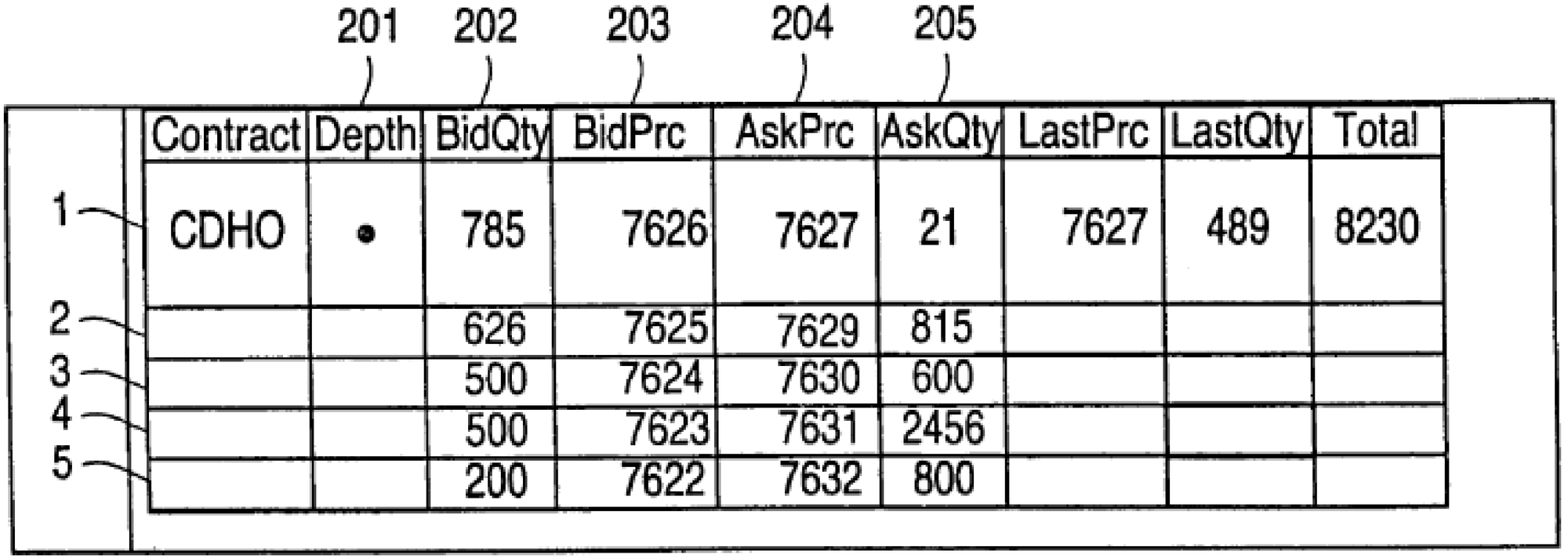
TRADING TECHNOLOGIES

Patent Owner's Demonstratives

Case CBM2016-00031 & CBM2016-00051
Patents 7,813,996 & 7,904,374

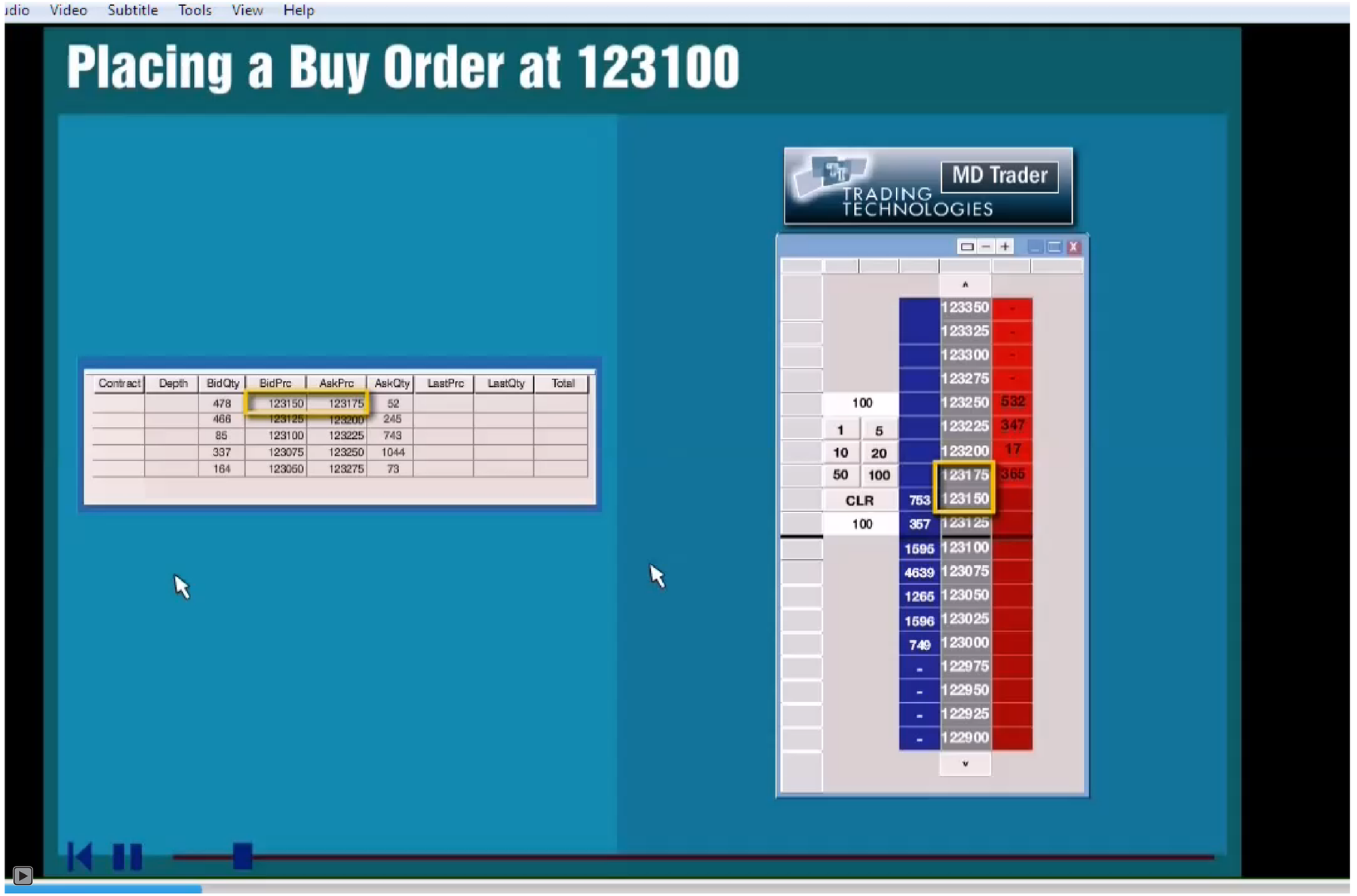
IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

