



Cynthia S. Betz  
Associate  
T. 973-848-5377  
F. 973-297-6636  
cbetz@mccarter.com

McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102-4056  
www.mccarter.com

December 22, 2022

**VIA ECF**

Hon. Douglas E. Arpert, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

**Re: OANDA Corporation v. GAIN Capital Holdings, Inc., et al.  
Civil Action No. 20-05784-ZNQ-DEA**

Dear Judge Arpert:

We, along with our co-counsel from Koning Zollar LLP, represent Plaintiff OANDA Corporation (“OANDA”) in this matter, and write in connection with GAIN’s December 7, 2022 letter “motion” to preclude OANDA from amending its infringement contentions (Dkt. 145). Your Honor requested a response from OANDA, which it submitted on December 14, 2022 (Dkt. 146). Yesterday, GAIN filed an unsolicited reply (Dkt. 149).

OANDA is reluctant to provide the Court with yet more unsolicited briefing on these issues although we anticipate Your Honor will be unsurprised to hear that there are a number of assertions in GAIN’s reply that OANDA believes necessitate a response, particularly given GAIN’s acknowledgment that the relief it is seeking may be case-dispositive (Dkt. 149 at 3).

To the extent the Court will consider granting the preemptive relief GAIN requested in its December 7 letter, OANDA respectfully requests leave to either submit a short response to GAIN’s December 21 reply submission or the opportunity to respond to these issues during a teleconference with the Court.

We appreciate Your Honor’s attention to this matter.

Respectfully submitted,

/s/ Cynthia S. Betz

Cynthia S. Betz

**IT IS** on this 23rd day of December 2022,

**ORDERED** that Plaintiff is permitted to file a Sur-Reply no later than December 29, 2022; and it is further

**ORDERED** that no more submissions regarding this dispute will be permitted.