

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.,
Petitioners.

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Appeal No. CBM2016-00054
Patent No. 7,693,768 B1

Record of Oral Hearing
Held: June 23, 2017

BEFORE: SALLY C. MEDLEY, MEREDITH C. PETRAVICK and
JEREMY M. PLENZLER, Administrative Patent Judges.

The above-entitled matter came on for hearing on June 23, 2017, commencing
at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia 22314.

Appeal CBM2016-00054
Patent 7,693,768 B1

A P P E A R A N C E S

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1 PROCEEDINGS

2 JUDGE PETRAVICK: Please be seated. We're going to
3 take a minute to log into our computers.

4 We're here today for CMB2016-00054. I'm Judge
5 Petravick. With me on the right is Judge Medley, and on my
6 left is Judge Plenzler, in the flesh and blood this time
7 around, joining us from Detroit.

8 May I know who is here from the petitioner?

9 MR. SOKOHL: Yes, Your Honor. Robert Sokohl and
10 Richard Bemben from Sterne Kessler.

11 JUDGE PETRAVICK: Hello. And for patent owner?

12 MR. GANNON: Mike Gannon and my partner Leif
13 Sigmond.

14 JUDGE PETRAVICK: Hello, Mr. Gannon.

15 All right, before we proceed, we got an e-mail
16 regarding confidential information on Slide 26 of the patent
17 owner's slide deck, so there -- we have two audience members
18 here today.

19 Yes?

20 MR. GANNON: Your Honor, this is in-house counsel
21 from Trading Technologies, Mr. Adam Faier --

22 JUDGE PETRAVICK: All right.

1 MR. GANNON: -- and Monika Dudek.

2 JUDGE PETRAVICK: Okay. So there's no other
3 audience members, so it doesn't seem like we have a
4 confidentiality issue with respect to people in the room.

5 MR. GANNON: Well --

6 JUDGE PETRAVICK: Are we all agreed?

7 MR. GANNON: -- actually, in-house counsel from
8 Trading Technologies does not have access to that confidential
9 information.

10 JUDGE PETRAVICK: Okay, Mr. Gannon.

11 So what I would suggest we do, and since I
12 understand that audio-visual equipment is still broken -- is
13 that correct? You've been told that?

14 MR. GANNON: That's right.

15 JUDGE PETRAVICK: That -- so now we're not going to
16 be showing that slide on the monitors, but we will have the
17 slide in front of us. And I'm assuming you have a copy of the
18 slide?

19 MR. GANNON: Correct.

20 JUDGE PETRAVICK: Is that correct? Is it possible
21 for you just to refer to that information generally? You
22 know, you can say, on the left side, on the right side?

1 Because the other problem is that if you say
2 anything specific, it's going to show up in the transcript.

3 MR. GANNON: Yeah. My plan with that particular
4 slide was to compare and contrast the two screens, and I was
5 also going to be referring to some testimony of the
6 TradeStation witness that's confidential.

7 One thought we had, Your Honor, is when we get to
8 that slide, if in-house counsel could leave the courtroom and
9 come right back?

10 JUDGE PETRAVICK: Well, what about the fact that it
11 will also show up in the transcript? So --

12 MR. GANNON: Well --

13 JUDGE PETRAVICK: -- we've got, you know, issues
14 there, and the fact that usually things that are sealed, after
15 45 days get unsealed.

16 Maybe you could say -- instead of telling us the
17 testimony, you could say, testimony that's on page blah, blah
18 of the exhibit? And we can just look at that testimony on our
19 screen?

20 MR. GANNON: I could try to do that, Your Honor.

21 JUDGE PETRAVICK: That would be very helpful.

22 MR. SOKOHL: Give it a try.

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