

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC;
INTERACTIVE BROKERS LLC;
TRADESTATION GROUP, INC.;
TRADESTATION SECURITIES, INC.;
TRADESTATION TECHNOLOGIES, INC.; and
IBFX, INC.

Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

Case CBM2015-00172
U.S. Patent 7,783,556

PATENT OWNER'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Priority Mail Express
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 22314

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 86) entered on March 31, 2017, from the Decision Denying Patent Owner's Request for Rehearing (Paper 91) entered May 17, 2017, and from all underlying orders, decisions, rulings, institutions, and opinions regarding U.S. Patent 7,783,556 ("the '556 patent") at issue in Covered Business Method No. CBM2015-00172. This notice of appeal is timely filed because it is filed within 63 days of the May 17, 2017 Decision (Paper 91) Denying Patent Owner's Request For Rehearing.

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

(1) the Board's determination that it had jurisdiction to issue the Final Written Decision because the '556 patent is a covered business method patent under § 18 of the American Invents Act;

(2) the Board's determination that claims 1-22 are ineligible under 35 U.S.C. § 101;

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

(4) the Board's dismissal as moot of Patent Owner's motion to exclude evidence;

(5) 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

(6) 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 of the Final Written Decision, *see Secure Access, LLC v. PNC Bank Nat'l Ass'n*, No. 2016-1353, 2017 WL 676601, at *9 (Fed. Cir. Feb. 21, 2017), and/or, at a minimum, reversal of the Final Written Decision.

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 are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Date: July 19, 2017

Respectfully submitted,

MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP

/Jennifer M. Kurcz/

Jennifer M. Kurcz,
Back-Up Counsel, Reg. No. 54,481

Counsel for Patent Owner

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CERTIFICATION OF SERVICE

I hereby certify that on this 19th day of July, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was mailed via Priority Mail Express to the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I also herby certify that on this 19th day of July, 2017, 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 herby certify that a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” was served by electronic mail on this 19th day of July, 2017 on counsel of record for the Petitioners as follows:

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Dated: July 19, 2017

By: /Cole B. Richter/
Cole B. Richter,
Counsel for Patent Owner,
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