Paper No. _____
Filed: June 5, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC., and
TD AMERITRADE ONLINE HOLDINGS CORP.
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Case CBM2014-00131
Patent 7,533,056

Patent Owner's Objections to

Evidence Pursuant to 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects to Petitioner's Exhibits 1042, 1052, and 1053, served with Petitioner's Reply (Paper No. 48).

I. OBJECTION TO PETITIONER'S EXHIBIT 1042 FOR EXCEEDING THE PROPER SCOPE OF PETITIONER'S REPLY

Patent Owner objects to Exhibit 1042 (Supplemental Declaration of Kendyl A. Román in Support of Petitioners' Reply for Covered Business Method Review of U.S. Patent 7,533,056) because portions of the Exhibit lack relevance (FRE 402), as they exceed the proper scope of Petitioner's Reply. 37 C.F.R. § 42.23(b) states "[a] reply may only respond to arguments raised in the corresponding . . . patent owner response." As explained in the Trial Practice Guide, "new evidence necessary to make out a prima facie case for [] unpatentability" and "new evidence that could have been presented in a prior filing" are improper. 77 Fed. Reg. 48767. Patent Owner further objects to Exhibit 1042 because of the prejudice resulting from Patent Owner's inability to respond to the untimely evidence and arguments therein (FRE 403). For example, at least paragraphs 3-6 of Exhibit 1042 exceed the proper scope of Petitioner's Reply and are thus irrelevant, untimely, prejudicial, and objectionable under FRE 402 and FRE 403.

II. OBJECTION TO UNCITED EXHIBITS

Patent Owner objects to Exhibit 1052 (Deposition Transcript of Richard Hartheimer held April 29, 2015) under FRE 402. Petitioner nowhere relies on Exhibit 1052, and it is therefore irrelevant.

Patent Owner objects to Exhibit 1053 (Deposition Transcript of Akiko Rosenberry, Vol. II, held February 17, 2015) under FRE 402. Petitioner nowhere relies on Exhibit 1053, and it is therefore irrelevant.

Respectfully submitted,

Dated: June 5, 2015

By: /Joshua L. Goldberg/
Joshua L. Goldberg, Backup Counsel
Registration No. 59,369

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Objections to Evidence Pursuant to 37 C.F.R. § 42.64** was served on June 5, 2015, via email directed to counsel of record for the Petitioner at the following:

Lori A. Gordon
lgordon-ptab@skgf.com

Jonathan M. Strang
jstrang-ptab@skgf.com

Robert E. Sokohl
rsokohl-ptab@skgf.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

/Bradley J. Moore/
Bradley J. Moore
Litigation Clerk

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP