

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

CBM2015-00161 (Patent No. 6,766,304 B2)¹
CBM2015-00181 (Patent No. 7,676,411 B2)
CBM2015-00182 (Patent No. 6,772,132 B1)
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*.

ORDER²

Granting Motions to Preserve Record Pending Appeal
37 C.F.R. § 42.56

¹ Case CBM2016-00035 has been joined with this proceeding.

² This Order addresses the same or similar issue in the proceedings listed above. Therefore, we issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style of filing.

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Patent Owner filed unopposed motions³ requesting that the records in these proceedings be preserved pending outcome of appeal. Paper 136.⁴ Notices of Appeal have been filed in CBM2015-000161, CBM2015-000181, and CBM2015-00182. *See, e.g.*, Paper 132. A notice of appeal has not yet been filed in CBM2015-00009. Petitioners do not oppose the request. Paper 136, 1.

The parties were permitted to file certain information under seal, in accordance with 37 C.F.R. § 42.54(a). *See* Paper 130. The sealed information ordinarily becomes publicly available after final judgment. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48761 (Aug. 14, 2012). A party may file a motion to expunge confidential information from the record, however, if wishing to preserve its confidentiality. 37 C.F.R. § 42.56. Here, Patent Owner asks that the records be preserved as is, *i.e.*, without removal or disclosure to the public of the information filed under seal, pending appeal. Paper 136, 1. Under the present circumstances, it is reasonable to maintain the records undisturbed pending outcome of any appeal that is taken.

Patent Owner request that the information filed under seal in these proceedings be expunged from the record within ten days of the disposition of all appeals. *Id.* at 3. Patent Owner's request is denied as premature. For each of these proceedings, at the conclusion of appeal, or if no appeal is

³ On June 13, 2017, the Board authorized, by email, Patent Owner to file the motion.

⁴ For the purposes of this Order, CBM2015-00161 is representative and all citations are to papers in CBM2015-00161 unless otherwise noted.

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taken within ten business days of the expiration of the period to file a notice of appeal, Patent Owner may contact the Board for authorization to file a motion to expunge confidential information. If Patent Owner does not contact the Board, then the information filed under seal may be made public in due course. *See* 77 Fed. Reg. at 48761.

It is:

ORDERED that, for each of these proceedings, within ten business days of the conclusion of appeal, or if no appeal is taken within ten business days of the expiration of the period to file a notice of appeal, Patent Owner may contact the Board for authorization to file a motion to expunge confidential information; and

FURTHER ORDERED that the record in each proceeding shall remain undisturbed as discussed herein until such time that a motion to expunge confidential information is filed or, if the Patent Owner fails to contact the Board as required herein, the information filed under seal shall be made public in due course.

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