

## DECLARATION OF DIETER MARLOVICS

I, Dieter Marlovics, 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 hold a Bachelor of Science degree in Electrical Engineering from Northwestern University and an MBA from Northwestern's Kellogg School of Management.
3. I am currently the Chief Information Officer ("CIO") of Gelber Group, LLC. I have been at Gelber Group since late 1999. 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. Gelber Group is located at 141 W. Jackson, 21<sup>st</sup> Floor, Chicago, IL 60604.
4. Prior to joining Gelber Group, I was the founder and President of Exodus Consulting, Inc. which provided technology consulting to the restaurant industry and various retail and education institutions in the Chicagoland area. At the end of 1998, I spun off Exodus and founded HyperMeals, Inc. (originally called Purple-Pages.com), which provided an online marketplace for ordering meals from Chicago area restaurants. I left HyperMeals to join Gelber Group.
5. As CIO, I built Gelber Group's electronic futures trading division from the ground up. I am responsible for picking technology solutions for Gelber Group's traders and clients, including electronic trading platforms.
6. In 1999, Gelber Group chose Patsystems as its primary vendor for electronic trading software. We chose Patsystems primarily based on cost and because it offered the basic functionality that we needed.
7. In around the fall of 2000, Gelber Group switched to Trading Technologies ("TT") as its primary electronic trading software vendor. A large part of this decision to switch was based on the fact that TT had recently launched a new type of trading tool called MD Trader. Based on discussions with traders, we determined that this tool, which at the time was unique to TT, was significantly better than other interfaces available. We made this decision despite the fact that TT's software cost at least 20% more than its competitors.
8. After we made the decision to switch to TT, we had a 4-6 month transition period to get our traders to switch from Patsystems after which we dropped Patsystems as a

vendor entirely. MD Trader proved to be a significant advance in performance. The differences were like night and day. For example, the older interface required multiple steps (e.g., clicks) to enter orders with confidence that the order would go in at the intended price. MD Trader allowed a trader to enter orders with one-click without such a risk of the order going in at a different price. Also, MD Trade displayed the market depth relative to a vertical fixed column of prices so the trader could easily see market movements.

9. MD Trader was very easy to use. MD Trader turned the trading interface into a video game like interface on which it was much easier to train new traders. The traders also liked the improved performance of MD Trader.

10. In my role as CIO, I often hear sales pitches for competitive trading platforms. Sometime after Gelber Group discontinued using the Patsystems product, representatives of Patsystems showed me a new version of their software and made comparisons to the MD Trader functionality described above. Over the past several years, I have also heard similar pitches from Yes Trader and Future Dynamics.

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

  
Dieter Marlovics