

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC, and
INTERACTIVE BROKERS, LLC,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

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

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

PETRAVICK, *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 a motion to seal Exhibits 2294 and 2295 in their entirety. Paper 30. Patent Owner represents that Petitioner does not oppose the motion. *Id.* at 1.

There is a strong public policy for making all information filed in a covered business method patent 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 patent 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 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 third-party sensitive business information and confidential admissions/statements that would not otherwise be published or made available to the public. Paper 30, 4–5. 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, the third-parties object to the release of their confidential information into the public domain. *Id.* at 4.

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 patent 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

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Trial Practice Guide, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012) (Appendix B). Paper 30, 5.

Based on Patent Owner's unopposed representations and the reasonably limited scope of the protection sought, we determined that good cause exists to grant the motion to seal. 37 C.F.R. § 42.54.

It is:

ORDERED that Patent Owner's motion to seal is *granted*.

PETITIONER:

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