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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOSE ANTONIO ACUNA-ROHTER, PEARCE PECKWALDEN,
DILEEP KONDURU¹

Appeal 2019-001400
Application 14/030,639
Technology Center 3600

Before ROBERT E. NAPPI, JOHNNY A. KUMAR, and MICHAEL T.
CYGAN, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 11, and 13 through 17. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42(a). According to Appellant, Chicago Mercantile Exchange Inc. is the real party in interest. Appeal Br. 1.

INVENTION

The invention is directed to a system for matching orders of financial instruments using templates that define groups of orders. Spec., Abstract.

Claim 11 is reproduced below.

11. A system comprising:

a first memory that includes a collection of acceptable trade templates each based on more than two component financial instruments;

a second memory that includes a collection of needed orders that each when combined with one or more existing orders meet the requirements of one of the acceptable trade templates;

a third memory that includes a collection of tradable price levels for each of the component financial instruments of the acceptable trade template based on a collection of resting orders;

multiple order books that store pending orders for financial instruments;

a computer device programmed with computer-executable instructions to analyze orders resting in the multiple order books and suggest new templates that would result in the matching of groups of orders;

an exchange computer system that includes a match engine that includes a processor programmed with computer-executable instructions to:

(i) compare a new order to the needed orders in the collection of needed orders;

(ii) when the new order corresponds to one of the needed orders, compare a price level of the new order to a tradable price level included in the third memory; and

(iii) when the price level of the new order meets the tradable price level, executing a plurality of trades contemporaneously.

EXAMINER'S REJECTIONS²

The Examiner rejected claims 11, and 13 through 17 under 35 U.S.C. § 101 for being directed to patent-ineligible subject matter. Final Act. 8–12.

The Examiner rejected claims 11, and 13 through 17 under 35 U.S.C. § 103(a) as being unpatentable over Sundaram (US 2008/0086405 A1, pub. Apr. 10, 2008) and Janiszewski (US 2001/0025267 A1, pub. Sept. 27, 2001). Final Act. 9–12.

ANALYSIS

35 U.S.C. § 101 Rejection

We have reviewed Appellant's arguments in the Briefs, the Examiner's rejections, and the Examiner's response to Appellant's arguments. Appellant's arguments have not persuaded us of error in the Examiner's rejection for the claims under 35 U.S.C. § 101. Patent eligibility under § 101 is a question of law that may contain underlying issues of fact. *Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1342 (Fed. Cir. 2018) (citing *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1365 (Fed. Cir. 2018)). "We review the district court's ultimate conclusion on patent eligibility de novo." *Id.*; *SiRF Tech., Inc. v. Int'l Trade Comm'n*, 601 F.3d 1319, 1331 (Fed. Cir. 2010) ("Whether a claim is drawn to patent-eligible subject matter is an issue of law that we review de novo.")

² Throughout this Decision we refer to the Appeal Brief filed June 19, 2018 ("Appeal Br."); Reply Brief filed December 3, 2018 ("Reply Br."); Final Office Action mailed January 19, 2018 ("Final Act."); and the Examiner's Answer mailed October 2, 2018 ("Ans.")

PRINCIPLES OF LAW

Patent-eligible subject matter is defined in 35 U.S.C. § 101 of the Patent Act, which recites:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

There are, however, three judicially created exceptions to the broad categories of patent-eligible subject matter in 35 U.S.C. § 101: “[l]aws of nature, natural phenomena, and abstract ideas.” *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 75–77). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”)

Concepts determined to be abstract ideas, and, thus, patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts

determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Having said that, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (citation omitted). “A claim that recites an abstract idea must include ‘additional features’ to

ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The United States Patent and Trademark Office “USPTO” published revised guidance on the application of § 101. USPTO’s *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Memorandum”). Under that guidance, we first determine whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE (“MPEP”) § 2106.05(a)–(c), (e)–(h) (9th Ed., Rev. 08.2017, Jan. 2018)).

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

- (3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or
- (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Memorandum.

