

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

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

On January 5, 2015, the initial conference call<sup>1</sup> was held between counsel for the respective parties and Judges Medley, Petravick, and Hoffmann.

### *Motions*

Neither party seeks authorization to file a motion at this time. If Patent Owner determines that it will file a motion to amend, Patent Owner must arrange a conference call with the Board and opposing counsel to discuss the proposed motion to amend. *See* 37 C.F.R. § 42.121(a).

In addition, a party seeking authorization to file a motion not contemplated per the Scheduling Order must arrange a conference call with opposing counsel and the Board.

### *Discovery*

Petitioner requested certain documents from Patent Owner per rule 37 C.F.R. § 42.51(b)(1)(i) (routine discovery). Patent Owner disagreed that the requested documents are routine discovery, but rather are additional discovery. As discussed, the parties may agree to additional discovery between themselves. 37 C.F.R. § 42.51(b)(2). The parties agreed to discuss Petitioner's requests further in an attempt to come to an agreement regarding the sought after documents. The parties shall arrange a conference call with the Board if there remains any dispute regarding discovery.

### *Schedule*

Petitioner sought authorization to move DUE DATE 7 (oral argument date), but withdrew the request based upon discussion. Accordingly, there

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<sup>1</sup> The initial conference call is held to discuss the Scheduling Order and any motions that the parties anticipate filing during the trial. Office Patent Trial Practice Guide, 77 *Fed. Reg.* 48756, 48765 (Aug. 14, 2012).

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are no current issues with the Scheduling Order.

To the extent issues arise with DATES 1-5 identified in the Scheduling Order, the parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1-5, as provided in the Scheduling Order, by filing an appropriate notice with the Board. The parties may not stipulate to any other changes to the Scheduling Order.

*Related Matters*

The parties believe that a motion to stay the related district court case has been contemplated. Patent Owner shall file an updated notice regarding any decision of a motion to stay. 37 C.F.R. § 42.8.

*Settlement*

The parties have nothing to report with respect to settlement.

*Order*

It is

ORDERED that no motions are authorized at this time.

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