FIG. 2



Contract	Depth	BidQty	BidPrc	AskPrc	AskQty	LastPrc	LastQty	Total
CDHO	•	785	7626	7627	21	7627	489	8230
		626	7625	7629	815			
		500	7624	7630	600			
		500	7623	7631	2456			
		200	7622	7632	800			

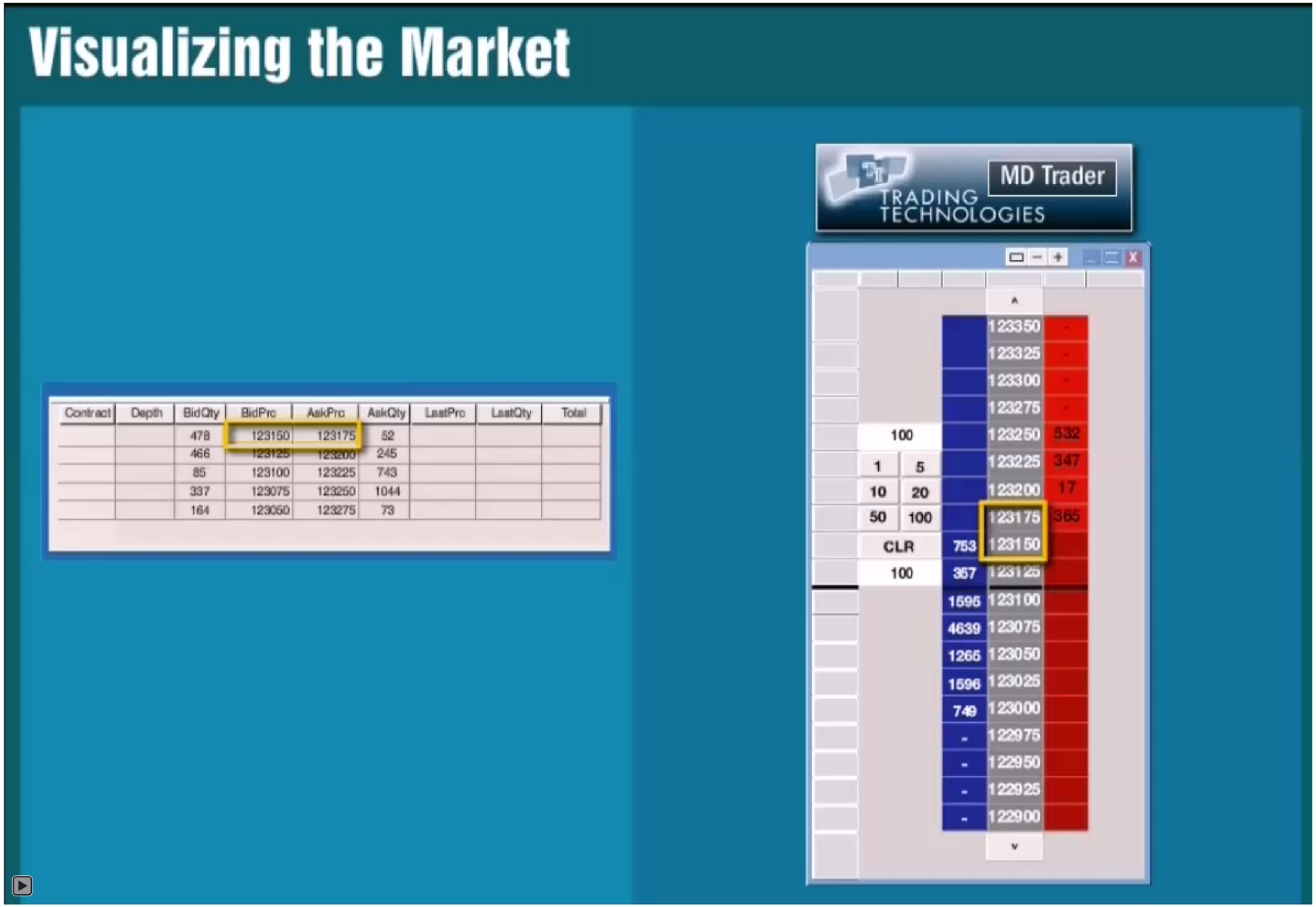
Ex. 1001 at Fig. 2; '996 POR at 11; '374 POR at 14.



