

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC. and
TRADESTATION SECURITIES, INC.

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

Case CBM2015-00161
U.S. Patent No. 6,766,304

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED ON OCTOBER 29, 2015**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the
admissibility of the evidence served by Patent Owner on October 29, 2015:

Evidence	Objections
PowerPoint Presentation entitled “Patent Eligible Subject Matter.” (Exhibit 2092)	<p>FRE 901 (Authentication): Petitioner objects to Exhibit 2092 as lacking proper authentication. Exhibit 2092 is a PowerPoint Presentation, prepared by an unidentified author, that Patent Owner asserts was also submitted in a previous district court litigation. Patent Owner has not established these documents as self-authenticating, nor has Patent Owner authenticated these documents, for example, by testimony from a witness with personal knowledge that the documents are what they are claim to be.</p> <p>FRE 802 (Hearsay): Petitioner further objects to Exhibit 2092 as inadmissible hearsay. The entirety of Exhibit 2092 is an out of court statement offered prove the truth of several statements asserted by the Patent Owner relating to U.S. Patent No. 6,766,304.</p> <p>Improper legal argument: Patent Owner is improperly relying on an exhibit to make a legal argument.</p>
Declaration of David F. Anthony in Support of Patent Owner’s Preliminary Response to Petition. (Exhibit 2059)	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner’s Preliminary Response are inadmissible hearsay. Patent owner offers this declaration “for its truth” because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent</p>

	<p>eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of Pace Beattie in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2060)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of Thomas Burns in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2061)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>

<p>Declaration of Ray Cahnman in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2062)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of David Clark in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2063)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of David Ellis in Support of Patent Owner's</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the</p>

<p>Preliminary Response to Petition. (Exhibit 2064)</p>	<p>declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of David Feltes in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2065)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the statements in the declaration, the declaration constitutes inadmissible hearsay.</p> <p>FRE 402 (Relevance): To the extent that the declaration is relied upon as a basis for determining whether the instituted claims are directed to patent eligible subject matter, the statements in the declaration about the advantages of the commercial embodiment of the claims over prior art is not relevant to whether the claims are directed to an abstract idea.</p>
<p>Declaration of Steve Gancer in Support of Patent Owner's Preliminary Response to Petition. (Exhibit 2066)</p>	<p>FRE 802 (Hearsay): The statements in the declaration cited in the Patent Owner's Preliminary Response are inadmissible hearsay. Patent owner offers this declaration "for its truth" because it cited the declaration in support of a statement that traders benefited from the improvements realized by the purported GUI design. Because Patent Owner has not identified any applicable hearsay exception for the</p>

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