UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner

_____

CBM2015–00161[1]
Patent 6,766,304

_____

**PETITIONERS' OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

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

_____

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

On October 12, 2016, pursuant to the Board's September 28, 2016 Order

(Paper 105), TT served 89 demonstrative slides on Petitioners for use at the oral

argument in this proceeding. As set forth in Petitioners' detailed objections below,

the majority of TT's slides rely on evidence never cited or specifically addressed in

any paper before the Board, do not properly cite their evidence, and/or present new

arguments. Petitioners meet and conferred with TT regarding Petitioners'

objections on Monday, October 17, 2016.

Demonstrative Slide 8

Petitioners object to TT's demonstrative slide 8 because of the second bullet.

Copy of the objected-to portion:

- Petitioners acknowledge "both" setting and sending required through a "single action"

Petitioners object for the following reason: the second bullet

mischaracterizes Petitioners' petitions, i.e., TT mischaracterizes the record.

Demonstrative Slide 10

Petitioners object to TT demonstrative slide 10 because of:

(1) the title;

(2) the reproduction of portions of Petitioners' '411 petition; and

(3) the reproduction of portions of Mr. Román's Declaration.

Copy of the objected-to portions:

Title:

> **Petitioners and Roman Wrong on TSE Disclosure**
> **('132 and '411)**

Cite to '411 petition:

> at 0143.) Thus, TSE teaches selecting a particular area of the order entry region to set a plurality of parameters for a trade order, and then sending the trade order by selecting a "send" button. (*Id.* at 0137-38, 0143; *see also* Román Decl., ¶ 171.)

411 Pet. at 62

Cite to Mr. Román's Declaration:

> them through an action such as double clicking. The Board Screen therefore has an order entry region including these "activated" locations for receiving commands to send trade orders. These locations can be on either the "ask" side of the display

Ex.1019 (Roman) at ¶172

Petitioners object for the following reason: this slide does not cite to TT's POR or any other paper in which TT made the argument in the title of the slide.

Demonstrative Slide 11

Petitioners object to TT demonstrative slide 11 because of its reproduction of portions of pages 2 and 6 of Belden.

Copy of the objected-to portions:

> As described above, the trading system of the present
> invention is applicable to all markets, including those for
> securities trading. Securities markets are usually based

Belden at 6

> in a price for their products. A "local" can take
> long-term positions (i.e., weeks or months) or "scalp" over
> very short periods (liquidating positions within seconds or
> minutes of entering the transactions). He may trade in one
> or more pits. He benefits from the speed with which he can
> take or liquidate positions, but this is in itself no
> assurance of a profit. Some floor traders specialize in

Belden at 2

Petitioners object for the following reason: this slide does not cite to TT's

POR or any other paper that cite pages 2 and 6 of Belden.

Demonstrative Slide 12

Petitioners object to TT demonstrative slide 12 because of:

    (1) the title;

    (2) the reproduction of Mr. Román's testimony; and

    (3) the second bullet.

Copy of the objected-to portions:

    Title:

Petitioners' Expert Acknowledges Claimed Invention Is Undesirable

    Mr. Román's testimony:

market depth was important to them. The disadvantage of the figure 3 screen is that it takes up twice the real estate to show what's happening in the market.

And consequently, you know, if you look at the top half of the bid Q column, column 1003 and figure 3, all of that real estate is wasted. There is no data there. And the same thing if you look at the bottom half of column 1004, all of that real estate is wasted.

And so literally we are only getting half as much, half the depth on the same size screen that we could have gotten. Figure 2 has the advantage of showing me twice as much data. Therefore, I can

Ex.2166 at 176:8-21

It still has a similar problem. The market is moving and if the market moves maybe I didn't want to do what I did anyway so I still need to cancel. So you still have the problem of the market is moving and if I wait too long to make my decision, I'm still going to miss the price that I -- the best price that I could have gotten. Figure 2, as I said, has several advantages, including the fact that it's better use of real estate.

Ex.2166 at 178:21-179:8

Second bullet:

- Undesirability means POSA would not combine

Petitioners object for the following reasons:

(1) the title mischaracterizes Mr. Román's testimony (i.e., mischaracterizes the record);

(2) this slide does not cite to TT's POR or any other paper in which TT made the argument in the title;

(3) this slide does not cite to TT's POR or any other paper that cites Ex.2166 at 176:8-12 or 178:21-179:8; and

(4) this slide does not cite to TT's POR or any other paper in which TT made the argument in the second bullet.

Demonstrative Slide 19

Petitioners object to TT demonstrative slide 19 because of the first bullet.

Copy of the objected-to portions:

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.

fastcase®
Smarter legal research.