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ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER	
SHRESTHA, BIJENDRA K	
ART UNIT	PAPER NUMBER
3691	

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentpto@ssjr.com

Office Action Summary	Application No. 12/403,826	Applicant(s) WHITMYER,, WESLEY W.	
	Examiner BIJENDRA K. SHRESTHA	Art Unit 3691	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/19/2013*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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.

Disposition of Claims*

5)☒ Claim(s) *19,23 and 29-46* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *19,23 and 29-46* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 11/19/2013, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/ALEXANDER KALINOWSKI/

Supervisory Patent Examiner, Art Unit 3691

The present application is being examined under the pre-AIA first to invent provisions.

Claims 19, 23 and 29-46 are presented for examination. Applicant filed an Appeal Brief on 11/19/2013. Examiner came across a critical intervening reference while doing updated search for determining possibility of allowing the application. Examiner discussed the reference with the applicant during a telephone interview on 01/13/2014 and the Applicant proposed amendments to claims on 01/16/2014 for placing the application into the condition of allowance. Examiner determined that the amendments would not place the application to a condition of allowance as per cited prior art of records and the intervening reference. New ground of rejections of claims based on the searched intervening reference has been established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of pre-AIA 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 such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. *Claims 19, 23 and 29-41 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Arena et al., U.S. Pub No. 2002/0174045 (reference A in attached PTO-892) in view of Gardener et al., U.S. Pub No. 2010/0088210 (reference B in attached PTO-892) and of Peterson et al., U.S. Patent No. 7,860,774 (reference C in attached PTO-892) further in view of Squyres, U.S. Patent No. 7,418,419 (reference D in attached PTO-892) and Ivanov et al., U.S. Pub No. 2005/0010516 (reference E in attached PTO-892).*

4. As per claim 19, Arena et al. teach a method for determining and balancing actual asset allocation, comprising the steps of:

receiving, via software executing on a processor, asset data pertaining to a plurality of assets owned by a client from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 3, Step 310: paragraph [0092-0093]; Fig. 2, Variable Annuity (110), Mutual Funds (120); paragraph [0078-0079]; where plurality asset owned by client in the variable annuity and mutual investment in specific amount from different financial institution is specified), wherein at least a portion of the assets are divisible

assets and at least one of the divisible assets is a mutual fund (see Fig. 4, paragraph [0061-0064]);

receiving, via software executing on the processor, a desired asset allocation from the client (see Fig. 2, Model 250: paragraph [0078, 0088]; where desired Composite Asset Allocation Model (CAAM) is receive from client or investor which is 50% Stock and 50% Bond);

parsing, via software executing on the processor, the asset data of each divisible asset one or more times until each of a plurality of indivisible component assets comprised in the plurality of assets is identified (see Fig. 3, Steps 340 ->Step 370: paragraph [0097-0098]), wherein at least one of the component assets of the mutual fund is an individual security (see Fig. 4, Fund-Level Allocations: paragraph [0062]; where particular mutual fund is identified);

assigning an asset type to each component asset (see Fig. 4; where Asset types are Stock, Bonds, Cash, Money Market, Cash and Mutual Funds (Fund-level Allocation) which further subdivided such as Stock as Small Cap, Aggressive, Growth, Growth and Income and Foreign).

calculating, via software executing on the processor, an actual asset allocation of the component assets among two or more asset types (see Fig. 2, paragraph [0078]; where Variable Annuity (110) as (70% Stock and 30% Bond) and Mutual Funds (120) as (60% Stock and 40% Bond) as actual asset allocation);

comparing, via software executing on the processor, the actual allocation to the

desired asset allocation to determine a match (see Fig. 3, Step 330: paragraph [0094-0095]);

generating, via software executing on the processor, data indicative of at least one of the plurality of assets owned by the client to trade, if the actual asset allocation differs from the desired asset allocation received from the client, to rebalance the allocation of the plurality of assets (see Fig. 3, Step 340: paragraph [0097-0098]; where plurality asset for transaction are identified rebalance the asset allocation); and

generating, via software executing on the processor, data indicative of at least one account in which to execute the trade, if the actual asset allocation differs from the desired asset allocation received from the client, based on a comparison of at least one of account types and trade fees for the plurality of accounts at the plurality of institutions (see Fig. 2: paragraph [0079] and Fig. 3, Step 380: paragraph [0091 and 0099]; where variable annuity account is selected rather than pure mutual fund account because of lower transaction cost in rebalancing investor composite assets).

