

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 CBM2014-00133
Patent 7,676,411

**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 Exhibit 1027, served with Petitioner’s Reply (Paper No. 42). Patent Owner objects to Exhibit 1027 (Supplemental Declaration of Kendyl A. Román in Support of Petitioners’ Reply for Covered Business Method Review of U.S. Patent 7,676,411) 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 1027 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 3-11 of Exhibit 1027 exceed the proper scope of Petitioner’s Reply and are thus irrelevant, untimely, prejudicial, and objectionable under FRE 402 and FRE 403.

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:

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