

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLOOMBERG INC.; BLOOMBERG L.P.; BLOOMBERG FINANCE L.P.;
THE CHARLES SCHWAB CORPORATION;
CHARLES SCHWAB & CO., INC.;
E*TRADE FINANCIAL CORPORATION; E*TRADE SECURITIES LLC;
E*TRADE CLEARING LLC; OPTIONSXPRESS HOLDINGS INC.;
OPTIONSXPRESS, INC.; TD AMERITRADE HOLDING CORP.;
TD AMERITRADE, INC.; TD AMERITRADE IP COMPANY, INC.; and
THINKORSWIM GROUP INC.

Petitioners

v.

Patent of MARKETS-ALERT PTY LTD.
Patent Owner

Case CBM2013-00005
Patent 7,941,357

Before JAMESON LEE, SALLY C. MEDLEY, JONI Y. CHANG,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

On March 29, 2013, the instant covered business method patent review was instituted. Paper 18. Both parties requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 57 and 59. The requests are *granted*. The hearing will commence at 1:00 PM Eastern Time, on **December 19, 2013**.

Each party will have sixty (60) minutes of total time to present arguments.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case with respect to the challenged claims and grounds the Board instituted trial.

Thereafter, Patent Owner will respond to Petitioner's case, and also present its own case with regard to the motion to amend claims (Paper 39), as Patent Owner bears the burden of proof on its motion to amend claims. Patent Owner may reserve rebuttal time for its case as to the motion to amend claims.

After that, Petitioner will make use of the remainder of its time responding to Patent Owner's presentation on all matters. Finally, if Patent Owner reserves rebuttal time, Patent Owner will address only issues raised by Petitioner regarding the motion to amend claims.

The hearing will commence at 1:00 PM Eastern Time, on December 19, 2013, and it will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. In-person attendance will be accommodated on a first come first serve basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing. They shall be filed with the Board three business

days prior to the hearing and the parties must initiate a conference call with the Board at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. For guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to Paper 118 in IPR2013-00033 (October 23, 2013).

The Board expects lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at oral argument, the Board should be notified via a joint telephone conference call no later than two business days prior to the oral hearing to discuss the matter.

PETITIONER:

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