

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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TRADING TECHNOLOGIES, INC.,

Plaintiff,

-against-

Case No.  
04-CV-5312

eSPEED, INC.,

Defendant.

-----x

April 7, 2005  
9:49 a.m.

Videotaped deposition of ROBERT G.  
McCAUSLAND, taken by Defendant, pursuant to  
subpoena, at the offices of Winston & Strawn LLP,  
200 Park Avenue, New York, New York, before Jack  
Finz, a Certified Shorthand Reporter and Notary  
Public within and for the State of New York.

1 A P P E A R A N C E S:

2 McDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
3 Attorneys for Plaintiff  
4 300 South Wacker Drive  
5 Chicago, Illinois 60606-6709

6 BY: MATTHEW J. SAMPSON, ESQ.

7 WINSTON & STRAWN LLP  
8 Attorneys for Defendant  
9 35 West Wacker Drive  
10 Chicago, Illinois 60601-9703

11 BY: RAYMOND C. PERKINS, ESQ.  
12 PEJMAN SHARIFI, ESQ.

13 FRIED FRANK LLP  
14 Attorneys for the Witness  
15 One New York Plaza  
16 New York, New York 10004

17 BY: DAVID ZILBERBERG, ESQ.

18 ALSO PRESENT:

19 STEVEN BORSAND

20 PATRICK CATANIA

21 ROBERT CALVERT, Videographer

22

23

24

1 THE VIDEOGRAPHER: We are now on the  
2 record.

3 This is the video operator speaking,  
4 Robert Calvert, of LegaLink Action Video, offices  
5 located at 420 Lexington Avenue, New York, New  
6 York. Today's date is April 7, 2005. The time  
7 on the video monitor is 9:49 a.m.

8 We are here at the offices of Winston  
9 & Strawn, located at 200 Park Avenue, New York,  
10 New York, to take the videotape deposition of  
11 Robert McCausland, in the matter of Trading  
12 Technologies, Incorporated, versus eSpeed,  
13 Incorporated. The venue of this case is the  
14 United States District Court for the Northern  
15 District of Illinois. The index number is  
16 04-CV-5312.

17 Will counsel please voice identify  
18 yourselves and state whom you represent.

19 MR. PERKINS: Good morning. Ray  
20 Perkins, representing the defendant, eSpeed.

21 MR. ZILBERBERG: David Zilberberg,  
22 representing the witness, Robert McCausland.

23 MR. SAMPSON: Matt Sampson from  
24 McDonnell Boehnen Hulbert & Berghoff,

1 representing the plaintiff, Trading  
2 Technologies. With me today is Steven Borsand  
3 from Trading Technologies, and Patrick Catania,  
4 an independent consultant.

5 THE VIDEOGRAPHER: Will the court  
6 reporter please swear in the witness.

7 R O B E R T G. M c C A U S L A N D,  
8 having been first duly sworn by the Notary Public  
9 (Jack Finz), was examined and testified as  
10 follows:

11 THE VIDEOGRAPHER: Please begin.

12 EXAMINATION BY MR. PERKINS:

13 Q. Sir, could you please state your name  
14 for the record?

15 A. Robert McCausland.

16 Q. And where do you live?

17 A. I live in Mendham, New Jersey.

18 Q. What's your street address?

19 A. 21 Pembroke Drive.

20 Q. You have been deposed before; is that  
21 correct?

22 A. Yes, I have.

23 Q. About how many times?

24 A. At least three.

1 Q. How many times have you been deposed  
2 regarding the Intex system?

3 A. Well, once where it was the relevant  
4 system in question, yes.

5 Q. And which case was that?

6 A. That was -- I guess at that point it  
7 was eSpeed versus the three commodity exchanges,  
8 Board of Trade, the Chicago Merc and the New York  
9 Merc.

10 Q. Do you still have a copy of that  
11 deposition?

12 A. If I do, I don't know where it is.

13 Q. If at any time you do not understand  
14 my questions, just let me know and I will try to  
15 repeat or rephrase the question. Do you agree to  
16 do that?

17 A. Yes. Thank you.

18 (Defendant's Exhibit 110  
19 for identification, subpoena.)

20 Q. Let me show you what I have marked as  
21 a copy of Defendant's Exhibit 110, which is the  
22 subpoena that my office served on you, sir. Have  
23 you seen this document before?

24 A. Yes, I have.

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