

Paper No. __
Filed: March 9, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC and INTERACTIVE BROKERS LLC,

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner.

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

PATENT OWNER'S MOTION TO EXPUNGE

I. Statement of Relief Requested

Pursuant to this Board's authorization on February 25, 2020, Trading Technologies International, Inc. ("TT" or "Patent Owner"), respectfully requests that all confidential information be expunged from the record pursuant to Rule 42.56 and not be made public. Patent Owner has conferred with Petitioner on this request and Petitioner does not oppose.

II. Reasons Why Requested Relief Should Be Granted

A. The Board Found Good Cause to Seal the Confidential Information

In connection with its Patent Owner's Response, TT filed a Motion to Seal. (Paper 30). This motion covered certain exhibits containing or referring to third-party confidential business information. (Exhibits 2294 and 2295). TT identified that the sealed papers contain sensitive business information that would not otherwise be published or made available to the public.

On April 26, 2017, the Board granted the motion to seal (Paper 73, at 2-3), finding that "good cause exists." On June 23, 2017, Patent Owner filed a motion to maintain confidential information under seal during appeal and requested that all confidential information be expunged from the record following the disposition of all appeals. (Paper 75). While granting the motion to maintain confidential information under seal, the Board found that Patent Owner's motion to expunge was "premature." (Paper 76, at 2). The Board instructed Patent Owner to request

authorization to file a renewed motion to expunge at the conclusion of appeal. (*Id.* at 3). Because the appeals in this case have now been concluded, with the Supreme Court denying Patent Owner's petition for a writ of certiorari, this motion to expunge is now ripe for decision. Because the Board already found good cause to seal these materials, the motion to expunge should be granted.

B. The Sealed Documents Contain Confidential and Sensitive Business Information that was not Relied on by the Board in the Final Written Decision

For the same reasons set forth in Patent Owner's Motion to Seal, namely that the sealed information "contain[s] information identified . . . as sensitive, non-public information that a business would not make public," (Paper 30, at 2), all the information filed under seal in this matter should be expunged from the record. Expunging the sealed information will avoid the prejudice to the parties that would be caused by public disclosure of their sealed information.

In particular, these exhibits contain highly sensitive and proprietary third-party information, including confidential third-party business strategy information and third-party admissions and statements. The confidential information contained in Exhibits 2294 and 2295 was not relied upon in the Board's Final Written Decision. (Paper 73, at 2).

III. Conclusion

Patent Owner respectfully requests that because all appeals have been exhausted in this matter, the sealed materials be expunged from the CBM docket.

Respectfully submitted,

Dated: March 9, 2020

By: *Jennifer M. Kurcz*

Jennifer M. Kurcz
Back-Up Counsel, Reg. No. 54,481
BAKER & HOSTETLER LLP
One North Wacker Drive
Suite 4500
Chicago, IL 60606
312-416-6282
jkurcz@bakerlaw.com

Counsel for Patent Owner
Trading Technologies International, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S MOTION TO EXPUNGE** was served on March 9, 2020 via email on the following:

Robert E. Sokohl
rsokohl@skgf.com

Lori Gordon
lgordon-PTAB@skgf.com

Richard Bemben
rbemben-PTAB@skgf.com

PTAB@skgf.com

Date: March 9, 2020

/Jennifer M. Kurcz/

Jennifer M. Kurcz
Back-Up Counsel, Reg. No. 54,481
BAKER & HOSTETLER LLP
One North Wacker Drive
Suite 4500
Chicago, IL 60606
312-416-6282
jkurcz@bakerlaw.com

Counsel for Patent Owner
Trading Technologies International, Inc.