein.

³⁴ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).*

<p>Kemp '132 patent Claim 1</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>display of prices; and</p>	<p>entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>		
<p>selecting a particular area in the order entry region through single action³⁵ of the user input device with a pointer of the user input device positioned over the particular</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616 From the given example at TSE A at 616, the price at which the double-click was effected is automatically</p>	<p><i>See</i> TSE B at 642.</p>	<p><i>See also</i> Amazon, which discloses that "the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome."</p>

³⁵ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

Kemp '132 patent Claim 1	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
<p>area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>		<p><i>See</i> Amazon, Col. 2, lines 40-44. Amazon further discloses that "[t]he present invention provides a method and system for single-action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser-specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity)." <i>See</i> Amazon, Col. 3, lines 30-49.</p>

4. Claim 8 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 8 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial

likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 8 of the Kemp '132 patent would be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference. The TSE Orientation Materials reference teaches a computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price (*See* TSE A at 613-614); a first program code for setting a preset parameter for the trade order (*See* TSE A at 613-614); a second program code displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market (*See* TSE A at 613-614, 616); a third program code for displaying an order entry region comprising a plurality of areas for receiving commands from the user input device to send trade orders, aligned with the static display of prices, each area corresponding to a price of the static display of prices (*See* TSE A at 616); and a fourth program code for receiving a command as a result of a selection of a particular area in the order entry region by a single action of the user input device with a pointer of the user input device positioned over the particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 8</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>8. A computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device,</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the</p>

<p style="text-align: center;">Kemp '132 patent Claim 8</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>to place a trade order³⁶ for a commodity on an electronic exchange having an inside market³⁷ with a highest bid price and a lowest ask price,</p> <p>comprising:</p>	<p>best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See</i> TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613.
<p>a first program code for setting a preset parameter³⁸ for the trade order;³⁹</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set</p>

³⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

³⁷ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See* the Kemp '132 patent, Col. 4, lines 58-60.

³⁸ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

³⁹ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." *See* Trading Technologies Response to the EP Opposition, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132

<p style="text-align: center;">Kemp '132 patent Claim 8</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
	<p>parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>
<p>a second program code</p> <p>displaying market depth of a commodity, through a dynamic display⁴⁰ of a plurality of bids and a plurality of asks⁴¹ in the market for the commodity, including</p> <p>the bid and ask quantities of the commodity,</p> <p>aligned with a static display⁴² of prices⁴³ corresponding thereto, wherein the static display of prices does not move</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where</p>

patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

⁴⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁴¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁴² In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

⁴³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to

<p style="text-align: center;">Kemp '132 patent Claim 8</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>in response to a change in the inside market;</p>	<p>ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>
<p>a third program code for displaying an order entry region⁴⁴ comprising a plurality⁴⁵ of areas for receiving commands from the user input device to send trade orders, aligned with the static display of prices, each area corresponding to a price of the static display of prices; and</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>
<p>a fourth program code for receiving a command as a result of a selection of a particular area in the order entry region by a</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically</p>

construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁴⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁴⁵ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

<p style="text-align: center;">Kemp '132 patent Claim 8</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>single action⁴⁶ of the user input device with a pointer of the user input device positioned over the particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>

5. Claim 8 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 8 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 8 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and

⁴⁶ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." See the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." See *Trading Tech. Intn'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

TSE Operation Procedures references. One of ordinary skill in the art would be motivated to combine the teachings of the TSE Orientation Materials and TSE Operation Procedures references because both references relate to the same trading interface to the Tokyo Stock Exchange. The TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches a computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price (*See* TSE A at 613-614); a first program code for setting a preset parameter for the trade order (*See* TSE A at 613-614, 616; TSE B at 642); a second program code displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market (*See* TSE A at 613-614, 616; TSE B at 637-641); a third program code for displaying an order entry region comprising a plurality of areas for receiving commands from the user input device to send trade orders, aligned with the static display of prices, each area corresponding to a price of the static display of prices (*See* TSE A at 616; TSE B at 642); and a fourth program code for receiving a command as a result of a selection of a particular area in the order entry region by a single action of the user input device with a pointer of the user input device positioned over the particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>8. A computer readable medium having program code recorded</p>	<p>The disclosed system relates to a Transaction Terminal featuring a</p>	

⁴⁷ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order⁴⁷ for a commodity on an electronic exchange having an inside market⁴⁸ with a highest bid price and a lowest ask price, comprising:</p>	<p>divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. See TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <p>★ Windows NT is employed as the OS and hence, the screen design is the same as that of Windows.</p> <p>★ All operations are performed by selecting an item in the menu on the screen.</p> <p>★ To select an item on the menu bar:</p> <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. <p>★ When an item is selected, an input window corresponding to the item opens up. See TSE A at 613.</p>	
<p>a first program code for</p>	<p>Board screens are commodity</p>	<p>9-2-2 Placing Orders from New</p>

parameters of a desired trade." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁴⁸ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. See the Kemp '132 patent, Col. 4, lines 58-60.

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>setting a preset parameter⁴⁹ for the trade order;⁵⁰</p>	<p>specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>	<p>Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.
<p>a second program code displaying market depth of a</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out</p>

⁴⁹ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁵⁰ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." *See* Trading Technologies Response to the EP Opposition, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>commodity, through a dynamic display⁵¹ of a plurality of bids and a plurality of asks⁵² in the market for the commodity, including</p> <p>the bid and ask quantities of the commodity,</p> <p>aligned with a static display⁵³ of prices⁵⁴ corresponding thereto, wherein the static display of prices does not move</p> <p>in response to a change in the inside market;</p>	<p>displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at</p>	<p>of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p> <p>Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640.</p> <p>7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below.</p> <p><input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse.</p> <p>Scroll prices up or down by</p>

⁵¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁵² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁵³ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

⁵⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
	<p>various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>one line. <input type="checkbox"/> Press an arrow key on a keyboard to move a cursor on the board screen up or down. Scroll prices up or down by one line. <input type="checkbox"/> Press the "up key" or the "down key" on the keyboard. When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively.</p> <p>In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen". <input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse. <input type="checkbox"/> Press the "Home" key on the keyboard.</p> <p>The board information is automatically refreshed even during scrolling operations. Information in the OVER or UNDER section is not displayed during scrolling operations. While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. <i>See</i> TSE B at 641.</p>
<p>a third program code for displaying an order entry region⁵⁵ comprising a plurality⁵⁶ of areas for receiving commands from the</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so</p>	<p><i>See</i> figure of input order screen. TSE B at 642.</p>

⁵⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>user input device to send trade orders, aligned with the static display of prices, each area corresponding to a price of the static display of prices; and</p>	<p>forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616. From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	
<p>a fourth program code for receiving a command as a result of a selection of a particular area in the order entry region by a single action⁵⁷ of the user input device with a pointer of the user input device positioned over the</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616 From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This</p>	<p><i>See</i> TSE B at 642.</p>

⁵⁶ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

⁵⁷ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>	

6. Claim 8 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Amazon

Whether claim 8 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and Amazon references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that Claim 8 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied, in further view of Amazon. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and TSE Operation

District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

Procedures references with Amazon as all of these references relate to user interfaces for efficiently placing electronic orders. Amazon, in particular, discloses that “the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome.” (See Amazon, Col. 2, lines 40-44). Amazon further discloses that “[t]he present invention provides a method and system for single-action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser-specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity).” (See Amazon, Col. 3, lines 30-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the single action ordering system of Amazon with the trading interface disclosed in the TSE Orientation Materials and TSE Operation Procedures references so as to streamline the trade order entry process in the trading environment where execution speed is critical. This is recognized by the Kemp '132 patent which states that “[t]he world's stock, bond, futures and options exchanges have volatile products with prices that move rapidly. To profit in these markets, traders must be able to react quickly. A skilled trader with the quickest software, the fastest communications, and the most sophisticated analytics can significantly improve his own or his firm's bottom line. The slightest speed advantage can generate significant returns in a fast moving market. In today's securities markets, a trader lacking a technologically advanced interface is at a severe competitive disadvantage.” See the Kemp '132 patent, Col. 2, lines 1-63.

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>8. A computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order⁵⁸ for a commodity on an electronic exchange having an inside market⁵⁹ with a highest bid price and a lowest ask price, comprising:</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See</i> TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the 		

⁵⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁵⁹ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See* the Kemp '132 patent, Col. 4, lines 58-60.

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	<p>key which corresponds to the item.</p> <p>★ When an item is selected, an input window corresponding to the item opens up. See TSE A at 613.</p>		
<p>a first program code for setting a preset parameter⁶⁰ for the trade order;⁶¹</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. See TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <p><input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse</p> <p>→ Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise</p>	

⁶⁰ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." See the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁶¹ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." See *Trading Technologies Response to the EP Opposition*, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

Kemp '132 patent Claim 8	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
	as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.	conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.	
a second program code displaying market depth of a commodity, through a dynamic display ⁶² of a plurality of bids and a plurality of asks ⁶³ in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display ⁶⁴ of prices ⁶⁵	The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.	In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641. Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640.	

⁶² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁶³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁶⁴ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;</p>	<p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below.</p> <p><input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse.</p> <p>Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press an arrow key on a keyboard to move a cursor on the board screen up or down.</p> <p>Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press the "up key" or the "down key" on the keyboard.</p> <p>When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively.</p> <p>In addition, please follow the method below in order to return from a "scrolled</p>	

Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

⁶⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

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		<p>screen" to the "basic board screen".</p> <ul style="list-style-type: none"> <input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse. <input type="checkbox"/> Press the "Home" key on the keyboard. <p>The board information is automatically refreshed even during scrolling operations.</p> <p>Information in the OVER or UNDER section is not displayed during scrolling operations.</p> <p>While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. <i>See TSE B at 641.</i></p>	
<p>a third program code for displaying an order entry region⁶⁶</p> <p>comprising a plurality⁶⁷ of areas for receiving commands from the user input device to send trade orders,</p> <p>aligned with the static display of prices,</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See TSE A at 616.</i></p> <p>From the given example at</p>	<p><i>See figure of input order screen. TSE B at 642.</i></p>	

⁶⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).* This construction is consistent with the disclosure of the references relied upon herein.

