IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kemp, II, et *al*.
Assigned to: Trading Technologies International, Inc.
U.S. Patent No.:   6,772,132
Issued: August 3, 2004
Group Art Unit: 3624
Serial No: 09/590,692
Examiner: Richard C. Weisberger
Filed: June 9, 2000
For: **Click Based Trading with Intuitive Grid Display of Market Depth**

September 22, 2010

Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

REQUEST FOR REEXAMINATION

GL Trade Americas, Inc. ("GL" or the "third party Requestor"), through its undersigned attorneys, requests that the U.S. Patent and Trademark Office ("PTO") reexamine U.S. Patent No. 6,772,132 (the "'132 patent") to Kemp, II, *et al*. under 35 U.S.C. §§ 302-307, and 37 C.F.R. § 1.510. The '132 patent states that it was assigned to Trading Technologies International, Inc. ("TT"). The term for enforcing the patent has not lapsed. A copy of the patent in accordance with 37 C.F.R. § 1.510(b)(4) is attached as Exhibit A.

I. Other Proceedings Involving the '132 Patent

A. Background

TT is seeking to enforce the '132 patent against a number of entities, including GL, in the United States District Court for the Northern District of Illinois. The GL action is captioned *Trading Technologies International, Inc. v. GL Consultants, Inc. et al.*, Civil Action No. 05C 4120. A number of other actions concerning the '132 patent are also pending in this same

district including: *Trading Technologies International, Inc. v. FuturePath Trading LLC*, Civil Action No. 05C 5164; *Trading Technologies International, Inc. v. CQG et al.*, Civil Action No. 05C 4811; and *Rosenthal Collins Group, LLC v. Trading Technologies International, Inc.,* Civil Action No. 05C 4088.

Yet another action concerning the '132 patent went to trial in the same district, *Trading Technologies International, Inc. v. eSpeed Inc., et al.*, Civil Action No. 04C 5312. The Federal Circuit affirmed the trial court's final judgment. *Trading Technologies International Inc. v. eSpeed Inc.*, 595 F.3d 1340, 93 U.S.P.Q.2d 1805 (Fed. Cir. 2010).

II.   Reexamination is Requested for Claims 1-2, 8, 14, 20, 22-23, 25, 27-28, 30, 32-33, 37-38, 40, 42-43, 47-48, and 53 of the '132 Patent

Reexamination is requested herein for Claims 1-2, 8, 14, 20, 22-23, 25, 27-28, 30, 32-33, 37-38, 40, 42-43, 47-48, and 53 of the '132 patent.[1] The third party Requestor submits that there is a substantial new question of patentability with respect to each of these claims – independent and dependent – of the '132 patent. Specifically, and as discussed in more detail below, each of these claims is invalid as anticipated by, or obvious in view of, Gutterman, Friesen, LIFFE CONNECT, and SWX, alone or in combination.

III.   Statement of Substantive New Questions of Patentability

A.   The Claimed Subject Matter

The '132 patent has three (3) independent claims – specifically Claims 1, 8, and 14 – and fifty-three (53) dependent claims. Twenty-one (21) of the dependent claims depend directly, or indirectly, from Independent Claim 1. Sixteen (16) of the dependent claims depend directly, or indirectly, from Independent Claim 8 and the remaining sixteen (16) dependent claims depend directly, or indirectly, from Independent Claim 14.

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[1] The '132 patent matured from U.S. Application Serial No: 09/590,692 (hereinafter the "'692 application").

1. Claim 1 and its Dependent Claims

Claim 1 is a method claim which is directed to a method of placing a trade order on an electronic exchange that has an inside market (a best bid and ask) using a graphical user interface and user input device. The method in Claim 1 has four steps: (1) setting a preset parameter; (2) displaying the market depth of a commodity through a dynamic display of bids and asks quantities aligned with a static display of prices; (3) displaying an order entry region aligned with the static display prices; and (4) sending the trade order to an electronic exchange through a single action of the user input device by selecting a particular area of the graphical user interface.

Claim 1 recites:

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, said method comprising:

setting a preset parameter for the trade order;

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;

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; 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.

Claims 2, 20-29, 53, and 55-56 depend directly from Claim 1. Claims 3-7 and 50 depend from Claim 2, and Claim 54 depends from Claim 53.

2. Claim 8 and its Dependent Claims

Claim 8 is directed to an article of manufacture, namely a computer readable medium having four program codes.

Claim 8 recites:

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, comprising:

> *a first program code for setting a preset parameter for the trade order;*

> *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;*

> *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; 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.

The article claimed – computer readable medium – is in a *Beauregard* form[2] and has four functional – but no structural – limitations: (1) code for setting a preset parameter; (2) code for displaying market depth; (3) code for displaying an order entry region; and (4) code for receiving an order command.

Claims 9 and 30-39 depend directly from Claim 8; Claims 10-12 and 51 depend from Claim 9; and Claim 13 depends from Claim 12.

3.   Claim 14 and its Dependent Claims

Claim 14 is also directed to an article of manufacture, namely a client system for placing a trade order. The claimed client system has four constituent structural parts, namely (1) a parameter setting component; (2) a display device; (3) a user input device; and (4) a trade order sending component.

Claim 14 recites:

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, the system comprising:

a parameter setting component for setting a preset parameter for the trade order;

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

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[2] *In re Beauregard*, 53 F.3d 1583, 35 U.S.P.Q.2d 1383 (Fed. Cir. 1995).

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