

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLOOMBERG INC.; BLOOMBERG L.P.;
BLOOMBERG FINANCE L.P.;
THE CHARLES SCHWAB CORPORATION;
CHARLES SCHWAB & CO., INC.;
E*TRADE FINANCIAL CORPORATION; E*TRADE SECURITIES LLC;
E*TRADE CLEARING LLC; OPTIONSXPRESS HOLDINGS INC.;
OPTIONSXPRESS, INC.; TD AMERITRADE HOLDING CORP.;
TD AMERITRADE, INC.; TD AMERITRADE IP COMPANY, INC.; and
THINKORSWIM GROUP INC.
Petitioner,

v.

MARKETS-ALERT PTY LTD.
Patent Owner.

Case CBM2013-00005 (JYC)
Patent 7,941,357

Before JAMESON LEE, SALLY C. MEDLEY, and JONI Y. CHANG,
Administrative Patent Judges.

PATENT OWNER MARKETS-ALERT
LIST OF PROPOSED MOTIONS

In advance of the initial conference call scheduled for April 30, 2013, Patent Owner Markets-Alert Pty Ltd. (“Markets-Alert”) hereby submits its list of proposed motions.

I. Motions for Discovery Under 37 C.F.R. §42.51

To the extent that Petitioners do not agree to provide the discovery requested by Markets-Alert:

Pursuant to 37 C.F.R. §42.51(a)(2), Markets-Alert anticipates requesting the Board’s authorization to seek discovery with respect to the items identified as mandatory initial disclosures in the Office Patent Trial Practice Guide, 77 *Fed. Reg.* 48756, 48761-62.

Pursuant to 37 C.F.R. §42.51(b)(2), Markets-Alert anticipates requesting the Board’s authorization to seek additional discovery with respect to at least (i) any other prior art known to, but not submitted by, Petitioners, (ii) the testimony of Steven R. Kursh (Petitioners’ expert) and the underlying bases thereof, and (iii) any supplemental information submitted by Petitioners.

Pursuant to 37 C.F.R. §42.51(b)(1), Markets-Alert also anticipates taking the deposition of at least Steven R. Kursh.

II. Motion to Amend Under 37 C.F.R. §42.221

Markets-Alert may move to amend one or more of the claims under review.

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Any such claim amendments will be made to respond to one or more of the grounds for unpatentability involved in the trial (37 C.F.R. § 42.221(a)(2)(i)) but not enlarge the scope of the claims or introduce new matter (37 C.F.R. § 42.221(a)(2)(ii)).

Dated: April 26, 2013

Respectfully submitted,

/s/
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Attorneys for
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **PATENT OWNER MARKETS-ALERT LIST OF PROPOSED MOTIONS** was served on April 26, 2013 to counsel of record for Petitioners at the following addresses:

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/s/

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