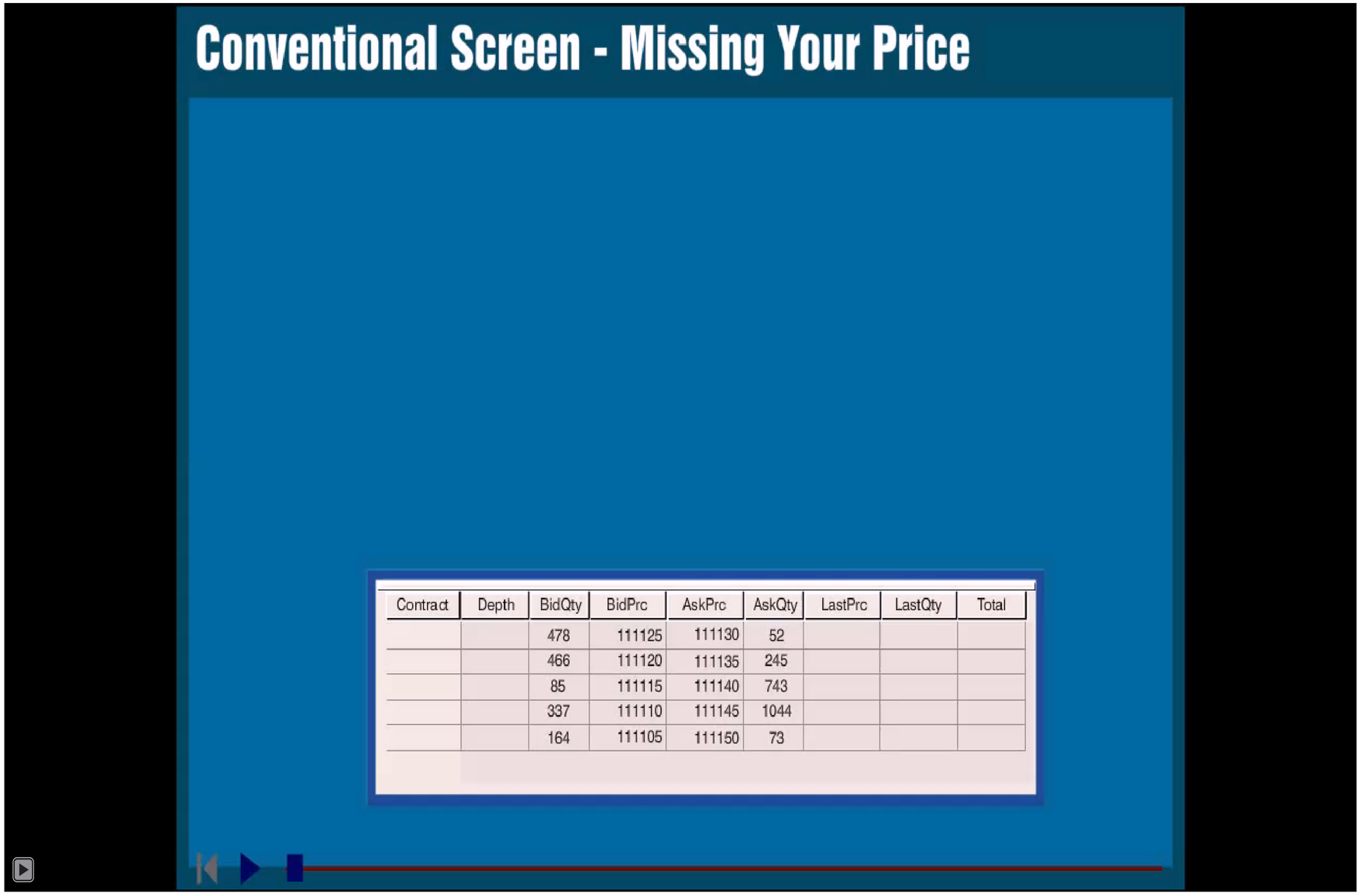
Ex. 2214; ‘996 POR at 12; ‘374 POR at 18.

Ex. 2195; ‘996 POR at 12; ‘374 POR at 17.

Ex. 2196; ‘996 POR at 12; ‘374 POR at 17.



