

From: [Trials](#)
To: [Rodkey, Kevin](#); [Trials](#)
Cc: [Lori Gordon](#); [Rob Sokohl](#); [Richard M. Bemben](#); [PTAB Account](#); [Arner, Erika](#); [Goldberg, Joshua](#); [Emsley, Rachel](#); [Bell, Cory](#); [Trading-Tech-CBM](#); [tt-patent-cbm@tradingtechnologies.com](#); [gannon@mbhb.com](#); [sigmond@mbhb.com](#); [kurcz@mbhb.com](#); [PTAB Account](#)
Subject: RE: CBM2016-00009 - Request for Board Call
Date: Tuesday, November 15, 2016 10:21:11 AM

Counsel,

Patent Owner is authorized to file a listing identifying the portions of the Petitioner's Reply that allegedly raise new arguments for the first time. The listing may only identify the portions by page and line number of the Petitioner's Reply. No other arguments or other substantive comments may be included. Patent Owner's listing must be filed no later than November 22, 2016.

Likewise, Petitioner is authorized to send a listing identifying where the alleged new arguments were first raised in the record. The listing may only identify portions of the record by paper, page and line number. No other arguments or other substantive comments may be included. Petitioner's listing must be filed no later than November 30, 2016.

The listings should reference this authorization. No conference call will be held.

Thanks,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

From: Rodkey, Kevin [mailto:Kevin.Rodkey@finnegan.com]
Sent: Monday, November 14, 2016 11:09 AM
To: Trials <Trials@USPTO.GOV>
Cc: Lori Gordon <LGORDON@skgf.com>; Rob Sokohl <RSOKOHL@skgf.com>; Richard M. Bemben <RBEMBEN@skgf.com>; PTAB Account <PTAB@skgf.com>; Arner, Erika <erika.arnner@finnegan.com>; Rodkey, Kevin <Kevin.Rodkey@finnegan.com>; Goldberg, Joshua <Joshua.Goldberg@finnegan.com>; Emsley, Rachel <Rachel.Emsley@finnegan.com>; Bell, Cory <Cory.Bell@finnegan.com>; Trading-Tech-CBM <Trading-Tech-CBM@finnegan.com>; tt-patent-cbm@tradingtechnologies.com; gannon@mbhb.com; sigmond@mbhb.com; kurcz@mbhb.com; PTAB Account <PTAB@skgf.com>
Subject: CBM2016-00009 - Request for Board Call

Your Honors,

Patent Owner respectfully requests a call with the Board to seek authorization to file a motion to strike Petitioners' Reply because of new arguments improperly raised for the first time in a Reply brief, including at least at Sections IV.A.1.b, IV.A.3, and part of IV.A.2 of the Reply.

Patent Owner has conferred with Petitioners, and Petitioners oppose this request. The parties are

available for the call Tuesday, November 15, between 2:00 and 3:30pm Eastern, or Wednesday, November 16, at any time.

Regards,
Kevin Rodkey
Back-up counsel for Patent Owner

Kevin Rodkey
Attorney at Law

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