

Paper No. ____
Filed: October 17, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Case CBM2015-00181
U.S. Patent 7,676,411

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
DEMONSTRATIVE EXHIBITS**

After meeting and conferring in good faith, the parties were unable to resolve certain objections to each other's demonstratives. Accordingly, pursuant to the Board's order dated September 28, 2016, Patent Owner files the following objections to slides 6, 7-9, 13-15, 18, 23-24, 30, and 32 for the Board's consideration:

- Slide 6 - This slide should not be allowed because it introduces new arguments not in the cited pages of Petitioners' papers and mischaracterizes testimony.

The '132 claims fail *Alice* step 1

The '132 claims do not improve the functioning of a computer.

TT's expert, Dr. Olsen, agrees:

Q. Okay. Does the GUI in Figure 3 make the computer run faster?
...
A. It does not.
...
Q. Does the GUI in Figure 3 allow the computer to use less energy?
A. That is not one of the claimed improvements, no.
...
Q. Does the GUI in Figure 3 make the computer more efficient relative to the network?
A. That's not one of the claimed improvements, no.

Olsen Dep. Tr., 57:18-18:13.

'132 Reply, p. 3.

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- Slides 7-9 and 13-15 – These slides should not be allowed because they introduce new arguments not in the cited pages of Petitioners' papers and mischaracterize testimony.

The '132 claims fail Alice step 1

TT's expert, Mr. Thomas, agrees:

Q. Anything in any of the claims of the '411 that would allow the computing device to process data faster?

THE WITNESS: The invention detailed in the patent does not relate to processing anything -- the general concept of what you said about processing data faster. It relates to specifically what is detailed in the claims and described in the specification.

Q. Anything in any of the claims of the '411 Patent that would allow the computing device to process data more efficiently?

THE WITNESS: And my answer is the same. ...

Q. Anything in any of the claims of the '411 Patent that would allow the computing device to process data more reliably than say a Figure 2 type GUI?

A. I mean my answer is the same. ...

Q. And would your answer be the same for all of those questions for the '132 patent?

A. Yes.

'132 Reply, p. 3.

Thomas Dep. Tr., 303-307.

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The '132 claims fail Alice Step 1

The '132 patent simply provides a graphical representation of what a trader has done in his mind since trading began.

TT's expert, Mr. Thomas:

A. I -- I don't know specifically what he means, because I didn't talk to him. But I do know that some traders, with the Figure 2 type or the conventional type of screen which is constantly flipping the dynamic inside market, that some traders would keep track of that, just to try and ascertain recent trend prices. And they would do that in their head, with that tool, figure -- the Figure 2 type tool. I believe that that is what he is referring to.

Thomas Dep. Tr., Ex. 1034, p. 63.

'132 Petition, p. 8.

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The '132 claims fail Alice step 2

abstract idea is implemented on a generic computer

exchange. It is envisioned that the system of the present invention can be implemented on any existing or future terminal or device with the processing capability to perform the functions described herein. The scope of the present invention is not limited by the type of terminal or device used. Further, the specification refers to a single click of a

'132 Patent, 4-4-11.

to each trader on the exchange. The present invention processes this information and maps it through simple algorithms and mapping tables to positions in a theoretical grid program or any other comparable mapping technique for mapping data to a screen. The physical mapping of such information to a screen grid can be done by any technique known to those skilled in the art. The present invention is not limited by the method used to map the data to the screen display.

'132 Patent, 4-05-5.3.

'132 Petition, pp. 19-20.

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The '411 claims fail Alice step 1

The '411 claims do not improve the functioning of a computer.

TT's expert, Dr. Olsen, agrees:

Q. Okay. Does the GUI in Figure 3 make the computer run faster?

A. It does not.

Q. Does the GUI in Figure 3 allow the computer to use less energy?

A. That is not one of the claimed improvements, no.

Q. Does the GUI in Figure 3 make the computer more efficient relative to the network?

A. That's not one of the claimed improvements, no.

Chen Dep. Tr., 57:16-18:13.

'411 Reply, p. 4.

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The '411 claims fail Alice step 1

TT's expert, Mr. Thomas, agrees:

Q. Anything in any of the claims of the '411 that would allow the computing device to process data faster?

THE WITNESS: The invention detailed in the patent does not relate to processing anything -- the general concept of what you said about processing data faster. It relates to specifically what is detailed in the claims and described in the specification.

Q. Anything in any of the claims of the '411 Patent that would allow the computing device to process data more efficiently?

THE WITNESS: And my answer is the same. ...

Q. Anything in any of the claims of the '411 Patent that would allow the computing device to process data more reliably than say a Figure 2 type GUI?

A. I mean my answer is the same. ...

Thomas Dep. Tr., 303-307.

'411 Reply, p. 4.

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The '411 claims fail Alice Step 1

The '411 patent simply provides a graphical representation of what a trader has done in his mind since trading began.

