
From: Rodkey, Kevin
Sent: Monday, October 19, 2015 3:22 PM
To: rsokohl-PTAB@skgf.com; lgordon-ptab@skgf.com; rbemben-PTAB@skgf.com; PTAB@skgf.com
Cc: Arner, Erika; Goldberg, Joshua; Emsley, Rachel; Rodkey, Kevin; tt-patent-cbm@tradingtechnologies.com
Subject: CBM2015-00181

Counsel,

Pursuant to Rule 42.51(b)(1)(iii), at the time Tradestation and IBG filed their petition, they were obligated to serve on Trading Technologies (“TT”) evidence related to Tradestation’s and IBG’s assertion that they are the only real parties-in-interest in this matter. Tradestation, IBG, and CQG jointly represented that CQG was “preparing” to file the petition against TT’s ’411 patent, at issue in this proceeding (CBM2015-00161, Ex. 2003 at 8), but CQG is not named as a real party-in-interest in the petition.

Under the Rules, Tradestation and IBG should have served on TT all communications and agreements between Tradestation, IBG, and CQG related to the filing of the petition against TT’s ’411 patent and any court documents that discuss coordination by Tradestation, IBG, and CQG in filing this petition, including the communications related to Tradestation’s, CQG’s, and IBG’s representation that CQG was preparing the present petition. Accordingly, please confirm that Tradestation and IBG will serve, no later than October 22, 2015, on TT:

All communications and agreements between Tradestation and CQG; IBG and CQG; or Tradestation, IBG, and CQG related to the filing, preparation, or funding of any post-grant proceeding (filed or anticipated) against TT’s U.S. Patent No. 7,676,411, including but not limited to communications and agreements that led Tradestation, IBG, and CQG to represent that CQG was preparing the petition against TT’s ’411 patent (CBM2015-00161, Ex. 2003 at 8), and documents referencing such communications and agreements with CQG related to any post-grant review of the ’411 patent.

To the extent Tradestation or IBG refuses to serve such documents on TT, TT will request a call with the Board to seek authorization file a motion for additional discovery. If you refuse to produce these documents, please let us know your availability for a call with the Board.

Best regards,
Kevin

Kevin Rodkey
Attorney at Law

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