

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
U.S. Patent 6,766,304 B2

**PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY**

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As authorized by Paper 11, Patent Owner Trading Technologies International, Inc. (“TT”) hereby moves for additional discovery related to the real parties-in-interest (“RPI”). TT requests the following discovery from Petitioner:¹

All communications and agreements between TradeStation and CQG relating to the filing or preparation of any post-grant proceedings (filed or anticipated) of any TT patent, or other documents referencing such communications and agreements between TradeStation and CQG.

The Board should grant this discovery because Petitioner acknowledges coordinating with CQG and because this issue is dispositive—if CQG is an RPI, the statute bars institution. While Petitioner’s admissions in the corresponding litigation alone should be sufficient to find RPI, additional discovery will provide the Board a more complete picture of the facts because the RPI inquiry is fact dependent. Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). For example, Petitioner admits that it “took steps” to avoid the RPI issue. Ex. 2010 at 16:14. But the sufficiency of the “steps” cannot be evaluated absent an understanding of how Petitioner and CQG conducted themselves. Accordingly, TT

¹ In TT’s original discovery request (Ex. 2012), it also sought court documents. TT limits this motion, however, to the communications and agreements between CQG and Petitioner and documents referencing those communications.

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