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1 JUDGE PLENZLER: Good morning. This
2 is Judge Plenzler at the Patent Trial and Appeal
3 Board. This is the conference call for
4 CBM2015-00161, '172, '179, '181, and '182. I'm
5 joined on the call by Judges Medley and Petravick.

6 Do we have someone on the call for
7 Petitioner?

8 MR. SOKOHL: Yes, Your Honor. This
9 is Rob Sokohl and with me today is Lori Gordon,
10 Richard Bemben, and Adam Kessel.

11 JUDGE PLENZLER: All right. Thank
12 you.

13 And for Patent Owner?

14 MS. EMSLEY: For Patent Owner, this
15 is Rachel Emsley, and with me on the call is Erica
16 Arner.

17 JUDGE PLENZLER: All right. Thank
18 you.

19 And is there a court reporter?

20 THE COURT REPORTER: There is, Your
21 Honor.

22 JUDGE PLENZLER: All right.

23 And I assume that's Patent Owner's
24 court reporter?

25 MS. EMSLEY: That's correct.

1 JUDGE PLENZLER: All right. And I'm
2 sure by now you're familiar with the procedure for
3 getting that in the record, so I won't go over the
4 details.

5 Patent Owner requested this call, it
6 looks like, to discuss a request to file an offer of
7 proof, so we're going to hear from them first.

8 But before we do, I would just like a
9 little background information, just to clarify the
10 whole procedure for how this all came about,
11 primarily with respect to the request and the grant
12 of relief from the District Court for the protective
13 order.

14 If you could just explain, just very
15 briefly, the timeline as far as, you know, when you
16 received the information that the District Court has
17 now given you relief to use, when you requested
18 permission to use it, and then when the District
19 Court ultimately granted that relief, that would be
20 appreciated.

21 MS. EMSLEY: Yes, Your Honor. This
22 is Rachel Emsley. I need to look at the exact
23 filings in the District Court. But when the Board
24 denied TT's motion for additional discovery, the
25 Board noted that the District Court could authorize

1 the Patent Owner to use the District Court discovery
2 in these proceedings, that discovery being subject
3 to the District Court's protective order, as you
4 know.

5 So following that denial of
6 additional discovery, Trading Technologies filed a
7 motion with the District Court for relief from the
8 protective order so that we could submit the
9 documents themselves in an offer of proof, getting
10 relief from the protective order.

11 So on July 13th the District Court
12 entered an order that adopts the District Court's
13 ruling as stated in open court in a hearing on
14 July 7th. So both parties were represented at that
15 hearing.

16 The District Court therefore granted
17 permission for TT to submit the documents and
18 transcripts identified in the motion for additional
19 discovery, and that's the same discovery that the
20 District Court previously granted despite the stay
21 because of its potential relevance to this PTAB
22 proceeding. And this was specific for the offer of
23 proof in the PTAB.

24 So I'm not sure exactly the date that
25 that was filed. I need to look back at that for a

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