

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.

Patent No. 6,766,304

**PETITION FOR COVERED BUSINESS METHOD REVIEW OF
U.S. PATENT NO. 6,766,304**

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I. INTRODUCTION

Pursuant to the provisions of 35 U.S.C. § 321 and § 18 of the Leahy-Smith America Invents Act (“AIA”), and to 37 C.F.R. Part 42, IBG LLC and Interactive Brokers LLC, (collectively, “IBG” or “Petitioners”) hereby request review of United States Patent No. 6,766,304 to Kemp et al. (hereinafter “the ’304 patent,” Ex. 1001) that issued on June 20, 2004, and is owned by Trading Technologies International, Inc. (“TT” or “Patent Owner”). This petition demonstrates, by a preponderance of the evidence, it is more likely than not that the claims of the ’304 patent are unpatentable because they are directed to an abstract idea. Accordingly, CBM review of the ’304 patent should be granted and claims 1-40 should be found unpatentable.

This petition is filed along with a motion for joinder with CBM2015-00161 (“the ’161 CBM review”), in which petitioners TradeStation Group, Inc. and TradeStation Securities, Inc. (collectively, “TradeStation”) filed a petition on July 20, 2015 challenging claims 1-40 of the ’340 patent. The Board instituted trial in the ’161 CBM review on January 27, 2016. This petition proposes the same ground of rejection instituted in the ’161 CBM review, and relies on the same analysis and evidence.¹ If joinder is not granted, Petitioners respectfully request that a proceeding be instituted based on this petition alone.

¹ The petition in the ’161 CBM review included an additional ground of challenge based on § 112. The Board declined to institute trial on that ground. IBG has omitted that ground from this petition.

II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

Real Party-in-Interest (37 C.F.R. § 42.8(b)(1)): IBG LLC and Interactive Brokers LLC are the real parties-in-interest.

Related Matters (37 C.F.R. § 42.8(b)(2)): Petitioners are aware of the following matters that may affect, or be affected by, a decision in this proceeding: *GL Trade Am., Inc. v. Trading Tech. Int'l, Inc.*, 1:11-cv-001558 (N.D. Ill.); *TT v. TradeHelm, Inc.*, 1:10-cv-00931 (N.D. Ill.); *TT v. Rosenthal Collins Group, LLC*, 1:10-cv-00929 (N.D. Ill.); *TT v. Open E Cry, LLC, et al.*, 1:10-cv-00885 (N.D. Ill.); *TT v. thinkorswim Group, Inc., et al.*, 1:10-cv-00883 (N.D. Ill.); *TT v. Tradestation Sec., Inc., et al.*, 1:10-cv-00884 (N.D. Ill.); *TT v. FuturePath Trading, LLC*, 1:10-cv-00720 (N.D. Ill.); *TT v. Stellar Trading Sys., Ltd., et al.*, 1:10-cv-00882 (N.D. Ill.); *TT v. Cunningham Trading Sys., LLC, et al.*, 1:10-cv-00726 (N.D. Ill.); *TT v. BGC Partners, Inc.*, 1:10-cv-00715 (N.D. Ill.); *TT v. CQG, Inc., et al.*, 1:05-cv-04811 (N.D. Ill.); *TT v. IBG LLC, et al.*, 1:10-cv-00721 (N.D. Ill.); *TT v. Orc Software, Inc., et al.*, 1:05-cv-06265 (N.D. Ill.); *TT v. FuturePath Trading, LLC*, 1:05-cv-05164 (N.D. Ill.); *TT v. Transmarket Group, LLC*, 1:05-cv-05161 (N.D. Ill.); *TT v. FFastFill PLC, Inc.*, 1:05-cv-04449 (N.D. Ill.); *TT v. Strategy Runner, Ltd.*, 1:05-cv-04357 (N.D. Ill.); *TT v. Rolfe & Nolan Sys., Inc., et al.*, 1:05-cv-04354 (N.D. Ill.); *TT v. RTS Realtime Sys., Inc., et al.*, 1:05-cv-04332 (N.D. Ill.); *TT v. Peregrine Fin. Group, Inc.*, 1:05-cv-04137 (N.D. Ill.); *TT v. GL Consultants, Inc., et al.*, 1:05-cv-04120 (N.D. Ill.); *Rosenthal Collins Group, LLC v. TT*, 1:05-cv-04088 (N.D. Ill.); *TT v. Ninja Trader, LLC*, 1:05-cv-03953 (N.D. Ill.); *TT v. Patsystems NA LLC, et al.*, 1:05-cv-02984 (N.D. Ill.); *TT v. Man Group PLC, et al.*, 1:05-cv-02164; *TT v. Refco Group, Ltd., LLC*, 1:05-cv-01079

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