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.,
IBFX, INC., CQG, INC., and CQGT, LLC,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

_____

CBM 2015-00179
Patent 7,533,056 B2

_____

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

MEDLEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., TradeStation Securities, Inc., TradeStation Technologies, Inc., IBFX, Inc., CQG, Inc., and CQGT, LLC, (collectively, "Petitioner") filed a Petition 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 9 ("Pet."). In response, Trading Technologies International, Inc. ("Patent Owner") filed a Patent Owner Preliminary Response. Paper 21 ("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."

For the reasons that follow, we institute a covered business method patent review of claims 1–15 of the '056 patent.

A. Related Matters

The '056 patent is involved in the following lawsuit: *TT v. BGC Partners, Inc.,* et al., No. 1:10-cv-00715 (N.D. Ill.). Pet. 3. In compliance with 37 C.F.R. § 42.302(a), Petitioner certifies that it has been sued for infringement of the '056 patent. *Id.* Patent Owner does not challenge Petitioner's certification that it has been sued for 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

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

C. Illustrative Claim

Claim 1 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

3

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
TSE[1], Togher[2], Schott[3], and Cooper[4]	§ 103	1–15
Silverman[5], Togher, Cooper, and Hogan[6]	§ 103	1–15

E. Expanded Panel Request and Procedural Issues

Patent Owner suggests that this decision be made by an expanded panel of administrative patent judges. Prelim. Resp. 75–77. Discretion to expand a panel rests with the Chief Judge, who, on behalf of the Director, may act to expand a panel on a suggestion from a judge or panel. *AOL Inc. v. Coho Licensing LLC,* Case IPR2014-00771, slip op. at 2 (PTAB Mar. 24,

---

[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] Alan Cooper, ABOUT FACE: THE ESSENTIALS OF USER INTERFACE DESIGN, First Edition (1995) (Ex. 1015) ("Cooper").
[5] U.S. Patent No. 5,136,501, issued Aug. 4, 1992 (Ex. 1010) ("Silverman").
[6] U.S. Patent No. 5,414,809, issued May 9, 1995 (Ex. 1011) ("Hogan").

2015) (Paper 12) (informative). Patent Owner's suggestion was considered by the Acting Chief Administrative Patent Judge, who declined to expand the panel.

The parties urge us to defer to prior Board decisions in related covered business method patent review proceedings and decisions of district courts in related proceedings. Here, we do not give much, if any, deference to the prior Board decisions and the decisions of the district courts that we are directed to in determining whether to institute a covered business method patent review in this proceeding. The prior decisions were based on different patents, different claims, different parties, different evidence, and in the case of the district court proceedings, different standards of proof and different claim construction standards. Additionally, we give no consideration to the arguments Patent Owner presents in letters sent to the Director of the United States Patent and Trademark Office.

F. 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 Stat. 284, 329 (2011) ("AIA") § 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

DOCKET ALARM

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.

fastcase
Smarter legal research.