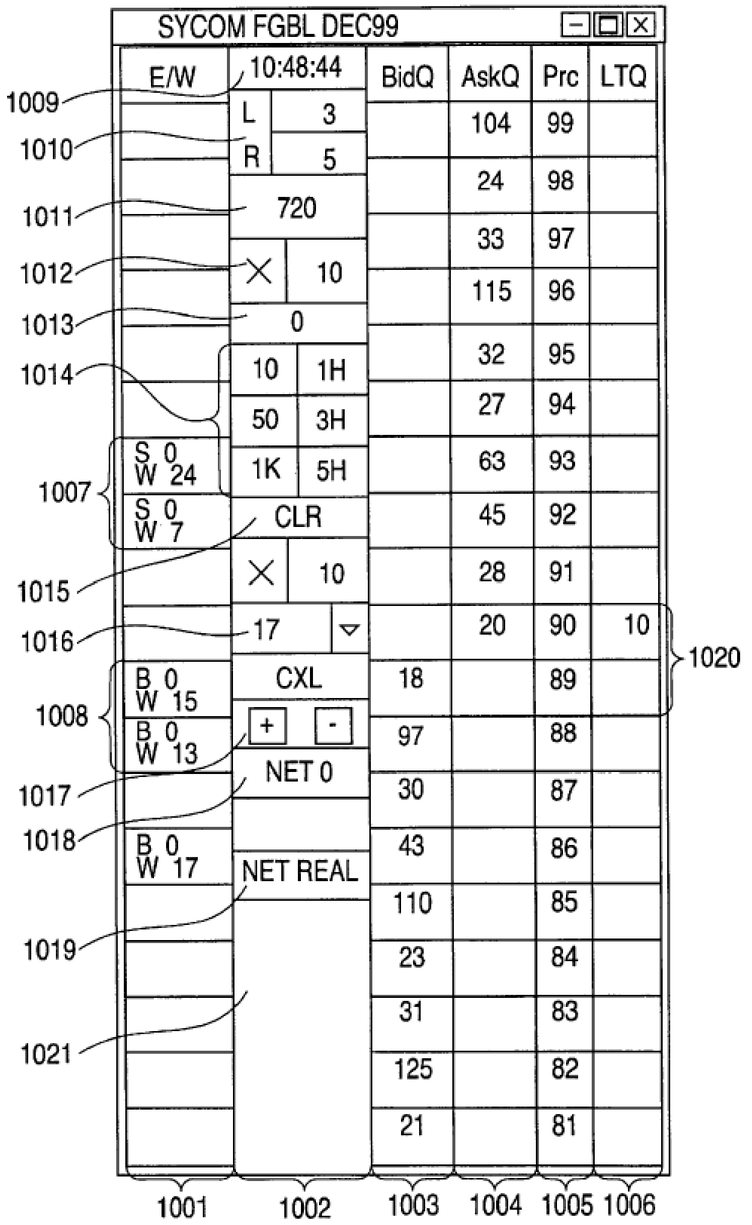
Ex. 2197; ‘996 POR at 12; ‘374 POR at 18.



Ex. 2212; '996 POR at 12; '374 POR at 18.

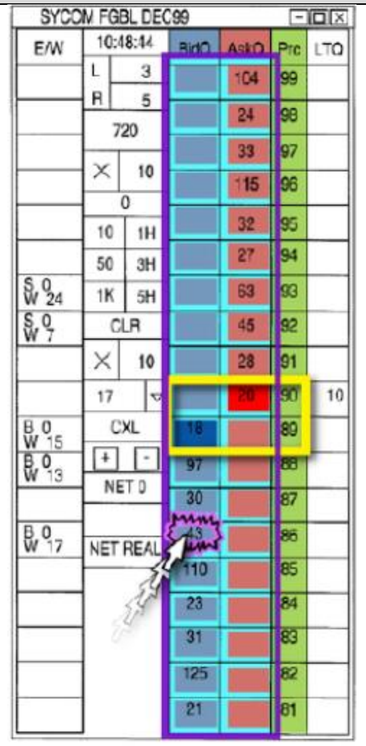
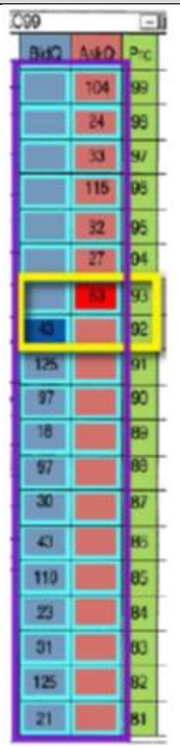
TRADING TECHNOLOGIES

FIG. 3



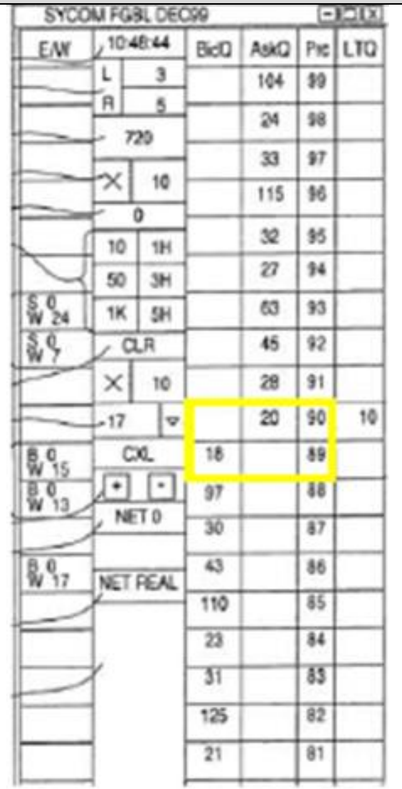
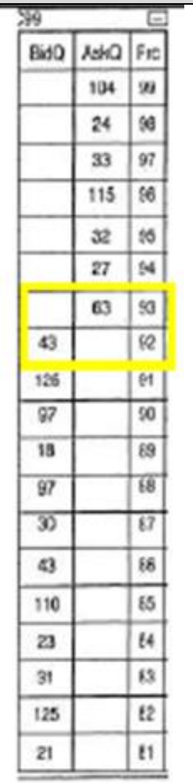
Ex. 1001 at Fig. 3; '996 POR at 14-15.

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

‘996 POR at 15.

