

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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Case CBM2015-00172<sup>1</sup>  
Patent No. 7,783,556

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

**TABLE OF CONTENTS**

**I. INTRODUCTION.....1**

**II. TT’S CLAIMED METHOD OF DISPLAYING MARKET INFORMATION IS NOT A TECHNOLOGICAL ADVANCE.....2**

**III. TT’s CLAIMS ENCOMPASS AN ABSTRACT IDEA UNDER *ALICE* STEP 1.....4**

    a. The Board’s articulation of the abstract idea is proper and correct .....4

    b. TT’s claims do not improve the functioning of the computer .....5

    c. TT’s claims are abstract .....9

    d. TT’s claims are directed to a fundamental economic or longstanding commercial practice.....12

    e. TT’s preemption arguments are flawed .....13

**IV. TT’s CLAIMS FAIL *ALICE* STEP 2.....14**

    a. TT claims do not include an “inventive concept” .....14

    b. TT’s claims are not “more technological than the claims in DDR” .....18

    c. TT’s claims do not pass the machine-or-transformation test.....20

**V. CBM JURISDICTION .....21**

**VI. THE CLAIMS COVER SIGNALS .....23**

**VII. CONCLUSION .....24**

### EXHIBIT LIST

TS 1001	U.S. Patent No. 7,783,556 to Scott F. Singer, et al. (“’556 patent”)
TS 1002	Prosecution History of the ’556 patent
TS 1003	Lodewijk Petram, “The World’s First Stock Exchange”
TS 1004	Ellen Terrell, “History of the American and NASDAQ Stock Exchanges”, September, 2006 (Updated October, 2012)
TS 1005	U.S. Patent 6,317,728 (Kane)
TS 1006	Case No. 10-cv-0715 (N.D. Ill.) (Complaint for Patent Infringement)
TS 1007	<i>CRS Advanced Technologies, Inc. v. Frontline Technologies, Inc.</i> , CBM2012-00005, Paper No. 17 (Jan. 23, 2013)
TS 1008	157 Cong. Rec. S5402 (daily ed. Sept. 8, 2011)
TS 1009	<i>SAP v. Versata</i> , CBM2012-00001, Paper No. 36 (Jan. 9, 2013)
TS 1010	The American Heritage Dictionary of the English Language, 4th Ed.
TS 1011	The American Heritage Dictionary of the English Language, 3d Ed.
TS 1012	MPEP 2106
TS 1013	Patent Trial Practice Guide
TS 1014	<i>Volusion, Inc. v. Versata Software, Inc.</i> , CBM2013- 00018, Institution Decision, Paper No. 8
TS 1015	Declaration in support of Unopposed Motion for <i>Pro Hac Vice</i> Admission of Adam Kessel
TS 1016	Webster’s New World College Dictionary (4 <sup>th</sup> ed.), definition of “data processing”
TS 1017	Deposition transcript of Eric Gould-Bear
TS 1018	Excerpts from deposition transcript of Dan R. Olsen, Jr., <i>IBG LLC v. Trading Techs. Int’l, Inc.</i> (P.T.A.B. July 28, 2016)
TS 1019	Merriam-Webster Collegiate Dictionary (11th ed.), definition of “data processing”

## I. INTRODUCTION

Throughout its Response (“POR”), Patent Owner (“TT”) casts its invention as the “features and functionality of a GUI tool.” POR, 6. But that’s not what is claimed. Rather, the claims recite method steps that use a GUI to receive market information, compute values based on that information, and then display the computed values at locations on a screen – i.e., to perform basic computer functions. The claims make no mention of a “tool,” nor do they include structure, other than a generic “computing device,” for performing the recited functions. And the specification states that those functions can be accomplished using conventional components and programming techniques. *See, e.g.*, ‘556 patent, Fig. 3; 3:59-4:11, 5:1-9, 5:49-6:14, 6:46-58. There is nothing new about the information being displayed, and TT admits that it is not processed or used to generate new data. *See* POR, 32-33 (asserting that its GUI does not “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. Power Grp., LLC v. Alstom S.A.*, No. 2015-1778, 2016 WL 4073318, at \*1 (Fed.

Cir. Aug. 1, 2016). Here, TT's claims recite the display of information in a particular field, namely financial markets, and do so without limiting them to any unconventional technological means. Indeed, the patent expressly discloses that "the present invention [is] appropriate for use in any electronic trading screen, and work[s] particularly well with a trading screen similar to that shown in [prior art] FIG. 2." '556 patent, 3:8-11. Consequently, TT's claims fall squarely within the definition of patent-ineligible subject matter.

TT's other arguments are similarly flawed as discussed below. Accordingly, the Board should find TT's claims patent-ineligible.

## II. TT'S CLAIMED METHOD OF DISPLAYING MARKET INFORMATION IS NOT A TECHNOLOGICAL ADVANCE

The first six pages of the POR disingenuously recasts its claimed method as a "GUI tool," based on an inapt analogy to a physical device. In doing so, TT attempts to mask the fact that its purported invention is nothing more than a method of *using* a GUI that includes steps for receiving market information, computing profit & loss ("P&L") values based on that information, and then displaying the P&L values at locations on a screen – all basic computer functions. The claims do not recite a "tool," nor do they include structure for performing the recited functions, other than a generic "computing device."

Despite these facts, TT argues that its claims are eligible because "no claim ... is merely directed to calculating a P&L value or simply displaying financial

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