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 CBM2015-00181
Patent No. 7,676,411 B2

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PETITIONERS' REQUEST FOR REHEARING

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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I.   Relief Requested

Petitioners respectfully ask the Board to reconsider its decision to not institute covered business method review of Grounds 2 and 3 in the Petition. The Board overlooked the section in the Petition that addresses the disputed limitations, and misapprehended a footnote in the Petition that relates to different limitations.

II.   Introduction

Petitioners petitioned (Paper 7, "Pet.") for covered business method review of U.S. Patent No. 7,676,411 B2 (Ex. 1001, "the '411 patent"), owned by Trading Technologies International, Inc. ("TT"), on the following grounds:

	Claims	Ground
1	1-28	§ 101
2	1-10, 12-28	§ 103: Silverman (Ex. 1003), Gutterman (Ex. 1004), Belden (Ex. 1009), Togher (Ex. 1005)
3	11	§ 103: Silverman, Gutterman, Belden, Togher, and Paal (Ex. 1018)
4	1-28	§ 103: TSE (Ex. 1006/1007), Belden, and Togher

Pet. at 7-9. In its March 7, 2016 Decision on Institution (Paper 26, "Decision"), the Board instituted review of Grounds 1 and 4, but denied instituting review of Grounds 2 and 3. Decision at 21-22. Petitioners seek rehearing of the Board's decision to not institute review under § 103 based on the Silverman combinations (*i.e.*, Grounds 2 and 3).

III. The Board should have decided to institute review on the asserted grounds that claims 1-28 are obvious over the Silverman combinations.

Independent claim 1 of the '411 patent requires:

> upon receipt of market information comprising a new highest bid [lowest ask] price, moving the first [second] indicator relative to the price axis to a second graphical location of the plurality of graphical locations in the bid [ask] display region, the second graphical location corresponding to a price level of the plurality of price levels associated with the new highest bid [lowest ask] price, wherein the second graphical location is different from the first graphical location in the bid [ask] display region.

'411 patent, 12:48-56, 12:65-13:6 (the "moving" limitations).

Independent claim 26 requires similar limitations. *Id.* at 15:5-13, 15:22-16:6. The Petition relied on the combination of Silverman and Gutterman to meet the "moving" limitations. Pet. at 41-43 ("the combination GUI of Silverman and Gutterman"). The Petition addressed the moving limitations in Section VI(G)(5). *Id.* The Board erred when it denied instituting review of claims 1-28 based on the Silverman combinations (*i.e.*, Grounds 2 and 3) because it misapprehended the Petition as relying on Gutterman **alone** to disclose these limitations, Decision at 22, and overlooked key arguments in the Petition that the combination of Silverman and Gutterman teaches the "moving" limitations, Pet. at 41-43.

A. The Board misapprehended the Petition's footnote 3, believing it addresses the "moving" limitations.

Section VI(G)(4) of the Petition address the "dynamically displaying" limitations of claims 1 and 26. Pet. at 40-41. This section includes footnote 3, which is also directed to the "dynamically displaying" limitations and discusses certain positions that TT took during prosecution of a related patent. *Id*. The Decision correctly noted that footnote 3 states: "Gutterman discloses the movement of bid/asks along a price axis." Decision at 21-22; Pet. at 41.

The Decision misapprehended this statement in footnote 3 as addressing the "moving" limitations. It does not. The Petition addresses the "moving" limitations in Section VI(G)(5), which explains that the combination of Silverman and Gutterman teaches the "moving" limitations. Pet. at 41-43.

B. The Board overlooked key arguments in the Petition that the combination of Silverman and Gutterman teaches the "moving" limitations.

The Petition relied on the "combination GUI of Silverman and Gutterman" to meet the "moving" limitations of claims 1 and 26 of the '411 patent. Pet. at 41-43. Beginning with Silverman, the Petition explains that Silverman teaches (1) updating keystation books using broadcast messages and (2) displaying, at the keystations, the best inside price (highest bid and lowest ask) together with the quantity bid or offered at these prices. *Id*. at 42. Based on these teachings, the

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