

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

PATENT NO. 6,772,132

**DECLARATION OF KENDYL A. ROMÁN
IN SUPPORT OF PETITION FOR
COVERED BUSINESS METHOD REVIEW OF U.S. PATENT 6,772,132**

I, Kendyl A. Román, declare as follows:

1. I have been engaged by Sterne, Kessler, Goldstein & Fox P.L.L.C. on behalf of Petitioners, TD Ameritrade Holding Corporation, TD Ameritrade, Inc., and TD Ameritrade Online Holdings Corp. (“Petitioners”) for the above-captioned covered business method review proceeding. I understand that this proceeding involves United States Patent 6,772,132, entitled "Click based trading with intuitive grid display of market depth," by Gary Allan Kemp, II, filed June 9, 2000 and issued August 3, 2004, (the “’132 Patent”). I understand that the ’132 Patent is currently assigned to Trading Technologies International, Inc. (“TTI”).

2. I understand the ’132 Patent claims benefit from U.S. provisional application 60/186,322. For purposes of the covered business method review, I assume the earliest possible priority date of the ’132 Patent is the March 2, 2000 filing date of U.S. provisional application 60/186,322.

3. I have reviewed and am familiar with the specification of the ’132 Patent. I understand that the ’132 Patent has been provided as Exhibit 1001. I will cite to the specification using the following format (’132 Patent, 1:1-10). This example citation points to the ’132 Patent specification at column 1, lines 1-10.

4. I have reviewed and am familiar with the file history of the ’132 Patent. I understand that the file history has been provided as Exhibits 1002-1004.

5. I have also reviewed and am familiar with the following prior art used in the Petition for Covered Business Method Review of the '132 Patent:

- U.S. Patent No. 5,077,665 to Silverman et al. (“Silverman”). I understand that Silverman has been provided as Exhibit 1007.
- U.S. Patent No. 5,297,031 to Gutterman et al. (“Gutterman”). I understand that Gutterman has been provided as Exhibit 1008.
- U.S. Patent No. 6,014,627 to Togher et al. (“Togher ”). I understand that Togher has been provided as Exhibit 1009.
- CA Publication No. CA 2,305,736 to May (“May”). I understand that May has been provided as Exhibit 1010.
- U.S. Patent No. 5,263,134 to Paal et al. (“Paal ”). I understand that Paal has been provided as Exhibit 1011.
- U.S. Patent No. 5,710,897 to Schneider (“Schneider”). I understand that Schneider has been provided as Exhibit 1012.
- A certified translation of “System for Buying and Selling Futures and Options Transaction Terminal Operational Guidelines” (“TSE”). A understand that the original Japanese language document was

provided as Exhibit 1008, the certified translation provided as Exhibit 1009, and the certification of translation provided as Exhibit 1010.

- “Calculus with analytic geometry”, 2nd edition, John Wiley & Sons (1984) (“Calculus”). I understand that portions of Calculus have been provided as Exhibit 1013.

6. A complete listing of additional materials considered and relied upon in preparation of my declaration is provided as Exhibit 1022. I have relied on these materials to varying degrees. Citations to these materials that appear below are meant to be exemplary but not exhaustive.

7. The '132 Patent describes electronic trading, using a graphical user interface (“GUI”) “for displaying the market depth of a commodity” and placing orders on an electronic exchange. ('132 3:11-13) I am familiar with the technology described in the '132 Patent as of the earliest possible priority date of the '132 Patent (March 2, 2000).

8. I have been asked to provide my technical review, analysis, insights and opinions regarding the '132 Patent and the above-noted references that form the basis for the grounds of rejection set forth in the petition for Covered Business Method Review of the '132 Patent.

I. QUALIFICATIONS

9. See my Curriculum Vitae, provided as Exhibit 1023, for a listing of my qualifications. This includes a list of publications for the past 10 years or more.

10. My expertise qualifies me to do the type of analysis required in this case. Of particular relevance, I have been involved in the design, implementation, testing, and analysis of computer software, firmware, and hardware for over thirty years, including software architecture, graphical user interfaces, trading systems, and other networked, data-driven, client-server systems. My work has included analysis of trading systems including source code and user interfaces. In addition, I have practical experience in the design and programming of a variety of computer systems ranging from handheld devices, to laptops and desktop computers, to large multi-layer networked database systems.

11. As a freshman at Brigham Young University (“BYU”) in 1976, I started writing programs for IBM computers.

12. In 1980, I worked with Apple II computers and wrote computer programs having graphic user interfaces.

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