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Subject: Request for Board Call (Discovery) in CBM2015-00161, -171, -179, -181, and 182.

Your Honors,

Patent Owner requests a call with the Board to discuss discovery it seeks from Petitioners' in matters CBM2015-00161, -171, -179, -181, and 182.

On a telephone conference of May 11, 2016, the parties and your Honors discussed the production of certain information in the PTAB proceeding. See CBM2015-00181, Paper No. 47, at 5-7. At that time, the Board denied discovery, but extended the deadlines for Patent Owner's Responses to June 17, "to allow Patent Owner to review any produced documents [in the litigation] prior to filing its Patent Owner's Responses." Despite the stay, the District Court allowed limited discovery to go forward because of its potential relevance to the PTAB proceedings.

Some documents have now been produced by TradeStation and reviewed (in part), and Patent Owner seeks production of a subset of those documents (which Patent Owner has identified to Petitioners by Bates number) in the PTAB proceeding, in addition to the transcripts from the three depositions held this week and next in the District Court. Patent Owners also seek documents referring to customers, which, we understand were collected by Petitioners' but withheld from production in the district court.

TradeStation disputes the documents' relevance. Mr. Borsand has reviewed the documents and discussed the relevance of specific documents with TradeStation's PTAB counsel. He has explained that the documents are highly relevant and contrary to Petitioners' positions. For example, many of the documents praise the claimed invention as compared to the prior art, evidence customer requests for claimed features, evidence implementation of the claimed features long after the claimed invention, discuss the importance of the claimed features, show evidence of copying, and describe the claimed features' advantages over the conventional prior art screens using superlatives, etc. Patent Owner believes that the limited documents it has seen and identified to TradeStation show that additional highly-relevant documents exist and should be produced.

TradeStation has not agreed to production of the documents and testimony, and nearly all of the documents that have been produced thus-far remain subject to protective order in the district court. Patent Owner seeks an order for the production of the documents and transcripts in the PTAB under routine discovery or, alternatively, as additional discovery. Should the Board need further information, Patent Owner seeks authorization for a Motion for Additional Discovery. To facilitate a full discussion of the documents, Patent Owner also seeks guidance from the Board regarding TradeStation's position that the documents cannot be made available in the PTAB, at least to the Board for a determination.

Patent Owner and Petitioners are available for a Board call on Thursday from 11:00 AM to 1 PM (eastern).

Thanks,
Rachel

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