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VIA FED EX

October 30, 2015

Hon. Michelle K. Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
600 Dulany St., MDW 10D44
Alexandria, Virginia 22314

Re: Continued Abuse of Post-Grant Review Process

Dear Director Lee:

On October 23, 2015, the same day that we sent our second letter regarding abusive CBM filings¹ (“Second Letter”), Interactive Brokers Group (“IBG”) and CQG filed another CBM petition against U.S. Patent No. 7,685,055 (CBM2016-00009).

This new filing continues the abuse and gamesmanship of the CBM process outlined in our letter dated August 10, 2015 (“First Letter”) and our Second Letter.

Once again, the petitioners have waited an inordinate amount of time before filing this petition and also knowingly chose not to join a previous CBM petition on the same patent, which was filed by their co-defendant.

- **Waited Almost 3 Years to File.** TT filed its infringement complaints against CQG and IBG on February 3, 2010. The CBM program was available to both of these parties on September 16, 2012. The petitioners filed CBM2016-00009 on October 23, 2015. Therefore, they waited over 3 years (1133 days) to file a petition against this patent.
- **Did Not Join TDA CBM Petition.** IBG and CQG had the opportunity to join the TD Ameritrade CBM petition against the '055 patent on May 19, 2014. They knowingly chose to not join at that point, even though they now advance similar arguments.

¹ The CBMs discussed in our Second Letter were CBM2015-00172, CBM2015-00179, CBM2015-00181, and CBM2015-00182.

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Furthermore, for the same reasons set forth in our First and Second Letters, the '055 patent is not a covered business method patent within the jurisdictional scope of Section 18. Like the patents discussed in our First and Second Letters, the '055 patent claims are not directed to a business method or practice. Rather, they are directed to technology – particular structural and functional features of a GUI tool. The claims were found by the USPTO to be novel and non-obvious over other GUI prior art based on the claimed GUI features – not based on alleged innovations in the steps of a business process or practice.

Therefore, for the same reasons set forth in our First and Second Letters, TT respectfully requests that you exercise your discretion as Director (pursuant to, *inter alia*, 35 U.S.C. §§ 324-325 and 37 C.F.R. § 42.208) to also promptly deny institution of this new petition.

Sincerely,

A handwritten signature in black ink that reads "Jay Q. Knobloch". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jay Q. Knobloch
Director of IP Licensing & Litigation
Trading Technologies International, Inc.

cc: John C. Phillips (phillips@fr.com);
Robert E. Sokohl (rsokohl@skgf.com);
Erika H. Arner (erika.arnier@finnegan.com);
Steven F. Borsand (steve.borsand@tradingtechnologies.com).