

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 MEREDITH C. PETRAVICK and JEREMY M. PLENZLER,
Administrative Patent Judges.

PETRAVICK, *Administrative Patent Judge.*

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

On May 2, 2016, a conference call was held between counsel for
Petitioners, counsel for Patent Owner, and Judges Petravick and Plenzler.
Petitioner provided a court reporter and indicated that it would file in the

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record the transcript, when it becomes available. This order summarizes the conference call.

Petitioner requested the conference call to discuss a dispute regarding depositions of Petitioner's declarant Kendyl Roman in these proceedings. *See Ex. 3002.*¹ According to Petitioner, the parties agreed to two depositions of Kendyl Roman — one with regards to CBM2015-00179 on May 3, 2016 and a second deposition of Kendyl Roman with regards to the CBM2015-00181 and CBM2015-00182 on May 5, 2016. Petitioner would have May 4, 2016 to prepare for the second deposition, after the deposition for CBM2015-00179 had closed.

According to Patent Owner, the parties agreed to a single deposition on May 3, 2016 and May 5, 2016. Patent Owner objected to Petitioner being allowed to prepare Kendyl Roman for the second deposition on May 4. Patent Owner's Notice of Deposition indicates that the parties agreed to depose Kendyl Roman on May 3 and May 5 for these proceedings but is silent as to how the time is to be divided. Paper 44.

After considering the information presented during the call, the Board determined that a first deposition of Kendyl Roman with regard to CBM2015-00179 would occur on May 3, 2016 and a second deposition of Kendyl Roman with regards that CBM2015-00181 and CBM2015-00182²

¹ For the purposes of this Order, CBM2015-00179 is representative and all citations are to papers in CBM2015-00179 unless otherwise noted.

² Unlike the patent at issue in CBM2015-00179, the patents at issue in CBM2015-00181 and CBM2015-00182 are part of the same family. During the call, both parties confirmed that they agreed to a single deposition for CBM2015-00181 and CBM2015-00182.

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would occur on May 5, 2016 and that Petitioner is allowed to prepare Kendyl Roman for the second deposition, after the first deposition closed.

Additionally, the Board reminded the parties that every party must act with courtesy and decorum in these proceedings, including in interactions with the other party (37 C.F.R. § 42.1) and that the parties have a duty of candor and good faith to the Office during the course of a proceeding (37 C.F.R. § 42.11(a)).

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