

Paper No. \_\_\_\_\_  
Filed: June 5, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.  
Patent Owner

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Case CBM2014-00135  
Patent 6,772,132

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**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 1026, served with Petitioner's Reply (Paper No. 42). Patent Owner objects to Exhibit 1026 (Supplemental Declaration of Kendyl A. Román in Support of Petitioners' Reply for Covered Business Method Review of U.S. Patent 6,772,132) 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 1026 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 3-10 of Exhibit 1026 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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