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

Ex. 2197; '996 POR at 12

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)

1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps:

receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price;

receiving an input from a user that designates a default quantity to be used for a plurality of trade orders;

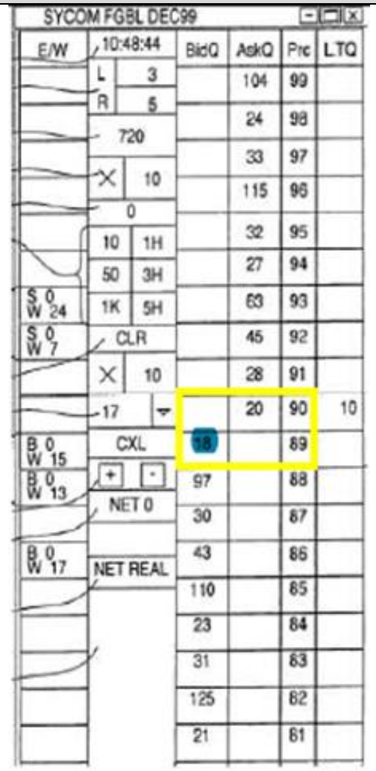
dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price;

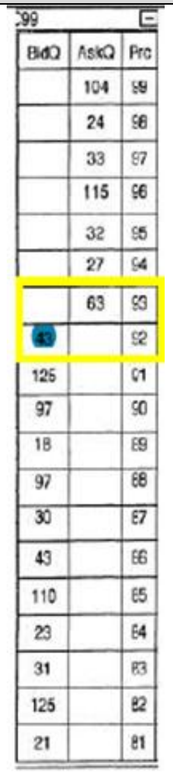
dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price;

displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis;

displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and

receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.





TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)

1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps:

receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price;

receiving an input from a user that designates a default quantity to be used for a plurality of trade orders;

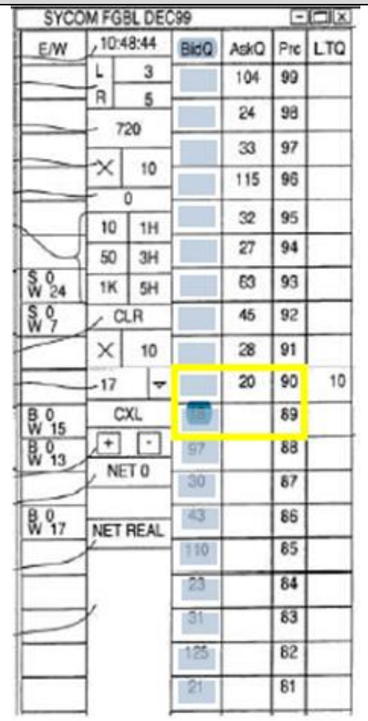
dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price;

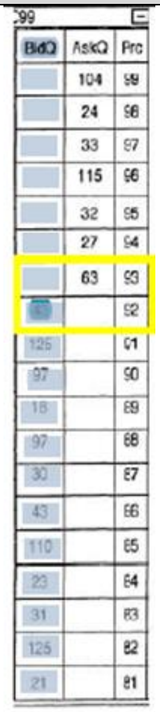
dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price;

displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis;

displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and

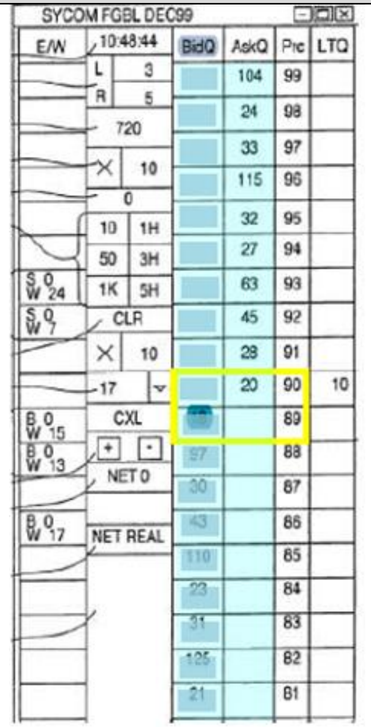
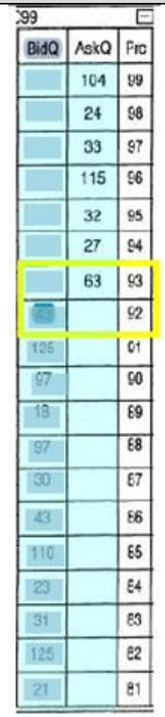
receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.

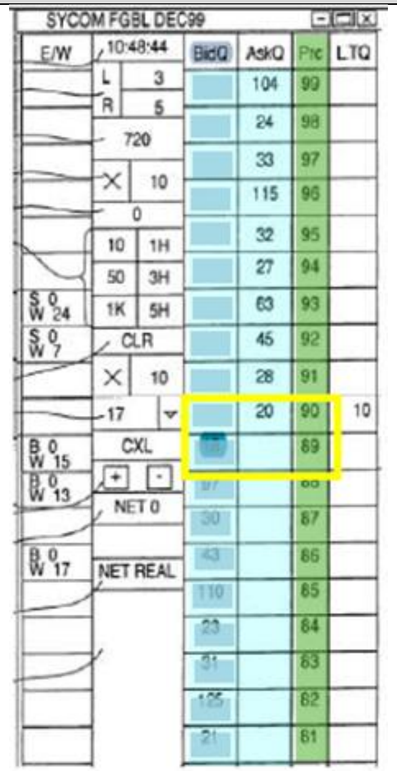
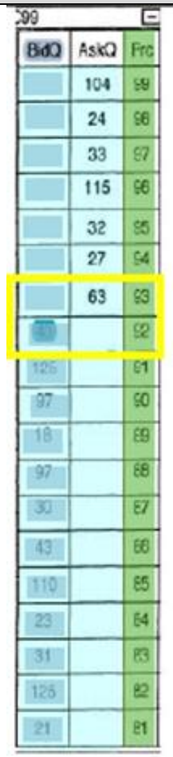




