

Paper No. _____
Filed: November 16, 2017

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.

Case CBM2016-00054
Patent No. 7,693,768

JOINT MOTION TO SEAL

I. STATEMENT OF RELIEF REQUESTED

Pursuant to this Board's authorization on November 7, 2017, Trading Technologies International, Inc. ("TT" or "Patent Owner") and Petitioners, respectfully requests that the Board maintain as confidential and under seal portions of Exhibits 1063 and 1064, the deposition transcripts of Christopher H. Thomas. Pursuant to this Board's order, versions of Exhibits 1063 and 1064 that redact the confidential portions are being filed herewith.

II. GOOD CAUSE EXISTS FOR SEALING THIS CONFIDENTIAL INFORMATION

The Board may issue this order "for good cause." 37 C.F.R. § 42.54. For good cause, the Board needs to know why information sought to be sealed constitutes confidential information. *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 36, Decision on Revised Mot. to Seal, p. 4 (P.T.A.B. Apr. 5, 2013). The Board then balances the needs in protecting the information against the public's interest in maintaining a complete and understandable file history. *Id.* at 8.

During the depositions of Mr. Thomas, Petitioners questioned him on multiple highly confidential matters. First, Petitioners inquired as to the amount of all licensing revenue TT has received over the years. (Exhibit 1064, pp. 226:13-

227:2). This is a matter that is confidential to TT, as well as multiple third parties who are participants to highly confidential settlement agreements with TT.

Second, Petitioners inquired as to the amount that Mr. Thomas has been paid for the decade of consulting work he has done on behalf of TT, in numerous litigations, and different CBMs involving different parties. (Exhibit 1063, p. 169:1-14; Exhibit 1064, p. 103: 6-21, pp. 403:14-404:4). This matter is also highly confidential to not only TT, but Mr. Thomas.

TT and Petitioners thus jointly request that Exhibit 1063, p. 169:1-14, and Exhibit 1064, p. 103:6-21, pp. 226:13-227:2, pp. 403:14-404:4, remain under seal until this Board has ruled otherwise.

To the best of TT and Petitioners' knowledge, the information sought to be protected has not been made publically available.

It is therefore respectfully requested that the Board issue an Order regarding the confidentiality of Exhibits 1063 and 1064 consistent with this motion.

Respectfully submitted,

Dated: November 16, 2017

By: /Jennifer M. Kurcz/
Jennifer M. Kurcz, Reg. No. 54,481
BAKER & HOSTETLER LLP
191 North Wacker Drive
Suite 3100
Chicago, IL 60606-1901
312-416-6200
jkurcz@bakerlaw.com
Counsel for Patent Owner

By: /Robert E. Sokohl/
Robert E. Sokohl, Reg. No. 36013
**STERNE KESSLER GOLDSTEIN & FOX
PLLC**
1100 New York Avenue, NW
Washington, DC 20005
202-371-2600
rsokohl-ptab@skgf.com
PTAB@skgf.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 16, 2017, a copy of the foregoing **PATENT OWNER'S MOTION TO MAINTAIN CONFIDENTIAL INFORMATION UNDER SEAL PENDING DISPOSITION OF APPEAL** was served via e-mail on the following:

Robert E. Sokohl
Lori A. Gordon
Richard M. Bemben
STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 New York Avenue, NW
Washington, DC 20005
202-371-2600
Rsokohl-ptab@skgf.com
Lgordon-ptab@skgf.com
Rbemben-ptab@skgf.com
PTAB@skgf.com

John C. Phillips
FISH & RICHARDSON, PC
12390 El Camino Real
San Diego, CA 92130
cbm41919-0008CP1@fr.com

/Jennifer M. Kurcz/

Jennifer M. Kurcz,
Back-Up Counsel, Reg. No. 54,481
BAKER & HOSTETLER LLP
191 North Wacker Drive
Suite 3100
Chicago, IL 60606-1901
312-416-6200
jkurcz@bakerlaw.com

Counsel for Patent Owner
Trading Technologies International, Inc.