

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

INTERNATIONAL SECURITIES EXCHANGE, LLC,
Appellant

v.

CHICAGO BOARD OPTIONS EXCHANGE, INC.,
Appellee

2015-1743, 2015-1744

Appeals from the United States Patent and Trade-
mark Office, Patent Trial and Appeal Board in Nos.
IPR2014-00097, IPR2014-00098.

Decided: March 25, 2016

MICHAEL MARTIN MURRAY, Winston & Strawn LLP,
New York, NY, argued for appellant. Also represented by
MICHAEL JOHN SCHEER, Los Angeles, CA; GEOFFREY P.
EATON, Washington, DC.

STEVEN M. LIEBERMAN, Rothwell, Figg, Ernst &
Manbeck, P.C, Washington, DC, argued for appellee. Also
represented by JOSEPH A. HYNDS, BRIAN ANDREW
TOLLEFSON.

Before O'MALLEY, MAYER, and REYNA, *Circuit Judges*.

O'MALLEY, *Circuit Judge*.

In this appeal, International Securities Exchange, LLC ("ISE") challenges the determination of the Patent Trial and Appeal Board (the "Board") in *inter partes* review proceedings involving U.S. Patent Nos. 7,356,498 ("the '498 patent") (IPR2014-00097) and 7,980,457 ("the '457 patent") (IPR2014-00098). The Board found that ISE failed to show by a preponderance of the evidence that the challenged claims of the '498 and '457 patents are unpatentable as either anticipated, obvious, or both, under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a). In light of our decision in *Chicago Bd. Options Exch., Inc. v. Int'l Secs. Exch.*, Case Nos. 2015-1728, -1729, and -1730, issued contemporaneously herewith, affirming the Board's conclusion that both patents address unpatentable subject matter under 35 U.S.C. § 101, we find this companion case moot. We dismiss the appeal and vacate the Board's decisions.

DISMISSED