

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC and INTERACTIVE BROKERS LLC,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2016-00009
Patent No. 7,685,055 B2

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
JEREMY M. PLENZLER, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION

Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

A. Background

IBG LLC and Interactive Brokers LLC¹ (collectively, “Petitioner”) filed a Petition (Paper 5, “Pet.”) on October 23, 2015, that requests review under the transitional program for covered business method patents of U.S. Patent No. 7,685,055 B2 (Ex. 1001, “the ’055 patent”). Trading Technologies International, Inc. (“Patent Owner”) filed a Preliminary Response on February 2, 2016. Paper 11 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted “unless . . . the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

Petitioner challenges the patentability of claims 1–19 of the ’055 patent under 35 U.S.C. §§ 101 and 103. We determine that the Petition demonstrates that it is more likely than not that challenged claims 1–19 are unpatentable, and we institute a covered business method patent review of claims 1–19 of the ’055 patent.

B. Related Matters

The ’055 patent is the subject of numerous related U.S. district court proceedings. Pet. 23; Paper 8, 2–8; Paper 17, 1.

The ’055 patent was the subject of a petition for covered business method patent review in *TD Ameritrade Holding Corp. v. Trading Technologies International, Inc.*, CBM2014-00137 (PTAB). In CBM2014-

¹ This proceeding was terminated with respect to CQG, INC. and CQGT, LLC and they are no longer petitioners in this proceeding. See Paper 16.

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00137, covered business method patent review terminated prior to entry of a final written decision, due to settlement between the parties.

Numerous patents are related to the '055 patent and the related patents are or were the subject of numerous petitions for covered business method patent review and reexamination proceedings. The table in the attached appendix indicates the related patents and corresponding proceedings.

C. The '055 Patent

The '055 patent is titled “System and Method for Automatic Re-positioning of Market Information in a Graphical User Interface,” and issued March 23, 2010, from Application No. 11/417,547 filed May 3, 2006. Ex. 1001, 1.

The '055 patent discloses a graphical user interface (“GUI”) displaying information related to a commodity and a method of automatically re-positioning the information. *Id.* at Abstract. The '055 patent's Figure 16A is reproduced below.

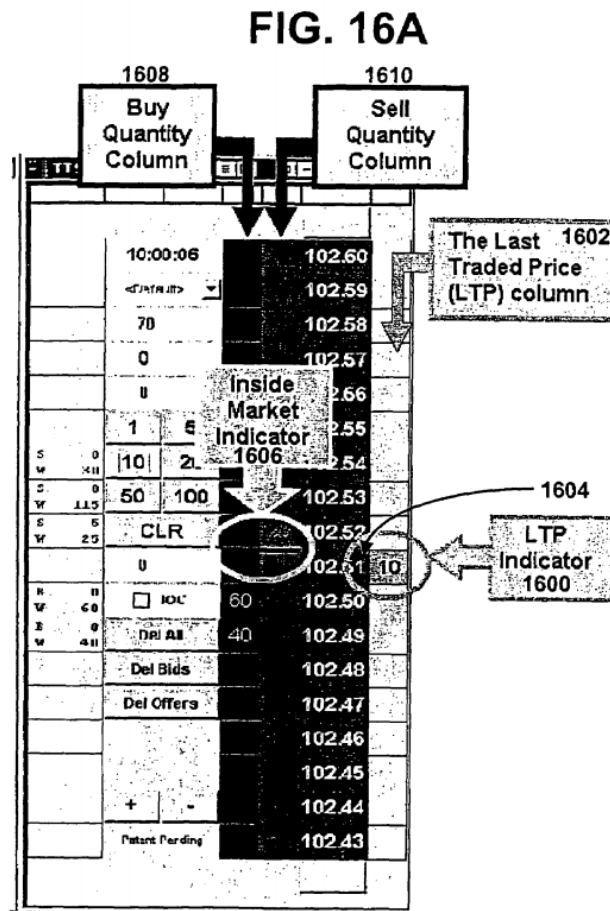


Figure 16A depicts the GUI of the '055 patent.

The GUI includes a plurality of columns, including a static price axis, which includes a plurality of price values for the commodity, such as “102.60.” *Id.* at Fig. 16A; col. 7, l. 67–col. 8, l. 18.

Columns 1608 and 1610 are aligned with the static price axis and dynamically display buy (i.e., bid) quantities and sell (i.e., ask) quantities, respectively, for the corresponding price values of the static price axis. *Id.* at Fig. 16A; col. 26, ll. 10–11. Column 1602 displays the last traded price (“LTP”), and the inside market (i.e., the highest buy price and lowest sell price at which there is quantity currently in the market) is marked with

inside market indicator 1606, which is a solid line spanning columns 1608 and 1610. *Id.* at Fig. 16A; col. 26, ll. 3–14.

The GUI can re-position a designated item of interest, such as the LTP or inside market indicator, in the display. *Id.* at col. 26, ll. 4–45. For example, if the LTP or inside market moves a designated number of cells away from the top or bottom of the display screen, the display, including the static price axis, is repositioned so that LTP or inside market is centered on the display. *See id.* Manual re-positioning can also be used in conjunction with automatic re-positioning. *Id.* at col. 26, ll. 33–37.

D. Illustrative Claim

Claims 1 and 17 of the '055 patent are independent. Claim 1 recites a method, and claim 17 recites a corresponding computer readable medium. Claim 1 of the '055 patent is illustrative of the challenged claims and is reproduced below, with some markings added in brackets.

1. A method for re-positioning a static price axis on a graphical user interface for displaying market information of a commodity being traded at an electronic exchange, the method comprising:

[A] receiving market information relating to a commodity from an electronic exchange via a computing device, the market information comprising an inside market with a current highest bid price and a current lowest ask price for the commodity;

[B] displaying a first plurality of price levels along a static price axis on a graphical user interface of a display device associated with the computing device, where the first plurality of price levels range from a lowest value to a highest value along the static price axis;

[C] in response to an input command received via an input device associated with the computing device, adjusting the first

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