

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC, INTERACTIVE BROKERS LLC,
TRADESTATION GROUP, INC., and
TRADESTATION SECURITIES, INC.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

CBM2016-00032
Patent 7,212,999 B2

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

PETRAVICK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

INTRODUCTION

A. *Background*

IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and TradeStation Securities, Inc. (collectively, “Petitioner”) filed a Petition requesting a covered business method patent review of claims 1–35 of U.S. Patent No. 7,212,999 B2 (Ex. 1001, “the ’999 patent”). Paper 1 (“Pet.”). Trading Technologies International, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 12 (“Prelim. Resp.”).

On August 8, 2016, we instituted a covered business method patent review (Paper 16, “Institution Decision” or “Inst. Dec.”) based upon Petitioner’s assertion that claims 1–35 are directed to patent ineligible subject matter under 35 U.S.C. § 101. Inst. Dec. 28. Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 24, “PO Resp.”) and Petitioner filed a Reply (Paper 29, “Pet. Reply”) to Patent Owner’s Response. Pursuant to our authorization, Patent Owner filed an additional submission addressing the Federal Circuit’s holding in *Technologies International, Inc., v. CQG, Inc.*, 675 Fed.Appx. 1001 (Fed. Cir. 2017) (“CQG”) (Paper 36) and Petitioner filed a reply to that submission (Paper 37). Petitioner filed a Motion to Exclude Evidence (Paper 39, “Pet. MTE”), and Patent Owner filed a Motion to Exclude Evidence (Paper 41, “PO MTE”).

We held a joint hearing of this case and several other related cases on May 3, 2017. Paper 50 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 328(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown sufficiently that claims 1–35 of the '999 patent are directed to patent ineligible subject matter under 35 U.S.C. § 101.

B. Related Proceedings

The '999 patent is involved in the following lawsuits: *TT v. IBG LLC*, No. 1:10-cv-00721 (N.D. Ill.) and *TT v. TradeStation Securities, Inc.*, 1:10-cv-884 (N.D. Ill.). Pet. 3.

Numerous patents are related to the '999 patent and the related patents are or were the subject of numerous petitions for covered business method patent review and reexamination proceedings. As noted above, the Federal Circuit has issued a non-precedential decision, *CQG*, which addresses whether claims of U.S. Patent Nos. 6,766,304 (“the '304 patent”) and 6,772,132 (“the '132 patent”) are patent eligible under § 101. The '999 patent at issue in this case is not related to the '132 and '304 patents via continuation or divisional filings.

C. Asserted Grounds of Unpatentability

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C. § 101. Pet. 19–35.

D. The '999 Patent

The '999 patent describes a graphical user interface (“GUI”) 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, 2:3–6. Figure 3A of the '999 patent is reproduced below.

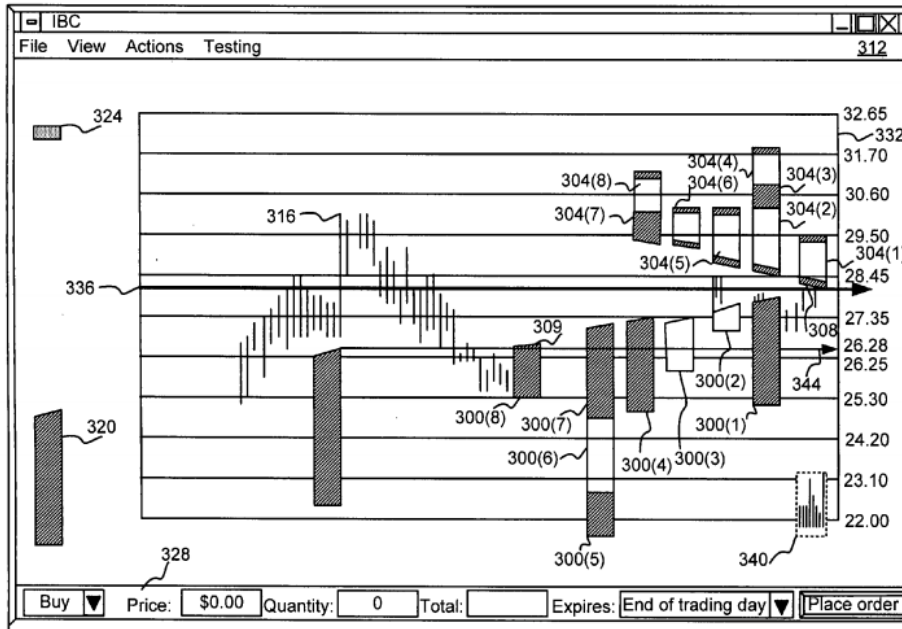


FIG. 3A

Figure 3A depicts a GUI that includes: 1) value axis 332, which indicates the value at which an item is being traded, 2) multiple offer icons 304(1)–304(8), and 3) multiple bid icons 300(1)–300(8). *Id.* at 6:13–15. The offer icons and the bid icons represent orders in the marketplace. *Id.*

A trader can place an order using the GUI in a variety of ways. *Id.* at 8:26–27. The trader can use task bar 328 to enter the required information and submit the order using the “Place Order” button. *Id.* at 8:27–33.

Alternatively, the trader can select offer token 324 or bid token 320 using a pointing device, adjust the size of the token to match a desired quantity, and drag-and-drop the token to a location that corresponds to the desired value of the order. *Id.* at 8:38–58. Either a Buy pop-up window or a Sell pop-up

window is displayed, which allows the trader to modify, cancel, or submit the order. *Id.* at 8:54–65; Figs. 3d, 3e.

E. Illustrative Claim

Claims 1 and 35 are independent claims. Claims 2–34 directly or indirectly depend from claim 1. Claim 1 of the '999 patent is illustrative of the subject matter at issue.

1. A computer based method for facilitating the placement of an order for an item and for displaying transactional information to a user regarding the buying and selling of items in a system where orders comprise a bid type or an offer type, and an order is generated for a quantity of the item at a specific value, the method comprising:

displaying a plurality of bid indicators, each corresponding to at least one bid for a quantity of the item, each bid indicator at a location along a first scaled axis of prices corresponding to a price associated with the at least one bid;

displaying a plurality of offer indicators, each corresponding to at least one offer for a quantity of the item, each offer indicator at a location along a first scaled axis of prices corresponding to a price associated with the at least one offer;

receiving market information representing a new order to buy a quantity of the item for a specified price, and in response to the received market information, generating a bid indicator that corresponds to the quantity of the item bid for and placing the bid indicator along the first scaled axis of prices corresponding to the specified price of the bid;

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.