

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.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2014-00137
Patent No. 7,685,055 B2

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
PHILIP J. HOFFMANN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION

Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

A. Background

TD Ameritrade Holding Corp., TD Ameritrade, Inc., and TD Ameritrade Online Holdings Corp. (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) on May 19, 2014, that requests review under the transitional program for covered business method patents of U.S. Patent No. 7,685,055 B2 (Ex. 1001, “the ’055 patent”). Trading Technologies International, Inc. (“Patent Owner”) filed a Preliminary Response on September 3, 2014. Paper 17 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted “unless . . . the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

Petitioner challenges the patentability of claims 1–19 (“the challenged claims”) of the ’055 patent under 35 U.S.C. §§ 101, 103. We determine that the Petition demonstrates that it is more likely than not that the challenged claims 1–19 are unpatentable, and we institute a covered business method patent review of claims 1–19 of the ’055 patent.

B. Related Matters

Petitioner and Patent Owner identify numerous related U.S. District Court cases. Pet. 2–3; Paper 7, 2–5.

Patent Owner also states that related U.S. Patent No. 7,676,411 is the subject of *TD Ameritrade Holding Corp. v. Trading Technologies Internatioanl, Inc.*, Case CBM2014-00133 (PTAB); that related U.S. Patent No. 6,772,132 is the subject of *TD Ameritrade Holding Corp. v. Trading*

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Technologies International, Inc., Case CBM2014-00135 (PTAB); and that related U.S. Patent No. 6,766,304 is the subject of *TD Ameritrade Holding Corp. v. Trading Technologies International, Inc.*, Case CBM2014-00136 (PTAB). Paper 7, 5. Patent Owner further states that related U.S. Patent No. 6,766,304 was the subject of Reexamination, Control No. 90/008,577; and related U.S. Patent No. 6,772,132 was the subject of Reexamination, Control No. 90/008,576 and Reexamination, Control No. 90/011,250. *Id.*

Related U.S. Patent No. 7,533,056 is the subject of CBM2014-00131 (PTAB).

C. The '055 Patent (Ex. 1001)

The '055 patent is titled "System and Method for Automatic Repositioning of Market Information in a Graphical User Interface," and issued March 23, 2010, from Application No. 11/417,547 filed May 3, 2006. Ex. 1001, 1. The '055 patent discloses a graphical user interface ("GUI") displaying information related to a commodity and a method of automatically repositioning the information. *Id.* at Abstract. The '055 patent's Figure 16A is reproduced below.

FIG. 16A

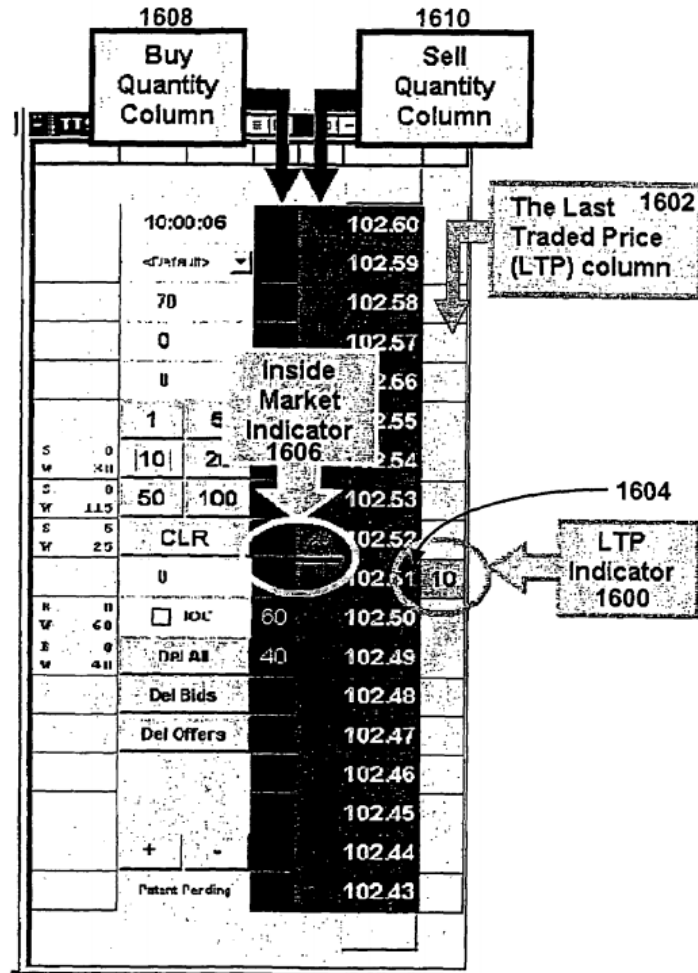


Fig. 16A depicts the GUI of the '055 patent

The GUI includes a plurality of columns, including a static price axis, which includes a plurality of price values for the commodity, such as “102.60.” *Id.* at Fig. 16A; col. 7, l. 67–col. 8, l. 18.

Columns 1608 and 1610 are aligned with the static price axis and dynamically display buy (i.e., bid) quantities and sell (i.e., ask) quantities, respectively, for the corresponding price values of the static price axis. *Id.* at Fig. 16A; col. 26, ll. 10–11. Column 1602 displays the last traded price (“LTP”), and the inside market (i.e., the highest buy price and lowest sell

price at which there is quantity currently in the market) is marked with inside market indicator 1606, which is a solid line spanning columns 1608 and 1610. *Id.* at Fig. 16A; col. 26, ll. 3–14.

The GUI can re-position a designated item of interest, such as the LTP or inside market indicator, in the display. *Id.* at col. 26, ll. 4–45. For example, if the LTP or inside market moves a designated number of cells away from the top or bottom of the display screen, the display, including the static price axis, is repositioned so that LTP or inside market is centered on the display. *See id.* Manual re-positioning can also be used in conjunction with automatic re-positioning. *Id.* at col. 26, ll. 33–37.

Claim 1 of the '055 patent is illustrative of the challenged claims and is reproduced below:

1. A method for repositioning a static price axis on a graphical user interface for displaying market information of a commodity being traded at an electronic exchange, the method comprising:

receiving market information relating to a commodity from an electronic exchange via a computing device, the market information comprising an inside market with a current highest bid price and a current lowest ask price for the commodity;

displaying a first plurality of price levels along a static price axis on a graphical user interface of a display device associated with the computing device, where the first plurality of price levels range from a lowest value to a highest value along the static price axis;

in response to an input command received via an input device associated with the computing device, adjusting the first plurality price levels among a range of price levels to an adjusted plurality of price levels including the first plurality of price levels;

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