Paper No.	
Filed: September 3,	2014

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
TD AMERITRADE HOLDING CORP., TD AMERITRADE, INC. AND TD AMERITRADE ONLINE HOLDINGS CORP. Petitioners
v.
TRADING TECHNOLOGIES INTERNATIONAL, INC., Patent Owner
Case CBM2014-00136 Patent 6 766 304

Patent Owner's Preliminary Response



TABLE OF CONTENTS

I.	PRE	PRELIMINARY STATEMENT 1		
	Α.	The Patented Technology		4
		1.	Technical Problems with the Prior Art	5
		2.	The Inventors Created New Technology That Provides Imp Accuracy While Maintaining Speed	
		3.	The Claims Recite the Technical Elements of the Inventive	
		4.	The Prosecution History Confirms that the Patent's Novelty GUI Technology, Not Conducting a Trade	
II.	ASP	ECT (HOULD NOT BE INSTITUTED BECAUSE THE INVENT OF THE CLAIMS DO NOT INVOLVE A METHOD OF BUSINESS	
	Α.	Patents to Novel GUI Tools, Even if Used in the Field of Trading, are Not within the Scope of AIA § 1828		
	В.		e Congressional Record Confirms that Patents to Novel GUIs, sed for Trading, are Not within the Scope of AIA § 18	
III.	ТО	E PETITION'S CONCLUSORY STATEMENTS ARE INSUFFICIENT SHOW THE CLAIMS ARE NOT FOR A "TECHNOLOGICAL TENTION"		
IV.	ТНІ	E CLA	IMS ARE FOR A TECHNOLOGICAL INVENTION, SO T E PROHIBITS CBM REVIEW	ГНЕ
	Α.	Tecl	Patent Is a Technological Invention in Every Way: It Solves a hnical Problem with a Technical Solution and Recites Novel an nobvious Technical Features	nd
		1.	Technical Problem: Prior Systems Required Significant Sacri of Accuracy for Speed and Vice Versa	_
		2.	The Claimed Invention Provides a Technical Solution to the Technical Problems: A New GUI Tool that Increases Accu While Maintaining Speed and Improves Visualization	racy



		3.	The Claimed Subject Matter that Solves the Above Technical Problems Using a Technical Solution Recites a Technical Feature that Is Novel and Nonobvious	
V.			TION IS UNINSTITUTABLE BECAUSE IT LACKS L FACTS NEEDED TO CONSTRUE THE CLAIMS 54	4
REQUIREMENTS FOR INSTITUTION OF ITS PR			ERS' PETITION FAILS TO SATISFY THE THRESHOLD MENTS FOR INSTITUTION OF ITS PROPOSED PRIOR ART 557	
	Α.		oners' Petition Fails to Articulate Where the "Single Action" ents of the Independent Claims Are Found in the Cited References	
		1.	Petitioners' Petition Fails to Articulate Where the "Single Action" Elements of the Independent Claims Are Found in the Cited References of the TSE Combinations	
		2.	Petitioners' Petition Fails to Articulate Where the "Single Action" Elements of the Independent Claims Are Found in the Cited References of the Silverman/Gutterman Combinations	
	В.	Petiti	oners' 35 U.S.C. § 101 Challenge is Uninstitutable64	4
VII.	NOT WHE	" TO I EN TH	ERS CANNOT SHOW THEY ARE "MORE LIKELY THAN PREVAIL ON THEIR OBVIOUSNESS GROUNDS 2-6, E SAME ARGUMENTS HAVE BEEN REJECTED DLY BY THE OFFICE AND THE COURTS6	5
37111				<i></i>



TABLE OF AUTHORITIES

	Page(s)
Cases	
KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)	57
Trading Techs. Int'l, Inc. v. eSpeed, Inc., 595 F.3d 1340 (Fed. Cir. 2010)	18, 51, 60, 64
Trading Techs. Int'l, Inc. v. Open E Cry, LLC, 728 F.3d 1309 (Fed. Cir. 2013)	4
Statutes	
35 U.S.C. § 101	64
35 U.S.C. § 103(a)	57
35 U.S.C. § 322	54-58
35 U.S.C. § 324(a)	56
35 U.S.C. § 325(d)	64
AIA § 18	1, 28, 33
Rules	
37 C.F.R. § 42.22(a)(2)	57
37 C.F.R. § 42.301	42
37 C.F.R. § 42.304(b)(4)	54, 57, 58
Other Authorities	
77 Fed. Reg. 48620 (Aug. 14, 2012)	57
Agilysys, Inc. v. Ameranth, Inc., CBM2014-00015, Paper 20 (Mar. 26, 2014)	3. 32



Experian Mktg Solutions, Inc. v. Rpost Comme'ns Ltd.,	
CBM2014-00064, Paper 13 (July 31, 2014)	1



DOCKET A L A R M

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

