

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

-----x

TRADING TECHNOLOGIES, INC.,

Plaintiff,

Case No.
04-CV-5312

-against-

eSPEED, INC.,

Defendant.

-----x

April 7, 2005
9:49 a.m.

Videotaped deposition of ROBERT G.
McCAUSLAND, taken by Defendant, pursuant to
subpoena, at the offices of Winston & Strawn LLP,
200 Park Avenue, New York, New York, before Jack
Finz, a Certified Shorthand Reporter and Notary
Public within and for the State of New York.

1 A P P E A R A N C E S:

2 McDONNELL BOEHNEN HULBERT & BERGHOFF LLP
3 Attorneys for Plaintiff
4 300 South Wacker Drive
5 Chicago, Illinois 60606-6709

6 BY: MATTHEW J. SAMPSON, ESQ.

7 WINSTON & STRAWN LLP
8 Attorneys for Defendant
9 35 West Wacker Drive
10 Chicago, Illinois 60601-9703

11 BY: RAYMOND C. PERKINS, ESQ.
12 PEJMAN SHARIFI, ESQ.

13 FRIED FRANK LLP
14 Attorneys for the Witness
15 One New York Plaza
16 New York, New York 10004

17 BY: DAVID ZILBERBERG, ESQ.

18 ALSO PRESENT:

19 STEVEN BORSAND
20 PATRICK CATANIA
21 ROBERT CALVERT, Videographer
22
23
24

1 THE VIDEOGRAPHER: We are now on the
2 record.

3 This is the video operator speaking,
4 Robert Calvert, of LegaLink Action Video, offices
5 located at 420 Lexington Avenue, New York, New
6 York. Today's date is April 7, 2005. The time
7 on the video monitor is 9:49 a.m.

8 We are here at the offices of Winston
9 & Strawn, located at 200 Park Avenue, New York,
10 New York, to take the videotape deposition of
11 Robert McCausland, in the matter of Trading
12 Technologies, Incorporated, versus eSpeed,
13 Incorporated. The venue of this case is the
14 United States District Court for the Northern
15 District of Illinois. The index number is
16 04-CV-5312.

17 Will counsel please voice identify
18 yourselves and state whom you represent.

19 MR. PERKINS: Good morning. Ray
20 Perkins, representing the defendant, eSpeed.

21 MR. ZILBERBERG: David Zilberberg,
22 representing the witness, Robert McCausland.

23 MR. SAMPSON: Matt Sampson from
24 McDonnell Boehnen Hulbert & Berghoff,

1 representing the plaintiff, Trading
2 Technologies. With me today is Steven Borsand
3 from Trading Technologies, and Patrick Catania,
4 an independent consultant.

5 THE VIDEOGRAPHER: Will the court
6 reporter please swear in the witness.

7 R O B E R T G. M c C A U S L A N D,
8 having been first duly sworn by the Notary Public
9 (Jack Finz), was examined and testified as
10 follows:

11 THE VIDEOGRAPHER: Please begin.

12 EXAMINATION BY MR. PERKINS:

13 Q. Sir, could you please state your name
14 for the record?

15 A. Robert McCausland.

16 Q. And where do you live?

17 A. I live in Mendham, New Jersey.

18 Q. What's your street address?

19 A. 21 Pembroke Drive.

20 Q. You have been deposed before; is that
21 correct?

22 A. Yes, I have.

23 Q. About how many times?

24 A. At least three.

1 Q. How many times have you been deposed
2 regarding the Intex system?

3 A. Well, once where it was the relevant
4 system in question, yes.

5 Q. And which case was that?

6 A. That was -- I guess at that point it
7 was eSpeed versus the three commodity exchanges,
8 Board of Trade, the Chicago Merc and the New York
9 Merc.

10 Q. Do you still have a copy of that
11 deposition?

12 A. If I do, I don't know where it is.

13 Q. If at any time you do not understand
14 my questions, just let me know and I will try to
15 repeat or rephrase the question. Do you agree to
16 do that?

17 A. Yes. Thank you.

18 (Defendant's Exhibit 110
19 for identification, subpoena.)

20 Q. Let me show you what I have marked as
21 a copy of Defendant's Exhibit 110, which is the
22 subpoena that my office served on you, sir. Have
23 you seen this document before?

24 A. Yes, I have.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.