
From: Rob Sokohl <RSOKOHL@skgf.com>
Sent: Thursday, August 21, 2014 11:09 AM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob, We do not agree to your proposal.

Rob

From: Goldberg, Joshua [mailto:Joshua.Goldberg@finnegan.com]
Sent: Thursday, August 21, 2014 10:45 AM
To: Rob Sokohl
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob,

Because you refuse to provide a reason why this should be removed from the record, we oppose at this time. We do not believe a meet and confer will be helpful unless you plan to provide us with a reason why an exhibit to the petition should be removed from the record.

We would, however, be willing to reconsider if you stipulate that if any of the petitions are instituted, TD will not use the fact that this document was expunged against TT in any arguments TT may make relating to seeking discovery based on waiver of attorney/client privilege or work-product due to the production of that document, and TT would not be prejudiced in any way in making such arguments based on the document being expunged. It is TT's position that the document you seek to expunge includes attorney/client privilege and work-product material, and that its inclusion in the petitions constituted a waiver that affects TD's obligations under routine discovery and that may entitle TT to further discovery. But, this is an issue that TT only intends to pursue if any petition is instituted.

Josh

From: Rob Sokohl [mailto:RSOKOHL@skgf.com]
Sent: Wednesday, August 20, 2014 5:18 PM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh –

We plan to send email to the Board asking for permission to file a motion to expunge this document. We are only asking whether you plan to oppose and if so, what your basis for opposition is.

Please let us know by noon tomorrow.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Wednesday, August 20, 2014 4:51 PM
To: Rob Sokohl
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

We are checking with our client regarding proposing a potential stipulation to resolve this issue. Thanks.

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Wednesday, August 20, 2014 3:32 PM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh, We note that this document could have been removed previously had Trading Technologies not opposed its removal from the record in the first instance.

Therefore we ask again, do you oppose? Otherwise, please let us know whether you available today or tomorrow morning to meet and confer regarding your reasons for opposing since we want to notify the Board of our request as soon as possible.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Wednesday, August 20, 2014 2:45 PM
To: Rob Sokohl
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob,

Given that the Hilmert memo has now been in the public record for more than 3 months, please let us know why you are still interested in having it expunged.

Thanks,
Josh

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Tuesday, August 19, 2014 2:15 PM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh/Erika,

TD Ameritrade intends to renew its request that the Board expunge the Hilmert memo from the record. As you are aware, the Board suggested that we renew this request once the real party in interest issue was resolved. We would like to contact the Board first thing Thursday morning, so please let us know by COB tomorrow whether TTI will oppose TD Ameritrade's renewed request. If TTI is opposed, please let us know why and when you are available for a meet and confer to discuss. Thank you.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Tuesday, August 05, 2014 10:57 AM
To: Rob Sokohl
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

We are likewise available on Friday. We would like to give the Board a second option too, if possible. Would Monday work for you?

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Monday, August 04, 2014 5:36 PM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Thursday (other than 2-3) and all day Friday up to 4:00 pm work for us.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Monday, August 04, 2014 4:57 PM
To: Rob Sokohl
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob,

Further to our discussion on Friday, can you please provide your availability for a call with the Board this week?

Thanks,
Josh

From: Goldberg, Joshua
Sent: Thursday, July 31, 2014 12:01 PM
To: 'Rob Sokohl'
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob,

Let's talk at 4pm tomorrow using the following teleconference numbers.

International dial in: 719-234-7421
Toll free: 888-546-0543
Passcode: 202-408-6092

Josh

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Wednesday, July 30, 2014 7:52 PM
To: Goldberg, Joshua
Cc: Arner, Erika; Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: Re: Issues for PTAB call

Friday works for us. Let us know what time.

Rob

Sent from my iPhone

On Jul 30, 2014, at 5:52 PM, "Goldberg, Joshua" <Joshua.Goldberg@finnegan.com> wrote:

Rob,

Perhaps it would be best to resolve these issues with a phone call. Would you be available for such a call on Friday or Monday?

Thanks,
Josh

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Tuesday, July 29, 2014 4:57 PM
To: Goldberg, Joshua; Arner, Erika
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh, I want to follow up on my email of last week since we have not received a response to our question below.

Rob

From: Rob Sokohl
Sent: Friday, July 25, 2014 5:56 PM
To: 'Goldberg, Joshua'; Arner, Erika
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh, please explain why your additional questions are relevant to the "real party in interest." We have already answered the following question: "Did any party other than TD Ameritrade provide (i) work product for the petitions or (ii) comments on drafts of the petitions? If yes for (i) or (ii), please identify any parties that provided (i) or (ii), and what such parties provided." Answer: (i) No, (ii) No. We also told you that Hilmert memo was obtained in 2010.

We fail to see how the questions below are relevant.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Friday, July 25, 2014 4:00 PM

To: Rob Sokohl; Arner, Erika
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob,

We have the following additional questions:

1. You said "TD Ameritrade obtained the Hilmert Memo in April, 2010, in a response to a request for prior art." To what individuals and entities was the "request for prior art" directed?
2. Who gave TD Ameritrade the Hilmert Memo? Did you ask this individual or entity if they had any information inconsistent with the positions you advanced in the petitions?
3. Was TD Ameritrade given the Hilmert Memo under a joint defense agreement?

Please let us know if you agree to provide responses to these questions.

Regards,
Josh

From: Rob Sokohl [<mailto:RSOKOHL@skgf.com>]
Sent: Friday, July 25, 2014 10:45 AM
To: Goldberg, Joshua; Arner, Erika
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Josh, please let us know (preferably today) whether you have any further questions re: the Hilmert memo. We want to renew our request as soon as possible to have the Hilmert memo expunged per the Board's suggestion.

Rob

From: Goldberg, Joshua [<mailto:Joshua.Goldberg@finnegan.com>]
Sent: Wednesday, July 23, 2014 11:16 AM
To: Arner, Erika; Rob Sokohl
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob and Jon,

We are still conferring with our client on this, and we will get back to you soon.

Regards,
Josh

From: Arner, Erika
Sent: Friday, July 18, 2014 12:00 PM
To: Rob Sokohl; Goldberg, Joshua
Cc: Jon Strang; Bell, Cory; Lori Gordon; Trading-Tech-CBM
Subject: RE: Issues for PTAB call

Rob and Jon,

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