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December 18, 2014

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop PATENT BOARD

Re: Petitioners' Requests for Rehearing
U.S. Patent No. 7,676,411 // CBM2014-00133
U.S. Patent No. 6,772,132 // CBM2014-00135
U.S. Patent No. 7,685,055 // CBM2014-00137

Dear PTAB:

Due to the PRPS service outage on December 16, 2014, counsel for Petitioners in the above-captioned Covered Business Method Review proceedings were instructed by Maria Vignone, a paralegal at the USPTO, to submit filings (Requests for Rehearing) due on December 16, 2014, via e-mail to trials@uspto.gov. Counsel for Petitioners filed and served the Requests for Rehearing in the above-captioned proceedings via email on December 16, 2014, as instructed. Ms. Vignone authorized Counsel via email to file the Requests for Rehearing via PRPS on December 17, 2014, once PRPS was operational.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in blue ink, appearing to be 'RS', written over a circular stamp or watermark.

Robert E. Sokohl (Reg. No. 36,013)
Attorney for Petitioners, TD Ameritrade Holding Corp., TD Ameritrade, Inc., and TD Ameritrade Online Holdings Corp.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

**TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner**

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

PETITIONERS' REQUEST FOR REHEARING

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Table of Contents

I. Relief Requested.....1

II. Introduction.....1

III. The Board should have instituted on the asserted grounds that claim 16 is obvious over TSE and is obvious over the Silverman combination.2

 A. The Board misapprehended the scope of the “selection of a particular location” limitation.....2

 B. The Board misapprehended the Petition as relying on Gutterman *alone* to meet the limitations of claim 16, and overlooked the Petition’s arguments that the combination “GUI of Silverman and Gutterman” meets the limitations of claim 16.6

IV. Conclusion11

I. Relief Requested

Petitioners and real parties-in-interest, TD Ameritrade Holding Corp., TD Ameritrade, Inc., and TD Ameritrade Online Holdings Corp., (“TD Ameritrade”) respectfully ask the Board to reconsider its decision to not institute review of U.S. Patent No. 7,685,055 B2 (“the ’055 patent”) (Ex. 1001), owned by Trading Technologies International, Inc. (“TTI”), on the asserted grounds that claim 16 is unpatentable under 35 U.S.C. § 103 over TSE, and on the asserted ground that claim 16 is unpatentable under 35 U.S.C. § 103 over Silverman, Gutterman, and TSE.

II. Introduction

TD Ameritrade petitioned (paper 1) (“Pet.”) the Board seeking CBM Review of the ’055 patent on the following grounds:

	Claims	Ground
1	1-19	§ 101
2	1, 3, 4, 6-19	§ 103 TSE (Ex. 1007/1008)
3	2, 5	§ 103 TSE and Gutterman (Ex. 1006)
4	1-19	§ 103 Silverman (Ex. 1005), Gutterman, and TSE

Pet. at 7-8.

In its Decision (paper 19), the Board instituted Review on § 101 and § 103 of claims 1, 3, 4, 6-15, and 17-19 over TSE, and claims 2 and 5 over TSE and Gutterman. Decision 27. The Board did not, however, institute review on § 103 of

claim 16 over TSE or claims 1-19 over the Silverman combination (*i.e.*, ground 4). *Id.* TD Ameritrade therefore seeks rehearing of the Board’s decision to not institute review on the asserted ground that TSE renders claim 16 unpatentable under § 103, and on the asserted ground that the Silverman, Gutterman, and TSE renders claim 16 unpatentable under § 103.

III. The Board should have instituted on the asserted grounds that claim 16 is obvious over TSE and is obvious over the Silverman combination.

In denying review of claim 16 as obvious over TSE and over the Silverman combination, the Board misapprehended the scope of the “in response to a selection of a particular location” limitation, applying an overly-narrow interpretation that required a single action that: selects a particular location, sets a plurality of parameters for a trade order, and sends the trade order to the electronic exchange. The Board also misapprehended the asserted ground based on Silverman, Gutterman, and TSE as relying on Gutterman *alone* to meet the limitations of claim 16, and thus overlooked the Petition’s arguments that the graphical user interface (“GUI”) produced by combining Silverman and Gutterman meets the limitations of claim 16.

A. The Board misapprehended the scope of the “selection of a particular location” limitation.

Claim 16 of the ’055 patent recites, “in response to a selection of a particular location of the order entry region by a single action of a user input device, setting a

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