

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC., and  
TD AMERITRADE ONLINE HOLDINGS CORP.,  
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner

---

Case CBM2014-00137  
Patent 7,685,055

---

**PETITIONERS' REPLY  
TO PATENT OWNER'S RESPONSE**

*Mail Stop "PATENT BOARD"*  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TABLE OF CONTENTS**

I. Introduction..... 1

II. TT’s claims are ineligible for patenting ..... 1

    A. The claims are directed to the abstract idea of repositioning market information on a GUI (Step 1) ..... 3

    B. The claims do not recite an inventive concept (Step 2) ..... 5

    C. The claims preempt the abstract idea of repositioning market data on a GUI..... 7

    D. The cases cited by TT do not stand for the proposition that overcoming computer problems confers patent eligibility ..... 8

III. Claims 1-15 and 17-19 are obvious..... 11

    A. TSE is an accurately translated prior-art publication, properly supported by affidavits of accuracy ..... 11

        1. The evidence of record shows that TSE is a prior-art publication ..... 12

        2. TD Ameritrade properly filed affidavits of accuracy supporting the TSE translation..... 13

        3. The TSE translation is accurate and understandable in general ..... 16

    B. TT’s arguments regarding the repositioning step fail because TD Ameritrade’s TSE translation and TT’s TSE translation disclose the same information..... 17

    C. TSE teaches the adjusting price levels step..... 20

        1. The adjusting step may be performed before the displaying step, which is taught by TSE..... 21

2. TSE teaches performing the displaying step before the adjusting step because the claims do not rule out performing intervening unrecited steps.....22

IV. The Board has jurisdiction over this proceeding.....23

V. Mr. Rho’s testimony is credible .....24

VI. Conclusion .....25

**TABLE OF AUTHORITIES**

**Cases**

*Alice Corp. Pty. Ltd. v. CLS Bank Int’l*,  
134 S.Ct. 2347 (2014)..... passim

*Altiris, Inc. v. Symantec Corp.*,  
318 F. 3d 1363 (Fed. Cir. 2003) .....22

*Bilski v. Kappos*,  
561 U.S. 593 (2010).....5

*Bloomberg, et al. v. Markets-Alert*,  
CBM2013-00005, Paper 18 (P.T.A.B. March 29, 2013) .....24

*CyberSource Corp. v. Retail Decisions*,  
654 F.3d 1366 (Fed. Cir. 2011) .....4

*DDR Holdings v. Hotels.com, et al.*,  
773 F.3d 1245 (Fed. Cir. 2014) .....8, 9

*Digitech Image Techs. v. Electronics for Imaging*,  
758 F.3d 1344 (Fed. Cir. 2014) .....5

*Exxon Mobil Corp. v. Allapattah Servs., Inc.*,  
545 U.S. 546 (2005).....24

*Gottschalk v. Benson*,  
409 U.S. 63 (1972).....2

*Gottshalk v. Benson*,  
409 U.S. 63 (1972).....8

*Handiquilter v. Bernina Int’l*,  
IPR2013-00364, Paper 10 (P.T.A.B. Sep. 13, 2013) .....15

*Int’l Sec. Exch. v. Chicago Bd. Options Exch., Inc.*,  
CBM2013-00049, Paper 53 (P.T.A.B., March 2, 2015) .....6

*Intellectual Ventures I v. Mfrs. & Traders Trust Co.*,  
2014 WL 7215193 (D. Del. Dec. 18, 2014) .....10

*Intellectual Ventures v. Capital One Financial Corp.*,  
2014 WL 1513273 (E.D. Va. April 16, 2014).....10

*Interactive Gift Express v. Compuserve Inc.*,  
256 F.3d 1323 (Fed. Cir. 2001) .....21

*Mayo Collaborative Svcs. v. Prometheus Labs.*,  
132 S. Ct. 1289 (2012)..... 1, 2, 7, 8

*Medtronic v. Nuvasive*,  
IPR2014-00074, Paper 14 (P.T.A.B. Apr. 1, 2014) .....14

*Mendenhall v. Cedarapids, Inc.*,  
5 F.3d 1557 (Fed. Cir. 1993) .....13

*OpenTV, Inc. v. Netflix Inc.*,  
2014 WL 7185921 (N.D. Cal. Dec. 16, 2014) .....11

*SEB S.A. v. Montgomery Ward & Co.*,  
594 F.3d 1360 (Fed. Cir. 2010) .....25

*Smartflash, LLC, et al. v. Apple, Inc., et al.*,  
No. 6:13-cv-447-JRG-KNM (E.D. TX. Jan. 21, 2015).....11

*Stevenson v. Sears, Roebuck & Co.*,  
713 F.2d 705 (Fed. Cir. 1983) .....13

*Teva Neuroscience v. Watson Pharm.*,  
2013 WL 1966048 (D.N.J. May 10, 2013).....25

*Toyota Motor Corp. v. Am. Vehicular Sci.*,  
IPR2013-00417, Paper 13 (P.T.A.B. Dec. 5, 2013) .....15

*Trading Technologies International, Inc. v. CQG, Inc., et al.*,  
No. 1:05-cv-04811 (N.D. Ill. Feb. 24, 2015)..... 9, 10

*TSMC v. DSS Tech. Mgmt.*,  
IPR2014-01030, Paper 11 (P.T.A.B. Feb. 3, 2015) .....14

*Ultramercial, LLC, et al. v. Hulu, LLC*,  
772 F.3d 709 (Fed. Cir. 2014) .....3, 9

# 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.