DISCUSSION

The Judicial Exception

The Examiner determines the claims are not patent eligible because they are directed to a judicial exception without reciting significantly more. Final Act. 5–7. Specifically, the Examiner performs an analysis of several claim limitations and determines the claims recite:

steps describe the concept of comparing orders and price levels, which corresponds to concepts identified as abstract ideas by the courts, such as collecting and comparing known information (as in *Classen*), collecting, displaying, and manipulating data (as in *Int. Ventures v Cap One Financial*), or collecting information, analyzing it, and displaying certain results of the collection and analysis (as in *Electric Power Group*)

Final Act. 6 (citing *Classen Immunotherapies, Inc. v. Biogen IDEC*, 659 F.3d 1057, 1067 (Fed. Cir. 2011); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017); and *Electric Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016).

Appellant argues the claims are directed to a specific solution to a technical problem and allows for reduced processing and a more efficient computer system. Appeal Br. 5–7. Appellant argues the Examiner overgeneralized the claims which recite more than comparing orders or price levels. Appeal Br. 8–9. Further, Appellant argues the claims differ from those at issue in *Intellectual Ventures* and *Electric Power Group*, as the claims recite a technological system and that the system reduces processing load. Appeal Br. 10–11.

We are not persuaded of error in the Examiner’s rejection by these arguments, and we concur with the Examiner that representative claim 11

sets forth an abstract concept a mental process and also a fundamental economic practice. Representative claim 11 recites three memories, each having a collection of data (these are data gathering or observation elements); “analyze orders resting in the multiple order books and suggest new templates that would result in the matching of groups of orders” (this is both a data gathering and data analysis/organization or evaluation element); “comparing a new order with needed orders” “comparing a prices level of a new order to a tradable process level” (these are also a data organizing or evaluation element). These steps can be performed in the human mind as they are merely gathering data, and analyzing the data, and thus we agree with the Examiner that they recite a concept similar to that at issue in *Electric Power Group*. The claims at issue in *Electric Power Group* recited several steps of receiving data from various sources, detecting and analyzing the data and displaying the data. *Elec. Power Grp.*, 830 F.3d at 1351–52. The court stated “we have treated collecting information, including when limited to particular content (which does not change its character as information), as within the realm of abstract ideas.” *Id.* at 1353; *see also Classen* at 1067 (claim to collecting and comparing known information determined to be steps that can be practically performed in the human mind); *Content Extraction*, 776 F.3d at 1347 (“The concept of data collection, recognition, and storage is undisputedly well-known. Indeed, humans have always performed these functions.”). Further, we recognize that the result of these data gathering an analysis steps is the execution of trades, however this does not change the determination that the claims recites an abstract idea. In *Trading Technologies*, the court held that placing an order based upon market information is a fundamental economic practice and states that “[t]he

fact that the claims add a degree of particularity as to how the order is placed in this case does not impact the analyses at step one.” *Trading Technologies Int. v IBG LLC* 921 F3d 1084, 092, 1903 (Fed. Cir. 2019) (citing *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014)). Further, as discussed *infra*, we disagree with Appellant’s arguments that the claim recites a technical solution to a technical problem. Thus, we concur with the Examiner and consider representative claim 11 to recite an abstract concept.

Integration of the Judicial Exception into a Practical Application

Appellant argues that “the recited claim limitations are rooted in a specific solution to the technological problem being solved.” Appeal Br. 5 (citing Specification ¶ 50 to show that the limitations “allows for reduced processing”). Further, Appellant cites to the claimed use of tradable price levels and trading templates as examples of reduced processing and more efficient computer systems. Appeal Br. 6–7 (citing claim 11 and Specification ¶¶47–49), Reply Br. 2-4. Appellant analogized their claims to those at issue in *Core Wireless v. LG* where even though the claims did not recite improving efficiency, the were held to be patent eligible as they improved efficiency. Appeal Br. 7–8 (citing *Core Wireless Licensing S.A.R.L. v. LG Electronics Inc.*, 880 F.3d 1356 (Fed. Cir. 2018), Reply Br. 4-5.³

³ We consider Appellant’s arguments on pages 4 and 5 which discuss “Core Logic” case as being directed to the *Core Wireless* as there is no citation to “Core Logic” in the either the Brief or the Answer.