⁶⁷ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).*

Kemp '132 patent Claim 8	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
each area corresponding to a price of the static display of prices; and	TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."		
	When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. ★ When an item is selected, an input window corresponding to the item opens up. See TSE A at 613.	See TSE B at 642.	
a fourth program code for receiving a command as a	When a designated section on a board or quotation	See TSE B at 642.	See also Amazon, which discloses that

⁶⁸ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." See the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>result of a selection of a particular area in the order entry region by a single action⁶⁸ of the user input device with a pointer of the user input device positioned over the particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double- click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>		<p>"the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser- specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome." <i>See</i> Amazon, Col. 2, lines 40-44. Amazon further discloses that "[t]he present invention provides a method and system for single- action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser- specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity)." <i>See</i></p>

⁶⁸"single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

<p>Kemp '132 patent Claim 8</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
			<p>Amazon, Col. 3, lines 30-49.</p>

7. Claim 14 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 14 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 14 of the Kemp '132 patent would be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference. The TSE Orientation Materials reference teaches a client system for placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price (*See* TSE A at 613-614); a parameter setting component for setting a preset parameter for the trade order (*See* TSE A at 613-614, 616); a display device for displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move when the inside market changes, and for displaying an order entry region aligned with the static display of prices, comprising a plurality of areas for receiving commands to send trade orders, each area corresponding to a price of the static display of prices (*See* TSE A at 613-614, 616); a user input device for positioning a pointer thereof over an area in the order entry region (*See* TSE A at 613); and a trade order sending component for receiving a command as a result of a selection of the area in the order entry

region by a single action of the user input device with a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See TSE A at 616*).

<p style="text-align: center;">Kemp '132 patent Claim 14</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>14. A client system for placing a trade order⁶⁹ for a commodity on an electronic exchange having an inside market⁷⁰ with a highest bid price and a lowest ask price, the system comprising:</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See TSE A at 613-614.</i></p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. <i>See TSE A at 613.</i>
<p>a parameter setting component for setting a preset parameter⁷¹ for the trade order;⁷²</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See TSE A at 613-614.</i></p> <p>When a designated section on a board or quotation screen is</p>

⁶⁹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁰ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See the Kemp '132 patent, Col. 4, lines 58-60.*

<p style="text-align: center;">Kemp '132 patent Claim 14</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
	<p>double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>
<p>a display device for</p> <p>displaying market depth of a commodity, through a dynamic display⁷³ of a plurality of bids and a plurality of asks⁷⁴ in the market for the commodity, including</p> <p>the bid and ask quantities of the commodity,</p> <p>aligned with a static display⁷⁵ of prices⁷⁶ corresponding thereto, wherein the static display of prices does not move</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p>

⁷¹ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁷² In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." *See* Trading Technologies Response to the EP Opposition, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

⁷³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁵ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed

<p style="text-align: center;">Kemp '132 patent Claim 14</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>when the inside market changes,⁷⁷</p>	<p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>
<p>and for displaying an order entry region⁷⁸ aligned with the static display of prices, comprising a plurality⁷⁹ of areas for receiving commands to send trade orders, each area corresponding to a price of the static display of prices;</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p>

to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

⁷⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁷ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "when the market changes" to mean "at the time that new data reflecting a change in the inside market is received." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁷⁹ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

<p style="text-align: center;">Kemp '132 patent Claim 14</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
	<p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>
<p>a user input device for positioning a pointer thereof over an area in the order entry region; and</p>	<p>When you are using a mouse, select the item by clicking it with the mouse.</p> <ul style="list-style-type: none"> • When you are using a keyboard, press the key which corresponds to the item. ★ When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613.
<p>a trade order sending component for receiving a command as a result of a selection of the area in the order entry region by a single action⁸⁰ of the user input device with a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <ul style="list-style-type: none"> each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>

⁸⁰ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

8. Claim 14 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 14 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 14 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and TSE Operation Procedures references. One of ordinary skill in the art would be motivated to combine the teachings of the TSE Orientation Materials and TSE Operation Procedures references because both references relate to the same trading interface to the Tokyo Stock Exchange. The TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches a client system for placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price (*See* TSE A at 613-614); a parameter setting component for setting a preset parameter for the trade order (*See* TSE A at 613-614, 616; TSE B at 642); a display device for displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move when the inside market changes, and for displaying an order entry region aligned with the static display of prices, comprising a plurality of areas for receiving commands to send trade orders, each area corresponding to a price of the static display of prices (*See* TSE A at 613-614, 616; TSE B at 637-641); a user input device for positioning a pointer thereof over an area in the order entry region (*See* TSE A at 613; TSE B at 642); and a trade order sending component for receiving a command as a result of a selection of the area in the order entry region by a single action of the user input device with

a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>14. A client system for placing a trade order⁸¹ for a commodity on an electronic exchange having an inside market⁸² with a highest bid price and a lowest ask price, the system comprising:</p>	<p>The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. <i>See</i> TSE A at 613-614.</p> <p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> ★ Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. ★ All operations are performed by selecting an item in the menu on the screen. ★ To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. 	

⁸¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁸² According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. *See* the Kemp '132 patent, Col. 4, lines 58-60.

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
	<p>★ When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613.</p>	
<p>a parameter setting component for setting a preset parameter⁸³ for the trade order;⁸⁴</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> □ Double-clicking specific areas on board and quotation screens with the mouse. <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.

⁸³ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." *See* the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁸⁴ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." *See* Trading Technologies Response to the EP Opposition, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>a display device for displaying market depth of a commodity, through a dynamic display⁸⁵ of a plurality of bids and a plurality of asks⁸⁶ in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display⁸⁷ of prices⁸⁸ corresponding thereto, wherein the static display of prices does not move when the inside market changes,⁸⁹</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614. Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641. Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640. 7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information</p>

⁸⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁸⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

⁸⁷ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

⁸⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁸⁹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "when the market changes" to mean "at the time that new data reflecting a change in the inside market is received." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
	<p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>up and down, using a method described below.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse. Scroll prices up or down by one line. <input type="checkbox"/> Press an arrow key on a keyboard to move a cursor on the board screen up or down. Scroll prices up or down by one line. <input type="checkbox"/> Press the "up key" or the "down key" on the keyboard. When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively. <p>In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen".</p> <ul style="list-style-type: none"> <input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse. <input type="checkbox"/> Press the "Home" key on the keyboard. <p>The board information is automatically refreshed even during scrolling operations. Information in the OVER or UNDER section is not displayed during scrolling operations. While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. <i>See</i> TSE B at 641.</p>
<p>and for displaying an order entry region⁹⁰</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting</p>	<p><i>See</i> figure of input order screen. TSE B at 642.</p>

Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁹⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>aligned with the static display of prices, comprising a plurality⁹¹ of areas for receiving commands to send trade orders, each area corresponding to a price of the static display of prices;</p>	<p>new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616. From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: <ul style="list-style-type: none"> • each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	
<p>a user input device for positioning a pointer thereof over an area in the order entry region; and</p>	<p>When you are using a mouse, select the item by clicking it with the mouse. <ul style="list-style-type: none"> • When you are using a keyboard, press the key which corresponds to the item. ★ When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613. </p>	<p><i>See</i> TSE B at 642.</p>

to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁹¹ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>a trade order sending component for receiving a command as a result of a selection of the area in the order entry region by a single action⁹² of the user input device with a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <p style="padding-left: 40px;">each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"</p>	<p><i>See</i> TSE B at 642.</p>

⁹² According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

9. Claim 14 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Amazon

Whether claim 14 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and Amazon references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that Claim 14 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied, in further view of Amazon. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and TSE Operation Procedures references with Amazon as all of these references relate to user interfaces for efficiently placing electronic orders. Amazon, in particular, discloses that “the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome.” (*See* Amazon, Col. 2, lines 40-44). Amazon further discloses that “[t]he present invention provides a method and system for single-action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser-specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity).” (*See* Amazon, Col. 3, lines 30-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the single action ordering system of Amazon with the trading interface disclosed in the TSE Orientation Materials and TSE Operation Procedures references so as to streamline the trade order entry process in the trading environment where

execution speed is critical. This is recognized by the Kemp '132 patent which states that “[t]he world's stock, bond, futures and options exchanges have volatile products with prices that move rapidly. To profit in these markets, traders must be able to react quickly. A skilled trader with the quickest software, the fastest communications, and the most sophisticated analytics can significantly improve his own or his firm's bottom line. The slightest speed advantage can generate significant returns in a fast moving market. In today's securities markets, a trader lacking a technologically advanced interface is at a severe competitive disadvantage.” See the Kemp '132 patent, Col. 2, lines 1-63.

Kemp '132 patent Claim 14	TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation	Amazon
14. A client system for placing a trade order ⁹³ for a commodity on an electronic exchange having an inside market ⁹⁴ with a highest bid price and a lowest ask price, the system comprising:	The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. See TSE A at 613-614. (1) Functions of the Transaction Terminal a. Basic screen design and operations ★ Windows NT is		

⁹³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase “trade order” to mean “a single, electronic message in executable form that includes at least all required parameters of a desired trade.” See *Trading Tech. Intn'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division (“Trading Technologies Litigation”), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁹⁴ According to the Kemp '132 patent, for a commodity being traded, the “inside market” is the highest bid price and the lowest ask price. See the Kemp '132 patent, Col. 4, lines 58-60.

Kemp '132 patent Claim 14	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
	<p>employed as the OS and hence, the screen design is the same as that of Windows.</p> <ul style="list-style-type: none"> * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. See TSE A at 613. 		
<p>a parameter setting component for setting a preset parameter⁹⁵ for the trade order;⁹⁶</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity,</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p>	

⁹⁵ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." See the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." See *Trading Tech. Intn'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("*Trading Technologies Litigation*"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

⁹⁶ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, *System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines*, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." See *Trading Technologies Response to the EP Opposition*, Annex B, page 5

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	<p>defines a pre-set parameter which is then automatically populated into subsequently invoked order screens. <i>See</i> TSE A at 613-614.</p> <p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p>	<p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642. 	
<p>a display device for displaying market depth of a commodity, through a dynamic display⁹⁷ of a plurality of bids and a plurality of asks⁹⁸ in the market for the</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p>	

(TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

⁹⁷ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

⁹⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

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<p>commodity, including the bid and ask quantities of the commodity, aligned with a static display⁹⁹ of prices¹⁰⁰ corresponding thereto, wherein the static display of prices does not move when the inside market changes,¹⁰¹</p>	<p>prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement though the data presented is still permitted to update. <i>See</i> TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. <i>See</i> TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. <i>See</i> TSE A at 614.</p>	<p>Moreover, in the "scroll screen," price display locations do not change automatically. <i>See</i> TSE B at 640.</p> <p>7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below.</p> <p><input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse.</p> <p>Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press an arrow key</p>	

⁹⁹ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. *See* Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (*see* Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

¹⁰⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further found this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." *See* Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹⁰¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "when the market changes" to mean "at the time that new data reflecting a change in the inside market is received." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

