

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

Case CBM2016-00032
Patent No. 7,212,999

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and

TradeStation Securities, Inc. (“Petitioners”) object under 37 C.F.R. § 42.64 to the admissibility of the following evidence Trading Technologies International, Inc. (“TT”) submitted before the institution of the trial:

TT Exhibit No.	Description
2030	Trading Techs. Int’l, Inc. v. eSpeed, Inc., Case No. 1:04-CV-05312 (N.D. Ill.), Jury Verdict Form (Oct. 10, 2007)
2054	Submission of Publications, etc., PCT 2004-504652 (Apr. 18, 2005) (Translation)
2111	U.S. Patent No. 6,766,304 B2
2112	Japanese Patent No. JP5230049 B2
2113	Trading Techs. Int’l. Inc., v. BCG Partners, Inc., Case No. 10-cv-715, Dkt. 583, Memorandum Opinion and Order (Mar. 25, 2015)
2114	Trading Techs. Int’l. Inc., v. BCG Partners, Inc., Case No. 10-cv-715, Dkt. 680-1, Letter Request for International Judicial Assistance Through Diplomatic Channels on the Taking of Evidence Abroad in Civil or Commercial Matters (Mar. 7, 2016)
2116	U.S. Patent No. 6,772,132 B1
2117	Trading Techs. Int’l. Inc., v. Rosenthal Collins Group, LLC et al., Case No. 10-cv-715, Dkt. 686, Notification of Docket Entry (Mar. 14, 2016)
2118	Trading Techs. Int’l. Inc., v. Rosenthal Collins Group, LLC et al., Case No. 10-cv-715, Dkt. 767, Notification of Docket Entry (May 12, 2016)

TT Exhibit No.	Description
2121	Class 705, Data Processing: Financial, Business Practice, Management, or Cost/Price Determination, Classification Definitions (January 2012): 1-53
2123	Class 345, Computer Graphics Processing and Selective Visual Display Systems, Classification Definitions (January 2011): 1-50
2124	Class 345, Computer Graphics Processing and Selective Visual Display Systems, (January 2011): 1-8
2125	July 2015 Update Appendix 1: Examples, USPTO Examination Guidelines
2126	Senate Congressional Record, S5402-S5443 (Sept. 8, 2011)
2127	Senate Congressional Record, S1360-S1394 (Mar. 8, 2011)
2133	McGraw Hill "Dictionary of Scientific and Technical Terms," Fifth Edition (1994): Definition of "Recording"

Petitioners ask the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following bases:

FRE ARTICLE IV – RELEVANCE AND ITS LIMITS

Petitioners object to Exhibit Nos. 2030, 2054, 2111, 2112, 2113, 2114, 2116, 2117, 2118, 2121, 2123, 2124, 2125, 2126, 2127, and 2133 as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, broadest reasonable interpretation of the claims, or obviousness of the claims in view of the prior art.

Petitioners also object to Exhibit No. 2030 under FRE 403 because the prejudicial value far outweighs any probative value.

FRE ARTICLE VIII – HEARSAY

To the extent Patent Owner relies on the contents of Exhibit Nos. 2030, 2054, 2113, 2114, 2117, 2118, 2121, 2123, 2124, 2125, 2126, 2127, and 2133 for the truth of the matter asserted, Petitioners object to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805 or 807.

FRE ARTICLE IX – AUTHENTICATION AND IDENTIFICATION

Petitioners object to Exhibit Nos. 2030, 2054, 2123, 2124, and 2133 as not properly authenticated under FRE 901 because Patent Owner has not presented any evidence that these documents are authentic nor that the documents are self-authenticating under FRE 902.

CITING EXHIBITS NOT SERVED

Petitioners object to Exhibit No. 2054 as citing exhibits not served with the document as required by 37 C.F.R. § 42.51(b)(1)(i).

* * *

These objections are made within ten business days from the August 16,
2016 Institution Decision.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Date: 8/30/2016

/Richard M. Bemben/

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