

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 CBM2015-00182
U.S. Patent 6,772,132

PATENT OWNER'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Hand Delivery and First Class 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 129) entered on February 28, 2017, from the Decision Denying Patent Owner's Request for Rehearing (Paper 135) entered April 26, 2017, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent 6,772,132 ("the '132 patent") at issue in Covered Business Method No. CBM2015-00182. This notice of appeal is timely filed because it is filed within 63 days of the April 26, 2017 Decision (Paper 135) Denying Patent Owner's Request For Rehearing.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on cross-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 '132 patent is a covered business method patent under § 18 of the American Invents Act;

(2) the Board's determination that claims 1-28, 30-38, 40-48, 50-56 are unpatentable under 35 U.S.C. § 103;

(3) the Board's determination that claims 1-56 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 because it was publically accessible under 35 U.S.C. § 102;

(6) the Board's determination that there was no violation of Patent Owner's due process rights under the Fifth Amendment to the U.S. Constitution and separation-of-powers principles;

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

(8) 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 cross-appeal is vacatur of the Final Written Decision, *see Secure Axxess, LLC v. PNC Bank Nat'l Ass'n*, No. 2016-1353, 2017 WL 676601, at *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: May 15, 2017

MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP

/Jennifer M. Kurcz/

Jennifer M. Kurcz,
Back-Up Counsel, Reg. No. 54,481

Counsel for Patent Owner

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CERTIFICATION OF SERVICE

I hereby certify that on this 15th day of May, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was Hand Delivered to:

United States Patent and Trademark Office
401 Dulany Street
Alexandria, VA 22314

and 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 15th day of May, 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 15th day of May, 2017 on counsel of record for the Petitioners as follows:

Robert E. Sokohl
rsokohl-PTAB@skgf.com

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