The Examiner finds that the claim limitations do not recite an improvement to the functioning of a computer or an improvement to a technical field. Final Act 7, Ans. 5–6. The Examiner states:

Any improved efficiency associated with Appellant’s claims is in the abstract idea itself not in any improvement to the underlying technology. Applicant is not claiming an improved processor or any improvement to how data is being processed (such as processing through genetic algorithms). Appellant’s claims process data in the same manner as before. Analyzing and processing less data is not an improvement to the underlying technology. The technology is unaffected by Appellant’s claims. It is not a technical improvement to merely perform a better methodology compared to the prior art which is what occurs in Appellant’s claims. Performing an initial analysis on data (e.g., comparing new orders to needed orders) to eliminate some of the data and only analyzing the remaining data (e.g., comparing price levels when the new orders correspond to needed orders) is not a technical improvement compared to analyzing “all of the data”.

Ans. 5–6. Further, the Examiner points out at that *Core Wireless* involved an improvement to the user interface of a device and that improving the manner of processing orders is not equivalent to an improved interface.

Ans. 6.

We are not persuaded of error by Appellant’s arguments. As discussed above, we concur with the Examiner that the claim recites an abstract idea. Further, we do not consider the claim to be drawn to a practical application of the abstract idea as we do not find that the claim recites an improvement to the functioning of the computer or other technology or otherwise tied to technology as Appellant argues.

We do not consider the claims to improve efficiency or a particular machine or in a particular technology as were the claims in *Core Wireless*. In *Core Wireless* the court held that claims which recited an interface were patent eligible as the claims recited specific limitations of the interface such as: an application summary that can be reached through a menu, the data being in a list and being selectable to launch an application, and additional limitations directed to the actual user interface displayed and how it functions. *Core Wireless*, 880 F.3d at 1363. The court found that the claims were directed to an improved user interface and not the abstract concept of an index as the claim “limitations disclose a specific manner of displaying a limited set of information to the user, rather than using conventional user interface methods to display a generic index on a computer.” *Id.* Further, an improvement in efficiency alone does not render it patent eligible “While the claimed system and method certainly purport to accelerate the process of analyzing audit log data, the speed increase comes from the capabilities of a general-purpose computer, rather than the patented method itself. See *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.* (U.S.), 687 F.3d 1266, 1278 (Fed. Cir. 2012) (‘[T]he fact that the required calculations could be performed more efficiently via a computer does not materially alter the patent eligibility of the claimed subject matter.’).” *FairWarning IP, LLC v. Iatric Sys.*, 839 F.3d 1089, 1095 (Fed. Cir. 2016

Representative claim 11 does not recite a particular machine. As identified by the Examiner, the claim just cites a system, with several memories, a computer device to analyze orders, and an exchange computer that compares orders and executes trades, which are recited generally and are performing generic functions routinely used in computer applications.

Final Act 6–7, Ans. 4–5. Appellant’s Specification identifies that the invention “may be implemented with one or more mainframe, desktop or other computers” and “with computer devices and computer networks that allow users to exchange trading information.” Specification ¶¶ 22 and 23. Thus, we do not consider the invention to be limited to any particular computer or machine.

The use of tradable prices levels and trading templates does not tie the invention to a particular machine or technology. Appellant’s Specification discusses the trade template as a template that identifies the structures of a variety of trades, and is used to match orders. Specification ¶ 32. The “tradable price” is merely a price of the financial instrument. Specification ¶ 48. We consider these to be arrangements of data concerning trades and which are used to implement the trade, i.e. improvements to the abstract idea of gathering and analyzing data and the fundamental economic process of trading financial instruments. This data is similar to that at issue in *Trading Technologies* where “generic information that assists traders in processing information more quickly” was not considered to improve the functioning of the computer make it operate more efficiently. *Trading Technologies* at 1903. As such the claim does not overcome a problem specifically arising in the realm of computer networks, here the problem to be solved is to facilitate matching groups of orders for financial instruments. Specification ¶¶ 3–5. Thus, the problem addressed in representative claim 11 is not related to a computer or to another technology, but instead to “the performance of some business practice known from the pre-Internet world along with the requirement to perform it” via computer and Internet, which the *DDR* court distinguished as not involving solutions necessarily rooted in computer

