

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,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2015-00172¹
Patent No. 7,783,556 B1

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
JEREMY M. PLENZLER, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Covered Business Method Patent Review
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

¹ Case CBM2016-00040 has been joined with this proceeding.

I. INTRODUCTION

A. Background

TradeStation Group, Inc. and TradeStation Securities, Inc. (collectively, “Petitioner”) filed a Petition (Paper 2, “Pet.”) on August 12, 2015, that requests review under the transitional program for covered business method patents of the AIA² of U.S. Patent No. 7,783,556 B1 (Ex. 1001, “the ’556 patent”). Petitioner challenges the patentability of claims 1–22 (“the challenged claims”) of the ’556 patent under 35 U.S.C. § 101. On February 12, 2016, we instituted a covered business method patent review (Paper 18, “Institution Decision” or “Inst. Dec.”) based upon Petitioner’s assertion that claims 1–22 are directed to patent ineligible subject matter under 35 U.S.C. § 101.

Subsequent to institution, IBG LLC and Interactive Brokers LLC filed a Petition and Motion for Joinder with the instant proceeding. *IBG LLC and Interactive Brokers LLC v. Trading Technologies International, Inc.*, CBM2016-00040, Papers 3, 4. On April 4, 2016, we instituted a covered business method patent review and granted the Motion, joining IBG LLC and Interactive Brokers LLC as a petitioner in this covered business method patent review. Paper 23.

Thereafter, Trading Technologies International, Inc. (“Patent Owner”) filed a Patent Owner’s Response on June 26, 2016 (Paper 43, “PO. Resp.”) and Petitioner filed a Reply (Paper 61, “Pet. Reply”) to Patent Owner’s Response.

² Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 329 (2011) (“AIA”).

Patent Owner filed a Motion to Exclude (Paper 65, “Motion” or “Mot.”) and Petitioner filed an Opposition (Paper 67) to Patent Owner’s Motion. Patent Owner filed a Reply (Paper 68) in support of its Motion.

We held a joint hearing of this case and several other related cases on October 19, 2016. Paper 83 (“Tr.”).

After oral hearing, the Federal Circuit issued a decision, *Trading Techs. Int’l, Inc. v. CQG, Inc.*, No. 2016-1616, 2017 WL 192716 (Fed. Cir. Jan. 18, 2017), determining that claims of U.S. Patent Nos. 6,766,304 (“the ’304 patent”) and 6,772,132 (“the ’132 patent”) are patent eligible under § 101. The ’304 patent and the ’132 patent are directed to similar subject matter as the ’556 patent. Petitioner and Patent Owner, with authorization (Paper 79), each filed supplemental briefing addressing the impact of that decision on this proceeding. Paper 82; Paper 80 (“PO Br.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 328(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–22 of the ’556 patent are patent ineligible under 35 U.S.C. § 101.

B. Related Matters

The ’556 patent is the subject of numerous related U.S. district court proceedings. Pet. 2–3; Paper 5, 2–6; Paper 26, 1.

C. The ’556 Patent

The ’556 patent is titled “System and Method for Displaying Order Information in Relation to a Derivative of Price” and issued from an

application filed on March 12, 2004. Ex. 1001, [54], [22]. The '556 patent discloses that electronic exchanges provide data feeds to connected traders. *See id.* at 1:13–44. The data feeds are displayed to traders using “a variety of different formats, any of which would be known to one of ordinary skill in the art.” *Id.* at 1:45–47. The '556 patent depicts two examples of typical displays or graphical user interfaces (“GUI”) in Figures 1 and 2. *Id.* at 1:47–2:17. Figures 1 and 2 are reproduced below.

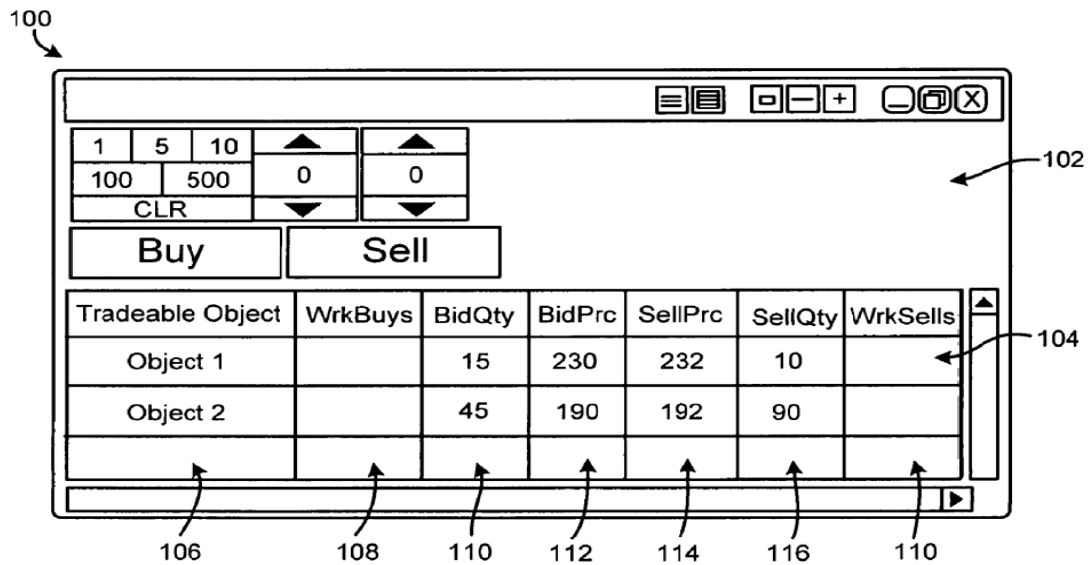


FIG. 1
Prior Art

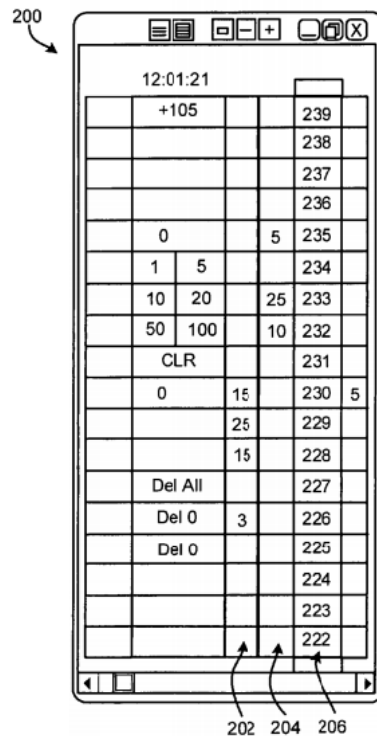


FIG. 2
Prior Art

Figures 1 and 2 depict example prior art trading screens that convey market information received from an electronic exchange to a trader. *Id.* at 2:48–54. In Figure 1, trading screen 100 has a mark grid section 104 that displays tradable object information, such as bid quantities 110, bid prices 112, sell prices 114, and sell quantities 116. *Id.* at 1:56–64. Trading screen 200 in Figure 2 displays the same type of information except that the bids 202 and offers 204 are displayed in association with price values along an axis. *Id.* at 2:8–14. To place an order, a trader simply clicks on certain areas of trading screen 200, such as one of bids 202. *See id.* at 2:14–17.

The '556 patent discloses that traders are often interested in information not normally provided in an exchange's data feed or displayed on a trading screen and discloses that the traders must make "quick mental calculations, use charting software, or look to other sources" for this information. *Id.* at 2:18–33. The '556 patent, thus, discloses "a system and

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