

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

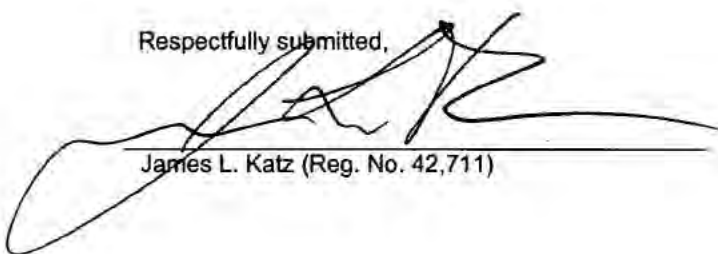
Certificate of Service

- 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.

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