

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.,  
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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Case CBM2015-00182  
Patent 6,772,132 B1

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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.<sup>1</sup>

Motion.	Papers to be Sealed	Exhibits to be Sealed
Paper 52	Confidential Version of Motion for Additional Discovery (Paper 53)	Exhibits 2143–2151, 2154, and 2156–2158
Paper 60	Confidential Version of Patent Owner Response (Paper 53)	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 52, 2; Paper 60, 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

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<sup>1</sup> Patent Owner additionally filed a motion to seal the confidential version of its Motion for Supplemental Information and Supplemental Briefing (Paper 85). Paper 87. Patent Owner also filed a motion to seal the confidential version of its Reply in Support of the Motion for Supplemental Information (Paper 90). Paper 89. Those confidential papers were expunged by our order dated September 1, 2016, and the corresponding motions to seal were dismissed. Paper 93, 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 52, 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 51 (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 67), 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 60, 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

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Practice Guide, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012) (Appendix B).  
*See, e.g.*, Paper 52, 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 52 and 60) are *granted*.

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