

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**TRADING TECHNOLOGIES INTERNATIONAL,
INC.,**
Appellant

v.

IBG LLC, INTERACTIVE BROKERS LLC,
Appellees

UNITED STATES,
Intervenor

2018-1105

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. CBM2016-
00009.

**TRADING TECHNOLOGIES INTERNATIONAL,
INC.,**
Appellant

v.

IBG LLC, INTERACTIVE BROKERS LLC,
Appellees

UNITED STATES,
Intervenor

2018-1302

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. CBM2016-00054.

**TRADING TECHNOLOGIES INTERNATIONAL,
INC.,**
Appellant

v.

IBG LLC, INTERACTIVE BROKERS LLC,
Appellees

UNITED STATES,
Intervenor

2018-1438

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. CBM2016-00087.

**TRADING TECHNOLOGIES INTERNATIONAL,
INC.,**

Appellant

v.

**UNITED STATES, ANDREI IANCU, UNDER
SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK
OFFICE,**
Intervenors

2018-1443

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. CBM2016-
00086.

Decided: May 21, 2019

MICHAEL DAVID GANNON, Baker & Hostetler LLP,
Chicago, IL, argued for appellant. Also represented by LEIF
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1105, 2018-1302, 2018-1438. Also represented by ROBERT
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KATHERINE TWOMEY ALLEN, Appellate Staff, Civil Divi-
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AMY J. NELSON, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, argued for intervenor Andrei Iancu in 2018-1443. Also represented by THOMAS W. KRAUSE, JOSEPH MATAL, FARHEENA YASMEEN RASHEED.

Before HUGHES, MAYER, and LINN, *Circuit Judges*.

HUGHES, *Circuit Judge*.

Trading Technologies International, Inc., appeals four Covered Business Method Review decisions of the Patent Trial and Appeal Board finding Trading Technologies' patents ineligible under 35 U.S.C. § 101. Recently, this Court issued two precedential opinions affirming Board decisions finding several of Trading Technologies related patents unpatentable under § 101. *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1084 (Fed. Cir. 2019) (*IBG I*); *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1378 (Fed. Cir. 2019) (*IBG II*). The parties submitted supplemental briefing on whether *IBG I* dictated the outcome of the present appeals. The parties also discussed the effect of *IBG I* and *IBG II* at oral argument.

We are not persuaded by Trading Technologies' arguments that the patents at issue here, U.S. Patent Nos. 7,412,416 B2; 7,818,247 B2; 7,685,055 B2; and 7,693,768 B2, are distinguishable from the patents invalidated in *IBG I* and *IBG II*. Like *IBG I* and *IBG II*, the challenged patents "focus[] on improving the trader, not the functioning of the computer." *IBG II*, 921 F.3d at 1383; see also *IBG I*, 921 F.3d at 1091. Although these patents may provide different information than the patents in *IBG I* and

IBG II, information is “intangible” and its “particular content . . . does not change its character as information.” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). We therefore hold that *IBG I* and *IBG II* control and affirm the Board’s decisions.

We also find Trading Technologies waived its constitutional arguments. *See IBG II*, 921 F.3d at 1385.

AFFIRMED