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**

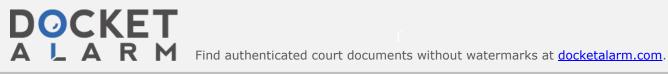


TABLE OF CONTENTS

	<u>Page</u>
I.	INTRODUCTION
II.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(b)
A	Real-Parties-In-Interest
В	Related Matters
C	Lead and Back-Up Counsel
Ш.	PAYMENT OF FEES4
IV.	SUMMARY OF THE '556 PATENT4
A	
В	The '556 Patent Specification
C	The '556 patent Claims 9
V.	GROUNDS FOR STANDING13
A	The '556 Patent Is Directed to a Covered Business Method
В	The '556 Patent Is Not Directed to a Technological Invention17
VI.	CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.304(b)(3)21
A	Broadest Reasonable Interpretation
	1. "Computer readable Medium"
VII	CHALLENGE AND RELIEF REQUESTED22
VII TH	I. IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE CLAIM OF E '556 PATENT IS UNPATENTABLE23
A	GROUND 1: Claims 1-22 Are Patent-Ineligible Under 35 USC § 10123
	1. The '556 patent claims are directed to an abstract idea25
	2. The '556 patent claim elements – either separately or as an ordered combination – do not include "significantly more" than the abstract concept .27
	3. The '556 patent claims are neither tied to a "particular machine" nor do they "transform a particular article into a different state or thing"30
	4. The dependent claims also are patent ineligible
	5. Finding the '556 patent claims patent ineligible is consistent with post- Alice Federal Circuit case law



В.	GROUND 2: Claims 12-22 Are Outside the Four Permissible Statutory	
Cla	asses of Patentable Subject Matter	42
	•	
C.	CONCLUSION	43
X.	Appendix – List of Exhibits	44



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.



DOCKET

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.