Gardner et al. also teach data pertaining to from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 7; where portfolio containing plurality accounts such as IRA, Roth IRA, 401K, Brokerage, Steve/Mary/Johnny Education accounts from plurality of financial institutions are displayed on VIEW by: Accounts); and generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client (see Fig. 7 and 8, paragraph [0097-0098]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include data pertaining to from a plurality of accounts and **a** plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client ; and generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client of Arena et al. because Gardner et al. teach including above features would enable to provide one platform that conveys financial information from a variety of accounts held at several different financial institutions (Gardner et al., abstract).

Paterson et al. also teach assigning an asset type to each component asset (see Fig. 3, Table 314); receiving asset data pertaining to amounts of each of a plurality of assets owned by a client, wherein at least a portion of the assets are divisible assets (see Fig. 19C and 19D); receiving a desired asset allocation from the client (see Fig. 19E); and comparing the actual asset allocation to the desired asset allocation (see Fig. 19B) and reporting to the client (see 19A); and parsing the asset data of each of the divisible assets into amounts of two or more component assets, wherein at least one of the component asset is an indivisible asset (see Fig. 3, Individual Equities (352), Index Funds (352); where portfolio allocation include Large Cap, Small Cap, International and Fixed Income by asset class and each asset class, e.g. include divisible asset such as mutual funds and indivisible asset such as individual securities (see Fig 10A, Individual Equities (1010): JNU, IBM) which is parsed by system to provide specific recommendation to purchase or sell specific assets for a client's portfolio (see abstract).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include assigning an asset type to each component asset; receiving asset data pertaining to amounts of each of a plurality of assets owned by a client, wherein at least a portion of the assets are divisible assets; receiving a desired asset allocation from the client; and comparing the actual asset allocation to the desired asset allocation ; and reporting to the client; and parsing the asset data of each of the divisible assets into amounts of two or more component assets, wherein at least one of the component asset is an indivisible asset of Arena et al. because Peterson et al. teach including above features would enable to provide specific recommendation to purchase or sell specific assets for a client's portfolio (Peterson et al., abstract).

Squyres teaches at least one of the component assets of the mutual fund is an individual security (Squyres, see Fig. 1, Sets1070, 1080; Fig. 2, Stock, 2020 (a…r); column 8, lines 1-54; column 9, lines 54-67; Fig. 3, column 15, lines 61-65; a mutual funds with holdings of plurality of indivisible stock holding is parsed and accessed using CUSIP number by the Fund System 3022).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include at least one of the component assets of the mutual fund is an individual security of Arena et al. because Squyres teaches including above features would enable to evaluate performance of a mutual fund using fundamental data based on the individual stocks within the portfolio (Squyres, column 2, lines 26-33).

Ivanov et al. also teach generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client,

wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade (see Fig. 14 and 15, paragraph [0079]; where buy and sell transactions are recommended to bring the portfolio to proper balance) such asset based on a comparison of *at least one of* account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions (Ivanov et al., paragraph [0092-0094]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client, wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade such asset based on a comparison of at least one of account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions of Arena et al. because Ivanov et al. teach including above features would enable to restore the portfolio mix to appropriate percentage consistent with the investor's asset allocation strategy (Ivanov et al., paragraph [0007]).

23. As per claim 23, The method according to claim 19, further comprising the step of:

determining and displaying to the client, via software executing on the processor, a total value of the plurality of assets and a change in the total value (see Fig. 3, Step 330 -> 340 or 390; paragraph [0090, 0093]).

Gardner et al. also teach determining and displaying to the client, via software executing on the processor, a total value of the plurality of assets and a change in the total value over a particular time period (see Fig. 7 and 8, paragraph [0097-0098]).

