

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC, INTERACTIVE BROKERS LLC,
TRADESTATION GROUP, INC., and
TRADESTATION SECURITIES, INC.,
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Patent No. 7,212,999

**DECLARATION OF KENDYL A. ROMÁN
IN SUPPORT OF PETITION FOR
COVERED BUSINESS METHOD REVIEW OF U.S. PATENT 7,212,999**

Ex 1012

I, KENDYL A. ROMÁN, DECLARE AS FOLLOWS:

1. I have been engaged by Sterne, Kessler, Goldstein & Fox P.L.L.C. on behalf of Petitioners, IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and TradeStation Securities, Inc., for the above-captioned covered business method review proceeding. I understand that this proceeding involves United States Patent 7,212,999, entitled “User interface for an electronic trading system,” by Richard W. Friesen and Peter C. Hart, filed April 9, 1999, and issued May 1, 2007 (the “’999 Patent”). For the purposes of Covered Business Method review, I assume the earliest possible priority date of the ’999 Patent is the April 9, 1999 filing date. I understand that the ’999 Patent is currently assigned to Trading Technologies International, Inc. (“TT”).

2. I have reviewed and am familiar with the specification of the ’999 Patent. I understand that the ’999 Patent has been provided as Ex. 1001. I will cite to the specification using the following format (’999 Patent, 1:1-10). This example citation points to the ’999 Patent specification at column 1, lines 1-10.

3. I have reviewed and am familiar with the file history of the ’999 Patent. I understand that the file history has been provided as Ex. 1002.

4. I have also reviewed and am familiar with the following prior art used in the Petition for Covered Business Method Review of the ’999 Patent:

- A certified translation of “Futures/Option Purchasing System Trading Terminal Operation Guide” (“TSE”) and the original figures in the Japanese-language original. The translation is Exhibit 1016, and the original is Exhibit 1015.
- U.S. Patent No. 5,619,631 to Schott (“Schott”), Exhibit 1019.
- U.S. Patent No. 5,646,992 to Subler *et al.* (“Subler”), Exhibit 1020.
- U.S. Patent No. 5,689,651 to Lozman (“Lozman”), Exhibit 1021.
- WO 97/06492 to Jackson (“Jackson”), Exhibit 1040.

A complete listing of additional materials considered and relied upon in preparation of my declaration is provided as Ex. 1014. I have relied on these materials to varying degrees. Citations to these materials that appear below are meant to be exemplary but not exhaustive.

5. The '999 Patent describes a graphical user interface for electronic trading systems. ('999 Patent, Title, 1:6-8.) I am familiar with the subject matter described in the '999 Patent as of the earliest possible priority date of the '999 Patent (April 9, 1999).

6. I have also reviewed the following documents relating to CBM2014-00131:

- The Board's Decision to Institute issued on December 2, 2014. (Paper No. 19, submitted with this petition as Ex. 1005)
- TT's Patent Owner Response (POR) filed March 6, 2015. (Paper No. 38, submitted with this petition as Ex. 1007)

7. I have been asked to provide my technical review, analysis, insights and opinions regarding the '999 Patent and the above-noted references that form the basis for the grounds of unpatentability set forth in the petition for Covered Business Method Review of the '999 Patent.

I. Qualifications

8. See my Curriculum Vitae, provided as Ex. 1013, for a listing of my qualifications. This includes a list of publications for the past 10 years or more.

9. My expertise qualifies me to do the type of analysis required in this case. Of particular relevance, I have been involved in the design, implementation, testing, and analysis of computer software, firmware, and hardware for over thirty years, including software architecture, graphical user interfaces, trading systems, and other networked, data-driven, client-server systems. My work has included

analysis of trading systems including source code and user interfaces. In addition, I have practical experience in the design and programming of a variety of computer systems ranging from handheld devices, to laptops and desktop computers, to large multi-layer networked database systems.

10. As a freshman at Brigham Young University (“BYU”) in 1976, I started writing programs for IBM computers.

11. In 1980, I worked with Apple II computers and wrote computer programs having graphic user interfaces.

12. In the late 1960’s and 1970’s the University of Utah was known for its pioneering work in computer graphics (and the Internet¹). At BYU, I got involved with computer graphics and wrote graphics programs. Many of my BYU professors had been at the University of Utah during its computer science pioneering years. One of my BYU professors, Alan Ashton, and a fellow computer science student, Bruce Bastian, worked together on word processing software with graphical display. Later, Professor Ashton and Bruce Bastian founded WordPerfect.

¹ In 1969, University of Utah was one of the first four nodes on the Internet.

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