No. 2016-1616

# United States Court of Appeals for the Federal Circuit

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

*Plaintiff-Appellee,*

v.

CQG, INC., CQG, LLC, fka CQGT, LLC,

*Defendants-Appellants*.

Appeal from the United States District Court for the Northern District of Illinois in No. 1:05-cv-04811, Judge Sharon Johnson Coleman

## REPLY BRIEF OF APPELLANTS

Adam G. Kelly
William J. Voller III
John A. Cotiguala
LOEB & LOEB LLP
321 North Clark Street
Suite 2300
Chicago, IL 60654
(312) 464-3100

Kenneth R. Adamo
Eugene Goryunov
Meredith Zinanni
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

John C. O'Quinn
KIRKLAND & ELLIS LLP
655 15th Street, NW
Washington, DC 20005
(202) 879-5000

*Counsel for Defendants-Appellants*

August 24, 2016

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Trading Technologies International, Inc **v.** CQG, Inc. and CQG, LLC

Case No. 16-1616

## CERTIFICATE OF INTEREST

Counsel for the:
☐ (petitioner) ☒ (appellant) ☐ (respondent) ☐ (appellee) ☐ (amicus) ☐ (name of party)

CQG, Inc. and CQG, LLC

certifies the following (use "None" if applicable; use extra sheets if necessary):

| 1. Full Name of Party Represented by me | 2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is: | 3. Parent corporations and publicly held companies that own 10 % or more of stock in the party |
|---|---|---|
| CQG, Inc. | CQG, Inc. | None |
| CQG, LLC (fka CQGT, LLC) | CGQ, LLC | CQG, Inc. (Parent) |
| | | |
| | | |
| | | |
| | | |
| | | |

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (**and who have not or will not enter an appearance in this case**) are:

See Exhibit A, attached.

August 24, 2016
Date

/s/ Kenneth R. Adamo
Signature of counsel

Please Note: All questions must be answered

Kenneth R. Adamo
Printed name of counsel

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

# EXHIBIT A

The names of all law firms and the partner or associates that appeared for CQG, Inc. and CQG, LLC (fka CQGT, LLC) in the trial court (N.D. IL Case No. 05-cv-4811) or are expected to appear in this court (Fed. Cir. Case No. 16-1616) are:

**Kirkland & Ellis LLP**
- Kenneth R. Adamo
- John O'Quinn
- Eugene Goryunov
- Meredith Zinanni

**Loeb & Loeb LLP**
- Adam Glenn Kelly
- Christopher M Swickhamer
- John Anthony Cotiguala
- Laura A Wytsma
- Terry D Garnett
- William J. Kramer
- William Joshua Voller
- Melaina D. Jobs
- Johnnet Simone Jones

**Chuhak & Tecson, P.C.**
- David Seth Argentar

**Bell, Boyd & Lloyd, LLC (now K&L Gates)**
- Heather Ann Boice
- Jeana R. Lervick
- Kara Eve Foster Cenar

**Faegre & Benson LLP (now Faegre Baker Daniels, LLP)**
- Jared B. Briant
- Nina Y. Wang
- Mark W. Fischer
- Neal S. Cohen

**Welsh & Katz, Ltd.**
- Joseph E. Cwik
- Kara Eve Foster Cenar
- Robert B. Breisblatt

**Bryan Cave LLP**
- Kara Eve Foster Cenar
- Mariangela M. Seale

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

# TABLE OF CONTENTS

INTRODUCTION .....1

ARGUMENT .....2

I. TT'S CLAIMS DO NOT CLAIM A "GUI TOOL." .....2

A. TT Claims A Method Of Using A GUI, It Does Not Claim A "GUI Tool." .....2

B. TT's Method Claims Merely Automate An Abstract Idea. .....5

C. TT's Method Claims Are Not Analogous To A Mechanical Device. .....6

II. THE CLAIMED METHODS ARE DIRECTED TO AN ABSTRACT IDEA FOR ORGANIZING BASIC INFORMATION. .....10

A. TT's Method Claims Are Directed To The Abstract Idea Of Organizing Information For Commodities Trading. .....10

1. CQG Does Not Oversimplify The Claims. .....10

2. TT's Specification Confirms Its Claims Are Directed To An Abstract Idea. .....12

3. Use Of A Computer For Improved Speed Does Not Confer Patent-Eligibility. .....14

B. TT's Method Claims Do Not Improve The Functioning Of A Computer And Do Not Solve A Technological Problem. .....15

C. TT's Method Claims Are Directed To An Abstract Idea Even Without Total Preemption Of The Idea. .....20

III. THE CLAIMED METHODS DO NOT INCLUDE AN INVENTIVE CONCEPT. .....21

A. The "Static Price Axis" Is Not An Inventive Concept. .....21

1. A "Static Price Axis" Is Routine And Conventional Activity. .....21

2. The Purported Novelty Of A "Static Price Axis" Does Not Mean It Is An Inventive Concept. .....23



DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

B. The Ordered Combinations Of Claim Elements Do Not Include An Inventive Concept. .....25

1. The Ordered Combinations Of Claim Elements Are Not Novel Or Inventive. .....26

2. TT's Claims Are Fundamentally Different From Those Found To Include An Inventive Concept. .....27

CONCLUSION .....29



DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

# 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.