

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL SECURITIES EXCHANGE, LLC,
Petitioner,

v.

CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED,
Patent Owner.

Case CBM2013-00049 (Patent 7,356,498 B2)
Case CBM2013-00050 (Patent 7,980,457 B2)
Case CBM2013-00051 (Patent 8,266,044 B2)¹

Before JUSTIN T. ARBES, RAMA G. ELLURU, and JAMES B. ARPIN,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

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

¹ This Order addresses an issue pertaining to all three cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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During a conference call in the instant proceedings on June 19, 2014, we authorized the parties to submit by email a proposed modified schedule to account for the United States Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, ___ U.S. ___, No. 13-298, slip op. (U.S. June 19, 2014). See CBM2013-00049, Paper 33; CBM2013-00050, Paper 32; CBM2013-00051, Paper 31. The parties proposed the following modified schedule:

- June 27, 2014: DUE DATE 2 (Petitioner's reply to Patent Owner's response and Petitioner's opposition to Patent Owner's motion to amend);
- July 8, 2014: Patent Owner ten-page supplemental response addressing the impact of the *Alice* decision;
- July 14, 2014: Petitioner ten-page supplemental reply to Patent Owner's supplemental response; and
- July 14, 2014: DUE DATE 3 (Patent Owner's reply to Petitioner's opposition to Patent Owner's motion to amend).

After considering the parties' proposal, we are persuaded that limited additional briefing is appropriate and that the proposed dates would not unduly delay the proceedings. We are not persuaded, however, that ten pages of additional briefing in each proceeding is necessary to address the *Alice* decision. The parties are permitted five pages.

In consideration of the foregoing, it is hereby:

ORDERED that DUE DATE 2 in the Scheduling Order in each proceeding is changed to June 27, 2014;

FURTHER ORDERED that Patent Owner is authorized to file a supplemental response in each proceeding by July 8, 2014, solely directed to

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the impact of the *Alice* decision on the 35 U.S.C. § 101 ground of unpatentability at issue in the proceeding;

FURTHER ORDERED that Petitioner is authorized to file a supplemental reply to Patent Owner's supplemental response in each proceeding by July 14, 2014;

FURTHER ORDERED that each supplemental response and supplemental reply is limited to five pages;

FURTHER ORDERED that DUE DATE 3 in the Scheduling Order in each proceeding is changed to July 14, 2014; and

FURTHER ORDERED that the parties are authorized to stipulate to different dates for DUE DATES 4 and 5 in the Scheduling Order in each proceeding if necessary (provided the dates are no later than DUE DATE 6) and, if they do so, the parties shall file promptly a notice of the stipulation.

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