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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Case CBM2016-00054
Patent No. 7,693,768

PETITIONERS' DEMONSTRATIVES

Hearing: June 23, 2017

IBG 1088
IBG v. TT
CBM2016-00054

erne, Kessler, Goldstein & Fox P.L.L.C.

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The '768 Claims are Ineligible Under 35 U.S.C. § 101

Alice Corp. Pty. Ltd. v. CLS Bank Int'l

The Supreme Court expounded its two-step test for determining patent eligibility in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014). Step one asks whether the patent is directed to one of the judicial exceptions to patentable subject matter: laws of nature, natural phenomena, and abstract ideas. *Id.* at 2354-55. The abstract idea category "embodies the longstanding rule that an idea of itself is not patentable." *Id.* at 2355 (internal citations omitted).

Step two asks whether the elements of each claim, considered both individually and as an ordered combination, recite any significant limitation or "inventive concept" transforming the abstract idea into a patent-eligible invention. *Id.* at 2357.

etition, 16)

The claims are directed to the abstract idea of placing an order based on observed (plotted) market information, as well as updating market information (*Alice* Step 1)

1. A method of placing a trade order for a commodity on an electronic exchange using a graphical user interface and a user input device, the method comprising:

receiving data relating to the commodity from the electronic exchange, the data comprising an inside market with a highest bid price and a lowest ask price currently available for the commodity;

dynamically displaying via a computing device a first indicator in one of a plurality of areas in a bid display region, each area in the bid display region corresponding to a price level along a price axis, the first indicator representing a quantity associated with at least one order to buy the commodity at the highest bid price;

dynamically displaying via the computing device a second indicator in one of a plurality of areas in an ask display region, each area in the ask display region corresponding to a price level along the price axis, the second indicator representing a quantity associated with at least one order to sell the commodity at the lowest ask price;

displaying an order entry region comprising a plurality of locations for receiving single action commands to send trade orders, the plurality of locations including:

(a) at least one first fixed location corresponding to a first price level along the price axis associated with the highest bid price currently available in the market, wherein upon receipt of new data representing an updated highest bid price currently available for the commodity, the at least one first fixed location continues to correspond to the first price level even if the first price level is no longer associated with the highest bid price currently available in the market; and

(b) at least one second fixed location corresponding to a second price level along the price axis associated with the lowest ask price currently available in the market, wherein upon receipt of new data representing an updated lowest ask price currently available for the commodity, the at least one second fixed location continues to correspond to the second price level even if the second price level is no longer associated with the lowest ask price currently available in the market;

updating the display of the first indicator such that the first indicator is moved relative to the price axis to a different area in the bid display region corresponding with a different price level along the price axis in response to receipt of new data representing an updated highest bid price currently available for the commodity;

updating the display of the second indicator such that the second indicator is moved relative to the price axis to a different area in the ask display region corresponding with a different price level along the price axis in response to receipt of new data representing an updated lowest ask price currently available for the commodity; and

setting a plurality of parameters for a trade order relating to the commodity and sending the trade order to the electronic exchange in response to a selection of a particular location of the order entry region by a single action of a user input device.

Fundamental Economic Practices Long Prevalent in Our System of Commerce

Jan. 27, 2017 Thomas Deposition

> Q. I'll tell you what, I didn't want to
> interrupt you but let's limit it to when did
> commodity trading begin on an exchange?
>
> A. Again, I have the same issue because I
> believe the first exchange was in Belgium or the
> Netherlands maybe in 16 something.

(Ex. 1066, 51:18-52:1)

(Reply, 5)

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