

Paper No. _____
Filed: May 1, 2017

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 CBM2016-0054
U.S. Patent 7,693,768

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects to the following

Petitioner Exhibits:

- 1048 -** Exhibit No. 1 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1049 -** Certified English Translation of Exhibit No. 1 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1050 -** Certification of Translation of Exhibit No. 1 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1051 -** Exhibit No. 2 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1052 -** Certified English Translation of Exhibit No. 2 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.

- 1053 -** Certification of Translation of Exhibit No. 2 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1054 -** Exhibit No. 3 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1055 -** Certified English Translation of Exhibit No. 3 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1056 -** Certification of Translation of Exhibit No. 3 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1057 -** Exhibit No. 4 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1058 -** Certified English Translation of Exhibit No. 4 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading*

Techs. Int'l, Inc., CBM2015-00179, -00181, and -00182, June 17, 2016.

- 1059 -** Certification of Translation of Exhibit No. 4 from the Deposition of Atushi Kawashima, *IBG, LLC et al. v. Trading Techs. Int'l, Inc.*, CBM2015-00179, -00181, and -00182, June 17, 2016.
- 1072 -** Commodity Futures Trading Commission Strategic Plan, 2007-2012.
- 1073 -** INTEX Trading Screen.
- 1074 -** Maidenberg, H.J., "Futures/Options; Automation in Trading," *The New York Times*, December 10, 1984.
- 1077 -** Growth and Change in the Eighties, New York Stock Exchange Annual Report, 1983.
- 1078 -** Terrell, E., "History of the American and NASDAQ Stock Exchanges," Business Reference Services, September 2006.
- 1079 -** Rustin, R., "Stock Exchange's New Home May Feature Push-Button Trades Via Private Offices," *The Wall Street Journal*, May 13, 1969.

I. OBJECTIONS TO EXHIBITS 1048, 1051, 1054, AND 1057

Exhibits 1048, 1051, 1054, and 1057 are exhibits that were marked and presented during the June 17, 2016 deposition of Atushi Kawashima taken in connection with proceedings CBM2015-00179, -00181, and -00182. These exhibits were improperly marked and presented during this deposition because they were beyond the scope of Patent Owner's cross-examination of Mr. Kawashima. Patent Owner timely objected to these exhibits as being beyond the scope of cross-examination. Ex. 2163, 47:20-22. Patent Owner thus renews its objection herein under **FRE 611**.

Patent Owner further objects to Exhibits 1048, 1051, 1054, and 1057 to the extent that Petitioners rely on their contents for the truth of the matters asserted therein. Exhibits 1048, 1051, 1054, and 1057 are inadmissible hearsay under **FRE 801 and 802**, and no exception applies. Further, Petitioners have submitted no evidence that sufficiently authenticates Exhibits 1048, 1051, 1054, and 1057 rendering these Exhibits inadmissible under **FRE 901**. Patent Owner also objects to Exhibits 1048, 1051, 1054, and 1057 as lacking any tendency to make any fact at issue in this proceeding more or less probable. These Exhibits are therefore inadmissible under **FRE 401 and 402**, or in the alternative, under **FRE 403** as prejudicial and a waste of time.

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