

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC,
INTERACTIVE BROKERS LLC, TRADESTATION GROUP, INC., and
TRADESTATION SECURITIES, INC.,
Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

CBM2016-00054 (Patent 7,693,768 B1)
CBM2016-00090 (Patent 7,725,382 B2)¹

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

PETRAVICK, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ 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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A conference call was held on March 9, 2017 between counsel for the parties and Judges Medley, Petravick, and Plenzler. Pursuant to 37 C.F.R. § 42.20(b), Petitioner initiated the call to request authorization to file a motion to strike Exhibit 2233 and portions of the Patent Owner Response in both proceedings. Petitioner alleges that the Patent Owner Responses improperly incorporate by reference arguments found in Exhibits 2233. *See* 37 C.F.R. § 42.6(a)(3). Patent Owner opposed the request.

After consideration of the information received during the call, we authorize Petitioner to file a motion to strike Exhibits 2233 and portions of the Patent Owner Responses. The same motion should be filed in both proceedings. The motion is limited to 15 pages and should be filed no later than March 17, 2017. Patent Owner may file an opposition. The same opposition should be filed in both proceedings. The opposition is limited to 15 pages and should be filed no later than March 24, 2017. No reply is authorized.

During the call, Petitioner also requested an increase in the word count limit for the Petitioner Reply to 8,600 words. Petitioner argues that the increase was needed to address the arguments allegedly incorporated by reference into the Patent Owner Responses. At this time, we hold Petitioner's request for a word count increase in abeyance because we have not yet made a decision on Petitioner's motion to strike. We will consider the request at the time we address Petitioner's motion.

It is:

ORDERED that Petitioner may file the same motion to strike Exhibits 2233 and portions of the Patent Owner Responses, limited to 15 pages, no later than March 17, 2017 in both proceedings; and

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FURTHER ORDERED that Patent Owner may file the same opposition to the motion to strike, limited to 15 pages, no later than March 24, 2017 in both proceedings.

PETITIONER:

Robert E. Sokohl
Lori A. Gordon
Richard M. Bemben
Sterne, Kessler, Goldstein & Fox P.L.L.C.
rsokohl-ptab@skgf.com
lgordon-PTAB@skgf.com
rbemben-PTAB@skgf.com

PATENT OWNER:

Leif Sigmond
Cole Richter
MCDONNELL, BOEHNEN, HULBERT & BERGHOFF LLP
sigmond@mbhb.com
richter@mbhb.com