

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 CBM2016-00086 (Patent No. 7,818,247 B2)
Case CBM2016-00087 (Patent No. 7,412,416 B2)
Case CBM2016-00090 (Patent No. 7,725,382 B2)

Record of Oral Hearing
Held: August 10, 2017

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

Case CBM2016-00086 (Patent No. 7,818,247 B2)

Case CBM2016-00087 (Patent No. 7,412,416 B2)

Case CBM2016-00090 (Patent No. 7,725,382 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

Richard Bemben, Esquire
Sterne Kessler Goldstein & Fox
1100 New York Avenue, Northwest
Washington, DC 20005
Adam Kessel, Esquire
Fish & Richardson
One Marine Park Drive
Boston, Massachusetts 02210

ON BEHALF OF PATENT OWNER:

Leif R. Sigmond, Jr.
McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, Illinois 60606.

Jay Knoblock, Esquire
Trading Technologies International
Director of IP

The above-entitled matter came on for hearing on Monday, August 10, 2017, commencing at 1:01 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case CBM2016-00086 (Patent No. 7,818,247 B2)
Case CBM2016-00087 (Patent No. 7,412,416 B2)
Case CBM2016-00090 (Patent No. 7,725,382 B2)

1 PROCEEDINGS

2 JUDGE PETRAVICK: We're here today for CBM
3 2016-00086, CBM2016-00087, CBM2016-00090. I'm Judge
4 Petravick. With me on the bench is Judge Medley and
5 joining us from Detroit is Judge Plenzler. So could
6 we know who's here for the petitioner.

7 MR. BEMBEN: Good afternoon, Your Honors.
8 My name is Richard Bemben. I'm an attorney at
9 Sterne Kessler Goldstein & Fox. I'm here on behalf
10 of the petitioners, and I will be arguing in the 87
11 and 90 CBMs.

12 With me is Adam Kessel.

13 MR. KESSEL: Good afternoon, Your Honors.
14 I'm Adam Kessel from Fish & Richardson. I'm counsel
15 just for the trade station parties. I'm here for
16 the CBM2016-86 on the '247 patent and my colleague
17 John Phillips is on the phone.

18 JUDGE PETRAVICK: And for patent owner.

19 MR. KNOBLOCH: My name is Jay Knobloch.
20 I'm in-house patent counsel at Trading Technologies,
21 and I will be taking the 101 section for all three
22 of the proceedings.

Case CBM2016-00086 (Patent No. 7,818,247 B2)

Case CBM2016-00087 (Patent No. 7,412,416 B2)

Case CBM2016-00090 (Patent No. 7,725,382 B2)

1 MR. SIGMOND: Your Honor, Leif Sigmond
2 from McDonnell Boehnen Hulbert & Berghoff, and I'll
3 be talking about the 090, 103 issues. We also have
4 Monica Dudak also from Trading Technologies in
5 house.

6 JUDGE PETRAVICK: I understand that some
7 of the demonstratives were marked confidential.

8 MR. SIGMOND: I think it was just one, one
9 slide, and I will not be using that.

10 JUDGE PETRAVICK: You will not be using
11 it. Okay. All right. Thank you. All right.

12 Also, there is a motion to exclude.
13 Does patent owner intend to argue its motion to
14 exclude.

15 MR. SIGMOND: Your Honor, we are resting
16 on our papers.

17 JUDGE PETRAVICK: So each side has 45
18 minutes today. Petitioner, would you like to
19 reserve some of your time for rebuttal?

20 MR. BEMBEN: We would, Your Honor. We'd
21 like to reserve ten minutes.

22 JUDGE PETRAVICK: So I'm going to set the

Case CBM2016-00086 (Patent No. 7,818,247 B2)

Case CBM2016-00087 (Patent No. 7,412,416 B2)

Case CBM2016-00090 (Patent No. 7,725,382 B2)

1 timer lights here for 45 minutes. And if you go over,
2 we'll just subtract that.

3 Also, please remember that Judge
4 Plenzler will not be able to see any slides that
5 are on the screen. So you need to refer to your
6 slide by slide numbers so that he can follow
7 along. And also, please when you make your
8 remarks, step to the podium and use the microphone
9 at the podium or Judge Plenzler will not be able
10 to hear you.

11 You can begin when you are ready, Mr.
12 Bemben.

13 MR. BEMBEN: Good afternoon, Your Honors.
14 I'd like to start with the '416 patent.

15 The claims of the '416 patent are
16 ineligible under Alice. The federal circuit's
17 non-precedential decision in Trading Technologies
18 versus CQG does not control the fate of the '416
19 patent nor should it be instructed here.

20 The '416 patent was not an issue in CQG
21 as patent owner admits on page 8 of his response,
22 quote: The claimed invention in the '416 patent

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.