

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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5
6 IBG LLC, INTERACTIVE BROKERS LLC,
7 TRADESTATION GROUP, INC.,
8 TRADESTATION SECURITIES, INC.,
9 TRADESTATION TECHNOLOGIES, INC.,
10 IBFX, INC., CQG, INC., and CQGT, LLC,
11 Petitioner,
12

13 V.

14 TRADING TECHNOLOGIES INTERNATIONAL, INC.,
15 Patent Owner.
16 -----

17 CBM 2015-00179
18 Patent 7,533,056 B2
19 -----

20 Wednesday, March 23, 2016
21 11:00 a.m.
22 -----

23 TELECONFERENCE IN THE ABOVE MATTER
24 BEFORE: MEREDITH C. PETRAVICK
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0001

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Steven Borsand, Esquire

Trading Technologies

- - -

1 JUDGE PETRAVICK: Good
2 morning. This is Judge Petravick and
3 with me on the phone is Judge Plenzler.
4 This is a conference call for CBM
5 2015-00179.

6 On the line for Petitioner?

7 MR. SOKOHL: Yes, Your Honor.
8 This is Robert Sokohl. With me I have
9 Jon Strang and Richard Bemben.

10 JUDGE PETRAVICK: And for
11 Patent Owner?

12 MR. BORSAND: Your Honor,
13 this is Steve Borsand for Trading
14 Technologies, but we're waiting on --

15 MS. ARNER: We're here.
16 Erica Arner, A-R-N-E-R, from Finnegan
17 and also Rachel Emsley, E-M-S-L-E-Y.

18 COURT REPORTER: Linda Rossi,
19 Court Reporter.

20 JUDGE PETRAVICK: Petitioner,
21 you sent in a request for a conference
22 call regarding an extension of time to

1 serve supplemental evidence. We will
2 hear from you first.

3 MR. SOKOHL: Thank you, Your
4 Honor. TT, Trading Technologies filed
5 an objection to Exhibit 1007 as hearsay
6 which we dispute. In particular,
7 Exhibit 1007 is a deposition transcript
8 of Mr. Kawashima. Mr. Kawashima's
9 testimony was referenced in the
10 institution decision. The deposition is
11 relevant as to whether the TSE user
12 manual which we're using as prior art is
13 in fact prior art in what is a publicly
14 available document. This is a
15 deposition that Mr. Borsand, patent
16 counsel for TT, actually attended and
17 was allowed an opportunity to
18 cross-examine Mr. Kawashima. In fact,
19 TT is the only counsel of record that
20 has had an opportunity to speak to
21 Mr. Kawashima.

22 Additionally, late last night

1 Trading Technologies requested that we
2 make Mr. Kawashima available for
3 deposition. We're not under any
4 obligation to make Mr. Kawashima
5 available for cross. The deposition
6 transcript was not prepared for this
7 preceding and, in fact, TT has already
8 had an opportunity to cross-examine
9 Mr. Kawashima with TT's counsel
10 Mr. Borsand present.

11 We note that a Japanese
12 resident such as Mr. Kawashima, and at
13 this point we believe he is a Japanese
14 resident, we'll get to that in a second,
15 is beyond the jurisdiction of the US
16 courts. We can't compel him to come
17 here, and taking a deposition in Japan
18 is a difficult and lengthy process
19 involving coordination between the
20 countries. Despite those facts, we have
21 tried to locate Mr. Kawashima. And, in
22 fact, just to determine whether he is

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