

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.

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

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

PETRAVICK, *Administrative Patent Judge*.

ORDER  
Expunging Confidential Information  
*37 C.F.R. § 42.56*

A Final Written Decision issued on February 17, 2017. Paper 129. On February 13, 2019, the Federal Circuit vacated<sup>1</sup> the Final Written Decision, and the mandate issued on May 7, 2019. *See* Paper 140, 3. The Supreme Court denied a petition for writ of certiorari on October 7, 2019. *Id.*

On October 10, 2019, Patent Owner filed an unopposed Motion to Expunge Papers 54, 63, 68, 89, and 94 and Exhibits 2169, 2172, 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295 from the record pursuant to 37 C.F.R. § 42.56. Paper 140. Papers 54, 63, 68, 89, and 94 and Exhibits 2169, 2172, 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295 contain confidential information and are sealed. *See* Paper 130.

Rule 42.56 provides “after final judgement in a trial, a party may file a motion to expunge confidential information from the record.” Paper 54 is a Motion for Additional Discovery, and a version of the Motion for Additional Discovery with the confidential information redacted appears in the public record as Paper 52. Papers 63 and 68 are the Patent Owner’s Response and Corrected Patent Owner’s Response, respectively, and versions with the confidential information redacted appear in the public record as Papers 64 and 69. Paper 89 is Patent Owner’s Motion for Supplemental Information, and Paper 94 is Patent Owner’s Reply in Support of Its Motion for Supplemental Information. Versions of Papers 89 and 94 with the confidential information redacted appear in the public record as Papers 90 and 95. The public record also contains redacted versions of Exhibit 2169, a Declaration of Christopher Thomas, and Exhibit 2172, a Declaration of Jay Knobloch. Our Final Written Decision did not rely upon the

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<sup>1</sup> The Motion to Expunge mistakenly states that the Federal Circuit affirmed the Final Written Decision.

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redacted information from these Papers or Exhibits 2169 and 2172. It also does not rely upon Exhibits 2224, 2225, 2232, 2247, 2270 2286, 2294, and 2295. Under these circumstances, Patent Owner's Motion to Expunge is *granted*.

## ORDER

Accordingly, it is:

ORDERED that Patent Owner's Motion to Expunge (Paper 140) is *granted*; and

FURTHER ORDERED that Papers 54, 63, 68, 89, and 94 and Exhibits 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295 shall be expunged from the record; and

FURTHER ORDERED that the confidential versions of Exhibits 2169 and 2172 shall be expunged from the record.

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