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		<p>on a keyboard to move a cursor on the board screen up or down.</p> <p>Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press the "up key" or the "down key" on the keyboard.</p> <p>When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively.</p> <p>In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen".</p> <p><input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse.</p> <p><input type="checkbox"/> Press the "Home" key on the keyboard.</p> <p>The board information is automatically refreshed even during scrolling operations.</p> <p>Information in the OVER or UNDER section is not displayed during scrolling operations.</p> <p>While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. See TSE B at 641.</p>	
<p>and for</p>	<p>When a designated section</p>	<p>See figure of input order</p>	

<p>Kemp '132 patent Claim 14</p>	<p>TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>displaying an order entry region¹⁰²</p> <p>aligned with the static display of prices,</p> <p>comprising a plurality¹⁰³ of areas for receiving commands</p> <p>to send trade orders,</p> <p>each area corresponding to a price of the static display of prices;</p>	<p>on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <p>each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>The distinction between the bid and ask sides, which must be present for the system to “know” the difference between buy and sell, as well as the appropriate price for the order, represents “a plurality of locations for receiving commands.”</p>	<p>screen. TSE B at 642.</p>	

¹⁰² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase “order entry region” to mean “an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis,” where “price level” means “a level on which a designated price or price representation resides.” *See* Trading Tech. Int’l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division (“Trading Technologies Litigation”), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹⁰³ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase “plurality” to mean “more than one,” “at least two,” and “two or more.” *See* Trading Tech. Int’l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division (“Trading Technologies Litigation”), Memorandum Opinion and Order, February 21, 2007 (TAB E).

Kemp '132 patent Claim 14	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
a user input device for positioning a pointer thereof over an area in the order entry region; and	When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. ★ When an item is selected, an input window corresponding to the item opens up. <i>See</i> TSE A at 613.	<i>See</i> TSE B at 642.	
a trade order sending component for receiving a command as a result of a selection of the area in the order entry region by a single action ¹⁰⁴ of the user input device with a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the	When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. <i>See</i> TSE A at 616 From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered;	<i>See</i> TSE B at 642.	<i>See also</i> Amazon, which discloses that "the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome." <i>See</i> Amazon, Col. 2, lines 40-44. Amazon further discloses that "[t]he present invention provides a method and system for single-

¹⁰⁴ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." *See* the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

Kemp '132 patent Claim 14	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
electronic exchange.	or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"		action ordering of items The single-action ordering system of the present invention reduces the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser- specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity)." See Amazon, Col. 3, lines 30-49.

B. Dependent Claims 2, 9 and 15; 3, 10 and 16; 4, 11 and 17; 7; 50, 51 and 52; 20, 30 and 40; 22, 32 and 42; 24, 34, and 44; 25, 35 and 45; 26, 36 and 46; 27, 37 and 47; 28, 38 and 48; 29, 39 and 49; and 53-56

1. Claim 2 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 2 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 2 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 2 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 2 (See TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 2</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>2. A method of placing a trade order according to claim 1, wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

2. Claim 2 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 2 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 2 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 2 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 2 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 2</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>2. A method of placing a trade order according to claim 1, wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	<p><i>See</i> TSE B at 642.</p>

3. Claim 9 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 9 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the

original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 9 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 9 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 9 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 9</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>9. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 8, further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

4. Claim 9 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 9 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the

allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 9 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 9 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 9 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 9</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>9. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 8, further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	<p><i>See</i> TSE B at 642.</p>

5. Claim 15 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 15 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 15 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 15 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 15 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 15</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>15. A client system for placing a trade order for a commodity according to claim 14, wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

6. Claim 15 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 15 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 15 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 15 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region, as claimed in claim 15 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 15</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>15. A client system for placing a trade order for a commodity according to claim 14, wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region</p>	<p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region</p>	<p><i>See</i> TSE B at 642.</p>

<p>and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.</p>	<p>creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to “know” the difference between buy and sell, as well as the appropriate price for the order, represents “a plurality of locations for receiving commands.”</p>	
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7. Claim 4 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 4 of the Kemp ’132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp ’132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 4 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 4 of the Kemp ’132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 4 (*See* TSE A at 616).

<p>Kemp ’132 patent Claim 4</p>	<p>TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation</p>
<p>4. A method of placing a trade order according to claim 2, wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>“When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted.” <i>See</i> “Inputting a new order” <i>See</i> TSE A at 616.</p>

8. Claim 4 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 4 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 4 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 4 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 4 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 4</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>4. A method of placing a trade order according to claim 2, wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" See TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.

9. Claim 11 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 11 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 11 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 11 of the Kemp

'132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 11 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 11</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>11. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" <i>See</i> TSE A at 616.</p>

10. Claim 11 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 11 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 11 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 11 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE

Operation Procedures reference, teaches: further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 11 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 11</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>11. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" <i>See</i> TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.

11. Claim 17 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 17 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial

likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 17 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 17 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 17 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 17</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>17. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" <i>See</i> TSE A at 616.</p>

12. Claim 17 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 17 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 17 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 17 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 17 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 17</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>17. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" <i>See</i> TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> □ Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See</i> TSE B at 642.

13. Claim 7 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 7 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 7 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 7 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising canceling said trade order in response to a subsequent single action of the user input device, as claimed in claim 7 (*See* TSE A at 616).

Kemp '132 patent Claim 7	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
7. A method of placing a trade order according to claim 2, further comprising canceling said trade order in response to a subsequent single action of the user input device.	<i>See</i> the Figure at TSE A at 616 which shows a "cancel" button.

14. Claim 7 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 7 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable

examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 7 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 7 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising canceling said trade order in response to a subsequent single action of the user input device, as claimed in claim 7 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 7</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>7. A method of placing a trade order according to claim 2, further comprising canceling said trade order in response to a subsequent single action of the user input device.</p>	<p><i>See</i> the Figure at TSE A at 616 which shows a "cancel" button.</p>	<p><i>See</i> TSE B at 642.</p>

15. Claim 50 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 50 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 50 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this

reference further teaches all of the additional elements of dependent claim 50 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 50 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 50</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>50. The method of claim 2, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

16. Claim 50 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 50 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 50 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 50 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 50 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 50</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>50. The method of claim 2, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <ul style="list-style-type: none"> each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price <p>However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	<p><i>See</i> TSE B at 642.</p>

17. Claim 51 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 51 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 51 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 51 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 51 (*See* TSE A at 616)

<p style="text-align: center;">Kemp '132 patent Claim 51</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>51. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>

18. Claim 51 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 51 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 51 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 51 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 51 (*See* TSE A at 616; TSE B at 642)

<p>Kemp '132 patent Claim 51</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>51. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at</p>	<p><i>See</i> TSE B at 642.</p>

	<p>616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to “know” the difference between buy and sell, as well as the appropriate price for the order, represents “a plurality of locations for receiving commands.”</p>	
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19. Claim 52 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 52 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 52 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 52 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 52 (See TSE A at 616).

<p>Kemp '132 patent Claim 52</p>	<p>TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation</p>
<p>52. A client system for placing a trade order for a</p>	<p>When a designated section on a board or quotation screen is</p>

<p>commodity according to claim 15, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See TSE A at 616.</i></p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <ul style="list-style-type: none">each price is a different location such that the price where you double-click is what is entered; orclicking anywhere in the region creates an order for the best price <p>However, the distinction between the bid and ask sides, which must be present for the system to “know” the difference between buy and sell, as well as the appropriate price for the order, represents “a plurality of locations for receiving commands.”</p>
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20. Claim 52 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 52 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 52 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 52 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region, as claimed in claim 52 (*See TSE A at 616; TSE B at 642*).

<p>Kemp '132 patent Claim 52</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>52. A client system for placing a trade order for a commodity according to claim 15, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.</p>	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See</i> TSE A at 616.</p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies:</p> <p style="padding-left: 40px;">each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	<p><i>See</i> TSE B at 642.</p>

21. Claim 20 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 20 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 20 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 20 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a vertical orientation, as claimed in claim 20 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 20</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>20. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a vertical orientation.</p>	<p><i>See</i> the Figure at TSE A at 616 showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.</p>

22. Claim 20 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 20 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 20 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 20 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displaying the market depth of a

commodity traded in a market further comprises displaying said bids and asks in a vertical orientation, as claimed in claim 20 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 20</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>20. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a vertical orientation.</p>	<p><i>See</i> the Figure at TSE A at 616 showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

23. Claim 30 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 30 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 30 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 30 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically, as claimed in claim 30 (*See* TSE A at 616).

Kemp '132 patent Claim 30	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
30. A computer readable medium according to claim 8, further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically.	<i>See the Figure at TSE A at 616 showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.</i>

24. Claim 30 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 30 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 30 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 30 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically, as claimed in claim 30 (*See TSE A at 616; TSE B at 641*).

Kemp '132 patent Claim 30	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation
30. A computer readable	<i>See the Figure at TSE A at 616</i>	<i>See the Figure at TSE B at 641.</i>

medium according to claim 8, further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically.	showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.	
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25. Claim 40 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 40 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 40 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 40 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displays are oriented vertically, as claimed in claim 40 (*See TSE A at 616*).

Kemp '132 patent Claim 40	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
40. A client system according to claim 14, wherein said displays are oriented vertically.	<i>See the Figure at TSE A at 616 showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.</i>

26. Claim 40 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 40 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures

references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 40 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 40 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displays are oriented vertically, as claimed in claim 40 (*See* TSE A at 616; TSE B at 641).

Kemp '132 patent Claim 40	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation
40. A client system according to claim 14, wherein said displays are oriented vertically.	<i>See</i> the Figure at TSE A at 616 showing the bids and asks, representative of the commodity traded, displayed in a vertical orientation.	<i>See</i> the Figure at TSE B at 641.

27. Claim 22 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 22 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 22 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 22 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein a plurality of said displayed bids and asks in the market include bid and ask quantities of the commodity, as claimed in claim 22 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 22</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>22. A method according to claim 1, wherein a plurality of said displayed bids and asks in the market include bid and ask quantities of the commodity.</p>	<p><i>See</i> the Figure at TSE A at 616 showing bid and ask quantities for the displayed bids and asks.</p>

28. Claim 22 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 22 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 22 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 22 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein a plurality of said displayed bids and asks

in the market include bid and ask quantities of the commodity, as claimed in claim 22 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 22</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>22. A method according to claim 1, wherein a plurality of said displayed bids and asks in the market include bid and ask quantities of the commodity.</p>	<p><i>See</i> the Figure at TSE A at 616 showing bid and ask quantities for the displayed bids and asks.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

29. Claim 32 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 32 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 32 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 32 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity, as claimed in claim 32 (*See* TSE A at 616).

