

## DECLARATION OF BRIAN GELBER

I, Brian Gelber, declare that:

1. I am personally familiar with the facts set forth herein, and, if called as a witness, I could and would testify thereto of my own personal knowledge.
2. I am Chairman of Gelber Group, LLC, located at 141 W. Jackson, 21<sup>st</sup> Floor, Chicago, IL 60604. Gelber Group has been a Full Clearing Member of the Chicago Board of Trade ("CBOT") and the Chicago Mercantile Exchange ("CME") since 1989. Gelber Group is also a Full Clearing Member of OneChicago and NQLX and an Exchange Member of Eurex, LIFFE Connect and Matif. Gelber Group accounts for approximately 5-10% of the total electronic volume traded on the CBOT and the CME.
3. I have over 25 years experience in the trading world. I started my career as a broker in 1977 on the T-bond floor of the CBOT. In 1979, I began trading for my own account on the floor. From 1979 to 1985, I was one of the largest brokers and local traders of T-bond futures at the CBOT. In 1986, I left the floor. Gelber Group first started trading interactively by computer in 1998.
4. In 1999, Gelber Group chose Patsystems as its primary vendor for electronic trading software. This decision was based primarily on cost.
5. After TT launched MD Trader, TT became Gelber Group's primary vendor. The decision to switch was based primarily on the fact that Gelber Group's traders found TT's product, and in particular the MD Trader tool, to be a premium product offering more information for those who interactively traded as compared to the competition. Gelber Group made this switch despite the fact that TT's software was more expensive than the Patsystems software. I recall that some of the reasons why Gelber Group's traders liked MD Trader had to do with an improved visual appearance in which it was easy to see movements in the market and with other functionality of the tool.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9, 2004.

  
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Brian Gelber