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UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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IBG LLC, INTERACTIVE BROKERS LLC,
TRADESTATION GROUP, INC., TRADESTATION SECURITIES,
INC., TRADESTATION TECHNOLOGIES, INC., and IBFX,
INC.,

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

- - -

CBM2015-00161 (Patent No. 6,766,304 B2)
CBM2015-00172 (Patent No. 7,783,556)
CBM2015-00179 (Patent No. 7,533,056 B2)
CBM2015-00181 (Patent No. 7,676,411 B2)
CBM2015-00182 (Patent No. 6,772,132 B1)

- - -

June 13, 2016 - 2:00 p.m.

- - -

TELECONFERENCE IN THE ABOVE MATTER

- - -

BEFORE: MEREDITH C. PETRAVICK
JEREMY M. PLENZLER
Administrative Patent Judges

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1 JUDGE PLENZLER: Good afternoon.
2 This is Judge Plenzler at the Patent Trial and
3 Appeal Board. This is a conference call for
4 CBM2015-00161, '172, '179, '181, and '182. I'm
5 joined on the call by Judge Petravick.

6 Do we have someone on the call from
7 TradeStation for Petitioner?

8 MS. GORDON: Yes, Your Honor. This
9 is Lori Gordon from Sterne Kessler. I'm also here
10 with Adam Kessel from Fish & Richardson, and I
11 believe John Phillips will be joining as well.

12 JUDGE PLENZLER: Okay.

13 Is there anybody else on the call for
14 any of the other Petitioners?

15 - - -

16 (No response.)

17 - - -

18 JUDGE PLENZLER: All right. Is
19 someone on the call for Patent Owner?

20 MR. RODKEY: Yes, Your Honor. This
21 is Kevin Rodkey for Patent Owner, Trading
22 Technologies. With me are Joshua Goldberg, Rachel
23 Emsley, and Steve Borsand.

24 JUDGE PLENZLER: Okay. Thank you.

25 Do we have a court reporter?

1 THE COURT REPORTER: Yes, Your Honor.

2 JUDGE PLENZLER: Okay. And that's
3 for Patent Owner?

4 MR. RODKEY: Yes, Your Honor.

5 JUDGE PLENZLER: Okay. So you'll get
6 that on file as soon as you can after this call, I
7 assume; correct?

8 MR. RODKEY: Yes, that's right.

9 JUDGE PLENZLER: All right. I guess
10 to get things started here, Patent Owner requested
11 the call to discuss several discovery issues, so
12 we're going to hear from Patent Owner first.

13 But before we do, I'd like to get
14 things started with an initial question to Patent
15 Owner here as far as how all this is coming about.

16 Based on a previous call that I think
17 you reference in your e-mail as well as what you
18 note in your e-mail, it seems like although the
19 District Court proceeding was stayed, discovery
20 continued, and the purpose of that discovery at
21 least in part was its relevance to these
22 proceedings.

23 So I guess what we're initially
24 wondering, if that was the purpose for discovery
25 continuing, how do we end up where we are with that

1 discovery not being able to be used in these
2 proceedings?

3 MR. RODKEY: Yes, Your Honor, that's
4 right. What happened was the District Court order
5 limited production in the District Court, including
6 three depositions, the last of which is going on
7 right now, to gather evidence of secondary
8 considerations for use in these PTAB proceedings.
9 The Board also recognized that relevance.

10 We obtained most of the productions
11 from TradeStation at the end of last week and we've
12 been reviewing the documents. We've been deposing
13 the witnesses as expected and we sent a list of
14 documents identified by Bates number and also
15 requests to use the deposition transcripts and also
16 to get production of certain databases and other
17 information that came to light during the
18 depositions for use here.

19 The reason we can't just simply use
20 them is most of them are under the protective order
21 in the District Court and because of that we can't
22 bring them directly into the PTAB proceeding. I
23 believe there was a motion filed in the District
24 Court action, but that hasn't been acted on.

25 So we need Petitioners' agreement to

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