

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC. and
TRADESTATION SECURITIES, INC.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2015-00161
Patent No. 6,766,304 B2

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

PETRAVICK, *Administrative Patent Judge*.

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

On September 10, 2015, a conference call was held between counsel for the parties and Judges Medley, Petravick, and Hoffmann. Patent Owner initiated the call to request authorization to file a motion for additional discovery. Patent Owner seeks additional discovery of documents related to

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whether CQG, Petitioner in related CBM2015-00057, is an unnamed real party-in-interest. Petitioner opposed the request.

Patent Owner arranged to have the call transcribed, and the transcript is Exhibit 2010.

After consideration of the information presented during the call, we authorized Patent Owner to file a motion for additional discovery, limited to no more than 15 pages, by September 16, 2015. The motion should state precisely the discovery sought and address the factors for granting a motion for additional discovery set forth in *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, Case No. IPR2012-00001, Paper 26, 6–7 (PTAB, Mar. 5, 2013)(informative). Although articulated for *inter partes* reviews, the *Garmin* factors apply also to covered business method patent reviews, modified to reflect the slightly lower good cause standard applied in covered business method patent reviews. *See* 37 C.F.R. § 42.224; *see Bloomberg Inc. v. Markets-Alert Pty Ltd.*, CBM2013-00005, Paper 32, 2–5 (PTAB, May 29, 2013). Petitioner is authorized to file an opposition to the motion, limited to no more than 15 pages, by September 21, 2015. No reply is authorized.

Accordingly, it is:

ORDERED that Patent Owner is authorized to file a motion for additional discovery under 37 C.F.R. § 42.5(b)(2) by September 16, 2015, limited to 15 pages; Petitioner is authorized to file an opposition by September 21, 2015, also limited to 15 pages; and no reply is authorized.

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