Ivanov et al. also teach calculating and displaying to the client a total value of the plurality of assets and a change in the total value and an actual return on investments over a particular time period, wherein the time period is a one of a preceding week, a preceding month, and a preceding year (Ivanov et al., Fig. 20, Time Horizon, Redraw Chart).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include calculating and displaying to the client a total value of the plurality of assets and a change in the total value and an actual return on investments over a particular time period, wherein the time period is a one of a preceding week, a preceding month, and a preceding year of Arena et al. because Ivanov et al. teach including above features would enable client to monitor the performance of the portfolio (Ivanov et al., paragraph [0087]).

5. As per claim 29, Arena et al. teach a system for determining and balancing actual asset allocation as described above. Arena et al. further teach the system, comprising:

a server (see Fig. 5, Web server (15));

software executing on said server (see paragraph [0109]) for receiving asset data from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 3, Step

310: paragraph [0092-0093]; Fig. 2, Variable Annuity (110), Mutual Funds (120); paragraph [0078-0079]; where plurality asset owned by client in the variable annuity and mutual investment in specific amount from different financial institution is specified), wherein at least a portion of the assets are divisible assets (see Fig. 4, paragraph [0061-0064]);

software executing on said server receiving a desired asset allocation from the client (see Fig. 2, Model 250: paragraph [0078, 0088]; where desired Composite Asset Allocation Model (CAAM) is receive from client or investor which is 50% Stock and 50% Bond);

software executing on said server for parsing the asset data of each of the divisible assets into amounts of component assets (see Fig. 3, Steps 340 ->Step 370: paragraph [0097-0098]),

wherein at least one of the divisible assets is a mutual fund and at least one of the component assets of the mutual fund is an individual security (see Fig. 4, Fund-Level Allocations: paragraph [0062, 0064]; where particular mutual fund is identified);

software executing on said server for generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client (see Fig. 2, Variable Annuity (110) and Mutual Funds (120) -> Fig. 3, Step 310; paragraph [0090, 0093]);

software executing on said server for calculating at least a partial actual asset

allocation from the amounts and asset types of the assets and the component assets (see Fig. 2, Variable Annuity (110) -> Stock (70%) and Bond (30%) to Variable Annuity (260) -> Stock (40%) and Bond (60%)); and

software executing on said server for comparing account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions (see paragraph [0079-0085, 0091]; where tax efficiency, trade fees and fee recovery is evaluated prior to reallocating asset for rebalancing from variable annuity account or mutual funds accounts), and

generating data indicative of at least one account in which to execute the trade, if the actual asset allocation differs from the desired asset allocation received from the client, based on the comparison of at least one of account types and trade fees for the plurality of accounts at the plurality of institutions (see Fig. 2: paragraph [0079] and Fig. 3, Step 380: paragraph [0091 and 0099]; where variable annuity account is selected rather than pure mutual fund account because of lower transaction cost in rebalancing investor composite assets).

Gardner et al. also teach data pertaining to from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 7; where portfolio containing plurality accounts such as IRA, Roth IRA, 401K, Brokerage, Steve/Mary/Johnny Education accounts from plurality of financial institutions are displayed on VIEW by: Accounts); and generating at least one visual display accessible by the client and displaying at

least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client (see Fig. 7 and 8, paragraph [0097-0098]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include data pertaining to from a plurality of accounts and **a** plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client ; and generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client of Arena et al. because Gardner et al. teach including above features would enable to provide one platform that conveys financial information from a variety of accounts held at several different financial institutions (Gardner et al., abstract).

