



Steps Taken to Improve Patent Quality

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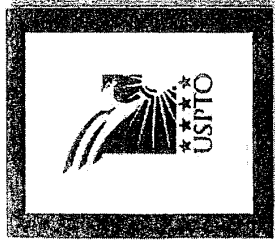
PLAINTIFF'S
TRIAL EXHIBIT
624

TRADING TECH EXHIBIT 2
TRADESTATION v. TRADING TE
CBM2015-00



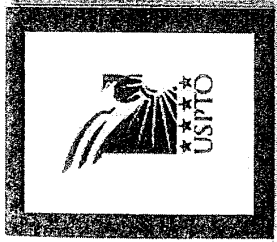
Patent Rights

- Claims define scope of invention
- Claim interpretation is a question of law, not fact
- Claims are interpreted in view of:
 - ❖ specification
 - ❖ prosecution history
- Right is to exclude others from making, using or selling the invention....



Third Party Activity

- After Pre-Grant Pub – 37 CFR 1.99
- Protest – 37 CFR 1.291
- After Grant:
 - ❖ Prior Art Citation - 37 CFR 1.501
 - ❖ Ex Parte Reexam – 37 CFR 1.510 (about 40)
 - ❖ Inter Partes Reexam – 37 CFR 1.915 (3 to 6)
 - ❖ Invalidity as a defense in litigation



Quality as internally measured

Organization	FY-99 Error Rate	FY-00 Error Rate	FY-01 Error
TC 2100	4.9%	4.5%	2.8%
TC 2600	4.3%	4.9%	4.1%
corps	5.5%	6.6%	5.4%