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

Patent No. 6,766,304

PETITION FOR COVERED BUSINESS METHOD REVIEW UNDER 35 U.S.C. § 321 and § 18 of the LEAHY-SMITH AMERICA INVENTS ACT

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

CGO EXHIBIT 1020

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Table of Contents

I. Mandatory Notices (37 C.F.R. § 42.8(a)(1)) 1

A. Real party-in-interest 1

B. Related Matters 2

C. Lead and back-up counsel with service information 3

II. Grounds for Standing (37 C.F.R. § 42.304(a)) 4

A. TD Ameritrade has standing 4

B. TD Ameritrade is not estopped or barred 4

C. The '304 Patent is a Covered Business Method 4

1. The '304 patent claims a covered business method 5

D. The '304 patent it not for a "technological invention" 5

III. Identification of Challenge (37 C.F.R. § 42.304(b)) 8

A. Statutory grounds for the challenge 8

B. Citation of Prior Art 8

IV. The '304 patent 10

A. Level of Ordinary Skill in the Art 10

B. Claim Construction 10

1. "single action" 10

2. "common static price axis" 11

3. "dynamically displaying" 12

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

4. "order book" 13

V. Grounds of Unpatentability 13

A. Ground 1: Claims 1-40 are unpatentable under 35 U.S.C. § 101 14

B. Ground 2: TSE anticipates claims 1-3, 5-9, 11-15, 20-23 and 26-40. 15

1. Overview of TSE 15

2. Prosecution History 17

3. TSE anticipates independent claims 1 and 27. 18

4. TSE anticipates claim 2. 29

5. TSE anticipates claims 3 and 9. 30

6. TSE anticipates claims 5 and 6. 30

7. TSE anticipates claim 7. 30

8. TSE anticipates claim 8. 30

9. TSE anticipates claim 11. 31

10. TSE anticipates claims 12 and 13. 32

11. TSE anticipates claim 14. 33

12. TSE anticipates claim 15. 34

13. TSE anticipates claims 20, 21, 30, and 33. 34

14. TSE anticipates claims 22 and 23. 35

15. TSE anticipates claim 26. 35

16. TSE anticipates claims 28 and 29. 35

17. TSE anticipates claims 31 and 34. 36

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

18. TSE anticipates claims 32 and 35. 37

19. TSE anticipates claim 36. 38

20. TSE anticipates claims 37-39....38

21. TSE anticipates claim 40. 39

C. Ground 3: TSE renders claims 4 and 10 obvious....39

D. Ground 4: TSE and Gutterman renders claims 16-19, 24, and 25 obvious. 40

1. TSE in view of Gutterman renders claims 16 and 17 obvious. 40

2. TSE in view of Gutterman renders claims 18 and 19 obvious .42

3. TSE in view of Gutterman renders claims 24 and 25 obvious. 42

E. Ground 5: Silverman and Gutterman renders claims 1-25 and 27-40 obvious. 43

1. Overview of Silverman and Gutterman 43

2. Prosecution history....48

3. The combination of Silverman and Gutterman 50

4. The combination of Silverman and Gutterman renders independent claims 1 and 27 obvious. 52

5. The combination of Silverman and Gutterman renders claims 2 and 8 obvious. 64

6. The combination of Silverman and Gutterman renders claims 3 and 9 obvious. 66

7. The combination of Silverman and Gutterman renders claims 4 and 10 obvious. 66

8. The combination of Silverman and Gutterman renders claims 5 and 6 obvious. 66

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

9. The combination of Silverman and Gutterman renders claim 7 obvious. 66

10. The combination of Silverman and Gutterman renders claim 11 obvious. 67

11. The combination of Silverman and Gutterman renders claims 12 and 13 obvious. 68

12. The combination of Silverman and Gutterman renders claim 14 obvious. 68

13. The combination of Silverman and Gutterman renders claim 15 obvious. 69

14. The combination of Silverman and Gutterman renders claims 16 and 17 obvious. 70

15. The combination of Silverman and Gutterman renders claims 18 and 19 obvious. 72

16. The combination of Silverman and Gutterman renders claims 20, 21, 30, and 33 obvious. 72

17. The combination of Silverman and Gutterman renders claims 22 and 23 obvious. 73

18. The combination of Silverman and Gutterman renders claim 24 obvious. 74

19. The combination of Silverman and Gutterman renders claim 25 obvious. 74

20. The combination of Silverman and Gutterman renders claims 28 and 29 obvious. 74

21. The combination of Silverman and Gutterman renders claim 31 and 34 obvious. 75

22. The combination of Silverman and Gutterman renders claims 32 and 35 obvious. 76

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.