<p>Kemp '132 patent Claim 32</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>32. A computer readable medium according to</p>	<p><i>See</i> the Figure at TSE A at 616 showing bid and ask</p>

claim 8, further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity.	quantities for the displayed bids and asks.
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30. Claim 32 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 32 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 32 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 32 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity, as claimed in claim 32 (*See* TSE A at 616; TSE B at 641).

Kemp '132 patent Claim 32	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation
32. A computer readable medium according to claim 8, further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity.	<i>See</i> the Figure at TSE A at 616 showing bid and ask quantities for the displayed bids and asks.	<i>See</i> the Figure at TSE B at 641.

31. Claim 42 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 42 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 42 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 42 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity, as claimed in claim 42 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 42</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>42. A client system according to claim 14, wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity.</p>	<p><i>See</i> the Figure at TSE A at 616 showing bid and ask quantities for the displayed bids and asks.</p>

32. Claim 42 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 42 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and

more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 42 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 42 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity, as claimed in claim 42 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 42</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>42. A client system according to claim 14, wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity.</p>	<p><i>See</i> the Figure at TSE A at 616 showing bid and ask quantities for the displayed bids and asks.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

33. Claim 24 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 24 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 24 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 24 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising re-centering said prices corresponding to the bids and asks about an inside market price upon receipt of a re-centering instruction, as claimed in claim 24 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 24</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>24. A method according to claim 1, further comprising re-centering said prices corresponding to the bids and asks about an inside market price upon receipt of a re-centering instruction.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>

34. Claim 24 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 24 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 24 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references

further teaches all of the additional elements of dependent claim 24 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising re-centering said prices corresponding to the bids and asks about an inside market price upon receipt of a re-centering instruction, as claimed in claim 24 (*See* TSE A at 616; TSE B at 637-641).

<p>Kemp '132 patent Claim 24</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>24. A method according to claim 1, further comprising re-centering said prices corresponding to the bids and asks about an inside market price upon receipt of a re-centering instruction.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p>

35. Claim 34 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 34 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 34 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 34 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further

comprising program code to ensure that said displayed prices corresponding to the bids and asks are re-centered about an inside market price upon receipt of a re-centering instruction, as claimed in claim 34 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 34</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>34. A computer readable medium according to claim 8, further comprising program code to ensure that said displayed prices corresponding to the bids and asks are re-centered about an inside market price upon receipt of a re-centering instruction.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>

36. Claim 34 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 34 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 34 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 34 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code to ensure that said displayed prices corresponding to the bids and asks are re-centered about an inside market

price upon receipt of a re-centering instruction, as claimed in claim 34 (*See* TSE A at 616; TSE B at 637-641).

<p>Kemp '132 patent Claim 34</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>34. A computer readable medium according to claim 8, further comprising program code to ensure that said displayed prices corresponding to the bids and asks are re-centered about an inside market price upon receipt of a re-centering instruction.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p>

37. Claim 44 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 44 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 44 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 44 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said display of prices corresponding to the bids and asks is re-centered about an inside market price upon re-centering instruction from a user, as claimed in claim 44 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 44</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>44. A client system according to claim 14, wherein said display of prices corresponding to the bids and asks is re-centered about an inside market price upon re-centering instruction from a user.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>

38. Claim 44 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 44 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 44 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 44 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said display of prices corresponding to the bids and asks is re-centered about an inside market price upon re-centering instruction from a user, as claimed in claim 44 (*See* TSE A at 616; TSE B at 637-641).

<p>Kemp '132 patent Claim 44</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>44. A client system according to claim 14, wherein said display of prices corresponding to the bids and asks is re-centered about an inside market price upon re-centering instruction from a user.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area.. Otherwise, the price axis remains static. <i>See</i> TSE B at 637-641.</p>

39. Claim 25 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 25 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 25 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 25 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising dynamically displaying working orders in alignment with the prices corresponding thereto, as claimed in claim 25 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 25</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>25. A method according to claim 1, further comprising dynamically displaying¹⁰⁵ working orders in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>

40. Claim 25 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 25 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 25 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 25 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising dynamically displaying working orders in alignment with the prices corresponding thereto, as claimed in claim 25 (*See* TSE A at 616; TSE B at 641).

¹⁰⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." *See* Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 25</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>25. A method according to claim 1, further comprising dynamically displaying¹⁰⁶ working orders in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>	<p>The board information is automatically refreshed even during scrolling operations. <i>See</i> TSE B at 641.</p>

41. Claim 35 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 35 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 35 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 35 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code for dynamically displaying working orders in alignment with the prices corresponding thereto, as claimed in claim 35 (*See* TSE A at 616).

¹⁰⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p style="text-align: center;">Kemp '132 patent Claim 35</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>35. A computer readable medium according to claim 8, further comprising program code for dynamically displaying¹⁰⁷ working orders in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>

42. Claim 35 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 35 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 35 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 35 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code for dynamically displaying working orders in alignment with the prices corresponding thereto, as claimed in claim 35 (*See* TSE A at 616; TSE B at 641).

¹⁰⁷ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p>Kemp '132 patent Claim 35</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>35. A computer readable medium according to claim 8, further comprising program code for dynamically displaying¹⁰⁸ working orders in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>	<p>The board information is automatically refreshed even during scrolling operations. <i>See</i> TSE B at 641.</p>

43. Claim 45 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 45 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 45 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 45 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising a display of working orders displayed in alignment with the prices corresponding thereto, as claimed in claim 45 (*See* TSE A at 616).

¹⁰⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." *See* Trading Tech. Intn'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

<p style="text-align: center;">Kemp '132 patent Claim 45</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>45. A client system according to claim 14, further comprising a display of working orders displayed in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>

44. Claim 45 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 45 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 45 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 45 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising a display of working orders displayed in alignment with the prices corresponding thereto, as claimed in claim 45 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 45</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>45. A client system according to claim 14, further comprising a display of working orders displayed in alignment with the prices corresponding thereto.</p>	<p>The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.</p>	<p>The board information is automatically refreshed even during scrolling operations. <i>See</i> TSE B at 641.</p>

45. Claim 26 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 26 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 26 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 26 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 26 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 26</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>26. A method of displaying according to claim 1, further comprising dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p><i>See</i> TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices.</p>

46. Claim 26 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 26 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 26 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 26 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 26 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 26</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>26. A method of displaying according to claim 1, further comprising dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p>See TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices..</p>	<p>The board information is automatically refreshed even during scrolling operations. See TSE B at 641.</p>

47. Claim 36 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 36 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 36 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 36 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code for dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 36 (See TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 36</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>36. A computer readable medium according to claim 8, further comprising program code for dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p>See TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices..</p>

48. Claim 36 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 36 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 36 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 36 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code for dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 36 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 36</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>36. A computer readable medium according to claim 8, further comprising program code for dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p>See TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices..</p>	<p>The board information is automatically refreshed even during scrolling operations. See TSE B at 641.</p>

49. Claim 46 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 46 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 46 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 46 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 46 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 46</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>46. A client system according to claim 14, wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p><i>See</i> TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices..</p>

50. Claim 46 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 46 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 46 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 46 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices, as claimed in claim 46 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 46</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>46. A client system according to claim 14, wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.</p>	<p>See TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices..</p>	<p>The board information is automatically refreshed even during scrolling operations. See TSE B at 641.</p>

51. Claim 27 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 27 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 27 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 27 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order, as claimed in claim 27 (See TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 27</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>27. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order.</p>	<p><i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.</p>

52. Claim 27 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 27 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 27 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 27 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order, as claimed in claim 27 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 27</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>27. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order.</p>	<p>See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.</p>	<p>See the Figure at TSE B at 641.</p>

53. Claim 37 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 37 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 37 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 37 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order, as claimed in claim 37 (*See* TSE A at 616).

<p>Kemp '132 patent Claim 37</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>37. A computer readable medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order.</p>	<p>See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.</p>

54. Claim 37 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 37 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 37 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 37 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order, as claimed in claim 37 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 37</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>37. A computer readable medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order.</p>	<p><i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

55. Claim 47 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 47 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 47 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 47 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said static display of prices is displayed in at least one direction in numerical order, as claimed in claim 47 (*See* TSE A at 616).

Kemp '132 patent Claim 47	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
47. A client system according to claim 14, wherein said static display of prices is displayed in at least one direction in numerical order.	<i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.

56. Claim 47 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 47 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable

examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 47 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 47 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said static display of prices is displayed in at least one direction in numerical order, as claimed in claim 47 (*See* TSE A at 616; TSE B at 641).

Kemp '132 patent Claim 47	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation
47. A client system according to claim 14, wherein said static display of prices is displayed in at least one direction in numerical order.	<i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.	<i>See</i> the Figure at TSE B at 641.

57. Claim 28 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 28 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 28 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this

reference further teaches all of the additional elements of dependent claim 28 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices along a single line in numerical order, as claimed in claim 28 (See TSE A at 616)

<p style="text-align: center;">Kemp '132 patent Claim 28</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>28. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices along a single line in numerical order.</p>	<p><i>See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.</i></p>

58. Claim 28 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 28 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 28 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 28 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices

along a single line in numerical order, as claimed in claim 28 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 28</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>28. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices along a single line in numerical order.</p>	<p><i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

59. Claim 38 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 38 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 38 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 38 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order, as claimed in claim 38 (*See* TSE A at 616).

Kemp '132 patent Claim 38	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
38. A computer readable medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order.	<i>See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.</i>

60. Claim 38 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 38 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 38 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 38 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order, as claimed in claim 38 (*See TSE A at 616; TSE B at 641*).

Kemp '132 patent Claim 38	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation
38. A computer readable	<i>See the Figure at TSE A at 614 (also</i>	<i>See the Figure at TSE B at 641.</i>

medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order.	reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.	
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61. Claim 48 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 48 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 48 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 48 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said static display of prices is displayed along a single line in numerical order, as claimed in claim 48 (*See TSE A at 616*).

