

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

TD AMERITRADE HOLDING)	
CORP., TD AMERITRADE,)	
INC., AND TD AMERITRADE)	
ONLINE HOLDINGS CORP.,)	
)	CBM2014-00131
Petitioner,)	(PATENT 7,533,056
)	CBM2014-00137
VS.)	(PATENT 7,685,055
)	
TRADING TECHNOLOGIES)	
INTERNATIONAL, INC.,)	
)	
Patent Owner.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
TELEPHONIC CONFERENCE CALL

TUESDAY, FEBRUARY 10, 2015 3:30 P.M.

REPORTED BY: ARIELA PASTEL, CSR
HON. JUDGE SALLY C. MEDLEY, MEREDITH C. PETRAVICK
PRESIDING

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FEBRUARY 10, 2015

JUDGE PETRAVICK: Good afternoon, this is Judge Petravick. With me on the phone is Judge Medley. We are here for CBM 2014-00131 and CBM 2014-00137. We'll do a roll call. Who is on the line for petitioner?

MR. STRANG: Petitioner, Your Honor, is Jon Strang, S-t-r-a-n-g, and Rob Sokohl, S-o-k-o-h-l. And we do have a court reporter, Your Honor.

JUDGE PETRAVICK: Thank you. And for patent owner.

MR. RODKEY: For patent owner, Your Honor, this is Kevin Rodkey, R-o-d-k-e-y. And with me is Joshua Goldberg, G-o-l-d-b-e-r-g, and Erika Arner, A-r-n-e-r.

JUDGE PETRAVICK: Is there anybody else on the phone? Thank you.

Petitioner, you requested this conference call, so we'll hear from you first.

MR. STRANG: Yes. Thank you, Your

1 Honor. The scope of cross exam, in our view,
2 should be limited under the rules, specifically
3 Rule 37 CFR 42.53(d)(5)ii that for cross
4 examination testimony, the scope of the
5 examination should be limited to the scope of the
6 direct testimony.

7 Now, here the translator's declarations
8 are just limited to their qualifications, for
9 example, I work 34 years as a Japanese translator
10 and lived in Japan for 28 years and to also what
11 they specifically translated.

12 For example, one of the declarants
13 declared, "I personally translated Pages 101 to
14 140 of the TSE document and certified it as
15 accurate and correct."

16 And that seems pretty simple, so the
17 question is why are we here? Well, during its
18 cross examination of our expert, Mr. Rowe
19 (phonetic spelling), the patent owner tried to
20 exceed the boundaries of acceptable cross
21 examination under the rules.

22 So rather than have to bother the board

1 during all of these multiple depositions, we
2 thought we would approach the patent owner first
3 and discuss among ourselves what the appropriate
4 limits would be.

5 Patent owner disagrees with our reading
6 of the rules as far as the scope of cross
7 examination, so it's our position that cross
8 examination is limited to what the rule states,
9 which is what is on the declaration and that the
10 patent owner is not allowed to go on some sort of
11 fishing expedition.

12 JUDGE PETRAVICK: You're finished?

13 MR. STRANG: Yes, Your Honor.

14 JUDGE PETRAVICK: Patent owner.

15 MR. RODKEY: This is Kevin Rodkey for
16 patent owner. I think as a first matter, this
17 issue is actually a little premature. There
18 aren't any objections on the record. There's no
19 deposition question pending about those documents.

20 And if the petitioner has any
21 objections to any specific questions or documents,
22 the Trial Practice Guide does permit the

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