

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 7,212,999 B2

**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
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Alexandria, VA 22313-1450

Petitioners' Objections to Patent Owner's Evidence
CBM2016-00032

Petitioners IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and TradeStation Securities, Inc., object under 37 C.F.R. § 42.64 to the admissibility of the following evidence Trading Technologies International, Inc. ("TT" or "Patent Owner") filed and served on Tuesday, November 15, 2016:

TT Exhibit No.	Description
2165	Deposition Transcript of Kendyl A. Román, dated May 3, 2016 (Thomas Ex. J)
2166	Deposition Transcript of Kendyl A. Román, dated May 5, 2016 (Thomas Ex. YYYY)
2168	Declaration of Eric Gould-Bear
2174	Declaration of Dan Olsen
2183	Olsen Appendix A - Card, S., et al., <i>The keystroke-level model for user performance time with interactive systems</i> , Communications of the ACM 23 (CARD 80)
2184	Olsen Appendix B - Olsen, D. R., <i>Evaluating User Interface Systems Research</i> , UIST 2007, ACM (OLSE 07)
2185	Olsen Appendix C - U. S. Patent No. 1,692,601
2186	Olsen Appendix D - U. S. Patent No. 714,878
2187	Olsen Appendix E - Definition of Technology

TT Exhibit No.	Description
2188	Olsen Appendix F - U. S. Patent No. 3,018,661
2189	Olsen Appendix G - U. S. Patent No. 5,960,411
2192	Bear Ex. 1 - Bear CV
2193	Bear Ex. 2 - TUFTE Visual and Statistical Thinking
2194	Bear Ex. 3 - MacKenzie and Buxton on Fitts' Law
2209	Globex User Guide June 1995 (Thomas Ex. I)
2297	National Aeronautics and Space Administration Web Page Print out, Human Computer Interaction Group

Petitioners ask the 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. 2165, 2166, 2168, 2174, 2183-2189, 2192-2194, 2209 and 2297 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 or the broadest reasonable interpretation of the claims. The Román deposition transcripts (Exhibits 2165 and 2166) are not directed to the

patent at issue in this proceeding, and thus are irrelevant, confusing, and a waste of time. Additionally, Exhibits 2165 and 2166 are not cited in TT's POR.

The Gould-Bear and Olsen declarations (Exhibits 2168 and 2174, respectively) are not directed to the patent at issue in this proceeding, and thus are irrelevant, confusing, and a waste of time.

FRE ARTICLE VIII – HEARSAY

To the extent Patent Owner relies on the contents of Exhibit Nos. 2165, 2166, 2168, 2174, and 2297 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. 2168, 2174, and 2297 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 Nos. 2165 and 2166 as citing exhibits not served with the documents as required by 37 C.F.R. § 42.51(b)(1)(i).

Petitioners' Objections to Patent Owner's Evidence
CBM2016-00032

These objections are made within five business days from the November 15,
2016 filing and service of TT's exhibits.

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

Date: 11/22/2016

/Richard M. Bemben/

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