Kemp '132 patent Claim 48	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
48. A client system according to claim 14, wherein said static display of prices is displayed along a single line in numerical order.	<i>See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.</i>

62. Claim 48 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 48 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new

question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 48 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 48 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said static display of prices is displayed along a single line in numerical order, as claimed in claim 48 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 48</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>48. A client system according to claim 14, wherein said static display of prices is displayed along a single line in numerical order.</p>	<p><i>See</i> the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.</p>	<p><i>See</i> the Figure at TSE B at 641.</p>

63. Claim 29 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 29 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial

likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 29 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 29 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 29 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 29</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>29. A method of displaying according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p><i>See</i> TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>

64. Claim 29 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 29 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 29 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE

Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 29 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 29 (*See* TSE A at 616).

<p>Kemp '132 patent Claim 29</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>29. A method of displaying according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p><i>See</i> TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>	<p>The board information is automatically refreshed even during scrolling operations. <i>See</i> TSE B at 641.</p>

65. Claim 39 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 39 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 39 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 39 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further

comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 39 (*See* TSE A at 616; TSE B at 641).

<p style="text-align: center;">Kemp '132 patent Claim 39</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>39. A computer readable medium according to claim 8, further comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p><i>See</i> TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>

66. Claim 39 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 39 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 39 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 39 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 39 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 39</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>39. A computer readable medium according to claim 8, further comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p>See TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>	<p>The board information is automatically refreshed even during scrolling operations. See TSE B at 641.</p>

67. Claim 49 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 49 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 49 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 49 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 49 (See TSE A at 616).

<p>Kemp '132 patent Claim 49</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>49. A client system according to claim 14, wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p>See TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>

68. Claim 49 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 49 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 49 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 49 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto, as claimed in claim 49 (*See* TSE A at 616; TSE B at 641).

<p>Kemp '132 patent Claim 49</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>49. A client system according to claim 14, wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto.</p>	<p><i>See</i> TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.</p>	<p>The board information is automatically refreshed even during scrolling operations. <i>See</i> TSE B at 641.</p>

69. Claim 53 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 53 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 53 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 53 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price, as claimed in claim 53 (*See* TSE A at 614)

<p style="text-align: center;">Kemp '132 patent Claim 53</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>53. The method of claim 1 wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. <i>See</i> TSE A at 614.</p>

70. Claim 53 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 53 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that

led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 53 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 53 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price, as claimed in claim 53 (*See* TSE A at 614; TSE B at 637)

<p>Kemp '132 patent Claim 53</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>53. The method of claim 1 wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. <i>See</i> TSE A at 614.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. <i>See</i> TSE B at 637.</p>

71. Claim 54 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 54 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial

likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 54 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 54 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price, as claimed in claim 54 (See TSE A at 614).

<p style="text-align: center;">Kemp '132 patent Claim 54</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>54. The method of claim 53 wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, satisfaction of an order may remove that quantity from the display but in scroll mode, the display will not move. See TSE A at 614.</p>

72. Claim 54 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 54 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 54 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE

Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 54 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price, as claimed in claim 54 (*See* TSE A at 614; TSE B at 637).

<p>Kemp '132 patent Claim 54</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>54. The method of claim 53 wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, satisfaction of an order may remove that quantity from the display but in scroll mode, the display will not move. <i>See</i> TSE A at 614.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, satisfaction of an order may remove that quantity from the display but in scroll mode, the display will not move. <i>See</i> TSE B at 637.</p>

73. Claim 55 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 55 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 55 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 55 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the market depth is based on an exchange order book and the static display of prices never

moves in response to a price change in the exchange order book relating to a price which is displayed, as claimed in claim 55 (*See* TSE A at 614).

<p style="text-align: center;">Kemp '132 patent Claim 55</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>55. The method of claim 1 wherein the market depth is based on an exchange order book and the static display of prices never moves in response to a price change in the exchange order book relating to a price which is displayed.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, in Scroll mode, the displayed prices will never move in response to price change. Only a user scrolling operation or a return to Home mode will cause the display to possibly move. <i>See</i> TSE A at 614.</p>

74. Claim 55 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 55 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 55 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 55 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the market depth is based on an exchange order book and the static display of prices never moves in response to a price change in the exchange order book relating to a price which is displayed, as claimed in claim 55 (*See* TSE A at 614; TSE B at 637).

<p>Kemp '132 patent Claim 55</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>55. The method of claim 1 wherein the market depth is based on an exchange order book and the static display of prices never moves in response to a price change in the exchange order book relating to a price which is displayed.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, in Scroll mode, the displayed prices will never move in response to price change. Only a user scrolling operation or a return to Home mode will cause the display to possibly move. <i>See</i> TSE A at 614.</p>	<p>The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, in Scroll mode, the displayed prices will never move in response to price change. Only a user scrolling operation or a return to Home mode will cause the display to possibly move. <i>See</i> TSE B at 637.</p>

75. Claim 56 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 56 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 56 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 56 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the plurality of additional parameters comprises a price and type of order, as claimed in claim 56 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 56</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>56. The method of claim 1 wherein the plurality of additional parameters comprises a price and type of order.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 616.</p>

76. Claim 56 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 56 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 56 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 56 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the plurality of additional parameters comprises a price and type of order, as claimed in claim 56 (See TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 56</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>56. The method of claim 1 wherein the plurality of additional parameters comprises a price and type of order.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.

C. Dependent Claims 3, 10 and 16

1. Claim 3 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 3 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 3 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this

reference further teaches all of the additional elements of dependent claim 3 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 3 (*See* TSE A at 616).

<p style="text-align: center;">Kemp '132 patent Claim 3</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>3. A method of placing a trade order according to claim 2, wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" at TSE A at 616.</p>

2. Claim 3 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 3 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 3 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 3 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE

Operation Procedures reference, teaches: wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 3 (See TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 3</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>3. A method of placing a trade order according to claim 2, wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.

3. Claim 3 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials, TSE Operation Procedures and Amazon References

Whether claim 3 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and Amazon references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood

that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 3 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials, TSE Operation Procedures and Amazon references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 3 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 3 (*See* TSE A at 616; TSE B at 642). (*See* also Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. "When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered." Amazon, Col. 4, lines 59-61. *See* also Amazon, Fig. 1B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined fixed quantities.

Kemp '132 patent Claim 3	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon
3. A method of placing a trade order according to claim 2, wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.	"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" at TSE A at 616.	9-2-2 Placing Orders from New Order Input Window 9-2-2. 1 Displaying New Order Input Window There are the following two methods to display a new order input window. ☐ Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a	<i>See also</i> Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. "When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered." <i>See</i> Amazon, Col. 4, lines

		buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See TSE B at 642.</i>	59-61. <i>See also</i> Amazon, Fig. 1B. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined fixed quantities.
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4. Claim 10 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 10 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 10 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 10 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 10 (*See TSE A at 616*).

Kemp '132 patent Claim 10	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation
10. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to	"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the

<p>claim 9, further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>section (such as an issue, sell or buy, a price and so forth) is automatically inputted.” See “Inputting a new order” at TSE A at 616.</p>
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5. Claim 10 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 10 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 10 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 10 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 10 (See TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 10</p>	<p>TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation</p>
<p>10. A computer readable</p>	<p>“When a designated section on a</p>	<p>9-2-2 Placing Orders from New</p>

<p>medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 616.</p>	<p>Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See TSE B at 642.</i>
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6. Claim 10 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials, TSE Operation Procedures and Amazon References

Whether claim 10 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and Amazon references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 10 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials, TSE Operation Procedures and Amazon references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 10 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the

TSE Operation Procedures reference, teaches: further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 10 (*See* TSE A at 616; TSE B at 642). (*See* also Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. “When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered.” Amazon, Col. 4, lines 59-61. *See* also Amazon, Fig. 1B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined fixed quantities.

<p>Kemp '132 patent Claim 10</p>	<p>TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation</p>	<p>Amazon</p>
<p>10. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>“When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted.” <i>See</i> “Inputting a new order” at TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> □ Double-clicking specific areas on board and quotation screens with the mouse <ul style="list-style-type: none"> → Based on the sections clicked, the “name of issue”, “whether it is for a buy or a sell,” the “order price” and “exercise conditions” will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with 	<p><i>See also</i> Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. “When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered.” <i>See</i> Amazon, Col. 4, lines 59-61. <i>See also</i> Amazon, Fig. 1B.</p> <p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined</p>

		no information entered automatically. See TSE B at 642.	fixed quantities.
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7. Claim 16 Would be Deemed by the Examiner to be Anticipated by the TSE Orientation Materials Reference

Whether claim 16 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials reference is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Dependent claim 16 would also be deemed by the Examiner to be anticipated under 35 U.S.C. § 102(b) by the TSE Orientation Materials reference, as applied above, as this reference further teaches all of the additional elements of dependent claim 16 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference teaches: wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 16 (See TSE A at 616).

<p>Kemp '132 patent Claim 16</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>16. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 616.</p>

8. Claim 16 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References

Whether claim 16 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references is a substantial new question of patentability as the TSE Orientation Materials and TSE Operation Procedures references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 16 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials and TSE Operation Procedures references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 16 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 16 (*See* TSE A at 616; TSE B at 642).

<p>Kemp '132 patent Claim 16</p>	<p>TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>	<p>TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation</p>
<p>16. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." <i>See</i> "Inputting a new order" at TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <p>□ Double-clicking specific areas on board and quotation screens</p>

		<p>with the mouse → Based on the sections clicked, the “name of issue”, “whether it is for a buy or a sell,” the “order price” and “exercise conditions” will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <i>See TSE B at 642.</i></p>
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9. Claim 16 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials, TSE Operation Procedures and Amazon References

Whether claim 16 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials, TSE Operation Procedures and references is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Amazon references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

The Examiner would further find that dependent claim 16 is also unpatentable under 35 U.S.C. § 103(a) as being obvious in view of the TSE Orientation Materials, TSE Operation Procedures and Amazon references, as applied above, as the combination of these references further teaches all of the additional elements of dependent claim 16 of the Kemp '132 patent. In particular, the TSE Orientation Materials reference, in combination with the TSE Operation Procedures reference, teaches: wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action, as claimed in claim 16 (*See TSE A at 616; TSE B at 642*). (*See also Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. “When the purchaser selects the single-action ordering button, the client*

system sends a message to the server system requesting that the displayed item be ordered.”
 Amazon, Col. 4, lines 59-61. *See also* Amazon, Fig. 1B). It would have been obvious to one
 of ordinary skill in the art at the time the invention was made to enable the selection of other
 pre-determined fixed quantities.