Paterson et al. also teach assigning an asset type to each component asset (see Fig. 3, Table 314); receiving asset data pertaining to amounts of each of a plurality of assets owned by a client, wherein at least a portion of the assets are divisible assets (see Fig. 19C and 19D); receiving a desired asset allocation from the client (see Fig. 19E); and comparing the actual asset allocation to the desired asset allocation (see Fig. 19B) and reporting to the client (see 19A); and parsing the asset data of each of the divisible assets into amounts of two or more component assets, wherein at least one of the component asset is an indivisible asset (see Fig. 3, Individual Equities (352), Index Funds (352); where portfolio allocation include Large Cap, Small Cap, International and Fixed Income by asset class and each asset class, e.g. include divisible asset such as mutual funds and indivisible asset such as individual securities (see Fig 10A, Individual

Equities (1010): JNU, IBM) which is parsed by system to provide specific recommendation to purchase or sell specific assets for a client's portfolio (see abstract).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include assigning an asset type to each component asset; receiving asset data pertaining to amounts of each of a plurality of assets owned by a client, wherein at least a portion of the assets are divisible assets; receiving a desired asset allocation from the client; and comparing the actual asset allocation to the desired asset allocation ; and reporting to the client; and parsing the asset data of each of the divisible assets into amounts of two or more component assets, wherein at least one of the component asset is an indivisible asset of Arena et al. because Peterson et al. teach including above features would enable to provide specific recommendation to purchase or sell specific assets for a client's portfolio (Peterson et al., abstract).

Squyres teaches at least one of the component assets of the mutual fund is an individual security (Squyres, see Fig. 1, Sets1070, 1080; Fig. 2, Stock, 2020 (a…r); column 8, lines 1-54; column 9, lines 54-67; Fig. 3, column 15, lines 61-65; a mutual funds with holdings of plurality of indivisible stock holding is parsed and accessed using CUSIP number by the Fund System 3022).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include at least one of the component assets of the mutual fund is an individual security of Arena et al. because Squyres teaches including above features would enable to evaluate performance of a mutual fund using fundamental data based on the individual stocks within the portfolio (Squyres, column 2, lines 26-33).

Ivanov et al. also teach generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client, wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade (see Fig. 14 and 15, paragraph [0079]; where buy and sell transactions are recommended to bring the portfolio to proper balance) such asset based on a comparison of *at least one of* account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions (Ivanov et al., paragraph [0092-0094]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client, wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade such asset based on a comparison of at least one of account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions of Arena et al. because Ivanov et al. teach including above features would enable to restore the portfolio mix to appropriate percentage consistent with the investor's asset allocation strategy (Ivanov et al., paragraph [0007]).

6. As per claim 30, Arena et al. teach claim 29 as described above. Arena et al. further teach the system comprising:

a database of component asset data records, each of the component asset

records including an asset type (see Fig. 5, Memory (11): paragraph [0107]; where memory stores investment data, account information, CAAMs, asset information, allocation of investor assets as described in Fig. 4: paragraph [0061-0064]); and

software executing on said server for returning from the database the asset type for each of the component assets owned by the client (see Fig. 2).

7. As per claim 31, Arena et al. teach claim 29 as described above. Arena et al. further teach the system, wherein

the trade recommendation data further includes data indicative of at least one of the asset types to trade (see paragraph [0083, 0101 and 0102]).

8. As per claim 32, Arena et al. teach claim 29 as described above. Arena et al. further teach the system, wherein

said software for parsing the asset data receives holdings data from a database accessible to said server to identify the component assets comprised in the divisible assets (see Fig. 3, Determining Alternative Asset For Achieving Rebalance (340), Next Alternative (370)).

9. As per claim 33, Arena et al. teach claim 29 as described above. Arena et al. further teach the system, wherein

said software for parsing the asset data parses the asset data at least two times until only indivisible assets comprised in the plurality of assets remain (see Fig. 3, For Each Alternate (350), Next Alternate (370): paragraph [0097]; where alternate assets are assets within the variable annuity account or mutual funds accounts).

10. As per claim 34, Arena et al. teach claim 29 as described above. Arena et al. further teach the system comprising:

software executing on said server for receiving data indicative of the account type pertaining to each of the plurality of accounts (see Fig. 2, Variable Annuity Account (110), Mutual Fund Account (120): paragraph [0078, 0097]).

35. As per claim 35, Arena et al. teach claim 34 as described above. Arena et al. further teach the system, wherein

the data indicative of the account type identifies each account as at least one of a brokerage account, a managed account, a checking account, a savings account, a certificate of deposit account, and a retirement account (see paragraph [0078]; where variable annuity account is a retirement account and the mutual funds account can be brokerage account/investment account but not a retirement account).

