



## 1    A P P E A R A N C E S : (Continued)

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1 (In open court:)

2 THE CLERK: 10 C 715, Trading Technologies  
3 International versus BGC Partners.

4 MR. BORSAND: Good morning, your Honor. Steve Borsand  
5 for Trading Technologies.

6 THE COURT: Good morning.

7 MR. GANNON: Good morning, your Honor. Mike Gannon  
8 for TT.

9 THE COURT: Good morning.

10 MR. SIGMOND: Your Honor, Leif Sigmond for Trading  
11 Technologies.

12 THE COURT: Good morning.

13 MR. HEALEY: Good morning, your Honor. David Healey  
14 for Trade Station, defendants.

15 THE COURT: Good morning.

16 MR. MANDELL: Good morning, your Honor. Steve Mandell  
17 on behalf of Interactive Brokers.

18 THE COURT: Good morning.

19 I think there's someone on the phone, right?

20 THE CLERK: I do.

21 (Clerk places telephone call.)

22 THE CLERK: I'm calling for Natalie Morgan.

23 Okay. I'm going to transfer you into Judge Kendall's  
24 courtroom. Hold on just a moment.

25 THE COURT: Okay. State your name for the record.

1 You're on open -- you're in open court and on the record.

2 MS. MORGAN: Hi. This is Natalie Morgan. I'm with  
3 Wilson Sonsini Goodrich & Rosati, and I'm representing the IBG  
4 defendants.

5 THE COURT: Okay.

6 Before I forget, Lynn, put Bibbs first on the 25th so  
7 we don't have that happen again. Yeah, out of order.

8 All right. It's the motion to reconsider. The floor  
9 is yours.

10 MR. HEALEY: Your Honor, this is David Healey for  
11 Trade Station.

12 The point of our motion is that the stay should go  
13 into effect as ordered without any exception.

14 The PTAB proceedings are hot and heavy. The one  
15 deposition that has been completed to date in any of this was  
16 in one of the PTAB proceedings. They've had a mandamus in the  
17 PTAB proceedings. They've asked for various and sundry  
18 discovery in the PTAB proceedings. The PTAB is handling the  
19 cases that have been instituted, and it will handle the future  
20 cases that will be instituted.

21 Your order staying the case was completely correct.  
22 It was in accord with the statute, congressional intent, and  
23 federal circuit case law.

24 The case -- if any of these patent claims survive --  
25 and that's a big "if" -- but if they do, then the case will be

1 smaller, it will be more compact, and the scope of the  
2 questioning at the deposition of Mr. Bartleman, who is the  
3 president of Trade Station Group and every Trade Station  
4 subsidiary since March, will be minimized. And even if he were  
5 to be deposed now, certainly in two years, or however long the  
6 CBM process takes, if any claims survive, they are going to  
7 want to depose him again on Trade Station's additional  
8 products, additional finances, additional damages, while at the  
9 same time whole segments of this suit could be eliminated, and  
10 the entire benefit or huge portion of the benefit of  
11 Mr. Bartleman's deposition will be eliminated if many of the  
12 claims and patents are held invalid, as the PTAB has held they  
13 are more likely than not invalid.

14 And under 101, the abstract idea provision, which  
15 applies to every initiation, this Tokyo Stock Exchange thing  
16 is -- is of no moment. But the consultants, which was an issue  
17 last time, finished their work some time ago. These files, we  
18 had opposed producing them as inaccessible data. We now are  
19 getting the last few out. We're still having problems  
20 converting the last few to TIF. And what I mean the last few,  
21 the last batch. But by last Friday, we had produced the great  
22 majority of them. Because we weren't going to have to spend  
23 the money to have lawyers go to Miami and to prep Mr. Bartleman  
24 and present his deposition and we were getting that cost  
25 savings, we said we would give TT their \$20,000 back, even

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