UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**TRADESTATION GROUP, INC.,
TRADESTATION SECURITIES, INC., IBG LLC, AND
INTERACTIVE BROKERS LLC**

Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.

Patent Owner

U.S. Patent No. 7,904,374

DECLARATION OF KENDYL A. ROMÁN IN SUPPORT OF PETITION FOR COVERED BUSINESS METHOD REVIEW OF U.S. PATENT NO. 7,904,374

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P.O. Box 1450
Alexandria, VA 22313-1450

I, Kendyl A. Román, declare as follows:

1. I have been engaged by Fish & Richardson P.C. on behalf of TradeStation Group, Inc., TradeStation Securities, Inc., IBG LLC, and Interactive Brokers LLC ("Petitioners") for the above-captioned covered business method review proceeding. I understand that this proceeding involves United States Patent 7,904,374 entitled "Click based trading with intuitive grid display of market depth," by Gary Allan Kemp, II, et al., filed October 25, 2006 and issued March 8, 2011 (the "'374 Patent"). I understand that the '374 Patent is currently assigned to Trading Technologies International, Inc. ("TT").

2. I understand the '374 Patent claims benefit from U.S. provisional application 60/186,322. For purposes of the covered business method review, I assume the earliest possible priority date of the '374 Patent is the March 2, 2000 filing date of U.S. provisional application 60/186,322.

3. I have reviewed and am familiar with the specification of the '374 Patent. I understand that the '374 Patent has been provided as TS-1001. I will cite to the specification using the following format ('374 Patent, 1:1-10). This example citation points to the '374 Patent specification at column 1, lines 1-10.

4. I have reviewed and am familiar with the file history of the '374 Patent. I understand that the file history has been provided as TS-1002.

5. I have also reviewed and am familiar with the following prior art used in the Petition for Covered Business Method Review of the '374 Patent:

- U.S. Patent No. 5,297,031 to Gutterman, et al. ("Gutterman"). I understand that Gutterman has been provided as TS-1004.
- WO 90/11571 to Belden, et al. ("Belden"). I understand that Belden has been provided as TS-1005.
- A certified translation of "System for Buying and Selling Futures and Options Transaction Terminal Operational Guidelines" ("TSE") has been provided as TS-1003. I understand that the original Japanese language document was provided as TS-1010 and the certificate of translation provided as TS-1006.
- U.S. Patent No. 5,375,055 to Togher et al. ("Togher"). I understand that Togher has been provided as TS-1021.

6. A complete listing of additional materials considered and relied upon in preparation of my declaration is provided as TS-1007. I have relied on these materials to varying degrees. Citations to these materials that appear below are meant to be exemplary but not exhaustive.

7. The '374 Patent describes electronic trading, using a graphical user interface ("GUI") "for displaying the market depth of a commodity" and placing orders on an electronic exchange. ('374 Patent, 3:11-20.) I am familiar with the

technology described in the ’374 Patent as of the earliest possible priority date of the ’374 Patent (March 2, 2000).

8. I have been asked to provide my technical review, analysis, insights and opinions regarding the ’374 Patent and the above-noted references that form the basis for the grounds of rejection set forth in the petition for Covered Business Method Review of the ’374 Patent.

I. QUALIFICATIONS

9. See my Curriculum Vitae, provided as TS-1008, for a listing of my qualifications. This includes a list of publications for the past 10 years or more.

10. 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.

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

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

13. In the late 1960's and 1970's the University of Utah was known for its pioneering work in computer graphics (and the Internet[1]). 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.

14. I graduated with High Honors from Brigham Young University where I received a Bachelor of Science degree in Computer Science. My formal studies included computer architecture, computer programming, programming languages, algorithms, operating systems, database systems, and digital logic design.

15. In 1981, I worked at International Business Machines ("IBM") in San Jose, CA. At IBM, I had a graphics display on my desk and wrote programs that displayed custom graphics. During my employment at IBM, the IBM PC was released. The IBM PC also supported graphical user interfaces.

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

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