

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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5 IBG LLC, INTERACTIVE BROKERS LLC,
6 TRADESTATION GROUP, INC., TRADESTATION SECURITIES,
7 INC., TRADESTATION TECHNOLOGIES, INC., AND IBFX,
8 INC.,

9 Petitioners,

10 v.

11 TRADING TECHNOLOGIES INTERNATIONAL, INC.,
12 Patent Owner.

13 -----
14 CBM2015-00161 (Patent No. 6,766,304 B2)
15 CBM2015-00172 (Patent No. 7,783,556)
16 CBM2015-00179 (Patent No. 7,533,056 B2)
17 CBM2015-00181 (Patent No. 7,676,411 B2)
18 CBM2015-00182 (Patent No. 6,772,132 B1)

19 August 10, 2016

20 TELEPHONE CONFERENCE IN THE ABOVE MATTER

21 Before: MEREDITH C. PETRAVICK
22 JEREMY M. PLENZLER
SALLY C. MEDLEY
Administrative Patent Judges

VERITEXT NATIONAL COURT REPORTING COMPANY
MID-ATLANTIC REGION
1250 Eye Street, N.W., Suite 250
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A P P E A R A N C E S :

REPRESENTING THE PETITIONERS :

STERNE, KESSLER, GOLDSTEIN & FOX, PLLC

BY: ROBERT E. SOKOHL, ESQUIRE

LORI A. GORDON, ESQUIRE

RICHARD M. BEMBEN, ESQUIRE

1100 New York Avenue, N.W.

Washington, D.C. 20005-3934

202-371-2600

rsokohl-ptab@skgf.com

lgordon-ptab@skgf.com

rbemben-ptab@skgf.com

and

FISH & RICHARDSON

BY: ADAM J. KESSEL, ESQUIRE

One Marina Park Drive

Boston, MA 02210-1878

617-368-2180

kessel@fr.com

REPRESENTING THE PATENT OWNER :

FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER, LLP

BY: RACHEL L. EMSLEY, ESQUIRE

Two Seaport Lane

Boston, MA 02210-2001

617-646-1600

rachel.emsley@finnegan.com

Also Present :

Jen Kurcz

Josh Goldberg

P R O C E E D I N G S

* * * * *

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3 JUDGE PETRAVICK: This is the conference
4 call for CBM2015-00161, '00172, '00179, '00181, and
5 '00182.

6 Could I know who's on the line from the
7 Petitioners?

8 MR. SOKOHL: Yes, Your Honor. This is
9 Robert Sokohl, with Sterne Kessler. With me is
10 Richard Bemben and Lori Gordon. And also with me
11 is Adam Kessler from Fish & Richardson.

12 MR. PHILLIPS: John Phillips with Fish &
13 Richardson.

14 MR. SOKOHL: Thank you, John.

15 JUDGE PETRAVICK: Thank you.

16 And for Patent Owner?

17 MS. EMSLEY: Hi, Your Honor. This is
18 Rachel Emsley for Patent Owner. With me is Jen
19 Kurcz, and also on the line is Josh Goldberg.

20 JUDGE PETRAVICK: All right.

21 Mr. Sokohl, are you going to speak on
22 behalf of all the Petitioners?

1 MR. SOKOHL: I am, Your Honor.

2 JUDGE PETRAVICK: All right. Patent
3 Owner, you requested the call, so we'll hear from
4 you first.

5 MS. EMSLEY: Thank you, Your Honor.

6 In the Board's order on July 19th, the
7 Board suggested that supplemental information and
8 supplemental briefing would be the appropriate
9 avenue for TT to seek supplemental information
10 that we originally sought in our motion for
11 additional discovery filed in June.

12 And we understand that there are two
13 prongs for showing that supplemental information
14 under 37 CFR 42.233 is appropriate, that the
15 information reasonably could not have been
16 obtained earlier and that the consideration of
17 the supplemental information would be in the
18 interest of justice. And I would like to address
19 both prongs.

20 JUDGE PETRAVICK: Could I interrupt you
21 for one minute?

22 MS. EMSLEY: Yes.

1 JUDGE PETRAVICK: I forgot to ask, is
2 there a court reporter on the line?

3 REPORTER: Yes, there is.

4 JUDGE PETRAVICK: Okay. Thank you.
5 Go ahead and continue, Ms. Emsley.

6 MS. EMSLEY: Okay. Sure.

7 So with respect to the first prong, TT
8 couldn't have submitted this evidence previously.
9 As you know, there's always been a protective
10 order issued that stood in the way of us using
11 the documents and transcripts that we're seeking
12 in TT's Patent Owner Responses.

13 TT asked several times of the
14 Petitioners for permission to use the documents
15 produced in litigation in the PTAB. And
16 Petitioners have always objected to the use of
17 the documents.

18 Any agreement from Petitioners has
19 always been contingent on the Board expressly
20 authorizing the use in the PTAB. So we pursued
21 relief, both in the District Court and in the
22 PTAB simultaneously.

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