Ex. 2197; '996 POR at 12

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

Ex. 2197; '996 POR at 12

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)

1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps:

receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price;

receiving an input from a user that designates a default quantity to be used for a plurality of trade orders;

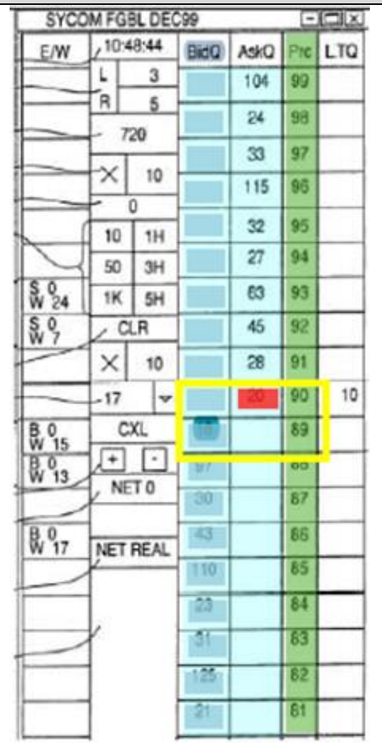
dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price;

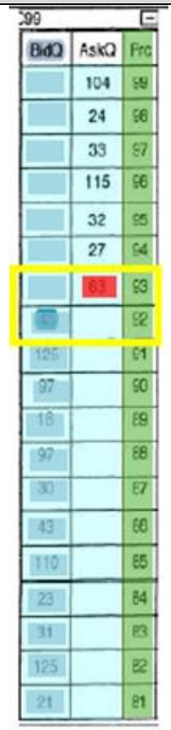
dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price;

displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis;

displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and

receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.





TRADING TECHNOLOGIES

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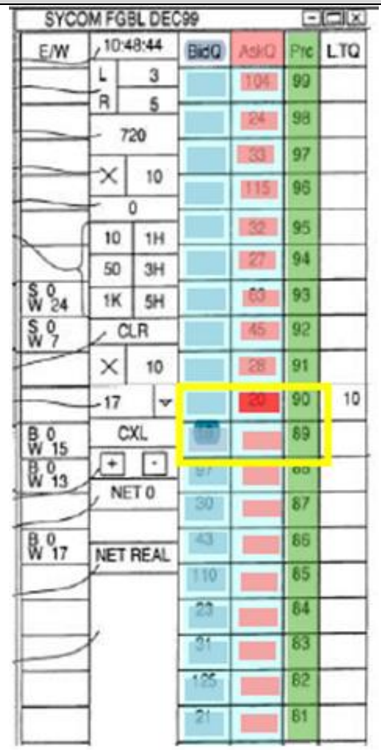
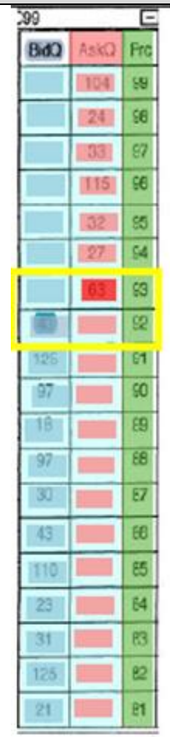
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

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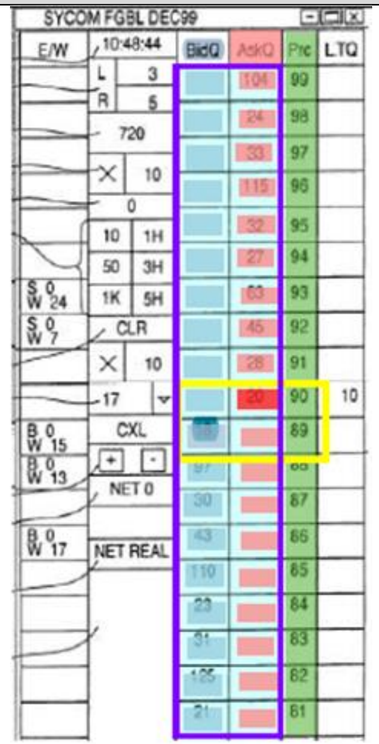
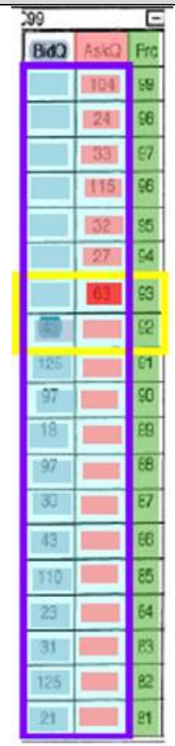
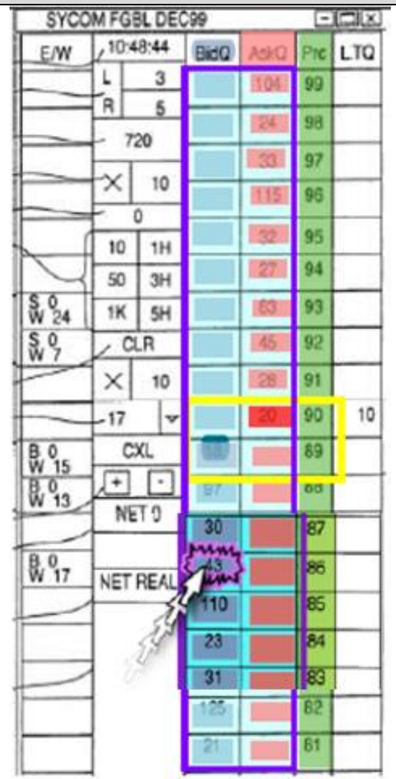
Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