Kemp '132 patent Claim 16	TSE Orientation Materials Referred to below as “TSE A” and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as “TSE B” and referred to by the Bates numbers on the English translation	Amazon
<p>16. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>“When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted.” <i>See</i> “Inputting a new order” at TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2. 1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <ul style="list-style-type: none"> □ Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the “name of issue”, “whether it is for a buy or a sell,” the “order price” and “exercise conditions” will be entered automatically. □ When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. <p><i>See</i> TSE B at 642.</p>	<p><i>See also</i> Amazon, which discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. “When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered.” <i>See</i> Amazon, Col. 4, lines 59-61. <i>See also</i> Amazon, Fig. 1B.</p> <p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined fixed quantities.</p>

D. Dependent Claims 23, 33 and 43

1. Claim 23 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Friesen

Whether claim 23 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references and further in view of Friesen is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Friesen references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 23 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and TSE Operation Procedures references, as applied to the claims above, in further view of Friesen. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and/or TSE Operation Procedures references with Friesen as all of these references relate to user interfaces for trading commodities. In particular, the following claim limitation would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in different colors, as claimed in claim 23 (*See Friesen, paras. 8 and 37*).

<p style="text-align: center;">Kemp '132 patent Claim 23</p>	<p style="text-align: center;">Friesen</p>
<p>23. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in different colors.</p>	<p><i>See Friesen, paras. 8 and 37:</i> The bids and offers are preferably displayed in different colors, shapes, or other visual characteristics, further enhancing the trader's ability to quickly ascertain the urgent state of the market.</p>

2. Claim 33 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Friesen

Whether claim 33 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references and further in view of Friesen is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Friesen references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 33 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and TSE Operation Procedures references, as applied to the claims above, in further view of Friesen. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and/or TSE Operation Procedures references with Friesen as all of these references relate to user interfaces for trading commodities. In particular, the following claim limitation would have been obvious to one of ordinary skill in the art at the time the invention was made: [wherein the program code further comprised] program code to ensure that bids and asks are displayed in different colors, as claimed in claim 33 (*See Friesen*, paras. 8 and 37).

Kemp '132 patent Claim 33	Friesen
33. A computer readable medium according to claim 8, further comprising program code to ensure that bids and asks are displayed in different colors.	<i>See Friesen</i> , paras. 8 and 37: The bids and offers are preferably displayed in different colors, shapes, or other visual characteristics, further enhancing the trader's ability to quickly ascertain the urgent state of the market.

3. Claim 43 Would be Deemed by the Examiner to be Obvious in View of the Combination of the TSE Orientation Materials and TSE Operation Procedures References and Further in View of Friesen

Whether claim 43 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials and TSE Operation Procedures references and further in view of Friesen is a substantial new question of patentability as the TSE Orientation Materials, TSE Operation Procedures and Friesen references were not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and are both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider these references important in deciding whether or not the claim is patentable.

Claim 43 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the combination of the TSE Orientation Materials and TSE Operation Procedures references, as applied to the claims above, in further view of Friesen. One of ordinary skill in the art would have been motivated to combine the TSE Orientation Materials and/or TSE Operation Procedures references with Friesen as all of these references relate to user interfaces for trading commodities. In particular, the following claim limitation would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said displays are displayed in different colors, as claimed in claim 43 (*See* Friesen, paras. 8 and 37).

Kemp '132 patent Claim 43	Friesen
43. A client system according to claim 14, wherein said displays are displayed in different colors.	<i>See</i> Friesen, paras. 8 and 37: The bids and offers are preferably displayed in different colors, shapes, or other visual characteristics, further enhancing the trader's ability to quickly ascertain the urgent state of the market.

E. Dependent Claims 5, 12 and 18; 6, 13 and 19; and 21, 31 and 41

1. Claim 5 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 5 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 5 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹⁰⁹ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position, as claimed in claim 5. Automating data entry and consolidating interface operations are one of design choice and permitting the automated specification of a trade order quantity as all that is available at the selected or better price would have been known to one of ordinary skill in the art familiar with the business goals and considerations of a trader.

¹⁰⁹ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

<p style="text-align: center;">Kemp '132 patent Claim 5</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>5. A method of placing a trade order according to claim 2, wherein the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

2. Claim 12 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 12 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 12 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁰ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: [wherein the program code further comprised] program code for establishing that the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position, as claimed in claim 12. Automating data entry and consolidating interface

¹¹⁰ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

operations are one of design choice and permitting the automated specification of a trade order quantity as all that is available at the selected or better price would have been known to one of ordinary skill in the art familiar with the business goals and considerations of a trader.

<p style="text-align: center;">Kemp '132 patent Claim 12</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>12. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

3. Claim 18 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 18 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 18 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹¹ In particular, the

¹¹¹ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said trade order sending component establishes that the trade order is for a quantity equal to a predetermined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position, as claimed in claim 18. Automating data entry and consolidating interface operations are one of design choice and permitting the automated specification of a trade order quantity as all that is available at the selected or better price would have been known to one of ordinary skill in the art familiar with the business goals and considerations of a trader.

<p style="text-align: center;">Kemp '132 patent Claim 18</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>18. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a quantity equal to a predetermined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

4. Claim 6 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 6 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 6 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to

the claims above, and the knowledge of one of ordinary skill in the art.¹¹² In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken, as claimed in claim 6. Automating data entry and consolidating interface operations are one of design choice and permitting alternate specifications of the offset value based on the type of action taken by the user in interacting with the user interface would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 6</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>6. A method of placing a trade order according to claim 2¹¹³, wherein said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

5. Claim 13 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 13 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

¹¹² See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

¹¹³ Claim 6 likely should depend from claim 5 and not claim 2 to preserve antecedent basis in the term "offset."

Claim 13 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁴ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: [wherein the program code further comprised] program code for establishing that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken, as claimed in claim 13. Automating data entry and consolidating interface operations are one of design choice and permitting alternate specifications of the offset value based on the type of action taken by the user in interacting with the user interface would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 13</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>13. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 12, further comprising program code for establishing that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

6. Claim 19 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 19 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the

¹¹⁴ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 19 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁵ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said trade order sending component establishes that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second predetermined value if a single action of a second type is taken, as claimed in claim 19. Automating data entry and consolidating interface operations are one of design choice and permitting alternate specifications of the offset value based on the type of action taken by the user in interacting with the user interface would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 19</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>19. A client system for placing a trade order for a commodity according to claim 18, wherein said trade order sending component establishes that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second predetermined value if a single action of a second type is taken.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

¹¹⁵ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

7. Claim 21 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 21 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 21 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁶ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a horizontal orientation, as claimed in claim 21. The orientation of a graphic user interface is one of design choice and a horizontal orientation is one of a limited set of orientations, all of which would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 21</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>21. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a horizontal orientation.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

¹¹⁶ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

8. Claim 31 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 31 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 31 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁷ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: [wherein the program code further comprised] program code to ensure that said displayed bids, asks and prices are oriented horizontally, as claimed in claim 31. The orientation of a graphic user interface is one of design choice and a horizontal orientation is one of a limited set of orientations, all of which would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 31</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>31. A computer readable medium according to claim 8, further comprising program code to ensure that said displayed bids, asks and prices are oriented horizontally.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

¹¹⁷ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

9. Claim 41 Would be Deemed by the Examiner to be Obvious in View of the TSE Orientation Materials Reference

Whether claim 41 of the Kemp '132 patent is patentable over the teachings of the TSE Orientation Materials is a substantial new question of patentability as the TSE Orientation Materials reference was not cited to, nor considered by, the Examiner in the original prosecution that led to the allowance and issuance of the Kemp '132 patent and is both non-cumulative and more pertinent than the cited references and there is a substantial likelihood that a reasonable examiner would consider this reference important in deciding whether or not the claim is patentable.

Claim 41 of the Kemp '132 patent would be deemed by the Examiner to be obvious under 35 U.S.C. § 103(a) in view of the TSE Orientation Materials reference, as applied to the claims above, and the knowledge of one of ordinary skill in the art.¹¹⁸ In particular, the following limitations would have been obvious to one of ordinary skill in the art at the time the invention was made: wherein said displays are oriented horizontally, as claimed in claim 41. The orientation of a graphic user interface is one of design choice and a horizontal orientation is one of a limited set of orientations, all of which would have been known to one of ordinary skill in the art.

<p style="text-align: center;">Kemp '132 patent Claim 41</p>	<p style="text-align: center;">TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation</p>
<p>41. A client system according to claim 14, wherein said displays are oriented horizontally.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>

¹¹⁸ See *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results"). See also *LeapFrog Enters., Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, No. 06-1402, 2007 WL 1345333, at *4 (Fed. Cir. May 9, 2007) ("An obviousness determination is not the result of rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.")

Claim charts Summarizing that the TSE Orientation Materials reference, alone or in combination with the TSE Operation Procedures reference, Amazon or Friesen, teaches all of the elements of the claims of the Kemp '132 patent

(Note: for the convenience of the Examiner, similar claims of the Kemp '132 patent have been grouped together. Dependent claims appear in the claim chart in order of their dependent relationship, which may differ from their presentation in the patent.)

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
1. A method of placing a trade order ¹¹⁹ for a commodity on an electronic exchange having an inside market ¹²⁰ with a highest bid price and a lowest ask price,	8. A computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order ¹²¹ for a commodity on an electronic exchange having an inside market ¹²² with a highest bid price and a lowest ask price,	14. A client system for placing a trade order ¹²³ for a commodity on an electronic exchange having an inside market ¹²⁴ with a highest bid price and a lowest ask price,	The disclosed system relates to a Transaction Terminal featuring a divided board/quotation screen. The board screen displays a given instrument and market depth for that instrument in the central pane. The abutment of the best bid (right hand column, highest price) and best ask (left hand column, lowest price) is the inside market. The bid and ask columns flank a common price axis. See TSE A at 613-614.		

¹¹⁹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹²⁰ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. See the Kemp '132 patent, Col. 4, lines 58-60.

¹²¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹²² According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. See the Kemp '132 patent, Col. 4, lines 58-60.

¹²³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "trade order" to mean "a single, electronic message in executable form that includes at least all required parameters of a desired trade." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
<p>using a graphical user interface and a user input device, said method comprising:</p>	<p>comprising:</p>	<p>the system comprising:</p>	<p>(1) Functions of the Transaction Terminal</p> <p>a. Basic screen design and operations</p> <ul style="list-style-type: none"> * Windows NT is employed as the OS and hence, the screen design is the same as that of Windows. * All operations are performed by selecting an item in the menu on the screen. * To select an item on the menu bar: <ul style="list-style-type: none"> • When you are using a mouse, select the item by clicking it with the mouse. • When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. See TSE A at 613. 		
<p>setting a preset parameter¹²⁵ for the trade order,¹²⁶</p>	<p>a first program code for setting a preset parameter¹²⁷ for the trade order,¹²⁸</p>	<p>a parameter setting component for setting a preset parameter¹²⁹ for the trade order,¹³⁰</p>	<p>Board screens are commodity specific. Setting the commodity type for the board screen, i.e. bringing up a board screen for a particular commodity, defines a</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2.1 Displaying New Order Input Window</p>	

¹²⁴ According to the Kemp '132 patent, for a commodity being traded, the "inside market" is the highest bid price and the lowest ask price. See the Kemp '132 patent, Col. 4, lines 58-60.

