UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

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Case CBM2016-00054
Patent 7,693,768 B1

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Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
JEREMY M. PLENZLER, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION
Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

INTRODUCTION

A. Background

IBG LLC, Interactive Brokers, LLC, TradeStation Group, Inc., and TradeStation Securities, Inc. (collectively, "Petitioner"), filed a Petition requesting covered business method patent review of claims 1–23 (the "challenged claims") of U.S. Patent No. 7,693,768 B2 (Ex. 1001, "the '768 patent"). Paper 4 ("Pet."). Trading Technologies International, Inc. ("Patent Owner") did not file a Preliminary Response.

We have authority to determine whether to institute a covered business method review under 35 U.S.C. § 324, which provides that a covered business method patent review may not be instituted "unless . . . it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable."

Upon consideration of the Petition, we determine that Petitioner has demonstrated that it is more likely than not that the challenged claims are unpatentable. Accordingly, we institute a covered business method review of claims 1–23 of the '768 patent.

B. Related Proceedings

The parties indicate that the '768 patent is the subject of numerous related U.S. district court proceedings. Pet. 2; Paper 6, 1–5.

The application that issued as the '768 patent ultimately claims, under 35 U.S.C. § 320, the benefit of application 09/590,692, that issued as U.S. Patent No. 6,772,132. U.S. Patent No. 6,772,132 was the subject of petitions for covered business method patent review in *TD Ameritrade Holding Corp. v. Trading Technologies International, Inc.,* CBM2014-00135 (PTAB), *CQG, Inc. v. Trading Technologies International, Inc.,*

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CBM2015-00058 (PTAB), and *IBG LLC v. Trading Technologies International, Inc.,* CBM2015-00182 (PTAB). Trial was instituted, but later terminated due to settlement, for CBM2014-00135. Institution was denied for CBM2015-00058. Institution was granted for CBM2015-00182.

Numerous other patents are related to the '768 patent and the related patents are or were the subject of numerous petitions for covered business method patent review and reexamination proceedings. Pet. 2; Paper 6, 5–7; Paper 8, 1.

C. Asserted Grounds

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C. §§ 101 and 103 based on the following grounds (Pet. 16–80).

References	Basis	Claims Challenged
N/A	§ 101	1–23
TSE[1] and Belden[2]	§ 103	1–13, 15, 16, 18, and 21–23
TSE, Belden, and Cooper[3]	§ 103	14, 17, 19, and 20

Petitioner provides testimony from Kendyl A. Román (Ex. 1007) to support its challenges.

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[1] Tokyo Stock Exchange Operation System Division, Futures/Option Purchasing System Trading Terminal Operation Guide (1998) (Ex. 1016). Citations to this reference refer to its English translation (Ex. 1017).
[2] PCT Pub. No. WO 90/11571, pub. Oct. 4, 1990 (Ex. 1012, "Belden").
[3] Alan Cooper, *About Face: The Essentials of User Interface Design* (1995) (Ex. 1022).

D. The '768 Patent

The '768 patent is titled "Click Based Trading with Intuitive Grid Display of Market Depth." Ex. 1001, (54). The '768 patent describes a display, named the "Mercury" display, and method of using the display to trade a commodity. *Id*. at Abstract, 3:5–10. The '768 patent explains that the Mercury display is a graphic user interface ("GUI") that dynamically displays the market depth of a commodity traded in a market and allows a trader to place an order efficiently. *Id*. at 3:11–24. The Mercury display is depicted in Figure 3, which is reproduced below.
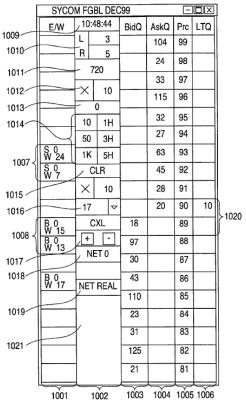
FIG. 3

Figure 3 of the '768 patent illustrates an example of the Mercury display with example values for trading a commodity including prices, bid and ask quantities relative to price, and trade quantities.

The Mercury display includes a plurality of columns. Column 1005 is a static price axis, which includes a plurality of price values for the commodity. *See id.* at 7:33–44. The '768 patent explains that "[t]he column does not list the whole prices (e.g. 95.89), but rather, just the last two digits (e.g. 89)." *Id.* at 7:35–36. Columns 1003 and 1004 are aligned with the static price axis and dynamically display bid and ask quantities, respectively, for the corresponding price values of the static price axis. *See id.* at 7:32–47. The '768 patent explains that "[t]he exchange sends the price, order and fill information to each trader on the exchange" and that "[t]he physical mapping of such information to a screen grid can be done by any technique known to those skilled in the art." *Id.* at 4:59–5:66.

Column 1002 contains various parameters and information used to execute trades, such as the default quantity displayed in cell 1016. *See id*. at 7:65–8:32. A trader executes trades using the Mercury display by first setting the desired commodity and default parameters, such as default quantity. *See id*. at 8:64–9:11; Fig. 6, step 1302. Then, a trader can send a buy order or sell order to the market with a single action, such as clicking on the appropriate cell in column 1003 or 1004. *See id.* at 9:1–54; Fig. 6, steps 1306–1315.

E. Illustrative Claim

Claims 1 and 23 are independent. Claim 1 is illustrative of the claimed subject matter and is reproduced below:

> 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, said method comprising:

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