

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.

Case CBM2015-00181
Patent 7,676,411 B2

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

PLENZLER, *Administrative Patent Judge*.

DECISION
Granting Motions to Seal
37 C.F.R. §§ 42.14 and 42.54

INTRODUCTION

Pursuant to 37 C.F.R. § 42.14, Patent Owner filed two motions to seal the papers and exhibits indicated in the table below.¹

Motion.	Papers to be Sealed	Exhibits to be Sealed
Paper 61	Confidential Version of Motion for Additional Discovery (Paper 62)	Exhibits 2143–2151, 2154, and 2156–2158
Paper 69	Confidential Version of Patent Owner Response (Paper 70)	Confidential Versions of Exhibits 2169 and 2172 and Exhibits 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295

Patent Owner represents that Petitioner does not oppose the motions. Paper 61, 2; Paper 69, 2.

There is a strong public policy for making all information filed in a covered business method review open to the public. Under 35 U.S.C. § 326(a)(1), the default rule is that all papers filed in a covered business method review are open and available for access by the public; a party, however, may file a concurrent motion to seal (37 C.F.R. § 42.14). The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54. The party moving to seal bears the burden of proof in showing entitlement to the requested relief, and must explain why the information

¹ Patent Owner additionally filed a motion to seal the confidential version of its Motion for Supplemental Information and Supplemental Briefing (Paper 94). Paper 96. Patent Owner also filed a motion to seal the confidential version of its Reply in Support of the Motion for Supplemental Information (Paper 98). Paper 99. Those confidential papers were expunged by our order dated September 1, 2016, and the corresponding motions to seal were dismissed. Paper 101, 8.

sought to be sealed constitutes confidential information. 37 C.F.R. § 42.20(c).

Patent Owner asserts that there is good cause to seal the papers and exhibits because they contain sensitive business information that would not otherwise be published or made available to the public. *See, e.g.*, Paper 61, 2–4. We agree. The information Patent Owner seeks to seal was not relied on in the Final Written Decision. As such, protecting the confidential information from public disclosure only minimally impacts the public’s interest in maintaining a complete file history. Further, Non-confidential information will be publically available because non-confidential versions of the papers have been filed. *See, e.g.*, Paper 60 (redacted version of motion for additional discovery). As for the motion to seal the confidential version of its Patent Owner Response and related Exhibits, we note that the redactions to the Patent Owner Response are narrowly tailored (*see* Paper 71), redacted versions of Exhibits 2169 and 2172 are available to the public, and Exhibits 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295 contain information identified by Patent Owner and third parties as sensitive, non-public information, that a business would not make public. Paper 69, 2. None of the confidential information is discussed specifically in our Final Decision.

A motion to seal is required to include a proposed protective order and a certification that the moving party has in good faith conferred or attempted to confer with the opposing party in an effort to come to an agreement as to the scope of the proposed protective order for this covered business method review. 37 C.F.R. § 42.54. Patent Owner indicates that the parties have conferred and agree to entry of the default protective located at Office Trial

CBM2015-00181
Patent 7,676,411 B2

Practice Guide, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012) (Appendix B).
See, e.g., Paper 61, 5.

Based on Patent Owner's unopposed representations and the reasonably limited scope of the protection sought, we determine that good cause exists to grant the motions to seal. 37 C.F.R. § 42.54.

It is:

ORDERED that Patent Owner's motions to seal (Papers 61 and 69) are *granted*.

CBM2015-00181
Patent 7,676,411 B2

PETITIONERS:

Robert Sokohl
Lori Gordon
Richard Bemben
STERN, KESSLER, GOLDSTEIN & FOX
Rsokohl-ptab@skgf.com
Lgordon-ptab@skgf.com
Rbemben-ptab@skgf.com

John Phillips
FISH & RICHARDSON P.C.
CBM41919-0008CP1@fr.com

PATENT OWNER:

Erika H. Arner
Joshua L. Goldberg
Kevin D. Rodkey
Rachel L. Emsley
Cory Bell
FINNEGAN, HENDERSON, FARABOW, GARRET & DUNNER, LLP
erika.arners@finnegan.com
joshua.goldberg@finnegan.com
kevin.rodkey@finnegan.com
rachel.emsley@finnegan.com
cory.bell@finnegan.com

Michael D. Gannon
Leif R. Sigmond, Jr.
Jennifer Kurcz
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
gannon@mbhb.com
sigmond@mbhb.com
kurcz@mbhb.com

Steven F. Borsand
Jay Knobloch
TRADING TECHNOLOGIES INTERNATIONAL, INC.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.