

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 CBM2015-00161¹
Patent No. 6,766,304

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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EXHIBIT LIST

TS 1001	U.S. Patent No. 6,766,304
TS 1002	File History, U.S. Patent No. 6,766,304
TS 1003	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., Case CBM2014-00136, Decision Denying Institution (Paper No. 19), at pp. 7–12 (P.T.A.B. Dec. 2, 2014)
TS 1004	Memorandum Opinion and Order, Dkt. #735, Trading Tech. Int'l, Inc. v. CQGT, LLC, et al., 05-cv-4811, U.S. District Court for the Northern District of Illinois, Eastern Division
TS 1005	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., Case CBM2014-00136, Petition (Paper No. 4) (P.T.A.B. May 20, 2014)
TS 1006	TD Ameritrade, Patent Owner's Preliminary Response (Paper No. 18), at pp. 6-7 (P.T.A.B. Sept. 3, 2014)
TS 1007	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., CBM2014-00131, Decision to Institute (Paper No. 19), at p. 15 (P.T.A.B. Dec. 2, 2014)
TS 1008	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., CBM2014-00133, Decision to Institute (Paper No. 19), at p. 14 (P.T.A.B. Dec. 2, 2014)
TS 1009	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., CBM2014-00137, Decision to Institute (Paper No. 19), at p. 14 (P.T.A.B. Dec. 2, 2014)
TS 1010	TD Ameritrade Holding Corp. v. Trading Tech. Int'l, Inc., CBM2014-00135, Decision to Institute (Paper No. 19), at p. 14 (P.T.A.B. Dec. 2, 2014)
TS 1011	Kemp II, et al. US 6,772,132
TS 1012	Statement of Reasons for Allowance in the '304 patent
TS 1013	Declaration of Dr. John Phillips Mellor ("Mellor decl.")
TS 1014	Excerpts of Appendices for Mellor Declaration
TS 1015	Lodewijk Petram, "The World's First Stock Exchange"
TS 1016	"Futures/ Option Purchasing System Trading Terminal Operation Guide", Tokyo Stock Exchange Operation System Division
TS 1017	Translation of "Futures/ Option Purchasing System Trading Terminal Operation Guide", Tokyo Stock Exchange Operation System Division

TS 1018	Certificate of Translation of “Futures/ Option Purchasing System Trading Terminal Operation Guide”, Tokyo Stock Exchange Operation System Division
TS 1019	Gutterman, et al. US Patent No. 5,297,031
TS 1020	Ellen Terrell, “History of the American and NASDAQ Stock Exchanges”, September, 2006 (Updated October, 2012)
TS 1021	Declaration in support of Unopposed Motion for Pro Hac Vice Admission of Adam Kessel
TS 1022	Merriam-Webster Collegiate Dictionary (11 th ed.), definition of “data processing”
TS 1023	Webster’s New World College Dictionary (4 th ed.), definition of “data processing”
TS 1024	Excerpts from trial transcript, Trading Techs. Int’l, Inc. v. eSpeed, Inc. (N.D. Ill. Sept. 10, 2007)
TS 1025	Excerpts from deposition transcript of Dan R. Olsen, Jr., IBG LLC v. Trading Techs. Int’l, Inc. (P.T.A.B. July 28, 2016)

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I. INTRODUCTION

Throughout its Response (“Response” or “POR”), Patent Owner (“TT”) casts its invention as “the structure, make-up, and functionality of an innovative graphical user interface tool.” POR, 1. But that’s not what is claimed. Rather, the independent claims simply recite a method of *using* a GUI that includes four steps for displaying market information in a particular manner, and another step for “setting parameters” and “sending [a] trade order” in response to user input. The claims make no mention of a “tool,” nor do they include structure for performing the functions of “displaying,” “setting,” and “sending” information. And the specification expressly states that the recited functions can be accomplished using conventional components and programming techniques. *See, e.g.*, ‘304 patent, 4:66-5:3 and 4:8-11. There is nothing new about the information being displayed, and TT admits that it is not analyzed or used to generate new data. *See* POR, 66-67 (asserting that its GUI does not “process” or “change” data). Consequently, recent appellate guidance removes any doubt that TT’s claims fail Section 101.

Specifically, in *Electric Power, LLC, v. Alstom S.A.*, the court held ineligible “claims [that] do not go beyond requiring the collection, analysis, and display of available information in a particular field, stating those functions in general terms, without limiting them to technical means for performing the functions that are arguably an advance over conventional computer and network technology.” *Elec.*

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