

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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.

CBM2015-00179 (Patent No. 7,533,056 B2)
CBM2015-00181 (Patent No. 7,676,411 B2)
CBM2015-00182 (Patent No. 6,772,132 B1)

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

PLENZLER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On June 14, 2016, a conference call was held between counsel for
Petitioners, counsel for Patent Owner, and Judges Medley, Petravick and
Plenzler. Patent Owner provided a court reporter and will file a transcript of
the call in the record. The call was requested by Patent Owner to discuss its

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request to videotape the upcoming deposition of Mr. Kawashima, Petitioner's witness, on June 17, 2016. Patent Owner and Petitioner indicated that they were unable to come to an agreement as to allowing videotaping of the deposition testimony, but that they had not discussed an audio recording of that testimony.

Patent Owner indicated that it requests videotaping the testimony because the transcript will include only the English language translations, and will not capture the actual foreign language testimony. Patent Owner also indicated that videotaping the testimony is necessary to capture Mr. Kawashima's reactions for purposes such as credibility. Based on the facts of this case, including the circumstances under which Mr. Kawashima will be testifying in this proceeding, we do not believe videotaping the testimony of Mr. Kawashima is necessary.

We appreciate, however, Patent Owner's concerns regarding the deposition transcript not capturing the foreign-language portions of the testimony. In order to address these concerns, we asked Petitioner whether it would oppose an audio recording of the deposition testimony. Petitioner indicated that it is not opposed to an audio recording of the deposition testimony.

Accordingly, we authorize the parties to record the testimony of Mr. Kawashima via audio recording only. That recording shall not be entered into the record. If either party seeks entry of that recording into the record, a further conference must be held with the Board to seek permission for its entry.

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It is:

ORDERED that the parties are authorized to record the testimony of
Mr. Kawashima via audio recording only; and

FURTHER ORDERED that the audio recording shall not be entered
in this proceeding without further permission from the Board.

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