

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IBG LLC and INTERACTIVE BROKERS LLC,  
Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,  
Patent Owner.

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CBM2016-00009  
Patent No. 7,685,055 B2

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Before MEREDITH C. PETRAVICK, *Administrative Patent Judge*.

PETRAVICK, *Administrative Patent Judge*.

ORDER

*Excusing Late Filing of Motion to Exclude*  
*37 C.F.R. § 42.5(c)(3)*

On December 21, 2016, Patent Owner sent an email to the [Trials@uspto.gov](mailto:Trials@uspto.gov) box requesting late entry of a motion to exclude evidence (Paper 59) into the record. Ex. 3004. Patent Owner alleged that, despite the motion being timely filed in the PTABE2E filing system on December 13, 2016, Due Date 4 (*see* Paper 46), the motion does not appear in the record. Patent Owner contacted Board staff concerning this error. According to Patent Owner, Board staff explained that the error was likely caused by a

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glitch in the PTABE2E system and suggested refiling the motion. Patent Owner refiled the motion late on December 21, 2016 as Paper 59.

Patent Owner timely served the motion on Petitioner on December 13, 2016 (*see* Paper 59, 13), and Petitioner timely opposed the motion to exclude evidence on December 20, 2016 (Paper 57). Via email, Petitioner indicated that it does not oppose late entry of the motion into the record. Ex. 3004.

Given the circumstances, good cause exists to excuse the late filing of the motion and enter of the motion into the record. *See* 37 C.F.R. 42.5(c)(3). Patent Owner request is granted.

It is:

ORDERED that the late filing of Patent Owner's motion to exclude evidence (Paper 59) is excused and the motion is entered into the record.

PETITIONERS:

Robert Sokohl  
Lori Gordon  
Richard Bemben  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
rsokohl-ptab@skgf.com  
lgordon-PTAB@skgf.com  
rbemben-PTAB@skgf.com

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PATENT OWNER:

Leif Sigmond  
Cole Richter  
Michael Gannon  
Leif Sigmond  
Jennifer Kurcz  
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
sigmond@mbhb.com  
richter@mbhb.com  
gannon@mbhb.com  
sigmond@mbhb.com  
kurcz@mbhb.com

Kevin Rodkey  
Rachel Emsley  
Cory Bell  
Joshua Goldberg  
Erika Arner  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
kevin.rodkey@finnegan.com  
rachel.emsley@finnegan.com  
cory.bell@finnegan.com  
joshua.goldberg@finnegan.com  
erika.arnier@finnegan.com

Steven Borsand  
Jay Knobloch  
TRADING TECHNOLOGIES INTERNATIONAL, INC.  
tt-patent-cbm@tradingtechnologies.com  
jay.knobloch@tradingtechnologies.com