

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC,
INTERACTIVE BROKERS LLC, TRADESTATION GROUP, INC., and
TRADESTATION SECURITIES, INC

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

Case CBM2016-00051
U.S. Patent No. 7,904,374

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED ON JULY 5, 2016**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the

admissibility of the evidence served by Patent Owner on July 5, 2016:

Evidence	Objections
Meyers, Brad A. “A Brief History of Human-Computer Interaction Technology.” <i>Interactions</i> 5.2 (1998): 44-54 (Exhibit 2007)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
National Aeronautics and Space Administration Web Page Print out, Technical Areas (Exhibit 2008)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
National Aeronautics and Space Administration Web Page Print out, Human Computer Interaction Group (Exhibit 2009)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
University of Washington Web Page Print out, Human-Computer Interaction Degree Option (Exhibit 2010)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
Rochester Institute of Technology Web Page	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged

Print out, Masters in Human Computer Interaction (Exhibit 2011)	invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
Rensselaer Polytechnic Institute Web Page Print out, M.S. in Human-Computer Interaction (Exhibit 2012)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
Tufts University Web Page Print out, Human-Computer Interaction Certificate Program (Exhibit 2013)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
Georgia Institute of Technology Web Page Print out, Human-Computer Interaction Master’s Program (Exhibit 2014)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
DePaul University Web Page Print out, Master of Science Human-Computer Interaction (Exhibit 2015)	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i> . A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.
Carnegie Mellon University Web Page	FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged

<p>Print out, Masters of Human-Computer Interaction (Exhibit 2016)</p>	<p>invention is directed to a GUI and therefore directed to patent eligible subject matter, the exhibit is not relevant. Even if the claims are directed to a GUI, the claims are not necessarily “technology” under <i>Alice</i>. A GUI is not a categorical exception to the § 101 analysis nor are GUIs exempt from CBM Review.</p>
<p><i>Trading Tech Int’l v CQG, Inc. and CQGT, LLC</i>, Case No. 05-cv-4811 (N.D. Ill.), Dkt. 1073, Memorandum Opinion and Order denying Motion for Summary Judgment (35 U.S.C. § 101) (Feb. 24, 2015) (Exhibit 2091)</p>	<p>FRE 402 (Relevance): To the extent that the district court opinion is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the opinion is not relevant to proceedings in front of the PTAB as the decision is not binding on the PTAB, the Petitioner was not a party to the <i>CQG</i> litigation, and the PTAB applies a different standard than the district court when construing the claims.</p>
<p>Transcript of Proceedings for EPO 01920183.9 (Exhibit 2129)</p>	<p>FRE 402 (Relevance): To the extent that Patent Owner relies on the conclusions of a foreign patent office to show that the claims are not directed to a business method, the exhibit is not relevant to the PTAB proceedings as the foreign patent office applies different laws and different standards and the foreign findings are in no way binding on the PTAB.</p>

<p><i>Trading Techs. Int'l, Inc., v. Open E Cry, LLC et al.</i>, Case No. 10-CV-0715, Dkt. 88, Joint Brief for Certain Defendants-Appellees (Jan. 18, 2013) (Exhibit 2130)</p>	<p>FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit to show that the alleged invention is directed to a GUI and therefore not directed to data processing or a business method, the exhibit is not relevant. Even if the claims are directed to a GUI, such a finding does not mean the claims are exempt from CBM Review as a GUI may still relate to a data processing or business method. In fact, most tools used to execute data and business processes contain a GUI.</p>
<p>Thomas Ex. N - Brumfield Sketch - eSpeed_PTX0321 (Exhibit 2213)</p>	<p>FRE 901 (Authentication): Patent Owner has failed to produce evidence sufficient to show that this is an authentic copy of Brumfield's sketch.</p>

Dated: August 30, 2016

Respectfully submitted,

By: /John C. Phillips/
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Fish & Richardson, P.C.
Attorney for Petitioners

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