Ex. 2197; '996 POR at 12

TRADING TECHNOLOGIES

Claim 1	Fig. 3 (T1)	Fig. 4 (T2)
1. A computer readable medium having program code recorded thereon for execution on a computer having a graphical user interface and a user input device, the program code causing a machine to perform the following method steps: receiving market information for a commodity from an electronic exchange, the market information comprising an inside market with a current highest bid price and a current lowest ask price; receiving an input from a user that designates a default quantity to be used for a plurality of trade orders; dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level along a static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the current highest bid price; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level along the static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the current lowest ask price; displaying the bid and ask display regions in relation to a plurality of price levels arranged along the static price axis such that when the inside market changes, the price levels along the static price axis do not change positions and at least one of the first and second indicators moves in the bid or ask display regions relative to the static price axis; displaying an order entry region aligned with the static price axis comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price level of the static price axis; and receiving a plurality of commands from a user, each command sending a trade order to the electronic exchange, each trade order having an order quantity based on the default quantity without the user designating the default quantity between commands, wherein each command results from selecting a particular area in the order entry region corresponding to a desired price level as part of a single action of the user input device with a pointer of the user input device positioned over the particular area to both set an order price parameter for the trade order based on the desired price level and send the trade order to the electronic exchange.		

Ex. 2197; '996 POR at 12

…
displaying … a plurality of graphical locations aligned along an axis, where each graphical location is configured to be selected by a single action of a user input device to send a trade order to the electronic exchange, where a price of the trade order is based on the selected graphical location,

mapping … the plurality of sequential price levels to the plurality of graphical locations, where …[the] mapping of the plurality of sequential price levels does not change at a time when at least one of the current highest bid price and the current lowest ask price changes; and

setting a price and sending the trade order to the electronic exchange in response to receiving … commands based on user actions consisting of: (1) placing a cursor associated with the user input device over a desired graphical location of the plurality of graphical locations and (2) selecting the desired graphical location through a single action of the user input device.

‘374 POR at 18-19.

CBM Jurisdiction

Technological Feature

996 Petition

In independent claim 1, for example, the only arguably technical features in the claim are "a graphical user interface," "a user input device," and a "computer" that performs standard computing functions such as "receiving" and "displaying."

'996 Pet. at 17.

Experts Agree That GUIs are Technology

Dr. Olsen states that “graphical user interfaces are a technology with specific technical problems,” Ex.2174, ¶7.

Mr. Bear states that “graphical user interfaces are inherently technology,” Ex.2168, ¶3.

Furthermore, Petitioners’ expert, Dr. Mellor, agreed that “the underlying technology is the graphical user interface.” *See, e.g.*, Ex.2294, at 45.

Likewise, an expert for one of Petitioners’ joint defense partners, Mr. Van Dusen, agreed that the technology described in the patents is directed to a specific type of graphical user interface for order entry. Ex.2169, ¶102-103(discussing Ex.2292, 110-11).

‘996 POR at 22-23;
‘374 POR at 25-26.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

Experts Agree That GUIs are Technology

TT's claimed invention provides a technical improvement over prior art GUIs because GUIs are technology. *See* '996 POR at 22*;* Ex.2169, ¶103.

Mr. Silverman, an expert for eSpeed, testified that the patents are directed to "a field of technology" in which "skilled software engineers" develop "real time processing" and "graphical user interfaces." *See* '996 POR at 22*;* Ex.2169, ¶103; Ex. TTTT, 8/24/07 Silverman Dep. Tr., at 131:17-132:2.

In the *eSpeed* case, defendants' expert, Mr. Dezmelyk, acknowledged that the goal of the invention addressed the technical problems of efficiency and accuracy. *See* '996 POR at 22*;* Ex.2169, ¶103; Ex.WWWW at 8:15-18.

'996 POR at 22;
'374 POR at 25.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

Industry Evidence

TT's claimed invention provides a technical improvement over the prior art GUIs because GUIs are technology. *See* '996 POR at 22; Ex.2169, ¶¶102-103 (citing Ex.2293-96); Ex.2174, ¶¶13-15.

GUIs advance human-computer interaction ("HCI"), which has been touted as an important and expanding technological field. *See* '996 POR at 22; Ex.2090, at 2.

NASA's Ames Research Center implemented an entire HCI group that is responsible for software that improves the functionality of interface tools. Ex.2297.

Many colleges and universities offer courses and programs centered on interface design to train engineers and programmers. *See* '996 POR at 22; Ex.2168, ¶29; Ex.2174, ¶13; Exs.2052-2058.

'996 POR at 22;
'374 POR at 25.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

DDR

The Court made clear that changing the process the computer performs to provide an interface from a conventional process to a new process was technological. ‘996 POR at 37 *(citing to DDR* at 1257).

‘996 POR at 37;
‘374 POR at 38.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

CQG

The 132 and 304 patents were "directed to a specific improvement to the way computers operate," *id.,* for the claimed graphical user interface method imparts a specific functionality to a trading system "directed to a specific implementation of a solution to a problem in the software arts."

'996, Paper 35 at 2-3;
'374, Paper 29 at 2-3.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

Technical Problem

Petition

As such, the ’996 patent solves, if anything, a business problem . . . .

