

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IBG LLC, INTERACTIVE BROKERS LLC, TRADESTATION GROUP, INC.,  
TRADESTATION SECURITIES, INC., TRADESTATION TECHNOLOGIES,  
INC., and IBFX, INC.  
Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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Case CBM2015-00181  
Patent No. 7,676,411

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

PETRAVICK, *Administrative Patent Judge*.

ORDER  
Expunging Confidential Information  
*37 C.F.R. § 42.56*

A Final Written Decision issued on March 3, 2017. Paper 138. On February 13, 2019, the Federal Circuit vacated<sup>1</sup> the Final Written Decision, and the mandate issued on May 7, 2019. *See* Paper 149, 2. The Supreme Court denied a petition for writ of certiorari on October 7, 2019. *Id.*

On October 10, 2019, Patent Owner filed an unopposed Motion to Expunge Papers 62, 70, and 75 and Exhibits 2169, 2172, 2224, 2225, 2232, 2247, 2270 2286, 2294, and 2295 from the record pursuant to 37 C.F.R. § 42.56. Paper 149. Papers 62, 70, and 75 and Exhibits 2169, 2172, 2224, 2225, 2232, 2247, 2270 2286, 2294, and 2295 contain confidential information and are sealed. *See* Papers 101, 139.

Rule 42.56 provides “after final judgement in a trial, a party may file a motion to expunge confidential information from the record.” Paper 62 is a Motion for Additional Discovery, and a version of the Motion for Additional Discovery with the confidential information redacted appears in the public record as Paper 60. Papers 70 and 75 are the Patent Owner’s Response and Corrected Patent Owner’s Response, respectively, and versions with the confidential information redacted appear in the public record as Papers 71 and 76. The public record also contains redacted versions of Exhibit 2169, a Declaration of Christopher Thomas, and Exhibit 2172, a Declaration of Jay Knobloch. Our Final Written Decision did not rely upon the redacted information from these Papers or Exhibits 2169 and 2172. It also does not rely upon Exhibits 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295. Under these circumstances, Patent Owner’s Motion to Expunge is *granted*.

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<sup>1</sup> The Motion to Expunge mistakenly states that the Federal Circuit affirmed the Final Written Decision.

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ORDER

Accordingly, it is:

ORDERED that Patent Owner's Motion to Expunge (Paper 149) is *granted*; and

FURTHER ORDERED that Papers 62, 70, and 75 and Exhibits 2224, 2225, 2232, 2247, 2270, 2286, 2294, and 2295 shall be expunged from the record; and

FURTHER ORDERED that the confidential versions of Exhibits 2169 and 2172 shall be expunged from the record.

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