

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC; INTERACTIVE BROKERS LLC;
TRADESTATION GROUP, INC.; TRADESTATION SECURITIES, INC.;
TRADESTATION TECHNOLOGIES, INC.;
IBFX, INC.; CQG, INC.; and CQGT, LLC,

Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

Patent Owner

Case CBM2015-00179
U.S. Patent No. 7,533,056

DECLARATION OF PETER C. HART

Declaration Exhibit	Corresponding TT Exhibit
A	1001
B	2299
C	2300
D	2301
E	2302
F	2303
G	2304
H	2305
I	2306
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I, Peter C. Hart, declare as follows:

I. INTRODUCTION

1. I have been retained by Trading Technologies International, Inc. (“TT”) to serve as a consultant in connection with this proceeding before the United States Patent and Trademark Office (“USPTO”). I understand that this proceeding was initiated by IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc.; TradeStation Securities, Inc., TradeStation Technologies, Inc., IBFX, Inc., CQG, Inc., and CQGT, LLC (collectively “Petitioners”). I also understand that this proceeding involves U.S. Patent No. 7,533,056 (“the ‘056 patent”) (Ex. A), of which I am an inventor.

2. I have no ownership interest or financial interest in the ‘056 patent. I understand that TT owns all right, title, and interest in the ‘056 patent.

3. I am being compensated by TT based on a retainer agreement only. My compensation from TT does not depend on the outcome of this proceeding.

II. EDUCATION AND BACKGROUND

4. I have bachelor of arts degrees in philosophy and history and received a bachelor of laws degree from the University of Toronto in 1969. I have not practiced law in Canada since 1974, and have never been licensed to practice law in any state in the United States.

5. I practiced law briefly in the early 1970s with a firm that would later

become Fasken Martineau Walker in Toronto. After leaving law practice in 1974 to manage a group of companies in Australia for three years, I returned to Toronto and formed several technology companies in the late 1970s and 1980s. The technology companies I formed were in the restaurant industry, such as Remanco Systems, and later the legal industry, such as Legalware. The companies I worked with during this time were not involved in trading or electronic trading.

6. In 1990 I began working in the area of negotiation and mediation in California. During the 1990s, I also began developing game simulations, first on CD-ROMS and then on the internet. In late 1997 or early 1998, I met Rich Friesen and was first introduced to trading.

III. THE PRESENT CBM

7. I understand that the Petitioners filed a petition for Covered Business Method (“CBM”) Review of the ‘056 patent, now dubbed CBM2015-00179. I understand that one of the grounds for review of the ’056 patent is based on a reference called the Tokyo Stock Exchange (“TSE”). I understand that the Petitioners claim that the TSE reference dates back to August 1998 and is prior art to claims 1-15 of the ‘056 patent.

8. I understand that all CBM reviews are performed by the Patent Trial and Appeal Board (“PTAB”) at the USPTO. I understand that as a part of the CBM review, the PTAB has construed some claim terms of the ‘056 patent, and

that Petitioners have also offered a construction of the same terms. My understanding of these constructions is as follows:

Claim Term	Petitioners' Proposal	PTAB Construction
“price axis”	a reference line for plotting prices, including labeled, unlabeled, visible and invisible reference lines	a reference line for plotting prices, including labeled, unlabeled, visible, and invisible reference lines
(offer and bid) “indicators representing quantity”	includes alphanumeric and graphical indicators	includes alphanumeric and graphical indicators
“default quantity”	a preset value or the user’s last entered value to be used for a transaction	a preset value or the user’s last entered value
“indicators, icons, and tokens”	a symbol such as an alphanumeric characters or a graphic representation of an item.	a symbol such as an alphanumeric character or a graphic representation of an item
“receiving a user input indicating a desired price for an order . . . by selection of one of a plurality of locations”	adjusting an order after it has been created	adjusting an order after it has been created
“the desired price”	a price that is specified for an order placed by a user	a price that is specified for an order placed by user
“the default quantity working at the electronic exchange”(claim 7)	the unfilled portion of an order placed in claim 1	the unfilled portion of an order placed in claim 1

9. I have been informed that under U.S. patent law, conception of an invention is the formation of a definite and permanent idea of the complete and operative invention in the mind of the inventor(s). I have also been informed that conception is complete when this idea is so clearly defined in the inventor's mind

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