

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1			
2			
3	TRADING TECHNOLOGIES)	Docket No. 10 C 715
4	INTERNATIONAL, INC.,)	
)	10:26 a.m.
5	v.)	
6)	May 12, 2016
7	BGC PARTNERS, INC.,)	Chicago, Illinois
8	Defendant.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE VIRGINIA M. KENDALL

APPEARANCES:

11		
12	For the Plaintiff:	McDONNELL BOEHNEN HULBERT & BERGHOFF by
13		MR. LEIF R. SIGMOND, JR.
14		MR. MICHAEL DAVID GANNON
15		300 South Wacker Drive
		Suite 3100
		Chicago, Illinois 60606
16		MR. STEVEN F. BORSAND
17		Trading Technologies International, Inc.
18		222 Riverside Drive
		Suite 1100
		Chicago, Illinois 60606

19		
20		
21		
22	Court Reporter:	GAYLE A. McGUIGAN, CSR, RMR, CRR
23		Federal Official Court Reporter
24		219 South Dearborn, Room 2318-A
		Chicago, Illinois 60604
		(312) 435-6047
25		Gayle_McGuigan@ilnd.uscourts.gov

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

2

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

6

7

8

9

10 For the Defendant
11 TradeStation Group
12 and TradeStation
13 Securities:FISH & RICHARDSON PC by
MR. DAVID J. HEALEY
One Houston Center
1221 McKinney, Suite 2800
Houston, Texas 77010

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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.