

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TD AMERITRADE HOLDING CORP., TD AMERITRADE, INC., AND  
TD AMERITRADE ONLINE HOLDINGS CORP.,  
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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CBM2014-00131 (Patent 7,533,056)  
CBM2014-00133 (Patent 7,676,411)  
CBM2014-00135 (Patent 6,772,132)  
CBM2014-00137 (Patent 7,685,055)

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Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and  
PHILIP J. HOFFMANN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

On June 17, 2015, Patent Owner contacted the Board requesting  
authorization to file a motion to expunge Petitioner's Reply in each of the

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four proceedings. Petitioner responded in a subsequent communication with the Board, opposing the request.

Patent Owner requests to file a motion to expunge the replies filed by the Petitioner in the four proceedings, because the replies allegedly include several new arguments in violation of 37 CFR § 42.23(b). Whether a reply contains arguments that are outside the scope of a proper reply under 37 C.F.R. § 42.23(b) is left to the determination of the Board. The Board will determine whether the Petitioner's replies are outside the scope of a proper reply when the Board reviews all of the parties' briefs and prepares the final written decisions. If there are improper arguments presented in a reply, the Board may exclude the reply, for example. For all of these reasons, the Board will take under consideration any alleged violations in due course with respect to Petitioner's replies, upon considering the record at the end of the trial.

It is

ORDERED that Patent Owner's request to file a motion to exclude in each proceeding is *denied*.

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