Paper No. _____
Filed: March 6, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC.,
and TD AMERITRADE ONLINE HOLDINGS CORP.
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Case CBM2014-00137
Patent 7,685,055

Patent Owner's Response

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I. INTRODUCTION

The '055 patent is a continuation-in-part of the '132 patent, subject of CBM2014-00135, and builds upon the inventions disclosed in that patent, some of which are also claimed in U.S. Patent 6,766,304 (the "'304 patent"), and U.S. Patent 7,676,411 (the "'411 patent").[1] The general field of art of this family of patents is the design and operation of graphical user interfaces ("GUIs") used for electronic trading. *See* Ex. 2020, '132 patent, Field of Invention, 1:11-18 ("Specifically, the invention provides a trader with a versatile and efficient tool for executing trades. It facilitates the display of and the rapid placement of trade orders …").

The claimed invention is directed to patent eligible subject matter–the technical features of an innovative GUI. TT's claims are rooted in computer technology—particular features and functionality of a specialized GUI (i.e., a graphical device/tool)—and are eligible under both steps of the two-part test set forth in *Alice*. First, because the claimed technical features are directed to a specific tool, the claimed invention does not preempt TD's purported abstract idea of "repositioning market information on a graphical user interface." Indeed, there are many ways of executing the purported abstract idea without utilizing the claimed invention. As such, the claimed invention is not directed to an abstract idea. Second, the claimed elements,

[1] The '304 and '411 patents are the subject of CBM2014-00136 (not instituted) and CBM2014-0133, respectively (also filed by TD).

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