

Paper No. \_\_\_\_\_  
Filed: October 10, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

Patent Owner.

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Case CBM2016-00031  
U.S. Patent 7,813,996

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**PATENT OWNER'S MOTION TO EXPUNGE**

## **I. Statement of Relief Requested**

Pursuant to this Board's authorization on October 10, 2019, Trading Technologies International, Inc. ("TT" or "Patent Owner"), respectfully requests that all confidential information filed by Patent Owner 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 25). This motion covered certain exhibits containing or referring to Patent Owner's 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. As this information was not relied on in the Final Written Decision here, expunging the confidential material does not impact the public interest in obtaining access to these proceedings.

On February 13, 2019, the Federal Circuit affirmed the Final Written Decision of the Board in this case, and the formal mandate issued on May 7, 2019. On July 24, 2019, Petitioner IB filed a petition for writ of certiorari, which the

Supreme Court denied on October 7, 2019. Because the appeals in this case have been concluded, this motion to expunge is now ripe for decision.

**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 25, 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 parties that would be caused by public disclosure of their sealed information. The information Patent Owner seeks to have expunged after the disposition of appeals is as follows:

Exhibits 2294-2295. These materials include, “excerpts of district court Deposition Transcript of Dr. J. Mellor marked ‘Confidential - Attorneys’ Eyes Only’” and “excerpts of district court Deposition Transcript of R. Ferraro vol. II marked ‘Confidential.’” (Paper 25, at 4). To TT’s knowledge, these transcripts have not been made public. (*Id.*). These materials were not relied on in the Final Written Decision. (Paper 47, at 33).

**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: October 10, 2019

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 on October 10, 2019, a copy of the foregoing **PATENT OWNER'S MOTION TO EXPUNGE** was served via e-mail on the following:

Michael T. Rosato  
mrosato@wsgr.com

John C. Phillips  
phillips@fr.com  
CBM41919-0004CP1@fr.com

Kevin Su  
PTABInbound@fr.com

*/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.*