

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.,
IBFX, INC.

Petitioner

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

Case CBM2015-00181
U.S. Patent 7,676,411 B2

**PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY**

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As authorized by the Board during the conference call held November 13, 2015 (Ex. 2001 at 26:1-6) and in the order of November 17, 2015 (Paper 15 at 3), Patent Owner Trading Technologies International, Inc. (“TT”) hereby moves for additional discovery related to the real parties-in-interest (“RPI”) in this proceeding. TT requests the following discovery from Petitioners:

All communications (including emails) 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.

The Board should grant this discovery because Petitioners jointly certified to the district court that, as part of a coordinated strategy to attack TT’s patents, CQG was preparing the petition against the ’411 patent; but CQG has not been named as an RPI. The failure to name CQG is dispositive—if CQG is an RPI, the statute bars institution. While Petitioners’ admissions in litigation alone should be sufficient to find RPI, the RPI inquiry is fact dependent and TT requires this discovery to better prepare its Patent Owner Preliminary Response. Trial Practice Guide, 77 Fed.

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