

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TRADESTATION GROUP, INC. and  
TRADESTATION SECURITIES, INC., IBG LLC, and  
INTERACTIVE BROKERS, LLC,  
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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Case CBM2015-00161<sup>1</sup>  
Patent No. 6,766,304 B2

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Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and  
JEREMY M. PLENZLER, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION  
Granting Motions to Seal  
*37 C.F.R. §§ 42.14 and 42.54*

INTRODUCTION

Pursuant to 37 C.F.R. § 42.14, Patent Owner filed multiple motions to seal to the papers and exhibits indicated in the table below.

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<sup>1</sup> CBM2016-00035 has been joined with this proceeding.

Motion.	Papers to be Sealed	Exhibits to be Sealed
Paper 53	Confidential Version of Motion for Additional Discovery (Paper 54)	Ex. 2143–2151, 2154, 2156–2158
Paper 62	Confidential Version of Patent Owner’s Response (Paper 63)	Ex. 2172, 2169, 2224, 2225, 2232, 2247, 2270, 2286, 2294, 2295
Paper 91	Confidential Version of Motion for Supplemental Evidence (Paper 89)	
Paper 93	Confidential Version of Reply in Support of Motion for Supplemental Evidence (Paper 94)	

Patent Owner represents that Petitioner does not oppose the motions.

Paper 53<sup>2</sup>, 1.

There is a strong public policy for making all information filed in an *inter partes* review open to the public. Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public; a party, however, may file a concurrent motion to seal (37 C.F.R. § 42.14). The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54. The party moving to seal bears the burden of proof in showing entitlement to the requested relief, and must explain why the information sought to be sealed constitutes confidential information. 37 C.F.R. § 42.20(c).

Patent Owner asserts that there is good cause to seal the papers and exhibits because they contain sensitive business information that would not otherwise be published or made available to the public. *E.g., see* Paper 53, 1–3. We agree. The information Patent Owner seeks to seal was not relied on in the Final Written Decision. As such protecting the confidential

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<sup>2</sup> Paper 53 is representative of Patent Owner’s motions to seal. All citations are to Paper 53 unless otherwise indicated.

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information from public disclosure only minimally impacts the public's interest in maintaining a complete file history. Further, non-confidential information will be publically available because non-confidential versions of the papers have been filed. *E.g., see* Paper 52 (redacted version of motion for additional discovery).

A motion to seal is required to include a proposed protective order and a certification that the moving party has in good faith conferred or attempted to confer with the opposing party in an effort to come to an agreement as to the scope of the proposed protective order for this *inter partes* review. 37 C.F.R. § 42.54. Patent Owner indicates that the parties have conferred and agree to entry of the default protective located at Office Trial Practice Guide, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012) (Appendix B). *E.g., see* Paper 53, 4.

Based on Patent Owner's unopposed representations and the reasonably limited scope of the protection sought, we determined that good cause exists to grant the motion to seal. 37 C.F.R. § 42.54.

It is:

ORDERED that Patent Owner's motions to seal are *granted*.

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