11. As per claim 36, Arena et al. teach claim 29 as described above. Arena et al. further teach the system, wherein

the plurality of assets include at least one of stocks, mutual funds, bonds, real estate, and cash (see Fig. 2: paragraph [0046, 0078]).

12. As per claim 37-41, Arena et al. teach claim 29 as described above. Arena et al. further teach the system, wherein

the visual display further displays to the client a the total value (see paragraph [0090, 0093]); the display includes a visual comparison of the actual asset allocation to the desired asset allocation (see Fig. 2, Model (25), Variable Annuity (110), Mutual Funds (120)); and the visual display selectively displays each of the component assets

comprised in at least one of the divisible assets owned by the client (see Fig. 2: Variable Annuity (110) – Stock (70%), Bond (30%): Mutual Funds (120) – Stock (60%), Bond (40%)).

Arena et al. do not teach does not teach the visual display displays to the client a change in the total value over a particular time period; calculates and displays an actual return on investments over the particular time period; the time period is a one of a preceding week, a preceding month, and a preceding year; and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client.

Gardner et al. teach the visual display displays to the client a change in the total value over a particular time period (see Fig. 7); calculates and displays an actual return on investments over the particular time period (see Fig. 8); the time period is a **one of** a preceding week, a preceding month, and a preceding year (see Fig. 8); the display includes a visual comparison of the actual asset allocation to the desired asset allocation (see Fig. 9); and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client (see Fig. 16 and 17).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the visual display displays to the client a change in the total value over a particular time period; calculates and displays an actual return on investments over the particular time period; the time period is a one of a preceding week, a preceding month, and a preceding year; the display includes a visual

comparison of the actual asset allocation to the desired asset allocation; and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client of Arena et al. because Gardner et al. teach including above features would enable to provide one platform that conveys financial information from a variety of accounts held at several different financial institutions (Gardner et al., abstract).

13. *Claims 42-46 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Arena et al., U.S. Pub No. 2002/0174045 (reference A in attached PTO-892) in view of Gardener et al., U.S. Pub No. 2010/0088210 (reference B in attached PTO-892) further in view of Ivanov et al., U.S. Pub No. 2005/0010516 (reference D in attached PTO-892).*

14. As per claim 42, Arena et al. teach a system for determining and balancing actual asset allocation, comprising:

a server (see Fig. 5, Web server (15));

software executing on said server (see paragraph [0109]) for receiving asset data from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 3, Step 310: paragraph [0092-0093]; Fig. 2, Variable Annuity (110), Mutual Funds (120); paragraph [0078-0079]; where plurality asset owned by client in the variable annuity and mutual investment in specific amount from different financial institution is specified);

software executing on said server for receiving a desired asset allocation from

the client (see Fig. 2, Model 250: paragraph [0078, 0088]; where desired Composite Asset Allocation Model (CAAM) is receive from client or investor which is 50% Stock and 50% Bond);

software executing on said server for generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client (see Fig. 2, Variable Annuity (110) and Mutual Funds (120) -> Fig. 3, Step 310; paragraph [0090, 0093]);

software executing on said server for calculating at least a partial actual asset allocation from the amounts and asset types of the assets (see Fig. 2, Variable Annuity (110) -> Stock (70%) and Bond (30%) to Variable Annuity (260) -> Stock (40%) and Bond (60%)); and

software executing on said server for generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client (see paragraph [0083, 0101 and 0102]), wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade such asset based on a comparison of at least one of account types and trade fees for the plurality of accounts at the plurality of institutions (see Fig. 2: paragraph [0078-0079] and Fig. 3, Step 380: paragraph [0091 and 0099]; where variable annuity account is selected rather than pure mutual fund account because of lower transaction cost in rebalancing investor composite assets).

