

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.; and  
IBFX, INC.

Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

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Case CBM2015-00179  
U.S. Patent 7,533,056

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**PATENT OWNER'S NOTICE OF APPEAL**

via PTAB E2E  
Patent Trial and Appeal Board

via Express Mail  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

via CM/ECF  
United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Trading Technologies International, Inc. (TT), hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 143) entered on February 17, 2017, from the Decision Denying Patent Owner's Request for Rehearing (Paper 145) entered April 27, 2017, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent 7,533,056 ("the '056 patent") at issue in Covered Business Method No. CBM2015-00179. This notice of appeal is timely filed because it is filed within 63 days of the April 27, 2017 Decision (Paper 145) Denying Patent Owner's Request for Rehearing.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but may not be limited to:

(1) the Board's determination that it had jurisdiction to issue the Final Written Decision because the '056 patent is a covered business method patent under § 18 of the America Invents Act;

(2) the Board's determination that claims 1-15 are unpatentable under 35 U.S.C. § 103;

(3) the Board's determination that claims 1-15 are ineligible under 35 U.S.C. § 101;

(4) the Board's claim constructions, failure to construe terms, and/or determination of the level of ordinary skill in the art at the time of the invention;

(5) the Board's determination that a cited reference qualifies as prior art because it was publicly accessible under 35 U.S.C. § 102; and

(6) the Board's determination that the invention of the '056 patent was not conceived before the alleged prior art date of a Tokyo Stock Exchange document;

(7) the Board's determination that the invention of the '056 patent was not actually reduced to practice;

(8) the Board's determination that the Applicant for the '056 patent was not diligent from the alleged prior art date of a Tokyo Stock Exchange document until constructively reducing the invention to practice;

(9) the Board's denial and dismissal as moot of Patent Owner's motion to exclude evidence;

(10) the unconstitutionality of the Transitional Program for Covered Business Method Patents and Covered Business Method Review (AIA § 18) under Article III, the Seventh Amendment, and the Fifth Amendment of the United States Constitution; and

(11) any other findings or determinations supporting or related to the aforementioned issues, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion.

The remedy sought on appeal is vacatur of the Final Written Decision, *see Secure Access, LLC v. PNC Bank Nat'l Ass'n*, No. 2016-1353, 2017 WL 676601, \*9 (Fed. Cir. Feb. 21, 2017), and/or, at a minimum, reversal of the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice along with the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Date: June 29, 2017

MCDONNELL BOEHNEN HULBERT &  
BERGHOFF LLP

/Jennifer M. Kurcz/

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Back-Up Counsel, Reg. No. 54,481

Counsel for Patent Owner

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**CERTIFICATION OF SERVICE**

I hereby certify that on this 29th day of June, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was mailed via Express mail to the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

I also herby certify that on this 29th day of June, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also herby certify that a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” was served by electronic mail on this 29th day of June, 2017 on counsel of record for the Petitioners as follows:

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