

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

IBG LLC and INTERACTIVE BROKERS LLC,  
Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

---

Case CBM2016-00009  
U.S. Patent 7,685,055

---

**PATENT OWNER'S NOTICE OF APPEAL**

via PTAB E2E  
Patent Trial and Appeal Board

via Hand Delivery  
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 22313

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 72) entered on April 26, 2017, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent No. 7,685,055 (“the ’055 patent”) at issue in Covered Business Method No. CBM2016-00009. This notice of appeal is timely filed because it is filed within 63 days of the August 24, 2017 decision (Paper 77) denying Petitioner’s request for rehearing.<sup>1</sup>

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but may not be limited to:

(1) the Board’s determination that it had jurisdiction to issue the Final Written Decision based on the Board’s view that the ’055 patent is a covered business method patent under § 18 of the American Invents Act;

(2) the Board’s determination that claims 1-19 are ineligible under 35 U.S.C. § 101;

---

<sup>1</sup> Although Paper 77 is titled “Decision Denying Patent Owner’s Request for Rehearing,” it is actually a decision denying *Petitioner’s* request for rehearing. (See Paper 77 at 1-2).

(3) 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;

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

(5) the unconstitutionality of the Transitional Program for Covered Business Method Patents and Covered Business Method Review (AIA § 18) under Article III, the Seventh Amendment, and the Fifth Amendment of the United States Constitution; and

(6) 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 appeal is reversal of the issues decided adversely to Patent Owner in the Final Written Decision, including, but not limited to, the Board's conclusion that the '055 patent is a CBM patent. *See Secure Access, LLC v. PNC Bank Nat'l Ass'n*, 848 F.3d 1370, 1382 (Fed. Cir. 2017).

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.

Dated: October 26, 2017

Respectfully submitted,

By: /Jennifer M. Kurcz/  
Jennifer M. Kurcz,  
Back-Up Counsel, Reg. No. 54,481  
***Counsel for Patent Owner***  
***Trading Technologies International, Inc.***  
Baker & Hostetler LLP  
191 North Wacker Drive  
Suite 3100  
Chicago, IL 60606-1901  
T 312.416.6200

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of October, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was Hand Delivered to:

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 22313

I also hereby certify that on this 26<sup>th</sup> day of October, 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 hereby certify that a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” was served by electronic mail on this 26<sup>th</sup> day of October, 2017 on counsel of record for the Petitioners as follows:

Robert E. Sokohl  
rsokohl-PTAB@skgf.com

Lori Gordon  
lgordon-PTAB@skgf.com

Richard M. Bemben  
rbemben-PTAB@skgf.com

PTAB@skgf.com

# 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.