

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.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

CBM 2016-00087
Patent 7,412,416 B2

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

MEDLEY, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

IBG LLC, Interactive Brokers LLC, Tradestation Group, Inc., and Tradestation Securities, Inc., (“Petitioner”)¹ filed a Petition requesting a review of claims 1–24 of U.S. Patent No. 7,412,416 B2 (Ex. 1001, “the ’416 patent”) under the transitional program for covered business method patents.² Paper 3 (“Pet.”). Trading Technologies International, Inc. (“Patent Owner”) did not file a Patent Owner Preliminary Response. Upon consideration of the Petition, we instituted a covered business method patent review of claims 1–24 of the ’416 patent (Paper 11 (“Dec.”)).

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 19 (“PO Resp.”)) and Petitioner filed a Reply (Paper 23 (“Pet. Reply”)). Patent Owner filed a Motion to Exclude (Paper 29 (“PO Mot. to Exclude”)) Exhibits 1015, 1016, 1018, and portions of Exhibit 1060. Petitioner filed an Opposition to the Motion to Exclude (Paper 31 (“Pet. Exclude Opp.”)), and Patent Owner filed a Reply (Paper 33 (“PO Exclude Reply”)). An oral hearing was held on August 10, 2017, and a transcript of the hearing is included in the record (Paper 36 (“Tr.”)).

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–24 of the ’416 patent are unpatentable.

¹ Petitioner indicates that IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., TradeStation Securities, Inc., TradeStation Technologies, Inc., and IBFX, Inc. are real parties-in-interest. Pet. 2.

² See § 18(a) of the Leahy-Smith America Invents Act, Pub. L. No. 112-29,

A. Related Matters

The '416 patent is involved in the following lawsuit: *TradeStation Technologies v. Trading Technologies International, Inc.*, No. 0:16-cv-60296 (S.D. Fl.). Pet. 2. In compliance with 37 C.F.R. § 42.302(a), Petitioner certifies, and it is not disputed, that Petitioner has been sued for infringement of the '416 patent. *Id.* at 3–4. On this record, we determine that Petitioner may petition for review of the '416 patent pursuant to 37 C.F.R. § 42.302(a).

B. The '416 Patent

The Specification of the '416 patent describes a graphical user interface (“GUI”) for an electronic trading system that allows a remote trader to view trends for an item, which assists the trader to anticipate demand for an item. Ex. 1001, 1:14–16, 2:8–11. Figure 3A of the '416 patent is reproduced below.

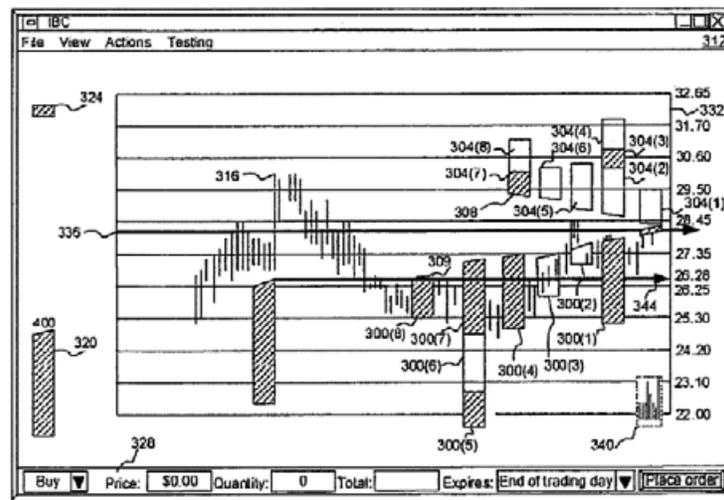


FIG. 3A

125 Stat. 284, 329 (2011) (“AIA”).

Figure 3A depicts a GUI that includes: 1) value axis 332, which indicates the value at which an item is being traded, 2) multiple offer icons 304(1)–304(8), and 3) multiple bid icons 300(1)–300(8). *Id.* at 6:3–10, 6:44–54. The offer icons and the bid icons represent orders in the marketplace. *Id.*

A trader can place an order by dragging-and-dropping an order icon (e.g., bid order icon 320) to a desired location on the chart, triggering a pop-up window (e.g., Fig. 3D) that allows the trader to send the order. *Id.* at 8:28–56, Fig. 3D.

C. Illustrative Claims

Claims 1 and 14 of the '416 patent are the only independent claims and are reproduced below.

1. A method for facilitating trading and displaying information regarding the buying and selling of a good, the method comprising:

displaying a chart on a graphical user interface comprising a vertical axis of price values and a horizontal axis of time;

displaying indicators representing historical trading data for the good at locations along the vertical axis of price values and the horizontal axis of time;

providing a plurality of locations on the graphical user interface to place an order icon with a pointer of a user input device, each location corresponding to a particular price value along the vertical axis of price values;

placing an order icon for a particular quantity of the good at a specific location of the plurality of locations along the vertical axis of price values with a pointer of an input

device, wherein the specific location on which the order icon is placed corresponds to a particular price value;

generating an order to buy or sell the particular quantity of the good at the particular price value responsive to placing the order icon at the specific location; and

sending the order to an electronic trading system, wherein the order is for the particular quantity of the good and at the particular price value determined based on the location where the order icon was placed.

14. A computer readable medium, for an electronic exchange in which a good is bought and sold responsive to orders submitted by traders, each order specifying a value and quantity for the order, the computer readable medium containing a program containing instructions to cause a processor to perform the following steps:

displaying a chart on a graphical user interface comprising a vertical axis of price values and a horizontal axis of time;

displaying indicators representing historical trading data for the good at locations along the vertical axis of price values and the horizontal axis of time;

providing a plurality of locations on the graphical user interface to place an order icon with a pointer of a user input device, each location corresponding to a particular price value along the vertical axis of price values;

placing an order icon for a particular quantity of the good at a specific location of the plurality of locations along the vertical axis of price values with a pointer of an input device, wherein the specific location on which the order

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