

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IBG LLC, INTERACTIVE BROKERS LLC,  
TRADESTATION GROUP, INC., TRADESTATION SECURITIES, INC.,  
TRADESTATION TECHNOLOGIES, INC.,  
IBFX, INC., CQG, INC., and CQGT, LLC,  
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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CBM 2015-00179  
Patent 7,533,056 B2

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

MEDLEY, *Administrative Patent Judge*.

DECISION  
Institution of Covered Business Method Patent Review  
*37 C.F.R. § 42.208*

## I. INTRODUCTION

IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., TradeStation Securities, Inc., TradeStation Technologies, Inc., IBFX, Inc., CQG, Inc., and CQGT, LLC, (collectively, “Petitioner”) filed a Petition requesting a covered business method patent review of claims 1–15 of U.S. Patent No. 7,533,056 B2 (Ex. 1001, “the ’056 patent”). Paper 9 (“Pet.”). In response, Trading Technologies International, Inc. (“Patent Owner”) filed a Patent Owner Preliminary Response. Paper 21 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted “unless . . . the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

For the reasons that follow, we institute a covered business method patent review of claims 1–15 of the ’056 patent.

### *A. Related Matters*

The ’056 patent is involved in the following lawsuit: *TT v. BGC Partners, Inc.*, et al., No. 1:10-cv-00715 (N.D. Ill.). Pet. 3. In compliance with 37 C.F.R. § 42.302(a), Petitioner certifies that it has been sued for infringement of the ’056 patent. *Id.* Patent Owner does not challenge Petitioner’s certification that it has been sued for infringement of the ’056 patent.

### *B. The ’056 Patent*

The Specification of the ’056 patent describes a user interface for an electronic trading system that allows a remote trader to view trends for an

item, which assists the trader to anticipate demand for an item. Ex. 1001, 2:8–26.

*C. Illustrative Claim*

Claim 1 of the '056 patent is the only independent claim:

1. A method of operation used by a computer for displaying transactional information and facilitating trading in a system where orders comprise a bid type or an offer type, the method comprising:
  - receiving bid and offer information for a product from an electronic exchange, the bid and offer information indicating a plurality of bid orders and a plurality of offer orders for the product;
  - displaying a plurality of bid indicators representing quantity associated with the plurality of bid orders, the plurality of bid indicators being displayed at locations corresponding to prices of the plurality of bid orders along a price axis;
  - displaying a plurality of offer indicators representing quantity associated with the plurality of offer orders, the plurality of offer indicators being displayed at locations corresponding to prices of the plurality of offer orders along the price axis;
  - receiving a user input indicating a default quantity to be used to determine a quantity for each of a plurality of orders to be placed by the user at one or more price levels;
  - receiving a user input indicating a desired price for an order to be placed by the user, the desired price being specified by selection of one of a plurality of locations corresponding to price levels along the price axis; and

sending the order for the default quantity at the desired price to the electronic exchange.

*D. Asserted Grounds of Unpatentability*

Petitioner contends that claims 1–15 of the '056 patent are unpatentable based on the following specific grounds:

References	Basis	Challenged Claim(s)
n/a	§ 101	1–15
TSE <sup>1</sup> , Togher <sup>2</sup> , Schott <sup>3</sup> , and Cooper <sup>4</sup>	§ 103	1–15
Silverman <sup>5</sup> , Togher, Cooper, and Hogan <sup>6</sup>	§ 103	1–15

*E. Expanded Panel Request and Procedural Issues*

Patent Owner suggests that this decision be made by an expanded panel of administrative patent judges. Prelim. Resp. 75–77. Discretion to expand a panel rests with the Chief Judge, who, on behalf of the Director, may act to expand a panel on a suggestion from a judge or panel. *AOL Inc. v. Coho Licensing LLC*, Case IPR2014-00771, slip op. at 2 (PTAB Mar. 24,

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<sup>1</sup>TOKYO STOCK EXCHANGE OPERATION SYSTEM DIVISION, FUTURES/OPTION PURCHASING SYSTEM TRADING TERMINAL OPERATION GUIDE (1998) (Ex. 1004) (“TSE”).

<sup>2</sup> U.S. Patent No. 5,375,055, issued Dec. 20, 1994 (Ex. 1008) (“Togher”).

<sup>3</sup> U.S. Patent No. 5,619,631, issued Apr. 8, 1997 (Ex. 1009) (“Schott”).

<sup>4</sup>Alan Cooper, ABOUT FACE: THE ESSENTIALS OF USER INTERFACE DESIGN, First Edition (1995) (Ex. 1015) (“Cooper”).

<sup>5</sup> U.S. Patent No. 5,136,501, issued Aug. 4, 1992 (Ex. 1010) (“Silverman”).

<sup>6</sup> U.S. Patent No. 5,414,809, issued May 9, 1995 (Ex. 1011) (“Hogan”).

2015) (Paper 12) (informative). Patent Owner's suggestion was considered by the Acting Chief Administrative Patent Judge, who declined to expand the panel.

The parties urge us to defer to prior Board decisions in related covered business method patent review proceedings and decisions of district courts in related proceedings. Here, we do not give much, if any, deference to the prior Board decisions and the decisions of the district courts that we are directed to in determining whether to institute a covered business method patent review in this proceeding. The prior decisions were based on different patents, different claims, different parties, different evidence, and in the case of the district court proceedings, different standards of proof and different claim construction standards. Additionally, we give no consideration to the arguments Patent Owner presents in letters sent to the Director of the United States Patent and Trademark Office.

#### *F. Covered Business Method Patent*

A covered business method patent is “a patent that claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions.” Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 329 (2011) (“AIA”) § 18(d)(1); *see* 37 C.F.R. § 42.302. To determine whether a patent is for a technological invention, we consider “whether the claimed subject matter as a whole recites a technological feature that is novel and unobvious over the prior art; and solves a technical problem using a technical solution.” 37 C.F.R. § 42.301(b). For purposes of

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