

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.; and IBFX, INC.;  
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.  
Patent Owner

---

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

---

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S  
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., TradeStation Securities, Inc., TradeStation Technologies, Inc., and IBFX, Inc. (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") served on Monday, July 18, 2016:

TT Exhibit No.	Description
2337	Declaration of Jennifer M. Kurcz
2338	Video of T. Biddulph's Software Examination

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

**I. FRE ARTICLE IV – RELEVANCE AND ITS LIMITS**

Petitioners object to Exhibit Nos. 2337 and 2338 as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because these exhibits are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, broadest reasonable interpretation of the claims, anticipation of the claims in view of the prior art, or obviousness of the claims in view of the prior art.

## II. FRE ARTICLE VI – WITNESSES

Petitioners object to Exhibit No. 2337 for lack of foundation. Patent Owner has not shown that the declarant has personal knowledge of the subject matter of the testimony as required by FRE 602.

Petitioners object to Exhibit No. 2338 as an improper demonstrative. Patent Owner has not established a proper foundation for the evidence set forth in the document.

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

To the extent Patent Owner relies on the contents of Exhibit No. 2338 to prove the content of the original document, Petitioners object to this document as not being an 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 July 18, 2016 service of TT's exhibits.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Date: 7/25/2016

/Richard M. Bemben #68658/

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

Robert E. Sokohl, Reg. No. 36,013  
Lori A. Gordon, Reg. No. 50,633  
Richard M. Bemben, Reg. No. 68,658  
Attorneys for Petitioners

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that on July 25, 2016, the attached

**Petitioners' Objections to Patent Owner's Evidence Pursuant to 37 C.F.R.**

**§ 42.64(b)(1)** were served electronically via e-mail upon the following counsel for

Patent Owner, TT:

Erika H. Arner, Joshua L. Goldberg, Kevin D. Rodkey,  
Rachel L. Emsley, Cory C. Bell  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
Erika.arners@finnegan.com  
Joshua.goldberg@finnegan.com  
Kevin.rodkey@finnegan.com  
Rachel.emsley@finnegan.com  
Cory.bell@finnegan.com  
Trading-Tech-CBM@finnegan.com

Steven F. Borsand  
TRADING TECHNOLOGIES INTERNATIONAL, INC.  
tt-patent-cbm@tradingtechnologies.com

Michael D. Gannon, Leif R. Sigmond, Jr., and Jennifer M. Kurcz  
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
gannon@mbhb.com  
sigmond@mbhb.com  
kurcz@mbhb.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Date: 7/25/2016

/Richard M. Bemben #68658/

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
2840513\_1.DOCX

Robert E. Sokohl, Reg. No. 36,013  
Lori A. Gordon, Reg. No. 50,633  
Richard M. Bemben, Reg. No. 68,658  
Attorneys for Petitioners