¹²⁵ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading

			pre-set parameter which is then automatically populated into subsequently invoked order screens. See TSE A at 613-614.	There are the following two methods to display a new order input window.	
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cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." See the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

¹²⁶ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed, "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." (TAB G) However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e. the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

¹²⁷ With respect to the phrase "preset parameter," according to the Kemp '132 patent, "[o]rders can also be sent to market for quantities that vary according to the quantities available in the market; quantities preset by the trader; and which mouse button the trader clicks. Using this feature, a trader can buy or sell all of the bids or asks in the market at or better than a chosen price with one click. The trader could also add or subtract a preset quantity from the quantities outstanding in the market. If the trader clicks in a trading cell--i.e. in the BidQ or AskQ column, he will enter an order in the market. The parameters of the order depend on which mouse button he clicks and what preset values he set." See the Kemp '132 patent, Col. 9, lines 50-60. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "parameter" to mean "an element of a trade order including, but not limited to, quantity, price, type of order and the identity of the commodity." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

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¹³⁰ In the EP Oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a claimed order entry feature because, in using the disclosed trading interface, after a new order window is displayed "a user must fill in one or more fields of data and then drag[] the cursor to 'send' to place an order." See *Trading Technologies Response to the EP Opposition*, Annex B, page 5 (TAB G). However, this argument is not applicable to the current re-examination request as the limitations of the Kemp '132 patent differ from those of the European patent at issue, i.e., the subject limitation of Trading Technologies' argument is not present in the claims of the Kemp '132 patent.

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
			<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. See TSE A at 616.</p>	<p><input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically.</p> <p><input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.</p>	
<p>displaying market depth of the commodity, through a dynamic display¹³¹ of a plurality of bids and a plurality of asks¹³² in the market for the commodity, including at least a portion of</p>	<p>a second program code displaying market depth of a commodity, through a dynamic display¹³³ of a plurality of bids and a plurality of asks¹³⁶ in the market for the commodity, including</p>	<p>a display device for displaying market depth of a commodity, through a dynamic display¹³⁹ of a plurality of bids and a plurality of asks¹⁴⁰ in the market for the commodity, including</p>	<p>The disclosed board screen features right hand column where bid order quantities at various prices are displayed in relation to a price axis commonly shared with the left hand column where ask order quantities at various prices are displayed. Scroll buttons are also disclosed which scroll the display and prevent movement</p>	<p>In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area. Otherwise, the price axis remains static. See TSE B at 637-641.</p> <p>Moreover, in the "scroll screen," price display locations do not change automatically. See TSE B</p>	

¹³¹ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹³² For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

¹³³ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. See Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (see Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (see Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

¹³⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, in an early ruling denying a preliminary injunction, initially construed the phrase "static display of prices" to mean "a display of prices which has price levels or rows that do not normally change positions in response to new market information." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 9, 2005 (TAB C). In a later ruling directed to construction of the claims, the court further construed this phrase to mean "a display of prices comprising price levels that do not change positions unless a manual re-centering command is received." See Trading Technologies Litigation, Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹³⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamic display" to mean "a display of a plurality of bids and asks that are updated in response to new market information such that the bids and asks change positions relative to the static display of prices when the market changes." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹³⁶ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

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¹⁴⁰ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "display of a plurality of bids and a plurality of asks" to mean "a display of more than one bid and more than one ask." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District

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<p>the bid and ask quantities of the commodity,</p> <p>the dynamic display being</p> <p>aligned with a static display¹³³ of prices¹³⁴ corresponding thereto, wherein the static display of prices does not move</p> <p>in response to a change in the inside market;</p>	<p>the bid and ask quantities of the commodity,</p> <p>aligned with a static display¹³⁷ of prices¹³⁸ corresponding thereto, wherein the static display of prices does not move</p> <p>in response to a change in the inside market;</p>	<p>the bid and ask quantities of the commodity,</p> <p>aligned with a static display¹⁴¹ of prices¹⁴² corresponding thereto, wherein the static display of prices does not move</p> <p>when the inside market changes,¹⁴³</p>	<p>though the data presented is still permitted to update. See TSE A at 614.</p> <p>Board screen is automatically refreshed every three seconds. See TSE A at 613.</p> <p>The disclosed board screen features left hand column where ask order quantities at various prices are displayed in relation to a price axis commonly shared with the right hand column where bid order quantities at various prices are displayed. See TSE A at 614.</p>	<p>at 640.</p> <p>7-3-3 Scrolling Board Information Up or Down In order to view the price information which is located above or below the displayed range of the "basic board screen", scroll the board information up and down, using a method described below.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Click one of the scroll buttons ("▲" or "▼") on the board screen using the mouse. Scroll prices up or down by one line. <input type="checkbox"/> Press an arrow key on a keyboard to move a cursor on the board screen up or down. 	

Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"). Memorandum Opinion and Order, February 21, 2007 (TAB E). This construction is consistent with the disclosure of the references relied upon herein.

¹⁴¹ In the EP oppositions referenced above, Trading Technologies argued that the cited reference, System for Buying and Selling Futures and Options: Transaction Terminal Operational Guidelines, referred to herein as TSE C (TAB F), which further describes the trading interface disclosed in the TSE A and TSE B references, failed to disclose a static screen or a dynamic display based on speculation that, while in scroll mode, board information is updated in a memory but not on the actual display. See Trading Technologies Response to the EP Opposition, Annex B, pages 6-7 (TAB G). However, Trading Technologies' argument failed to address how the disclosed features of the TSE device, namely that while in the scroll mode, "the display positions for the prices do not change automatically," (see Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-25) and that "when scrolling is performed the board information still updates automatically," (see Trading Technologies Response to the EP Opposition, Annex B, page 7 (TAB G), citing TSE C at page 7-26) do not satisfy these limitations.

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¹⁴³ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "when the market changes" to mean "at the time that new data reflecting a change in the inside market is received." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

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				<p>Scroll prices up or down by one line.</p> <p><input type="checkbox"/> Press the "up key" or the "down key" on the keyboard.</p> <p>When the board screen is divided into two, four or six, with every press of the key, the screen will be scrolled by "10 prices," "3 prices" and "3 prices", respectively.</p> <p>In addition, please follow the method below in order to return from a "scrolled screen" to the "basic board screen".</p> <p><input type="checkbox"/> Click the "H" (home) button on the board screen using the mouse.</p> <p><input type="checkbox"/> Press the "Home" key on the keyboard.</p> <p>The board information is automatically refreshed even during scrolling operations.</p> <p>Information in the OVER or UNDER section is not displayed during scrolling operations.</p> <p>While the scrolled screen is displayed, the "H" button of the board screen is displayed in red. See TSE B at 641.</p>	
	a third program code for	and for	When a designated section on a	See figure of input order screen.	

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displaying an order entry region ¹⁴⁴ aligned with the static display prices comprising a plurality ¹⁴³ of areas for receiving commands	displaying an order entry region ¹⁴⁴ comprising a plurality ¹⁴⁷ of areas for receiving commands from the user input device to send trade orders, aligned with the static display of prices, comprising a plurality ¹⁴³ of areas for receiving commands	displaying an order entry region ¹⁴⁴ aligned with the static display of prices, comprising a plurality ¹⁴³ of areas for receiving commands	board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. See TSE A at 616. From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different	TSE B at 642.	

¹⁴⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹⁴³ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

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¹⁴⁸ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "order entry region" to mean "an area comprising a plurality of locations where users may enter commands to send trade orders, and that each location corresponds to a price level along the common static price axis," where "price level" means "a level on which a designated price or price representation resides." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

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<p>from the user input devices to send trade orders, each area corresponding to a price of the static display of prices; and</p>	<p>each area corresponding to a price of the static display of prices; and</p>	<p>to send trade orders, each area corresponding to a price of the static display of prices;</p>	<p>location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>		
		<p>a user input device for positioning a pointer thereof over an area in the order entry region; and</p>	<p>When you are using a mouse, select the item by clicking it with the mouse. * When you are using a keyboard, press the key which corresponds to the item. * When an item is selected, an input window corresponding to the item opens up. See TSE A at 613.</p>	<p>See TSE B at 642.</p>	
<p>selecting</p>	<p>a fourth program code for receiving a command as a</p>	<p>a trade order sending component for receiving a</p>	<p>When a designated section on a board or quotation screen is</p>	<p>See TSE B at 642.</p>	<p>See also Amazon, which discloses that "the</p>

¹⁴⁹ For reference purposes herein, it is noted that, consistent with the accepted meaning, the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "plurality" to mean "more than one," "at least two," and "two or more." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, February 21, 2007 (TAB E).

¹⁵⁰ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." See the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." See

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
<p>a particular area in the order entry region through single action¹⁵⁰ of the user input device with a pointer of the user input device positioned over the particular</p>	<p>result of a selection of a particular area in the order entry region by a single action¹⁵¹ of the user input device with a pointer of the user input device positioned over the particular</p>	<p>command as a result of a selection of the area in the order entry region by a single action¹⁵² of the user input device with a pointer of the user input device positioned over the</p>	<p>double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted. See TSE A at 616 From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p>		<p>overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser- specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome." See Amazon, Col. 2, lines 40-44. Amazon further discloses that "[t]he present invention provides a method and system for single-action ordering of items ... The single-action ordering system of the present invention reduces</p>

Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

¹⁵¹ According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." See the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

¹⁵² According to the Kemp '132 patent, "... the specification refers to a single click of a mouse as a means for user input and interaction with the terminal display as an example of a single action of the user. While this describes a preferred mode of interaction, the scope of the present invention is not limited to the use of a mouse as the input device or to the click of a mouse button as the user's single action. Rather, any action by a user within a short period of time, whether comprising one or more clicks of a mouse button or other input device, is considered a single action of the user for the purposes of the present invention." See the Kemp '132 patent, Col. 4, lines 9-19. For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division, consistent with the specification of the Kemp '132 patent, construed the phrase "single action of a user input device" to mean "an action by a user within a short period of time that may comprise one or more clicks of a mouse button or other input device." See Trading Tech. Int'l, Inc. v. eSpeed, Inc., Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D).

