

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION

4 TRADING TECHNOLOGIES INTERNATIONAL,)
 INC.,)
 5)
 Plaintiff,)
 6)
 v.) No. 04 C 5312
 7)
 esPEED, INC., esPEED INTERNATIONAL,)
 8 LTD., ECCO LLC, and ECCOWARE, LTD.,) Chicago, Illinois
) September 17, 2007
 9 Defendants.) 10:00 o'clock a.m.

10
 11 VOLUME 4-A
 TRIAL TRANSCRIPT OF PROCEEDINGS
 12 BEFORE THE HONORABLE JAMES B. MORAN, and a JURY

13 APPEARANCES:

14 Trading Technologies TRADING TECHNOLOGIES
 15 International, Inc., by: INTERNATIONAL, INC.,
 MR. STEVEN F. BORSAND
 16 222 South Riverside Drive
 Chicago, Illinois 60606
 17 312-476-1000
 steve.borsand@
 18 tradingtechnologies.com

and

19 McDONNELL, BOEHNEN, HULBERT &
 BERGHOFF, LTD.
 20 MR. PAUL H. BERGHOFF
 MR. S. RICHARD CARDEN
 21 MR. CHRISTOPHER M. CAVAN
 MR. MICHAEL D. GANNON
 22 MS. JENNIFER M. KURCZ
 MR. MATTHEW J. SAMPSON
 23 MR. LEIF R. SIGMOND
 300 South Wacker Drive
 24 Chicago, Illinois 60606
 312-913-0001
 25 berghoff@mbhb.com
 kurcz@mbhb.com

1 eSpeed, Inc., eSpeed
2 International, Inc.,
3 Ecco LLC, Eccoware,
4 LTD., by:

WINSTON & STRAWN
MR. GEORGE C. LOMBARDI
MR. RAYMOND C. PERKINS
MR. IMRON T. ALY
MR. KEVIN BANASIK
MS. ELIZABETH HARTFORD ERICKSON
MR. ANDREW M. JOHNSTONE
MS. TRACEY J. ALLEN
MR. JAMES M. HILMERT
35 West Wacker Drive
Chicago, Illinois 60601
312-558-5600
glombardi@winston.com
rperkins@winston.com

8
9 LAW OFFICES OF
10 GARY A. ROSEN, P.C.
11 MR. GARY A. ROSEN
12 1831 Chestnut Street, Suite 802
13 Philadelphia, Pennsylvania 19101
14 215-972-0600

15 Rosenthal Collins Group,
16 LLC, by:

DOWELL BAKER
MR. GEOFFREY A. BAKER
201 Main Street
Lafayette, IN 47901
765-429-4004
gabaker@dowellbaker.com

17
18
19
20
21
22
23 Court Reporter:

MS. CAROLYN COX, CSR, RPR, CRR
Official Court Reporter
219 S. Dearborn Street, Suite 1854-B
Chicago, Illinois 60604
(312) 435-5639

1		
2		
3	HARRIS BRUMFIELD, DIRECT EXAMINATION	660
4	BY MR. BERGHOFF:	
5	HARRIS BRUMFIELD, PLAINTIFF'S WITNESS, SWORN,	727
6	CROSS EXAMINATION	
7	BY MR. LOMBARDI:	
8		
9	REDIRECT EXAMINATION	824
10	BY MR. BERGHOFF	
11	PATRICK TROY	835
12	DIRECT EXAMINATION	835
13	BY MR. CARDEN:	
14	BRIEN GREY	859
15	DIRECT EXAMINATION	859
16	BY MR. SAMPSON:	
17		
18		
19		
20		
21		
22		
23		
24		
25		

10:20:44 1 Technologies is going to call for its next witness Mr.
10:20:47 2 Harris Brumfield.

10:21:16 3 (Witness sworn.)

10:21:16 4 - - -

10:21:16 5 HARRIS BRUMFIELD, DIRECT EXAMINATION

10:21:16 6 BY MR. BERGHOFF:

10:21:19 7 Q. Mr. Brumfield, could you please tell the jury
10:21:21 8 your full name.

10:21:22 9 A. Harris Clayton Brumfield.

10:21:25 10 Q. And what is your current position?

10:21:27 11 A. CEO of Trading Technologies.

10:21:30 12 Q. And that's Trading Technologies, that's the
10:21:33 13 plaintiff in this lawsuit?

10:21:35 14 A. Yes.

10:21:35 15 Q. Where do you live?

10:21:37 16 A. In Chicago.

10:21:40 17 Q. And with whom do you live?

10:21:42 18 A. I have a wife and three daughters.

10:21:47 19 Q. And did you graduate from college, Mr. Brumfield?

10:21:54 20 A. Yes, I did.

10:21:55 21 Q. And where did you go?

10:21:57 22 A. Mississippi State University.

10:21:59 23 Q. I assume that's in Mississippi?

10:22:04 24 A. Yes.

10:22:04 25 Q. And what did you study at Mississippi State?

10:22:07 1 A. Banking and finance.

10:22:09 2 Q. And when did you graduate?

10:22:10 3 A. In 1986.

10:22:13 4 Q. And you're here in Chicago now. When did you
10:22:21 5 first come to Chicago?

10:22:22 6 A. Late 1986, late 1986.

10:22:28 7 Q. And what brought you to Chicago?

10:22:30 8 A. A couple of different friends mentioned the
10:22:37 9 exchanges here, and one of them actually worked there,
10:22:40 10 and one of them worked at Arthur Andersen and his wife
10:22:46 11 worked for the exchange, and I knew them from school and
10:22:47 12 they were older, and they thought my personality, it
10:22:50 13 might be something that would interest me when I
10:22:52 14 graduated. So I came and actually stayed on one of
10:22:55 15 their couches for a month or so.

10:22:57 16 Q. And when was this?

10:22:58 17 A. This was November 1st, 1986.

10:23:01 18 Q. And did you get involved in any of the exchanges
10:23:06 19 at that point in Chicago?

10:23:07 20 A. Yes. My one friends that worked at the exchange,
10:23:12 21 worked at the Chicago Mercantile Exchange. I ended up
10:23:16 22 getting a job running for PaineWebber at the Chicago
10:23:21 23 Board of Trade in the green room.

10:23:23 24 Q. And how long did you keep that position as a
10:23:25 25 runner?

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.