

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION TECHNOLOGIES, INC.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2016-00086
U.S. Patent 7,818,247

PATENT OWNER'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Hand Delivery
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22313

via CM/ECF
United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Trading Technologies International, Inc. (“TT”), hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 28) entered on November 17, 2017, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent No. 7,818,247 (“the ’247 patent”) at issue in Covered Business Method No. CBM2016-00086. This notice of appeal is timely filed.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but may not be limited to:

(1) the Board’s determination that it had jurisdiction to issue the Final Written Decision based on the Board’s view that the ’247 patent is a covered business method patent under § 18 of the American Invents Act;

(2) the Board’s determination that claims 1-21 are ineligible under 35 U.S.C. § 101;

(3) the Board’s claim constructions, failure to construe terms, and/or determination of the level of ordinary skill in the art at the time of the invention;

(4) the unconstitutionality of the Transitional Program for Covered Business Method Patents and Covered Business Method Review (AIA § 18) under Article III, the Seventh Amendment, and the Fifth Amendment of the United States Constitution; and

(5) any other findings or determinations supporting or related to the aforementioned issues, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion.

The remedy sought on appeal is vacatur, or in the alternative, reversal of the issues decided adversely to Patent Owner in the Final Written Decision, including, but not limited to, the Board's conclusion that the '247 patent is a CBM patent. *See Secure Access, LLC v. PNC Bank Nat'l Ass'n*, 848 F.3d 1370, 1382 (Fed. Cir. 2017).

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice along with the required docketing fees is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Dated: January 18, 2018

By: /Jennifer M. Kurcz/
Jennifer M. Kurcz,
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2018, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was Hand Delivered to:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East, 600 Dulany Street
Alexandria, VA 22313-1450

I also herby certify that on this 18th day of January, 2018, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also hereby certify that a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” was served by electronic mail on this 18th day of January, 2018, on counsel of record for the Petitioners as follows:

Kevin Su
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John C. Phillips
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Adam Kessel
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Date: January 18, 2018

/Jennifer M. Kurcz/

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