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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

MAY 30 2008

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4 TRADING TECHNOLOGIES INTERNATIONAL,)
INC.,)

5)
6 Plaintiff,)

7 v.)

No. 04 C 5312

8 eSPEED, INC., eSPEED INTERNATIONAL,)
LTD., ECCO LLC, and ECCOWARE, LTD.,)

Chicago, Illinois
September 26, 2007
10:00 o'clock a.m.

9 Defendants.)

10
11 VOLUME 11-A
12 TRIAL TRANSCRIPT OF PROCEEDINGS
13 BEFORE THE HONORABLE JAMES B. MORAN, and a JURY

14 APPEARANCES:

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16 International, Inc., by:

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

TDA 1024

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1
2 JOSEPH NOVIELLO, DIRECT EXAMINATION 2193
3 BY MR. LOMBARDI:
4 JOSEPH NOVIELLO, CROSS-EXAMINATION 2218
5 BY MR. BERGHOFF:
6 JOSEPH NOVIELLO, REDIRECT EXAMINATION 2250
7 BY MR. LOMBARDI:
8 ATSUSHI KAWASHIMA, DIRECT EXAMINATION BY 2254
9 DEPOSITION
10 BY MR. HILMERT:
11 DAVID SILVERMAN, DIRECT EXAMINATION 2295
12 BY MR. PERKINS:
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12:18:03 1 but I gather on this one we don't, so it's back to the
12:18:05 2 old fashioned transcript, question and answer, somebody
12:18:10 3 reads the question and somebody answers.

12:18:13 4 MR. LOMBARDI: That's correct, your Honor.
12:18:14 5 This is a deposition of a Mr. Kawashima who was an
12:18:18 6 employee of the Tokyo Stock Exchange at the time of the
12:18:22 7 deposition, and he's going to be testifying about the
12:18:28 8 Tokyo Stock Exchange system that was in existence back
12:18:31 9 in 1998 and a manual that was produced at that time for
12:18:36 10 that system. And we will have two attorneys reading the
12:18:41 11 parts of the deponent and the questioners and this will
12:18:45 12 be questions by both sides; both parties had the
12:18:49 13 opportunity to ask questions. The deposition was taken
12:18:52 14 in the United States Embassy in Japan and I think that's
12:18:57 15 all the background. This is Ivan Poulos and James
12:19:02 16 Hilmert who will be doing the reading.

12:19:06 17 MR. CARDEN: I would just like to renew TT's
12:19:09 18 objection to the entire line of questioning set forth in
12:19:11 19 our motion in limine.

12:19:12 20 THE COURT: Yes.

12:19:13 21 MR. LOMBARDI: And, your Honor, at any time
12:19:15 22 you would like to do the lunch break, just jump in and
12:19:18 23 let us know.

12:19:35 24

- - -

12:19:35 25 ATSUSHI KAWASHIMA, DIRECT EXAMINATION BY DEPOSITION

12:19:35 1 BY MR. HILMERT: (Reading:)

12:19:36 2 Q. Good morning. Could you please state your name?

12:19:39 3 A. Atsushi Kawashima.

12:19:42 4 Q. Are you currently employed?

12:19:42 5 A. Yes, I am.

12:19:44 6 Q. Where are you employed?

12:19:44 7 A. Tokyo Stock Exchange.

12:19:47 8 Q. How long have you been employed by the Tokyo

12:19:50 9 Stock Exchange?

12:19:50 10 A. About 15 years, I think.

12:19:52 11 Q. Showing you what we marked as Defendants' Exhibit

12:19:57 12 179, which is Bates stamped TSE 647 through 981, can you

12:20:05 13 identify this document for us, please?

12:20:07 14 A. This document is the current TSE futures options

12:20:12 15 trading system terminal document, manual. Manual.

12:20:17 16 And the interpreter says, Please let me rephrase

12:20:19 17 it. This document is the current futures options

12:20:23 18 trading system -- trade manual.

12:20:26 19 There is a check interpreter, Terminal. Trading

12:20:30 20 terminal. Thank you very much. Terminal, manual

12:20:33 21 trading terminal.

12:20:35 22 Q. If we turn to the page that is Bates stamped

12:20:39 23 TSE 651, at the bottom of the page, is there a date

12:20:43 24 there?

12:20:43 25 A. Yes.

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