technology. *DDR Holdings*, 773 F.3d at 1257. Rather, the claims, when interpreted in light of the Specification, merely recite use of a computer as a tool to implement a process of gathering, analyzing and displaying data (an abstract idea). *See, e.g., RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Unlike *Enfish*, [the claim] does not claim a software method that improves the functioning of a computer . . . [but] claims a ‘process that qualifies as an “abstract idea” for which computers are invoked merely as a tool.’” (citation omitted)). Thus, we conclude representative claim 11 does not recite a practical application of the judicial exception.

Significantly More than the Abstract Idea

Under the Memorandum, only if a claim: (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then look to whether the claim adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); **or**, simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

Appellant argues “[T]he Office Action fails to present any evidence or arguments that satisfy the Office's burden to prove that the claimed features are ‘routine and conventional’ with clear and convincing evidence” as is required by *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018). Appeal Br. 11–12. Further, Appellant argues that because the Examiner has not presented evidence, the Examiner has violated the Administrative Procedures Act. Appeal Br. 13–14.

We are not persuaded of error by these arguments. As discussed above, representative claim 11 recites and abstract idea. The claim recites the additional elements of a first, second and third memory, a computer device to analyze orders, and an exchange computer that compares orders and executes trades. As discussed above these elements are described in the Specification generally, and as performing generic functions of storing data, analyzing data, and comparing data. The Examiner cites to Appellant's Specification and cites prior art, patent to Sundaram and Janiszewski to demonstrate these are well known routine and conventional elements. Ans. 9–10 (citing Specification ¶¶24-30, Sundaram ¶¶19, 20, Janiszewski ¶35). We have reviewed the evidence cited by the Examiner and concur with the Examiner. Both the Sundaram and Janiszewski references, demonstrate that it is well known and conventional to use memory to store data related to trading financial instruments and to use computers to analyze and match offers in trading financial instruments.

We are not persuaded by Appellant's argument that the *Berkheimer* requirements are not met as the Examiner improperly limited the analysis to the computer and because the Examiner only cited a single reference “even though the *Berkheimer* decision expressly drew a distinction between what is well-understood, routine, and conventional, and what is simply known in the prior art.” Reply Br. 5. The USPTO Memorandum of April 19, 2018⁴, identifies that this inquiry is to the additional elements of the claim. As

⁴ *Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (Berkheimer v. HP, Inc.)*, available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF> (Apr. 19, 2018) (“USPTO Berkheimer Memorandum”).

identified above the additional limitations of the claim are several memories, a computer device to analyze orders, and an exchange computer that compares orders and executes trades. The Examiner has addressed these limitations by citing to three documents, not one as argued by Appellant, to show that they recite elements that are well-understood, routine, conventional. The USPTO Memorandum of April 19, 2018, identifies that evidence to demonstrate well-understood, routine, and conventional can come from express statements in the Specification, citations of court decisions and publications. Here the Examiner has cited to both Appellant's Specification and prior publications, thus, we consider the Examiner to have provide ample evidence to support the findings that the additional limitations are well-understood, routine, and conventional. Similarly, we are not persuaded that the rejection is in error because by "failing to present any supporting evidence," the Examiner has violated the Administrative Procedures Act. Appeal Br. 13. We do not find such argument persuasive, because as discussed *supra*, the Examiner has made findings supported by evidence. *See also* Ans. 9–10. Thus, we do not find that representative claim 11 recites significantly more.