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.	area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.	area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.	The distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands"		the number of purchaser interactions needed to place an order When the purchaser performs that single action, the client system notifies the server system. The server system then completes the order by adding the purchaser-specific order information for the purchaser that is mapped to that client identifier to the item order information (e.g., product identifier and quantity)." See Amazon, Col. 3, lines 30-49.
2. A method of placing a trade order according to claim 1, wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.	9. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 8, further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.	15. A client system for placing a trade order for a commodity according to claim 14, wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.	From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."	See TSE B at 642.	
3. A method of placing	10. A computer	16. A client system for	"When a designated section on a	9-2-2 Placing Orders from	See also Amazon, which

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
<p>a trade order according to claim 2, wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" at TSE A at 615.</p>	<p>New Order Input Window 9-2-2. 1 Displaying New Order Input Window There are the following two methods to display a new order input window. <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.</p>	<p>discloses that upon performing a single-action order a pre-determined fixed quantity of the displayed item (e.g., 1) is shipped. "When the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered." See Amazon, Col. 4, lines 59-61. See also Amazon, Fig. 1B. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the selection of other pre-determined fixed quantities.</p>

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
<p>4. A method of placing a trade order according to claim 2, wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>11. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>17. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.</p>	<p>"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted." See "Inputting a new order" See TSE A at 616.</p>	<p>9-2-2 Placing Orders from New Order Input Window</p> <p>9-2-2.1 Displaying New Order Input Window</p> <p>There are the following two methods to display a new order input window.</p> <p><input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically.</p> <p><input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642.</p>	
<p>5. A method of placing a trade order according to claim 2, wherein the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said</p>	<p>12. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, further comprising program code for establishing that the trade order is for a quantity equal to a pre-determined fixed</p>	<p>18. A client system for placing a trade order for a commodity according to claim 15, wherein said trade order sending component establishes that the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.</p>	<p>It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system</p>	

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
single action and for a price corresponding to said position.	offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.	corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.			
6. A method of placing a trade order according to claim 2 ¹⁵³ , wherein said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.	13. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 12, further comprising program code for establishing that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.	19. A client system for placing a trade order for a commodity according to claim 18, wherein said trade order sending component establishes that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second predetermined value if a single action of a second type is taken.	It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.	It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.	
7. A method of placing a trade order according to claim 2, further comprising canceling said trade order in response to a subsequent single			See the Figure at TSE A at 616 which shows a "cancel" button.	See TSE B at 642.	

¹⁵³ Claim 6 likely should depend from claim 5 and not claim 2 to preserve antecedent basis in the term "offset."

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action of the user input device.					
50. The method of claim 2, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.	51. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 9, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.	52. A client system for placing a trade order for a commodity according to claim 15, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.	<p>When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and so forth) is automatically inputted into the board or quotation screen. <i>See TSE A at 616.</i></p> <p>From the given example at TSE A at 616, the price at which the double-click was effected is automatically entered into the order screen. This implies: each price is a different location such that the price where you double-click is what is entered; or clicking anywhere in the region creates an order for the best price</p> <p>However, the distinction between the bid and ask sides, which must be present for the system to "know" the difference between buy and sell, as well as the appropriate price for the order, represents "a plurality of locations for receiving commands."</p>	<i>See TSE B at 642.</i>	
20. A method according to claim 1, wherein said	30. A computer readable medium according to	40. A client system according to claim 14,	<i>See the Figure at TSE A at 616.</i>	<i>See the Figure at TSE B at 641.</i>	

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a vertical orientation.	claim 8, further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically.	wherein said displays are oriented vertically.			
21. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a horizontal orientation.	31. A computer readable medium according to claim 8, further comprising program code to ensure that said displayed bids, asks and prices are oriented horizontally.	41. A client system according to claim 14, wherein said displays are oriented horizontally.	It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system.	It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this element to the disclosed system	
22. A method according to claim 1, wherein a plurality of said displayed bids and asks in the market include bid and ask quantities of the commodity.	32. A computer readable medium according to claim 8, further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity.	42. A client system according to claim 14, wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity.	See the Figure at TSE A at 616.	See the Figure at TSE B at 641.	
23. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in different colors.	33. A computer readable medium according to claim 8, further comprising program code to ensure that bids and asks are displayed in different colors.	43. A client system according to claim 14, wherein said displays are displayed in different colors.			See Friesen, paras. 8 and 37: The bids and offers are preferably displayed in different colors, shapes, or other visual characteristics, further enhancing the trader's ability to quickly ascertain the urgent state of the market.
24. A method according to claim 1, further comprising re-centering said prices corresponding to the bids and asks about	34. A computer readable medium according to claim 8, further comprising program code to ensure that said	44. A client system according to claim 14, wherein said display of prices corresponding to the bids and asks is re-	The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls	In Basic Board Screen mode, the price axis will be re-centered when the board display center price moves out of the display area. Otherwise, the price axis	

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
an inside market price upon receipt of a re-centering instruction.	displayed prices corresponding to the bids and asks are re-centered about an inside market price upon receipt of a re-centering instruction.	centered about an inside market price upon re-centering instruction from a user.	the display and prevents automated movement thereof while the displayed price and quantity data continues to update. Actuation of the Home button resumes automated scrolling and re-centering of the display.	remains static. See TSE B at 637-641.	
25. A method according to claim 1, further comprising dynamically displaying ¹⁵⁴ working orders in alignment with the prices corresponding thereto.	35. A computer readable medium according to claim 8, further comprising program code for dynamically displaying ¹⁵⁵ working orders in alignment with the prices corresponding thereto.	45. A client system according to claim 14, further comprising a display of working orders displayed in alignment with the prices corresponding thereto.	The scroll buttons and home buttons depicted in the Figure at TSE A at 616 control scrolling operations wherein actuation of one of the scroll buttons scrolls the display and prevents automated movement thereof while the displayed price and quantity data continues to update.	The board information is automatically refreshed even during scrolling operations. See TSE B at 641.	
26. A method of displaying according to claim 1, further comprising dynamically displaying entered orders in alignment with the prices corresponding	36. A computer readable medium according to claim 8, further comprising program code for dynamically displaying entered orders in alignment with the prices	46. A client system according to claim 14, wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said	See TSE A at 618, showing a display of the history of order execution displaying orders in alignment with the prices corresponding thereto. It can be seen in the figure of TSE A 618 labeled "History of Order	The board information is automatically refreshed even during scrolling operations. See TSE B at 641.	

¹⁵⁴ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

¹⁵⁵ For reference purposes herein, it is noted that the United States District Court, Northern District of Illinois, Eastern Division construed the phrase "dynamically displaying" to mean "updating the first (second) indicator in response to new market information such that the first (second) indicator changes positions relative to the common static price axis when the market changes." See *Trading Tech. Int'l, Inc. v. eSpeed, Inc.*, Case No. 04 C 5312, United States District Court, Northern District of Illinois, Eastern Division ("Trading Technologies Litigation"), Memorandum Opinion and Order, October 31, 2006 (TAB D). This construction is consistent with the disclosure of the references relied upon herein.

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.	corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.	entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.	Execution" that the entered orders indicate a quantity of the commodity for which the trader's orders have been filled at the corresponding prices.		
27. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order.	37. A computer readable medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order.	47. A client system according to claim 14, wherein said static display of prices is displayed in at least one direction in numerical order.	See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price in at least one direction.	See the Figure at TSE B at 641.	
28. A method according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices along a single line in numerical order.	38. A computer readable medium according to claim 8, further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order.	48. A client system according to claim 14, wherein said static display of prices is displayed along a single line in numerical order.	See the Figure at TSE A at 614 (also reproduced at the end of this request) wherein the order price column is displayed in numerical order according to price along a single line.	See the Figure at TSE B at 641.	
29. A method of displaying according to claim 1, wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.	39. A computer readable medium according to claim 8, further comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.	49. A client system according to claim 14, wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto.	See TSE A at 614 (also reproduced at the end of this request) showing a display of the market depth of a commodity where the last traded quantity, e.g. the number of orders, is aligned with the corresponding price.	The board information is automatically refreshed even during scrolling operations. See TSE B at 641.	
53. The method of claim 1			The listed prices and quantities	The listed prices and quantities in	

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price.			in the figure inherently represent an exchange order book. <i>See</i> TSE A at 614.	the figure inherently represent an exchange order book. <i>See</i> TSE B at 637.	
54. The method of claim 53 wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price.			The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, satisfaction of an order may remove that quantity from the display but in scroll mode, the display will not move. <i>See</i> TSE A at 614.	The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, satisfaction of an order may remove that quantity from the display but in scroll mode, the display will not move. <i>See</i> TSE B at 637.	
55. The method of claim 1 wherein the market depth is based on an exchange order book and the static display of prices never moves in response to a price change in the exchange order book relating to a price which is displayed.			The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, in Scroll mode, the displayed prices will never move in response to price change. Only a user scrolling operation or a return to Home mode will cause the display to possibly move. <i>See</i> TSE A at 614.	The listed prices and quantities in the figure inherently represent an exchange order book. As discussed for the independent claim, in Scroll mode, the displayed prices will never move in response to price change. Only a user scrolling operation or a return to Home mode will cause the display to possibly move. <i>See</i> TSE B at 637.	
56. The method of claim 1 wherein the plurality of additional parameters comprises a price and type of order.			"When a designated section on a board or quotation screen is double-clicked with a mouse, a window for inputting new orders opens up, and information which is relevant to the section (such as an issue, sell or buy, a price and	9-2-2 Placing Orders from New Order Input Window 9-2-2.1 Displaying New Order Input Window There are the following two	

Kemp '132 patent Claim 1 and its dependent claims	Kemp '132 patent Claim 8 and its dependent claims	Kemp '132 patent Claim 14 and its dependent claims	TSE Orientation Materials Referred to below as "TSE A" and referred to by the Bates numbers on the English translation	TSE Operation Procedures Referred to below as "TSE B" and referred to by the Bates numbers on the English translation	Amazon or Friesen
			<p>so forth) is automatically inputted." See "inputting a new order" at TSE A at 616.</p>	<p>methods to display a new order input window.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Double-clicking specific areas on board and quotation screens with the mouse → Based on the sections clicked, the "name of issue", "whether it is for a buy or a sell," the "order price" and "exercise conditions" will be entered automatically. <input type="checkbox"/> When you double-click a board or quotation screen with the mouse in which no board information is displayed, a new order input window appears with no information entered automatically. See TSE B at 642. 	