

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

-----x

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

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

Patent Owner.

-----x

Case CBM2014-00133
Patent 7,676,411

and

Case CBM2014-00135
Patent 6,772,132

CONFERENCE CALL

Monday, May 11, 2015

2:00 p.m. - 2:15 p.m.

BEFORE:

SALLY C. MEDLEY

MEREDITH C. PETRAVICK

PHILIP J. HOFFMANN

REPORTED BY:

CHERYLL KERR, RPR, SHR

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

1 APPEARANCES:

2 FOR PETITIONERS:

3 STERNE KESSLER GOLDSTEIN & FOX
4 BY: JONATHAN STRANG, ESQ. (of Counsel)
5 BY: LORI GORDON, ESQ. (of Counsel)
6 BY: ROBERT SOKOHL, ESQ. (of Counsel)
7 1100 New York Avenue, NW, Suite 600
8 Washington, DC 20005
9 (202) 371-2600
10 jstrang@skgf.com
11 lgordon@skgf.com
12 rsokohl@skgf.com

13 FOR PATENT OWNER:

14 FINNEGAN, HENDERSON, FARABOW, GARRETT
15 & DUNNER, LLP
16 BY: JOSHUA GOLDBERG, ESQ. (of Counsel)
17 BY: KEVIN RODKEY, ESQ. (of Counsel)
18 901 New York Avenue, NW
19 Washington, DC 20001-4413
20 (202) 408-4000
21 joshua.goldberg@finnegan.com
22 kevin.rodkey@finnegan.com

23
24
25

1 JUDGE MEDLEY: Good afternoon. This
2 is Judge Medley.

3 I have on the line with me Judges
4 Petravick and Hoffman. This conference
5 call is in relation to CBM2014-00133 and
6 135.

7 At this time, I would like to take a
8 roll call, beginning with petitioner.

9 MR. SOKOHL: This is Rob Sokohl for
10 petitioner. Along with me is Lori Gordon
11 and Jonathan Strang.

12 JUDGE MEDLEY: Thank you, and for
13 patent owner?

14 MR. GOLDBERG: Good afternoon.

15 This is Joshua Goldberg, and with me
16 I have Kevin Rodkey. Also, we have a
17 court reporter on the line.

18 JUDGE MEDLEY: Okay. Thank you.

19 (Pause)

20 JUDGE MEDLEY: All right.

21 We understand that patent owner seeks
22 to expunge Exhibit 2011 from the record,
23 in both the 133 and 135 cases. We'd like
24 to begin by hearing from the patent owner.

25 MR. GOLDBERG: Thank you, Your Honor.

1 We requested this call to seek permission
2 to expunge that exhibit, 2011, that you
3 just referred to, which is Mr. Brumfield's
4 testimony in a District Court trial, so it
5 was not prepared for these proceedings,
6 and we said that the in the testimony only
7 a handful of times in our patent owner's
8 responses, and to support just three
9 points.

10 As Your Honors may recall, we agreed
11 on our last call to let petitioner depose
12 Mr. Brumfield; rather, that the deposition
13 was strictly limited to the testimony we
14 relied on for our patent owner's
15 responses, but we have since recognized
16 that most of our cites to Brumfield are
17 redundant, because our two points are also
18 supported by other exhibits in the record.

19 For example, the patent itself, or
20 the patents themselves, I should say, so
21 any additional support from our points
22 from the Brumfield testimony is not worth
23 the additional cost of the deposition, and
24 because we had previously agreed to let
25 the deposition move forward only on the

1 testimony we relied on and the patent
2 owner's responses, we now request
3 permission to expunge Exhibit 2011, the
4 Brumfield testimony, in the same way we
5 expunged -- that the board previously
6 expunged the Helmert memo at petitioner's
7 request.

8 The patent owner's responses would
9 then no longer rely on any of the
10 Brumfield testimony, making a deposition
11 of Brumfield unnecessary, and giving
12 patent owner exactly what it asked for,
13 when it earlier started giving petitioner
14 exactly what it asked for when it earlier
15 objected to the testimony as being hearsay
16 and not admissible.

17 (Pause)

18 JUDGE MEDLEY: Okay. Thank you.

19 Petitioner, we understand that you
20 don't necessarily oppose the expungement
21 of the exhibit, but that you, in addition,
22 want the patent owner to file a corrected
23 response; is that correct, and can you
24 please explain?

25 MR. SOKOHL: Sure. This is Rob

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.