

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 CBM2015-00181
Patent No. 7,676,411

**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 to the admissibility of the following evidence Trading Technologies International, Inc. ("TT" or "Patent Owner") submitted before the institution of the trial. 37 C.F.R. § 42.64. Petitioners ask the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following bases:

TT Exhibit 2002 – Attachment A to Letter to Director Lee

Petitioners object to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because it is 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 by the prior art, or obviousness of the claims in view of the prior art.

To the extent Patent Owner relies on the contents of this document 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.

Petitioners object to the document as citing exhibits not served with the document as required by 37 C.F.R. § 42.51(b)(1)(i).

TT Exhibit 2003 – Attachment B to Letter to Director Lee

Petitioners object to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because it is 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 by the prior art, or obviousness of the claims in view of the prior art.

To the extent Patent Owner relies on the contents of this document 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.

Petitioners object to the document as citing exhibits not served with the document as required by 37 C.F.R. § 42.51(b)(1)(i).

TT Exhibit 2004 – Email to Petitioner regarding Discovery, October 19, 2015

Petitioners object to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because it is 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 by the prior art, or obviousness of the claims in view of the prior art.

To the extent Patent Owner relies on the contents of this document 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.

Petitioners object to this document as not properly authenticated under FRE 901 because Patent Owner has not presented any evidence that the document is authentic nor that the document is self-authenticating under FRE 902.

To the extent Patent Owner relies on the contents of this document 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.

TT Exhibit 2007 – Myers, Brad A. “A brief history of human Computer Interaction Technology.”

To the extent Patent Owner relies on the contents of this document 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.

Petitioners object to this document as not properly authenticated under FRE 901 because Patent Owner has not presented any evidence that the document is authentic nor that the document is self-authenticating under FRE 902.

To the extent Patent Owner relies on the contents of this document 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.

TT Exhibit 2008 - NASA Web Page Print out, Technical Areas

Petitioners object to this document 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 subject matter, broadest reasonable interpretation of the claims, anticipation of the claims by the prior art, or obviousness of the claims in view of the prior art.

To the extent Patent Owner relies on the contents of this document 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.

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