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 CBM2016-00054 Patent 7,693,768 B1

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450



TABLE OF CONTENTS

I.	Claim construction1					
	A.	"single action" and "computer readable medium"	1			
	B.	"order entry region" and "setting a plurality of parameters"	1			
	C.	"entered order indicator"	2			
	D.	"centering instruction"	2			
II.	The	he '768 claims a patent-ineligible abstract idea3				
	A.	Placing an order based on observed (plotted) market information,				
		as well as updating market information is abstract.	3			
	B.	The claims do not transform the abstract concept into inventive				
		concept	7			
	C.	CQG is not controlling.				
III.	Clair	m 23 is patent-ineligible because it covers signals	11			
IV.	The	The challenged claims are obvious over the TSE combinations1				
	A.	TSE is a prior art printed publication	12			
		1. TSE was disseminated to the interested public in August				
		1998	12			
		2. TSE was otherwise publicly available based on its wide,				
		unrestricted distribution to the interested public	13			
		3. <i>GoPro</i> is not controlling	15			
	B.	The '768 claims are obvious.	15			
		1. Claims 1 and 23	15			
		2. Claim 6-9	17			



		3.	Claim 11	18		
V.	TT's alleged secondary considerations fail to demonstrate nonobvious19					
	A.	TT's	s evidence doesn't overcome the Petition's strong prima facie	?		
		obvi	iousness showing	19		
	B.	TT fails to establish the requisite nexus.				
	C.	TT's	s evidence doesn't support the alleged secondary			
		cons	siderations	22		
		1.	TT's global revenue and units sold fails to establish that M	D		
			Trader was commercially successful.	22		
		2.	TT conflates copying with competing products that alleged	lly		
			fall within the claims	24		
		3.	TT's proffered praise for MD Trader isn't from a competite	or		
			and is directed to unclaimed features	25		
		4.	TT's licenses resulted from litigation.	26		
		5.	TT admits that there was no long-felt need	26		
		6.	TT presents no evidence that others <i>tried</i> and failed to mak	æ		
			the claimed invention.	26		
		7.	TT's other alleged secondary considerations are either			
			unsupported or simply not relevant.	27		
VI.	The	'768 is	s CBM-eligible	28		



TABLE OF AUTHORITIES

Cases

Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 134 S. Ct. 2347 (2014)	5
Apple Inc. v. Ameranth, Inc., 842 F.3d 1229 (Fed.Cir. 2016)	8, 9
Ariosa Diags. v. Sequenom, Inc., 778 F.3d 1371 (Fed.Cir. 2015)	6
Ballard Med. Prods. v. Wright, 821 F.2d 642 (Fed.Cir. 1987)	10
BASCOM Global Internet v. AT&T Mobility LLC, 827 F.3d 1341 (Fed.Cir. 2016)	7
Blue Calypso, LLC v. Groupon, Inc., 815 F.3d 1331 (Fed.Cir. 2016)	14, 15
CLS Bank Intl. v. Alice Corp, 717 F.3d 1269 (Fed.Cir. 2013)	4
Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560 (Fed.Cir. 1988)	14
Cooper Cameron Corp. v. Kvaerner Oilfield Products, Inc., 291 F.3d 1317 (Fed.Cir. 2002)	12
DDR Holdings, LLC v. Hotels.com, L.P., 773 F.3d 1245 (Fed.Cir. 2014)	6
Digitech Image Tech. LLC v. Elec. for Imaging, Inc., 758 F.3d 1344 (Fed.Cir. 2014)	8
Electric Power Gr'p, LLC, v. Alstom S.A., 830 F.3d 1350 (Fed.Cir. 2016)	passim



Enfish, LLC v. Microsoft Corp., 822 F.3d 1327 (Fed.Cir. 2016)	.3, 6
Ethicon Endo-Surgery, Inc. v. Covidien LP, 812 F.3d 1023 (Fed.Cir. 2016)	23
EWP Corp. v. Reliance Universal Inc., 755 F.2d 898 (Fed.Cir. 1985)	26
Ex Parte Mewherter, Appeal No. 2012-007692 (P.T.A.B. May 8, 2013)	11
GoPro, Inc. v. Contour IP Holding, LLC, IPR2015-01078 (P.T.A.B. Oct. 26, 2016)	15
Graftech Int'l Holdings, Inc. v. Laird Tech's Inc., 2016 WL 3357427 (Fed.Cir. Jun. 17, 2016)	21
Huang, 100 F.3d at 139	28
IBG LLC et al. v. Trading Technologies International, Inc. CBM2015-00181 (P.T.A.B. Mar. 3, 2017)	7, 18
In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litigat 676 F.3d 1063 (Fed.Cir. 2012)	
<i>In re Huang</i> , 100 F.3d 135 (Fed.Cir. 1996)	22
In re Merck & Co., Inc., 800 F.2d 1091 (Fed.Cir. 1986)	5, 20
In re Trans Tex. Holdings Corp., 498 F.3d 1290 (Fed.Cir. 2007)	9
Intellectual Ventures I LL v. Capital One Bank (USA), 792 F.3d 1363 (Fed. Cir. 2015)	6



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.

