



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

2

3    For the Defendant                    MANDELL MENKES LLC by  
4    Interactive Brokers                 MR. STEVEN P. MANDELL  
5    Group:                                 One North Franklin  
   Suite 3000  
   Chicago, Illinois 60606

6    For the Defendant                    STADHEIM & GREAR LTD by  
7    TradeStation:                         MR. GEORGE C. SUMMERFIELD  
8     400 North Michigan Avenue  
   Suite 2200  
   Chicago, Illinois 60611

9     FISH & RICHARDSON PC by  
10    MR. DAVID J. HEALEY  
11    One Houston Center  
   1221 McKinney, Suite 2800  
   Houston, Texas 77010

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (In open court:)

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

4 MS. KURCZ: Good morning, your Honor. Jennifer Kurcz  
5 on behalf of plaintiff Trading Technologies.

6 THE COURT: Good morning.

7 MR. SIGMOND: Good morning, your Honor. Leif Sigmond  
8 for Trading Technologies.

9 THE COURT: Good morning.

10 MR. HEALEY: Good morning, your Honor. David Healey,  
11 Fish and Richardson, for TradeStation.

12 THE COURT: Good morning.

13 MR. MANDELL: Good morning, your Honor. Steve Mandell  
14 on behalf of Interactive Brokers, LLC.

15 THE COURT: Good morning.

16 MR. VOLLER: And good morning, your Honor. Bill  
17 Voller on behalf of defendants CQG.

18 THE COURT: Good morning.

19 MR. SUMMERFIELD: Good morning, Judge. George  
20 Summerfield on behalf of TradeStation.

21 THE COURT: Okay. Good morning.

22 So I have to tell you I'm not surprised to see this,  
23 nor does it fall on deaf ears.

24 So let me hear from TT as to what we're doing here.  
25 You want to break them up and move on.

1 MS. KURCZ: Yes, your Honor.

2 THE COURT: Go ahead.

3 MS. KURCZ: As you can imagine, we're seeking  
4 deconsolidation because the very basis for consolidation --  
5 which is streamlining, efficiency -- has not been served by  
6 consolidation in this case. The cases are over five years old,  
7 and discovery hasn't even gotten off the ground.

8 THE COURT: Let's just make a record that you all  
9 chose -- some of you chose to bring it up and back, so it  
10 wasn't that Judge Kendall is making this five years old, but  
11 that there's lots of other issues that have delayed this case  
12 based upon the parties' interactions.

13 MS. KURCZ: And that's exactly where I'm going, your  
14 Honor.

15 Defendants have used consolidation to gain delay --  
16 delay and unfairly break the case apart by engaging in  
17 piecemeal litigation tactics. They've only independently  
18 attacked certain patents on certain issues. And all of this  
19 has enured to the delay in this case.

20 For instance, in the trade -- or the TD Ameritrade  
21 CBM, the cases were stayed because of their request, and only  
22 they were the ones that were involved in those CBM petitions.  
23 None of the other parties chose to join in those matters.

24 THE COURT: Right.

25 MS. KURCZ: And now they want to redo it all over

1 again.

2 THE COURT: Right.

3 MS. KURCZ: And, you know, they've had that  
4 opportunity for over three years. So at this point, enough is  
5 enough. The cases should proceed independently. If there is a  
6 reason to delay one case, for whatever reason, the Court can  
7 decide that at that time, but they shouldn't be all hinged  
8 together and incurring additional delay or any delay by any  
9 defendant.

10 THE COURT: Okay. You're missing one of your best  
11 arguments about the prejudice, about the delay for your  
12 technology as well.

13 MS. KURCZ: Yes, your Honor. And with respect to the  
14 prejudice that we've suffered, not only is it economic, we've  
15 lost sales. We can't be going after people who are infringing  
16 in our marketplace. There's also an evidentiary loss that we  
17 are suffering. For instance, in the CQG case that just went to  
18 trial, we had issues with getting information from non-parties.  
19 Even from CQG, who was under a duty to preserve information,  
20 had, you know, overwritten important and invaluable information  
21 in that case. And so we believe that that's going to continue  
22 happening, while defendants are also unfairly invading our  
23 market space and we're not able to preclude them from  
24 infringing.

25 THE COURT: Okay. Who wants to go first?

# 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.