

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
Patent 6,772,132

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I. The '132 patent claims a patent-ineligible abstract idea.....1

A. Placing an order based on observed (plotted) market information,
as well as updating market information is abstract.1

B. The claims of the '132 patent do not transform the abstract idea
into an inventive concept.....6

C. The claims of the '132 patent are patent-ineligible because the
claims cover signals.....8

II. Claim construction.....9

A. “order entry region”.....9

B. “single action” limitations.....9

C. “working orders in alignment with prices corresponding thereto”9

D. “re-centering instruction”.....9

III. The challenged claims are obvious over the TSE combinations.....10

A. TSE is a prior art printed publication.10

1. Unrebutted evidence establishes that TSE was actually
disseminated to the interested public in August 1998.10

2. TSE was otherwise publicly available based on its wide,
unrestricted distribution to the interested public.12

B. The challenged claims are obvious.14

1. Claims 1, 8, and 14 are obvious over *at least* TSE and
Belden14

2. Claims 3, 10, and 16 are obvious over TSE and Belden.15

- 3. The TSE-Belden combination renders obvious claims 24,
34, and 44.15
- 4. The TSE-Belden combination renders obvious claims 25-26,
35-36, and 45-46.16
- 5. The TSE-Belden-Gutterman combination renders obvious
claims 29, 39, and 49.16
- IV. TT’s alleged secondary considerations fail to show that the challenged
claims are nonobvious.17
 - A. The Petition presents a strong *prima facie* obviousness showing,
which TT’s evidence cannot overcome.....17
 - B. TT fails to establish the requisite nexus, which is a fatal flaw.18
 - 1. TT’s POR doesn’t attempt to establish a nexus.....19
 - 2. TT isn’t entitled to a presumption of nexus.....19
 - 3. TT’s fails to establish a nexus because the alleged secondary
considerations result from unclaimed and known features.....21
 - 4. TT reuses evidence offered in supported of different
inventions without making any attempt to tie any of this
evidence specifically to the claims at issue here.22
 - C. TT’s evidence doesn’t support the alleged secondary
considerations.....23
 - 1. TT’s global revenue and units sold fails to establish that MD
Trader was commercially successful.23
 - 2. TT’s licenses resulted from litigation.25

3.	TT conflates copying with competing products that allegedly fall within the claims.....	26
4.	TT’s proffered praise for MD Trader isn’t from a competitor and is directed to unclaimed features.....	27
5.	TT admits that there was no long-felt need.	28
6.	TT presents no evidence that others <i>tried</i> and failed to make the claimed invention.	29
7.	TT’s other alleged secondary considerations are either unsupported or simply not relevant.	29
V.	The ’132 is eligible for CBM review.	31

TABLE OF AUTHORITIES

Alice Corp. Pty. Ltd. v. CLS Bank Int’l,
134 S. Ct. 2347 (2014).....1, 5, 6, 7

Ass’n for Molecular Pathology v. Myriad Genetics, Inc.,
133 S.Ct. 2107 (2013).....8

BASCOM Global Internet v. AT&T Mobility LLC,
Appeal No. 15-1763 (Fed.Cir. June 27, 2016).....7

CLS Bank Intl. v. Alice Corp,
717 F.3d 1269 (Fed.Cir. 2013).....5

Constant v. Advanced Micro-Devices, Inc.,
848 F.2d 1560 (Fed.Cir. 1988).....13

Cooper Cameron Corp. v. Kvaerner Oilfield Products, Inc.,
291 F.3d 1317 (Fed.Cir. 2002).....11

DDR Holdings, LLC v. Hotels.com, L.P.,
773 F.3d 1245 (Fed.Cir. 2014)..... 3-4

DeSilva v. DiLeonardi,
181 F.3d 865 (Fed.Cir. 1999).....19

Digitech Image Tech. LLC v. Elec. for Imaging, Inc.,
758 F.3d 1344 (Fed.Cir. 2014).....8

Electric Power Group, LLC, v. Alstom S.A.,
Appeal No. 2015-1778 (Fed.Cir. Aug. 1, 2016).....2, 4, 8

Enfish ,LLC v. Microsoft Corp.,
822 F.3d 1327 (Fed.Cir. 2016).....2, 3, 4

Ethicon Endo-Surgery, Inc. v. Covidien LP,
812 F.3d 1023 (Fed.Cir. 2016).....25

EWP Corp. v. Reliance Universal Inc.,
755 F.2d 898 (Fed.Cir. 1985).....25, 26

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.