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Paper 19
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TD AMERITRADE HOLDING CORP., TD AMERITRADE, INC., and TD AMERITRADE ONLINE HOLDINGS CORP.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

CBM 2014-00131
Patent 7,533,056 B2

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and PHILIP J. HOFFMANN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

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I. INTRODUCTION

TD Ameritrade Holding Corp., TD Ameritrade, Inc., and TD Ameritrade Online Holdings Corp., (collectively, "Petitioner") filed a Petition on May 19, 2014, requesting a covered business method patent review of claims 1–15 of U.S. Patent No. 7,533,056 B2 (Ex. 1001, "the '056 patent"). Paper 4 ("Pet."). In response, Trading Technologies International, Inc. ("Patent Owner") filed a Patent Owner Preliminary Response on September 3, 2014. Paper 17 ("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."

Pursuant to 35 U.S.C. § 324, the Board authorizes a covered business method patent review to be instituted as to claims 1–15 of the '056 patent.

A. Related Matters

Petitioner and Patent Owner identify numerous related U.S. district court cases. Pet. 2–3; Paper 7, 2–3. In compliance with 37 C.F.R. § 42.302(a), Petitioner certifies that it has been sued for infringement of the '056 patent in *TTI v. thinkorswim Group, Inc.*, No. 1:10-cv-00883 (N.D. Ill.). Pet. 3–4. Patent Owner does not challenge Petitioner's certification that it has been sued for patent infringement of the '056 patent.

B. The '056 Patent

The Specification of the '056 patent describes a user interface for an electronic trading system that allows a remote trader to view trends for an

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item, which assists the trader to anticipate demand for an item. Ex. 1001, 2:8–26.

C. Illustrative Claim

Claim 1 is of the '056 patent is the only independent claim:

1. A method of operation used by a computer for displaying transactional information and facilitating trading in a system where orders comprise a bid type or an offer type, the method comprising:

receiving bid and offer information for a product from an electronic exchange, the bid and offer information indicating a plurality of bid orders and a plurality of offer orders for the product;

displaying a plurality of bid indicators representing quantity associated with the plurality of bid orders, the plurality of bid indicators being displayed at locations corresponding to prices of the plurality of bid orders along a price axis;

displaying a plurality of offer indicators representing quantity associated with the plurality of offer orders, the plurality of offer indicators being displayed at locations corresponding to prices of the plurality of offer orders along the price axis;

receiving a user input indicating a default quantity to be used to determine a quantity for each of a plurality of orders to be placed by the user at one or more price levels;

receiving a user input indicating a desired price for an order to be placed by the user, the desired price being specified by selection of one of a plurality of locations corresponding to price levels along the price axis; and

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sending the order for the default quantity at the desired price to the electronic exchange.

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–15 of the '056 patent are unpatentable based on the following specific grounds:

References	**Basis**	**Challenged Claim(s)**
n/a	§ 101	1–15
n/a	§ 112, ¶ 1	1–15
n/a	§ 112, ¶ 2	7
TSE[1] and Togher[2]	§ 103	1–5, 7, and 9–14
TSE, Togher, and Schott[3]	§ 103	1–15
Silverman[4], Togher, and Hogan[5]	§ 103	1–15

E. *Covered Business Method Patent*

A covered business method patent is "a patent that claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions." Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125

[1] TOKYO STOCK EXCHANGE OPERATION SYSTEM DIVISION, FUTURES/OPTION PURCHASING SYSTEM TRADING TERMINAL OPERATION GUIDE (1998) (Ex. 1004) ("TSE").
[2] U.S. Patent No. 5,375,055, issued Dec. 20, 1994 (Ex. 1008) ("Togher").
[3] U.S. Patent No. 5,619,631, issued Apr. 8, 1997 (Ex. 1009) ("Schott").
[4] U.S. Patent No. 5,136,501, issued Aug. 4, 1992 (Ex. 1010) ("Silverman").

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Stat. 284, 329 (2011) ("AIA") §§ 18(a)(1)(B), 18(d)(1); *see* 37 C.F.R. § 42.302. To determine whether a patent is for a technological invention, we consider "whether the claimed subject matter as a whole recites a technological feature that is novel and unobvious over the prior art; and solves a technical problem using a technical solution." 37 C.F.R. § 42.301(b). For purposes of determining whether a patent is eligible for a covered business method patent review, the focus is on the claims. A patent need have only one claim directed to a covered business method to be eligible for review.

Petitioner has shown that the '056 patent is a patent that claims a method for performing data processing or other operations used in the practice, administration, or management of a financial product or service. Pet. 5. Claim 1, the sole independent claim, recites a method of receiving bid and offer information of a product from an electronic exchange, displaying the bid and offer information, receiving a user input indicating a default quantity and price for an order(s), and sending the order(s) to an electronic exchange. As such, claim 1 is directed to a method for performing data processing or other operations used in the practice, administration, or management of a financial service (facilitating trading in an electronic exchange).

Patent Owner argues that none of the claims are directed to a method for performing data processing or other operations used in the practice, administration, or management of a financial product or service—a method

[5] U.S. Patent No. 5,414,809, issued May 9, 1995 (Ex. 1011) ("Hogan").

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