TT's expert, Mr. Thomas:

A. I -- I don't know specifically what he means, because I didn't talk to him. But I do know that some traders, with the Figure 2 type or the conventional type of screen which is constantly flipping the dynamic inside market, that some traders would keep track of that, just to try and ascertain recent trend prices. And they would do that in their head, with that tool, figure -- the Figure 2 type tool. I believe that that is what he is referring to.

Thomas Dep. Tr., Ex. 1033, p. 63.

'411 Petition, p. 8.

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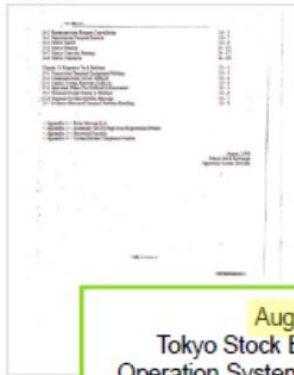
- Slide 18 – This slide should not be allowed because it mischaracterizes

the record.

TSE is a prior art printed publication

TSE was disseminated to the interested public
in August 1998

TSE:



TSE, p. 5.

Mr. Kawashima:

Q. Do you know who at the Tokyo Stock Exchange prepared this document?

A. I was in charge of preparing this document.

...

Q. ... When was this 1998 manual given to the participants at the Tokyo Stock Exchange?

A. (Through interpreter) In August of 1998.

Q. And about how many participants of the Tokyo Stock Exchange was it given to?

A. It was given to all those able to conduct futures option trading. That would be around 200 companies.

2005 Kawashima Dep. Tr., 12:1-13:5.

'132 Petition, p. 11; '132 Reply, pp. 10-13.
'411 Petition, p. 11; '411 Reply, pp. 10-14.

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- Slides 23-24 - These slides should not be allowed because they introduce new arguments not in the cited pages of Petitioners' papers and mischaracterize testimony.

Cannot Overcome *prima facie* Obviousness

TT's expert, Mr. Thomas, admits that all the '132 claim elements were known

Mr. Thomas:

99. Mr. Bramfield's discovery of this invention was unique under the circumstances. In this industry, there were many savvy, motivated and well-funded companies and individuals trying to innovate at all times to gain a competitive edge. At the time of the invention, the person of ordinary skill in the art was aware of all of the individual elements of the invention. For example, one of ordinary skill was aware of conventional technology, such as conventional order entry GUI tools as described above constructed to display bids, asks and the inside market, charts showing historical price information in relation to an axis, single click order entry, etc. And yet, none of these savvy companies and individuals put the elements together to arrive at the claimed invention. Notably, Petitioners, Interactive Brokers and TradeStation were among these many savvy industry

'132 Thomas Decl., ¶ 99; see '132 Reply, p. 18.

Cannot Overcome *prima facie* Obviousness

TT's expert, Mr. Thomas, admits that all the '411 claim elements were known

Mr. Thomas:

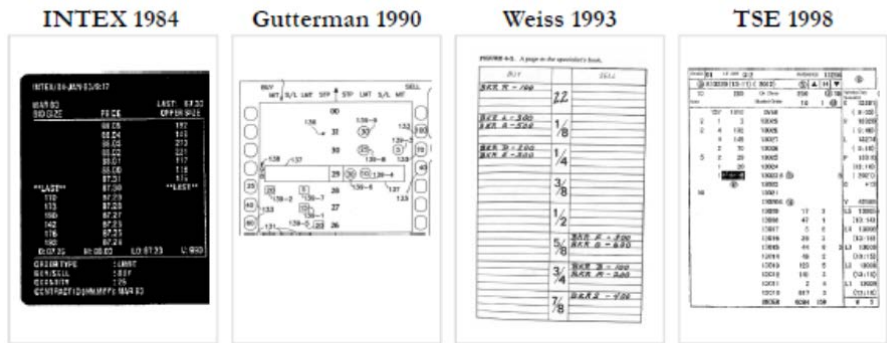
99. Mr. Bramfield's discovery of this invention was unique under the circumstances. In this industry, there were many savvy, motivated and well-funded companies and individuals trying to innovate at all times to gain a competitive edge. At the time of the invention, the person of ordinary skill in the art was aware of all of the individual elements of the invention. For example, one of ordinary skill was aware of conventional technology, such as conventional order entry GUI tools as described above constructed to display bids, asks and the inside market, charts showing historical price information in relation to an axis, single click order entry, etc. And yet, none of these savvy companies and individuals put the elements together to arrive at the claimed invention. Notably, Petitioners, Interactive Brokers and TradeStation were among these many savvy industry participants that were working to create GUI tools, and they failed to make the

'411 Thomas Decl., ¶ 99; see '411 Reply, p. 18.

- Slide 30 - This slide should not be allowed because it introduces new arguments not in the cited pages of Petitioners' papers.

TT's Evidence Does Not Support Secondary Considerations

Figure 3-style arrangement of market information was not against conventional wisdom



'132 Petition, p. 17; '132 Reply, p. 30.
'411 Petition p. 17; '411 Reply, p. 30.

- Slide 32 – This slide should not be allowed because it introduces a new figure not in the cited pages of Petitioners' papers.

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