

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.,  
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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CBM2015-00161 (Patent No. 6,766,304 B2)<sup>1</sup>  
CBM2015-00172 (Patent No. 7,783,556 B1)  
CBM2015-00179 (Patent No. 7,533,056 B2)<sup>2</sup>  
CBM2015-00181 (Patent No. 7,676,411 B2)  
CBM2015-00182 (Patent No. 6,772,132 B1)

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

PETRAVICK, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5*

Patent Owner, via email sent June 21, 2016, requests an one month  
extension to DUE DATE 1 because Mr. Steve Borsand, Patent Owner's in-

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

<sup>2</sup> Case CBM2016-00040 has been joined with this proceeding.

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

house counsel and back-up counsel in these proceedings, recently fell ill. Ex. 3003.<sup>3</sup> DUE DATE 1 is the due date for filing a Patent Owner's Response. Paper 30, 4. The email indicates that Petitioners oppose the request. Ex. 3003.

Patent Owner's request is denied. Pursuant to the Statute and our Rules, the pendency of covered business method patent review proceedings is normally no more than one year. *See* 35 U.S.C. § 326 (a)(11), 37 C.F.R. § 42.202(c). DUE DATE 1 has been extended numerous times already. For example in CBM2015-00161, the parties stipulated to three extensions of time (Papers 42, 46, 51) and the Board granted one extension of time (Paper 47), giving Patent Owner six months to prepare and file its Patent Owner's Responses. DUE DATE 1, thus, cannot be readily extended again and still allow for these proceedings to be completed within the one year period.

In these proceedings, Patent Owner is represented by lead counsel Ms. Erika Arner and Mr. Borsand is back-up counsel. In addition to Mr. Borsand, Patent Owner is represented by three other back-up counsel. Prior to Patent Owner's email indicating the Mr. Borsand fell ill, Patent Owner's lead counsel and other back-up counsel have had a significant amount of time to prepare the Patent Owner's Responses with Mr. Borsand. For example in CBM2015-00161, Mr. Borsand and Patent Owner's other counsel had the majority of six months to prepare the Patent Owner's Response. DUE DATE 1 is set for June 27, 2016 (Paper 51), less than one

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<sup>3</sup> For the purposes of this Order, CBM2015-00161 is representative and all citations are to papers in CBM2015-00161, unless otherwise noted.

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week from the date of Patent Owner's email. Patent Owner presented no persuasive reason why Patent Owner's lead counsel and other back-up counsel cannot finish preparing and file Patent Owner's Responses and to otherwise represent Patent Owner during Mr. Borsand's absence.

It is hereby:

ORDERED that Patent Owner's request for an extension of time for DUE DATE 1 in each proceeding is denied.

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CBM2015-00181 (Patent No. 7,676,411 B2)  
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