

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRADING TECHNOLOGIES INTERNATIONAL, INC.)	
)	Case No. 10 C 715
)	(Consolidated with:
Plaintiff,)	10 C 718, 10 C 721, 10 C 884)
)	
v.)	Judge Virginia M. Kendall
)	
BCG PARTNERS, INC.,)	
)	
Defendant.)	
)	

**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
THROUGH DIPLOMATIC CHANNELS ON THE TAKING OF EVIDENCE
ABROAD IN CIVIL OR COMMERCIAL MATTERS**

Request is hereby made by the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois 60604, United States of America, to the Tokyo District Court for its assistance in obtaining evidence in the custody of Tokyo Stock Exchange, Inc. (“TSE”), located at 2-1 Nihombashi Kabutocho, Chuo-ku, Tokyo 103-8224, Japan. This request is made through diplomatic channels under the Reciprocal Judicial Assistance Act in Japan (“Act”).

1. In conformity with the Act, the United States District Court for the Northern District of Illinois, Eastern Division, United States of America, presents its compliments to the Tokyo District Court and has the honor of requesting its assistance in obtaining evidence to be used in a civil proceeding now pending before this Court in the above-captioned matter. A trial on this matter has not yet been scheduled, but will likely take place in early 2017.

2. The parties to the civil action pending in the United States District Court for the Northern District of Illinois, Eastern Division are as follows:

- a. The plaintiff is Trading Technologies International, Inc. (“TT”). The plaintiff is represented by McDonnell Boehnen Hulbert & Berghoff LLP, 300 South Wacker Drive, Chicago, IL 60606.
- b. The defendants are Interactive Brokers LLC, IBG LLC (collectively, “IBG”), TradeStation Securities, Inc., and TradeStation Group, Inc. (collectively, “TradeStation”). IBG is represented by Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California, 94304. TradeStation is represented by Fish & Richardson, One Houston Center, 1221 McKinney, Suite 2800, Houston, TX, 77010.

3. The pending lawsuit is a civil proceeding in which TT alleges that IBG and TradeStation have infringed numerous U.S. patents relating to computer software used to electronically trade financial instruments.

4. The evidence to be obtained consists of certain documents which are maintained by TSE. These documents are described in Attachment A hereto. The evidence to be obtained also consists of testimony to be given by a representative of TSE with knowledge of the subject matters listed on Attachment A hereto. The testimonial evidence is required to be given on oath or affirmation. The documentary and testimonial evidence is relevant to the pending proceeding and may assist this Court in resolving the dispute presented in the civil action before it.

5. Accordingly, it is hereby requested that, in the interest of justice, the Tokyo District Court cause by its usual and proper process for the issuance of such orders to be entered as Japanese law permits requiring TSE to produce certain documents as identified in Attachment A hereto, and to transmit such documents to counsel for IBG and TradeStation for further production in the action at a time and place to be determined by the Tokyo District Court. It is also hereby requested that, in the interest of justice, the Tokyo District Court cause by its usual and proper process for the issuance of such orders to be entered as Japanese law permits requiring TSE to produce a representative with knowledge of the subject matters listed on

Attachment B hereto, and for such representative to answer questions under oath or affirmation at a testimony at a time and place to be determined by the Tokyo District Court, and that a transcript of the testimony be prepared. If necessary, we will ask the parties to each appoint a Japanese counsel to represent such party at the testimony. It is also requested that you inform this Court of all relevant dates and times determined by you for the production of the aforementioned evidence.

6. This Court expresses its appreciation to the Tokyo District Court for its courtesy and assistance in this matter and states that it shall be ready and willing to assist the courts of Japan in a similar manner when required. This Court is also willing to reimburse (through IBG and TradeStation) the appropriate judicial authorities of Japan for any special costs incurred for this matter.

Dated: _____

Hon. Virginia M. Kendall
United States District Judge
Northern District of Illinois, Eastern Division
Chicago, Illinois, U.S.A.

ATTACHMENT A
REQUESTS

1. Screenshots and/or other documents sufficient to show the screen or graphical user interface of each electronic trading tool used by or on the Tokyo Stock Exchange (“TSE”), including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which displayed or was capable of displaying market data in relation to an axis of prices and/or derivative values, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

2. Documents explaining or demonstrating updating functionalities and/or movement functionalities of the price or value axis displays identified in response to Request No. 1.

3. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which allowed or was capable of allowing a user to place or execute an order or trade by selecting (through clicking and/or dragging and dropping) a location relative to an axis of prices and/or derivative values, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

4. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which allowed or was capable of allowing a user to place or execute an order or trade with a single click of a mouse, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

5. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which displayed an order icon and/or visual indication of an order or trade placed by the user, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

6. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which displayed historical trading data on a chart or horizontal time axis, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

7. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which allowed or was capable of allowing users to place orders with a default or previously established quantity, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

8. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which displayed profit and loss associated with positions along a price or value axis, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

9. Screenshots and/or other documents sufficient to identify each electronic trading tool used by or on TSE, including but not limited to the Futures/Options Trading System, Futures/Options Purchasing System, and Trading Terminal, which allowed or was capable of allowing users to modify or cancel orders, including modification and/or cancellation with dragging and dropping and/or a single click of a mouse, at or prior to each of the following dates: April 1999, June 2000, and March 2004.

10. Documents sufficient to show the dates when each electronic trading tool responsive to Request Nos. 1-9 was developed by TSE or used in any way by or on TSE, including the dates when each of the features or functionalities discussed in Request Nos. 1-9 was developed.

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