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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/590,692	06/09/00	KEMP	G 024051/0135

TM01/0608

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EXAMINER

WEISBERGER, R

ART UNIT	PAPER NUMBER
2164	

2164

DATE MAILED: 06/08/01

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

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/590,692

Applicant(s)

Kemp et al.

Examiner

Weisberger Richard C.

Group Art Unit

2164

Responsive to communication(s) filed on _____

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) 1-21 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 22-40 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been
 received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Art Unit: 1774

DETAILED ACTION

Election/Restriction

1. Claims 1-21 drawn to a graphical user interface are classified in class 345, subclass 327.
 - II. Claims 22-40 drawn to a method, computer readable medium, and client server system for placing a trade order, are classified in class 705, subclass 37.
1. The inventions are distinct, each from the other because of the following reasons:
Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the inventions have different effects.
 2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
 3. During a telephone conversation with Robert Klinger on May 22, 20001 a provisional election was made without traverse to prosecute the invention of Group II , claims 22-40. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Art Unit: 1774

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Examiner Requirements for Information (Rule 1.105)

1. The trade name or industry name or company name of the inventions of claims 22-40.
2. All non-patent literature used/relied upon or otherwise related to the drafting of the instant application.
3. All non-patent literature used/relied upon or otherwise related to the drafting of the invention of claims 22-40.
4. What specifically is being improved upon in the method for placing a trade order, a computer readable medium having program code for placing a trade order, and a client system for placing a trade order.
5. All non-patent literature, (i.e. conference papers, presentations, product brochures etc.) used in the invention process including {such as designing around or providing a solution to accomplish the claimed invention)
6. Notwithstanding the dates of uses, submittal, or disclosure, any use of the claimed invention, any proposals submitted to corporate partners for the use or development of the claimed

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invention, any papers presented to industry groups and/consortiums describing the claimed invention.

Claim Rejections - 35 USC § 112

5. Claims 22-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim limitations “dynamic display” and “static display” are vague and indefinite. The applicant is requested to claim “to what extent”, “to what degree”, and “on what basis” the displays “change”.

B. The *scope* of a “single action” (i.e. claim 23) is unclear.

C. The limitation “based in part” (i.e. claim 23) is vague indefinite and not defined.

D. The claim limitation “current net position” (i.e. claim 25) is not defined.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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