

Paper No. ____
Filed: February 25, 2016

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 No. CBM2016-00040
Patent No. 7,783,556

**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF
U.S. PATENT NO. 7,783,556**

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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. 7,783,556 to Singer et al. (hereinafter “the ’556 patent,” Ex. 1001) that issued on August 24, 2010, 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 ’556 patent are unpatentable because they are directed to an abstract idea. Accordingly, CBM review of the ’556 patent should be granted and claims 1-22 should be found unpatentable.

This petition is filed along with a motion for joinder with CBM2015-00172 (“the ’172 CBM review”), in which petitioners TradeStation Group, Inc. and TradeStation Securities, Inc. (collectively, “TradeStation”) filed a petition on August 12, 2015 challenging claims 1-22 of the ’556 patent. The Board instituted trial in the ’172 CBM review on February 12, 2016. This petition proposes the same grounds of rejection instituted in the ’172 CBM review, and relies on the same analysis and evidence. If joinder is not granted, Petitioners respectfully request that a proceeding be instituted based on this petition alone.

Generally speaking, the ’556 patent relates to a business method for displaying market information to a financial trader using a computing device. The ’556 patent admits that the basic idea of using a computer having a graphical user interface (“GUI”) to display and update market information, and otherwise enable

a trader to interact with an electronic financial exchange, was well known. (Ex. 1001, '556 patent at Figs. 1-2 and 1:52-2:17) The purported invention of the '556 patent was simply to add another item of well-known financial information – namely, the profit or loss a trader would incur upon making a particular trade – to an electronic trading GUI that the patent admits is prior art. (*Id.*) Providing financial information to facilitate market trades – the basic idea of the '556 patent claims – is “a fundamental economic practice long prevalent in our system of commerce.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2356 (2014). Adding profit/loss information to the display is a well-known and trivial modification that does not add anything of significance to that abstract idea—it is simple math that could be (and has been for years) performed mentally by a trader. The other claim limitations are similarly devoid of significance. Consequently, the claims of the '556 patent are invalid under 35 U.S.C. § 101 because they encompass an abstract idea without adding “significantly more.” *Id.* at 2355. Moreover, the '556 patent claims fail the machine-or-transformation test in that they are neither “tied to a particular machine or apparatus” nor do they operate to change articles or materials into a “different state or thing.” *Bilski v. Kappos*, 130 S. Ct. at 3218, 3230 (2010).

Petitioners respectfully submit that CBM review should be instituted, and the challenged claims canceled.

II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(b)

A. Real-Parties-In-Interest

IBG LLC and Interactive Brokers LLC are the real parties-in-interest.

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