Gardner et al. teach data pertaining to from a plurality of accounts and a plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client (see Fig. 7; where portfolio containing plurality accounts such as IRA, Roth IRA, 401K, Brokerage, Steve/Mary/Johnny Education accounts from plurality of financial institutions are displayed on VIEW by: Accounts); and generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client (see Fig. 7 and 8, paragraph [0097-0098]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include data pertaining to from a plurality of accounts and **a** plurality of financial institutions, the asset data pertaining to amounts of each of a plurality of assets owned by a client ; and generating at least one visual display accessible by the client and displaying at least a portion of the asset data associated with the client and a total value of the plurality of assets owned by a client of Arena et al. because Gardner et al. teach including above features would enable to provide one platform that conveys financial information from a variety of accounts held at several different financial institutions (Gardner et al., abstract).

Ivanov et al. also teach generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client, wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade (see Fig. 14 and 15, paragraph [0079]; where buy and sell transactions are recommended to bring the portfolio to proper

balance) such asset based on a comparison of *at least one of* account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions (Ivanov et al., paragraph [0092-0094]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include generating trade recommendation data if the calculated actual asset allocation differs from the desired asset allocation received from the client, wherein the trade recommendation data includes data indicative of at least one asset to trade and at least one account in which to trade such asset based on a comparison of at least one of account types, trade fees, and tax implications for the plurality of accounts at the plurality of institutions of Arena et al. because Ivanov et al. teach including above features would enable to restore the portfolio mix to appropriate percentage consistent with the investor's asset allocation strategy (Ivanov et al., paragraph [0007]).

15. As per claim 43-46, Arena et al. teach claim 42 as described above. Arena et al. further teach the system, wherein

the display includes a visual comparison of the actual asset allocation to the desired asset allocation (see Fig. 2, Model (25), Variable Annuity (110), Mutual Funds (120)); and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client (see Fig. 2: Variable Annuity (110) – Stock (70%), Bond (30%): Mutual Funds (120) – Stock (60%), Bond (40%)).

Arena et al. do not calculates and displays an actual return on investments over the particular time period upon receiving user selection of the particular time period from

the client; the time period is a one of a preceding week, a preceding month, and a preceding year; and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client.

Gardner et al. teach calculates and displays an actual return on investments over the particular time period upon receiving user selection of the particular time period from the client (see Fig. 8); the time period is a **one of** a preceding week, a preceding month, and a preceding year (see Fig. 8); and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client (see Fig. 16 and 17).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include calculates and displays an actual return on investments over the particular time period upon receiving user selection of the particular time period from the client; the time period is a one of a preceding week, a preceding month, and a preceding year; and the visual display selectively displays each of the component assets comprised in at least one of the divisible assets owned by the client upon receiving user selection from the client of Arena et al. because Gardner et al. teach including above features would enable to provide one platform that conveys financial information from a variety of accounts held at several different financial institutions (Gardner et al., abstract).

Response to Arguments

16. New ground of rejections of claims based on the searched intervening reference has been established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Accordingly, this action is made **Non-Final**.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Arena et al. (U.S. Pub No. 2010/0318473) teach cost effective dynamic allocation of assets among a plurality of investments.

Bruckenstein, Joel P. (Morningstar Advisor) teaches quick and easy portfolio rebalancing.

Abidi et al. (U.S. Pub No. 2010/0318473) teach personalized financial illustration, guidance, advisory system for reference-date dependent investments.

Devries et al. (U.S. Pub No. 2007/0282759) teach method of reporting and analyzing financial and investment data and information.

Dundas et al. (U. S. Pub No. 2005/0171883) teach method and system for asset allocation.

Erlach et al. (U.S. Pub No. 2005/0080704) teach asset analysis according to the required yield method.

Farrow (U.S. Pub No. 2006/0010053) teaches asset allocation based system for individual investor portfolio selection.

Howard et al. (U.S. Patent No. 7,734,526) teach investment classification and tracking system.

Kim et al. (U.S. Pub No. 2002/0062272) teach personalized investment consulting system implemented on network and method for the same.

Staub (U.S. Pub No. 2011/0289018) teaches tax sensitive investment portfolio management.

TD Waterhouse Institutional Services (Advisor News, March 2006) teaches a new tool for portfolio rebalancing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/BIJENDRA K. SHRESTHA/
Primary Examiner, Art Unit 3691
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