

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRADING TECHNOLOGIES )  
INTERNATIONAL, INC., )  
Plaintiff, )  
vs. ) No. 04 C 5312  
eSPEED, INC., eSPEED )  
INTERNATIONAL, LTD., ECCO, LLC )  
and ECCOWARE LTD., et al., )  
Defendants. )

The videotaped deposition of  
DAVID LEE SILVERMAN, called by the Plaintiff for  
examination, taken pursuant to the Federal Rules of  
Civil Procedure of the United States District  
Courts pertaining to the taking of depositions,  
taken before CORINNE T. MARUT, C.S.R. No. 84-1968,  
a Notary Public within and for the County of  
DuPage, State of Illinois, and a Certified  
Shorthand Reporter of said state, at the offices of  
McDonnell Boehnen Hulbert & Berghoff LLP, Suite  
3100, 300 South Wacker Drive, Chicago, Illinois, on  
the 24th day of August, A.D. 2007, commencing at  
10:10 a.m.

1 PRESENT:

2 McDONNELL BOEHNEN HULBERT & BERGHOFF, LLP,  
3 (300 South Wacker Drive,  
4 Chicago, Illinois 60606-6709,  
5 312-913-0001), by:

6 MR. MICHAEL D. GANNON,  
7 gannon@mbhb.com,

8 MS. MICHELLE McMULLEN-TACK, Ph.D.,  
9 mcmullen-tack@mbhb.com,

10 -and-

11 TRADING TECHNOLOGIES,  
12 (222 South Riverside Plaza, Suite 1100,  
13 Chicago, Illinois 60606,  
14 312-476-1018), by:

15 MR. STEVEN F. BORSAND, Inhouse Counsel,  
16 Executive Vice President,  
17 Intellectual Property,

18 appeared on behalf of the Plaintiff;

19

20

21

22

23

24

1 PRESENT (Continued):

2 WINSTON & STRAWN, LLP,  
3 (35 West Wacker Drive,  
4 Chicago, Illinois 60606-9703,  
5 312-558-5600), by:

6 MR. RAYMOND C. PERKINS,  
7 rperkins@winston.com,

8 appeared on behalf of the eSpeed  
9 Defendants;

10

11 FAEGRE & BENSON, LLP,  
12 (1900 Fifteenth Street,  
13 Boulder, Colorado 80302-5414,  
14 303-447-7700), by:

15 MR. NEAL COHEN,  
16 ncohen@faegre.com,

17 appeared on behalf of the CQG  
18 Defendants.

19

20

21 VIDEOTAPED BY: WES FRANCE, Legal Videographer,  
22 Esquire Deposition Services.

23

24 REPORTED BY: CORINNE T. MARUT, C.S.R. No. 84-1968

1 THE VIDEOGRAPHER: Good morning. We are going  
2 on the video record at 10:10 a.m.

3 My name is Wes France and I am a legal  
4 videographer in association with Esquire Deposition  
5 Services. Our address is 311 West Monroe Street,  
6 Chicago, Illinois. The Court Reporter today is  
7 Corey Marut of Esquire Deposition Services.

8 Here begins the videotaped deposition of  
9 David Silverman taking place at 300 South Wacker  
10 Drive, Chicago, Illinois.

11 Today's date is August 25, 2007.

12 This deposition is being taken in the  
13 matter of Trading Technologies International,  
14 Incorporated vs. eSpeed, Incorporated, et al.

15 Correction on the date. This is  
16 actually the 24th.

17 This deposition is being taken in the  
18 matter of Trading Technologies International,  
19 Incorporated vs. eSpeed, Incorporated, et al., in  
20 the United States District Court, Northern District  
21 of Illinois, Eastern Division, Case No. 04 C 5312.

22 Will counsel please state their names  
23 for the record.

24 MR. GANNON: Yes. My name is Mike Gannon of

1 McDonnell Boehnen Hulbert & Berghoff. I'm here  
2 today on behalf of the Plaintiff, Trading  
3 Technologies.

4 With me today is Michelle McMullen-Tack,  
5 also of MBHB, and Steve Borsand, in-house counsel  
6 at Trading Technologies.

7 MR. PERKINS: Good morning. Ray Perkins from  
8 Winston & Strawn representing eSpeed and ECCO.

9 MR. COHEN: Neal Cohen from Faegre & Benson  
10 for the CQG Defendants.

11 THE VIDEOGRAPHER: Will --

12 MR. GANNON: Good morning. Go ahead, sorry.

13 THE VIDEOGRAPHER: Will the court reporter now  
14 swear in the witness, please.

15 (WHEREUPON, the witness was duly  
16 sworn.)

17 DAVID LEE SILVERMAN,  
18 called as a witness herein, having been first duly  
19 sworn, was examined and testified as follows:

20 EXAMINATION

21 BY MR. GANNON:

22 Q. Will you state your name for the record,  
23 please.

24 A. Yes. My name is David Lee Silverman.

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