

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC, INTERACTIVE BROKERS LLC, TRADESTATION GROUP, INC.,
TRADESTATION SECURITIES, INC., TRADESTATION TECHNOLOGIES,
INC., and IBFX, INC.,

Petitioner

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

CBM2015-00161 (U.S. Patent 6,766,304 B2)¹
CBM2015-00172 (U.S. Patent No. 7,783,556 B1)²
CBM2015-00179 (U.S. Patent No. 7,533,056 B2)
CBM2015-00181 (U.S. Patent No. 7,676,411 B2)
CBM2015-00182 (U.S. Patent No. 6,772,132 B1)

DECLARATION OF ERIC GOULD-BEAR

¹ Case CBM2016-00035 has been joined with this proceeding.

² Case CBM2016-00040 has been joined with this proceeding.

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EXHIBIT 1: BEAR CV

EXHIBIT 2: TUFTE VISUAL AND STATISTICAL THINKING

EXHIBIT 3: MACKENZIE AND BUXTON ON FITTS' LAW

I. INTRODUCTION

1. I have been retained by Trading Technologies International, Inc. (“**TT**” or “**Patent Owner**”), in this action. My credentials are described in my CV, which is attached hereto as **Exhibit 1**. I offer this report on the technology at issue in U.S. Patent No. 6,766,304 B2 (the “**304 Patent**”), U.S. Patent No. 7,767,411 B2 (the “**411 Patent**”), and U.S. Patent No. 6,772,132 B1 (the “**132 Patent**”) (collectively, the “**TT Patents**”) in response to the Covered Business Patent Review matters CBM2015-00161, CBM2015-00181 and CBM2015-00182 instituted by TradeStation Group, Inc. and TradeStation Securities, Inc. (“**TS**”, “**TradeStation**” or “**Petitioner**”).

2. I have been asked by TT’s counsel to explain whether and how graphical user interface design and development is technology and whether the inventions claimed in the TT Patents are technical solutions to technical problems. To be clear, I am not opining on either §102 or §103 issues; and have been advised that another expert, Mr. Christopher Thomas, has opined that the claims in the TT Patents are both novel and non-obvious. I am being compensated at the rate of \$480 per hour. My compensation is not related to the outcome of this case.

II. SUMMARY OF CONCLUSIONS

3. As a result of performing the analysis described herein and measured against the standards outlined below in Section IV, I have determined that, in my

opinion, the TT Patents claim a new and improved graphical user interface. Herein, I explain how graphical user interfaces are technologies for human interaction designed and purpose-built to address problems of speed, accuracy, efficiency and usability – all technical problems. Since graphical user interfaces are inherently technology, the TT Patents claims are necessarily directed to technology; solving technical problems with technical solutions. The claims are not directed to a business method or practice. And since they explicitly improve upon known computer technologies, they are neither merely implemented using known computer technology nor directed to routine and conventional computing components or steps. My opinion is supported by the evidence in the patent specification, figures and claims.

III. BACKGROUND AND QUALIFICATIONS

4. I am the first named inventor on at least 80 United States patent applications that list me as an inventor. These are cataloged in my CV. To date, at least 70 of those applications have issued as U.S. patents. I am also the first named inventor on a number of international patents and patent applications.¹

5. Inventions of mine for which patents have been issued include virtual

¹ Some of my patents and applications identify me as “Gould” while others identify me as “Bear” because I legally changed my name from Eric Justin Gould to Eric Justin Gould Bear after adopting my first child from China in 1999.

force-feedback user interfaces, methods of navigating poly-hierarchical information, management of playlists that include both owned and un-owned songs, real-time communications architectures, auxiliary visual displays for personal computers, auxiliary processing by sleeping computing devices, methods for reducing parallax in computer camera systems, methods for using telephony controls on personal computers, methods for navigating content using media transport controls, and methods for unifying audio control on personal computers. More recent applications claim inventions relating to symbolic and schematic displays of protocol-specific information, user interfaces for visualizing data backup and recovery, and handheld multi-channel interactive environments.

6. By the time I was 12, I was programming computers in BASIC using Tandy TRS-80 and Apple personal computers. In 1984, I formed Element Systems to provide a consulting framework for my interface design and code production skills. From 1984 to 1993, I designed and engineered software for clients in utilizing a variety of coding languages, including BASIC, Pascal, C, C++, 68000 Assembly Language and HyperCard / SuperCard. Clients included Aetna Life Insurance, Kaleida Labs (an Apple/IBM joint venture) and SoftWriters, for whom I wrote code to perform network administration of remote computer systems in 1991. Other clients are listed in my CV.

7. In 1986, two years after Apple released the Macintosh computer, I became an Apple Certified Developer.

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