Paper No. ____
Filed: July 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC.,
TRADESTATION SECURITIES, INC., IBG LLC, and
INTERACTIVE BROKERS LLC,

Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

Patent Owner

Case CBM2015-00161[1]
U.S. Patent 6,766,304 B2

CORRECTED PATENT OWNER'S RESPONSE

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[1] Case CBM2016-00035 has been joined with this proceeding.

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I. PRELIMINARY STATEMENT

The claimed invention is directed to patent-eligible subject matter—the structure, make-up, and functionality of an innovative graphical user interface ("GUI") tool. As discussed below, the claimed invention satisfies both steps of the two-part test set forth in *Alice*. Furthermore, the claimed invention does not qualify for covered business method review (CBMR) jurisdiction. As such, the Board should confirm the patentability of the challenged claims.

II. OVERVIEW OF THE CLAIMED INVENTION

A. Prior Art – Order Ticket and Figure 2-Style Screen

In the electronic-trading industry, both prior to the invention of the '304 patent and for a period thereafter, there was a widely accepted conventional wisdom regarding the design of a GUI tool for order entry on electronic exchanges. This conventional wisdom is best illustrated by two types of GUI tools—order entry tickets and Figure 2-style screens. Ex.2169, ¶¶44-58. GUI tools such as these represented the engrained conventional wisdom and state of the art regarding how electronic trading GUIs for professional traders were best designed and constructed. *Id*.

Order entry tickets were commonly used to enter and send orders to an electronic exchange. *Id.* at ¶45. Though the structure and make-up of a ticket could vary, the conventional construction provided a GUI, usually in the form of a window, with areas for a trader to fill out order parameters (*e.g.*, price, quantity, an

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identification of the item being traded, buy or sell). Order tickets were known as being accurate for order entry but slow. Conventional order tickets are still widely used today.

Another type of GUI tool permitted users to enter and send orders by directly interfacing with displayed prices (*e.g.*, through the use of a mouse). *Id.* at ¶44-58. Figure 2 of the '304 patent (reproduced with annotations below) illustrates an example of one common GUI tool. Figure 2-style tools were ubiquitous by the time of the invention. The overwhelming majority of these GUI tools were constructed to provide designated locations for displaying the best bid price and best ask price in the GUI. *Id.* at ¶47.

FIG. 2

The structure, make-up, and functionally of the GUI tool shown in Figure 2 is as follows. *Id.* at ¶49. The Figure 2 screen includes a BidPrc column 203 with locations (e.g., cells) to display bid prices and an AskPrc column 204 adjacent to the BidPrc column with locations (e.g., cells) to display ask prices. *Id.* The best bid

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