

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP INC.,
TRADESTATION SECURITIES, INC., IBG LLC, and INTERACTIVE
BROKERS LLC,
Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2015-00172¹
Patent No. 7,783,556 B1

PETITIONERS' OBJECTIONS TO EVIDENCE

¹ Case CBM2016-00040 has been joined with this proceeding.

TradeStation Group, Inc., TradeStation Securities, Inc., IBG LLC, and Interactive Brokers LLC (collectively, “Petitioners”) object under 37 C.F.R. § 42.64 to the admissibility of the following evidence Trading Technologies International, Inc. (“TT” or “Patent Owner”) filed and served on Sunday, June 26, 2016:

TT Exhibit No.	Description
2121	U.S. Patent Classification System – Classification Definitions – Class 705
2124	<i>Class 345, Computer Graphics Processing and Selective Visual Display Systems</i> , (January 2011): 1-8
2125	<i>July 2015 Update Appendix 1: Examples</i> , USPTO Examination Guidelines
2133	McGraw-Hill “Dictionary of Scientific and Technical Terms,” Fifth Edition (1994): Definition of “Recording”
2168	Declaration of Eric Gould-Bear
2174	Declaration of Dan R. Olsen, Jr.

Petitioners ask the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following basis:

I. FRE ARTICLE IV – RELEVANCE AND ITS LIMITS

Petitioners object to Exhibit Nos. 2121, 2124, 2125, 2133, 2168, and 2174 as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the claimed subject matter.

II. FRE ARTICLE VIII – HEARSAY

To the extent Patent Owner relies on the contents of Exhibit Nos. 2121, 2124, and 2133 for the truth of the matter asserted, Petitioners object to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805 or 807.

III. FRE ARTICLE IX – AUTHENTICATION AND IDENTIFICATION

Petitioners object to Exhibit Nos. 2121, 2124, and 2133 as not properly authenticated under FRE 901 because Patent Owner has not presented any evidence that these documents are authentic nor that the documents are self-authenticating under FRE 902.

IV. FRE ARTICLE X – CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

To the extent Patent Owner relies on the contents of Exhibit No. 2125 to prove the content of the original document, Petitioners object to this document as not being the original document under FRE 1002, an authentic duplicate under

FRE 1003, nor a document that falls under any exceptions to the original-document requirement, including those of FRE 1004.

These objections are made within five business days from the June 26, 2016, filing and service of TT's exhibits.

Dated: July 1, 2016

Respectfully submitted,

By: /John C. Phillips/
John C. Phillips, Reg. No. 35,322
Fish & Richardson, P.C.

Attorney for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on July 1, 2016, a complete and entire copy of this Petitioners' Objections to Evidence was provided via email to the Patent Owner by serving the correspondence address of record as follows:

Erika H. Arner
Joshua L. Goldberg
Kevin D. Rodkey
Rachel L. Emsley
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
2 Seaport Lane, 6th Floor
Boston, MA 02210-2001

Steven F. Borsand
Trading Technologies International, Inc.
222 South Riverside Plaza, Suite 1100
Chicago, IL 60606

Michael D. Gannon
Leif R. Sigmond, Jr.
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606

Email: Trading-Tech-CBM@finnegan.com

/Diana Bradley/
Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
(858) 678-5667