

REMARKS

I. Summary of the Office Action

The Office Action dated March 2, 2020 (“the Office Action”) made the following objections and/or rejections, each of which is addressed in more detail below:

Claims 2-12 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 2-12 were rejected on the ground of statutory double patenting as claiming the same invention as U.S. Patent No. 10,540,718 (“the ‘718 patent”).

II. Related Applications

The Applicant understands that the Examiner reviews the claims and prosecution history of related applications as they contain common subject matter. To this end, the Applicant reminds the Examiner that the present application is related through a common claim of priority to U.S. Patent Application Serial Nos. 12/637,536 (now U.S. Patent No. 8,386,368), 13/746,151 (now U.S. Patent No. 8,498,927), 13/915,189 (abandoned), 14/451,465 (now U.S. Patent No. 9,990,676), and 15/962,516 (now U.S. Patent No. 10,540,718).

In addition, for the purposes of the present application, the Applicant hereby rescinds any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related application. The Applicant respectfully requests examination of the instant claims according to the claim language in light of the prior art without importing statements made by the Applicant in the prosecution of any related application.

III. Status of the Claims

The present application includes claims 2-12. By this Response, claims 2-12 have been amended. The Applicant expressly reserves the right to pursue the subject matter of the previously presented claims in a continuing application. The Applicant respectfully submits that no new matter has been added by these amendments.

IV. Claim Rejections – 35 U.S.C. 101

The Applicant now turns to the rejection of claims 2-12 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Applicant respectfully disagrees that the examined claims were directed to non-statutory subject matter. However, to expedite prosecution, the Applicant has amended the pending claims to more clearly recite that they are directed to statutory subject matter. Therefore, the Applicant respectfully requests reconsideration and withdrawal of this rejection.

V. Double Patenting

The Applicant now turns to the rejection of claims 2-12 on the ground of statutory double patenting as claiming the same invention as the '718 patent. The Applicant respectfully disagrees that a statutory double patent rejection is appropriate here. As discussed in MPEP 804(II)(A), “[s]ame invention’ means **identical** subject matter.” (emphasis added). The Applicant respectfully submits that the present claims recite a computer readable medium, whereas the claims of the '718 patent recite a method. That is, the present claims do not recite the same statutory class of invention, much less the “same invention,” as the claims of the '718 patent. For at least this reason, the Applicant respectfully requests reconsideration and withdrawal of this rejection.

To expedite prosecution (in anticipation of a subsequent non-statutory double patenting rejection), a terminal disclaimer is being submitted in conjunction with this Response with respect to the '718 patent.

VI. Conclusion

In general, the Office Action made various statements regarding the pending claims and the cited art that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (for example, if such statements should become relevant by appearing in a rejection of any current or future claim).

All the stated grounds of objection and rejection have been respectfully traversed, accommodated, or rendered moot. The Applicant therefore submits that the present application

is in condition for allowance. If the Examiner believes that further dialogue would expedite consideration of the application, the Examiner is invited to contact Trading Technologies in-house Patent Counsel Adam Faier at 312-698-6003.

Respectfully submitted,
Trading Technologies International, Inc.

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