In summary, Appellant's arguments have not persuaded us of error in the Examiner's determination that representative claim 11 is directed to an abstract idea; both a mental process and a fundamental economic process. Further, Appellant's arguments have not persuaded us that the Examiner erred in finding that the claim is not: directed to an improvement in the functioning of the computer or to other technology or other technical field; directed to a particular machine; directed to performing or affecting a

transformation of an article to a different state or thing; directed to using a judicial exception in some meaningful way beyond linking the exception to a particular technological environment such that the claim as a whole is more than a drafting effort to monopolize the judicial exception. For these reasons, we are unpersuaded that the claim recites additional elements that integrate the judicial exception into a practical application nor do the claims add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional. *See* Memorandum, 84 Fed. Reg. at 54. Accordingly, we sustain the Examiner’s rejection, under 35 U.S.C. § 101, of representative claim 11 and claims 13 through 17 grouped with claim 11.

35 U.S.C. § 103(a) Rejection

Appellant argues the Examiner’s obviousness rejection of claim 11 is in error as the combination of the references does not teach the claimed feature of comparing a new order to a tradeable price. Appeal Br. 14. Specifically, Appellant asserts that Sundaram, paragraph 20, cited by the Examiner does not teach this feature. Appeal Br. 14–15. Further, Appellant argues that the Examiner did not provide sufficient rationale to combine the references. Appeal Br. 15.

The Examiner, in response to Appellant’s arguments identifies that the claimed “tradeable price” is interpreted in light of the Specification as being “a minimum bid price or maximum offer price.” Ans. 12 (citing Specification ¶ 48). And, the Examiner finds that Sundaram teaches a match engine that meets the disputed limitation. Ans. 12–13 (citing Sundaram ¶ 20). Based upon this interpretation of the claim term and the teachings of Sundaram, the Examiner concludes:

The teaching “a match engine module is included to match bid and offer prices” teaches the BRI of “a tradeable price level” as required by the claim. The bid/offer price of a tradeable instrument as taught by Sundaram and its comparing of prices of the corresponding trade sides in order to match trades for execution teaches Appellant's limitation.

Ans. 13. Further, with respect to Appellant's arguments concerning rationale to combine the references the Examiner states:

Sundaram teaches a majority of the limitations. Sundaram teaches a single memory for storing information instead of discreet 1st, 2nd, and 3rd memories. Examiner states that the reference Janiszewski teaches a partitioned memory for storing various portions of a program in paragraph [0030]. Examiner then provides a rationale for combining references (as noted in KSR) the motivation is that Appellant's claims are merely a combination of old elements as taught by the prior art, and in the combination each element would have performed same function as it did separately. Examiner noted that one of ordinary skill in the art would have recognized that the results of the combination were predictable. Examiner provide additional motivation to combine which includes having data stored in separate memories can increase the security of the underlying data.

Ans. 14.

We concur with the Examiner's claim interpretation and finding that Sundaram's match engine which matches bid and offer prices meets the claimed comparing a new order to a tradable price. We are not persuaded of error by Appellant's statement in the Reply Brief that the Examiner disregards the term “tradable” as “many offers have price levels below the lowest bid.” Reply Br. 5–6. The Examiner's interpretation of the term “tradable price” is supported by Appellant's Specification, therefore we

consider it to be a reasonable interpretation. *See* Specification ¶ 48. Further, Appellant’s arguments concerning the Examiner’s rationale to combine being in error “the office merely discussed modifying the prior art to create acceptable trade templates and never provides any rationale or motivation for modifying the prior art to incorporate the tradable price levels” is not persuasive of error. The Examiner found that the use of templates and price levels are taught by Sundaram and merely modified this teaching to use multiple memories. Thus, Appellant’s argument does not address the Examiner’s finding of obviousness. Further, the Examiner has provided two rationales for combining the references, neither of which is addressed by Appellant’s arguments. Thus, Appellant’s arguments have not persuaded us of error in the Examiner’s obviousness rejection of representative claim 11, and claims 13 through 17 grouped with claim 11.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
11, 13–17	101	Eligibility	11, 13–17	
11, 13–17	103(a)	Sundaram, Janiszewski	11, 13–17	
Overall Outcome			11, 13–17	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

Appeal 2019-001400
Application 14/030,639

AFFIRMED