‘996 Pet. at 18.

Speed and Accuracy

This specific combination of display elements and features differed from the conventional GUIs at the time of the invention and addressed a specific problem created by these conventional GUIs, namely, improving accuracy without sacrificing speed and improving usability with better visualization. '996 POR at 27. Ex.2169, ¶¶65-69, 77-78; Ex.2174, ¶¶34-37; *see also* Ex.2211 at 682:1-684:3.

'996 POR at 27;
'374 POR at 28.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

Visualization

Another technical problem with the construction of conventional GUI tools is that, because they display numbers that are constantly changing as market updates are received from the electronic exchange, the conventional GUI tool does not provide a measure of how much or how fast the market information is changing. POR at 34; Ex. 2169, ¶112.

‘996 POR at 34;
‘374 POR at 36.

IB v. TT
CBM2016-00031, -00051
EXHBIT 2417

Efficiency

Another technical problem solved by the inventive GUI tool relates to the efficiency of displaying information. In conventional GUI tools, the trader had to access and utilize a separate screen for market information and order entry (e.g., the conventional market grid in Figure 2 of the ’996 patent), a separate screen for working orders, and a separate screen for setting a default quantity. ‘996 POR at 35; Ex. 2169 ¶113.

‘996 POR at 35.

Technical Solution

Speed and Accuracy

The inventive GUI tool solves this problem by providing a fixed range of price levels along a static display of prices and thereby allowing the dynamic bid and ask information to move relative to the static display of prices. POR at 34; Ex.2169, ¶¶87, 111; *see also* Ex.2217-19. This is a technical solution to a technical problem, not a business method. *Id*.

‘996 POR at 34.
‘374 POR at 71.

Visualization

The structure, makeup, and functionality of the inventive GUI tool solves this problem by again providing a display in which the market indicators move up and down relative to the prices (which is a result of the claimed juxtaposing of the dynamic indicators and the static display of prices). '996 POR at 34; *Id.* at ¶¶84, 112; *see also* Ex.2215-16.

'996 POR at 34.
'374 POR at 71

Efficiency

The inventive GUI tool is constructed so as to provide for a condensed display that combined these separate screens into a single trading tool which improved the speed, accuracy, and efficiency over conventional GUI tools. ‘996 POR at 35; Ex. 2169, ¶113.

‘996 POR at 35.
‘374 POR at 71

35 U.S.C. § 101

Test

The Court [in Enfish] has used the same test it used for other types of inventions: if "the claims are directed to a specific implementation of a solution to a problem in the software arts," they "find the claims at issue are not directed to an abstract idea." POR at 51. *Id.* at 1339

McRO, 2016 WL 4896481, at *8 (confirming claims because "[w]hile the rules are embodied in computer software that is processed by general-purpose computers, Defendants provided no evidence that the process previously used by animators is the same as the process required by the claims"). POR at 51.

'996 POR at 51.

Inventive Concept

Inventive Concept

The claims recite an inventive concept (and thus pass prong II under *Alice*) because they provide an unconventional and revolutionary combination of features. 996 POR at 32.

‘996 POR at 32.

Neither Routine nor Conventional

Evidence that the claimed invention was neither routine nor conventional lies with the initial period of skepticism associated with the launch of the commercial embodiment of the claimed invention, followed by enormous commercial success. POR at 32.

‘996 POR at 32.

Commercial Embodiment

MD_Trader was the commercial embodiment of the claimed invention. POR at 32; Ex.2169, ¶89; Ex.2233 (Ex. LL to Ex.2169 (claim chart describing commercial embodiment)); Ex.2411 (Ex.1 to Ex.2233 (TT X_Trader user manual)); Ex.2412 (Ex.2 to Ex.2233 (TT X_Trader user manual)); Ex.2413 (Ex.3 to Ex.2233 (TT X_Trader user manual)); *see also* Ex.2169, ¶109 (discussing Ex. 2234); Ex.2169, ¶110 (discussing Ex. 2236, Ex.2238).

‘996 POR at 32.
‘374 POR at 34.

Initial Skepticism

Following its launch, MD Trader was not an immediate success and indeed was met with a significant amount of initial skepticism. Ex.2169, ¶70 (discussing Ex. 2210), ¶93 (discussing Ex. 2220). TT sales personnel met resistance from traders, who were hesitant to switch to the new technology. POR at 33. *Id.*; Ex.2170 (Ex.W to Ex.2169); Ex.2171 (Ex.U to Ex.2169).

‘996 POR at 32-33.
‘374 POR at 35.

Post Initial Skepticism

After this period of initial skepticism, the invention broke through to become the prominent trading tool in the futures trading space. POR at 33. Ex.2169, ¶95; Ex.2222 (Ex. Z to Ex.2169; Ex.2221 (Ex. Y to Ex.2169). This is confirmed by the over 30 declarations, attested to under penalty of perjury by prominent traders and leaders in the industry. POR at 33. Ex.2169, ¶96; Ex.2223 (Ex. AA to Ex.2169); Ex.2226; *see also* Ex.2169, ¶100 (discussing Ex.2230); Ex.2169, ¶101 (discussing Ex.2287); Ex.2169, ¶97 (discussing Ex.2250).

‘996 POR at 32-33.
‘374 POR at 35.

Rooted In Technology

The claims also recite an inventive concept (and thus pass prong II under *Alice*) because they are rooted in technology, thus providing a technical solution to a technical problem. POR at 33.

‘996 POR at 33.
‘374 POR at 35.