

Filed on behalf of: Chart Trading Development, LLC

By: Timothy P. McAnulty

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERACTIVE BROKERS LLC; CQG, INC.; CQG, LLC (f/k/a CQGT, LLC);
NINJATRADER GROUP, LLC; NINJATRADER, LLC; TRADESTATION
GROUP, INC.; TRADESTATION SECURITIES, INC.; and TRADESTATION
TECHNOLOGIES, INC.,

Petitioners,

v.

CHART TRADING DEVELOPMENT, LLC.

Patent Owner.

Case CBM2016-00039

Patent 8,380,611

**PATENT OWNER CHART TRADING DEVELOPMENT'S
NOTICE OF APPEAL**

via Hand Delivery

Director of the United States Patent and Trademark Office

c/o Office of the General Counsel

Madison Building East, 10B20

600 Dulany Street

Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, Patent Owner, Chart Trading Development, LLC (“CTD”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in CBM2016-00039, entered August 18, 2017 (Paper 51), and from all underlying orders, decisions, rulings, and opinions regarding CTD’s U.S. Patent No. 8,380,611 (“the ’611 patent”), including, without limitation, the Decision - Institution of Covered Business Method Patent Review entered on August 23, 2016 (Paper 14).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), CTD indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard; claim construction; institution of Covered Business Method Patent Review of the ’611 Patent; determination of unpatentability that claims 1-22 of the ’611 patent recite patent-ineligible subject matter under 35 U.S.C. § 101; determination of unpatentability that claims 1-22 of the ’611 patent are rendered obvious under 35 U.S.C. § 103 by PCT Publication No. WO 01/16852 of Friesen et al. (“*Friesen*”), U.S. Patent Application Publication No. 2002/0120551 to Jones, III (“*Jones*”), and PCT Publication No. WO 01/46841 of Kirwin et al. (“*Kirwin*”); denial of CTD’s Motion to Amend; determination of unpatentability that CTD’s proposed substitute claims 23-44 recite patent-ineligible subject matter under 35

U.S.C. § 101; determination of unpatentability that CTD's proposed substitute claims 23-44 are rendered obvious under 35 U.S.C. § 103 by *Friesen, Jones, and Kirwin*; and any finding or determination supporting or relating to these issues, as well as all other issues decided adversely to CTD in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in this Covered Business Method Patent Review Proceeding.

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, three copies of this Notice along with the required docketing fees are being filed with the Clerk's Office for the United States of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: October 20, 2017

By: /Timothy P. McAnulty/
Timothy P. McAnulty (Lead Counsel)
Reg. No. 56,939
James R. Barney
Reg. No. 46,539

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on this 20th day of October, 2017, in addition to being filed and served electronically through the Board's E2E System, a true and correct copy of the foregoing **"PATENT OWNER CHART TRADING DEVELOPMENT'S NOTICE OF APPEAL,"** was served on the Director of the United States Patent and Trademark Office, via hand delivery at the following address:

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

I also hereby certify that on this 20th day of October, 2017, a true and correct copy of the foregoing **"PATENT OWNER CHART TRADING DEVELOPMENT'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 on this 20th day of October 2017, a true and correct copy of the foregoing **"PATENT OWNER CHART TRADING DEVELOPMENT'S NOTICE OF APPEAL,"** was served, by electronic mail upon the following:

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Petitioner has agreed to electronic service.

Dated: October 20, 2017

By: /Lauren K. Young/
Lauren K. Young
Litigation Legal Assistant
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.