

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

CBM2016-00087
Patent No. 7,412,416

**PETITIONERS' OBJECTIONS TO
PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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IBG LLC, Interactive Brokers LLC, TradeStation Group, Inc., and

TradeStation Securities, Inc. (collectively, "Petitioners") 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 February 22,

2017. Petitioners ask the Patent Trial and Appeal Board to deny the admission and

consideration of the following documents on the following bases:

TT Exhibit No.	Description
Exhibit 2007	Meyers, Brad A. "A Brief History of Human-Computer Interaction Technology." Interactions 5.2 (1998): 44-54
Exhibit 2052	University of Washington Web Page Print out, Human-Computer Interaction Degree Option
Exhibit 2053	Rochester Institute of Technology Web Page Print out, Masters in Human Computer Interaction
Exhibit 2054	Rensselaer Polytechnic Institute Web Page Print out, M.S. in Human-Computer Interaction
Exhibit 2055	Tufts University Web Page Print out, Human-Computer Interaction Certificate Program
Exhibit 2056	Georgia Institute of Technology Web Page Print out, Human-Computer Interaction Master's Program

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Exhibit 2057	DePaul University Web Page Print out, Master of Science Human-Computer Interaction
Exhibit 2058	Carnegie Mellon University Web Page Print out, Masters of Human-Computer Interaction
Exhibit 2119	<i>TradeStation Group, Inc., et al. v. Trading Techs. Int'l, Inc.</i> , Case No. CBM2015-000161, Paper 002, Petition for Covered Business Method Review U.S. Patent No. 6,766,304 (Jul. 20, 2016)
Exhibit 2121	Class 705, Data Processing: Financial, Business Practice, Management, or Cost/Price Determination, Classification Definitions (January 2012): 1-53
Exhibit 2122	<i>TradeStation Group, Inc., et al. v. Trading Techs. Int'l, Inc.</i> , Case No. CBM2015-000161, Paper 029, Institution Decision (Jan. 27, 2016)
Exhibit 2126	Senate Congressional Record, S5402-S5443 (Sept. 8, 2011)
Exhibit 2127	Senate Congressional Record, S1360-S1394 (Mar. 8, 2011)
Exhibit 2165	Deposition Transcript of Kendyl A. Roman, dated May 3, 2016
Exhibit 2166	Deposition Transcript of Kendyl A. Roman, dated May 5, 2016
Exhibit 2168	Declaration of Eric Gould-Bear, with Exhibits 1-3, 2/22/2017

Exhibit 2169	Declaration of Christopher Thomas, 2/21/2017
Exhibit 2174	Declaration of Dan Olsen, 2/15/2017
Exhibit 2201	Christopher Thomas CV
Exhibit 2204	Microsoft DNA Case Study
Exhibit 2206	Excerpts from Interactive Brokers Group, Inc. Form 10-K Statement, IBG_00000412-421
Exhibit 2207	Excerpts from TradeStation Group, Inc. Form 10-K Statement, TS0005177-88
Exhibit 2209	Globex User Guide June 1995
Exhibit 2297	National Aeronautics and Space Administration Web Page Print out, Human Computer Interaction Group
Exhibit 2412	<i>Trading Techs. Int'l. Inc., v. CQG, Inc., et. al.</i> , Case No. 16- 1616, Dkt. 22 Opening Brief of Appellants (April 25, 2016)
Exhibit 2413	<i>Trading Techs. Int'l. Inc., v. CQG, Inc., et. al.</i> , Case No. 16- 1616, Dkt. 42 Reply Brief of Appellants (August 24, 2016)
Exhibit 2539	U.S. Patent No. 6,772,132 B1

FRE ARTICLE IV – RELEVANCE AND ITS LIMITS

Petitioners object to TT Exhibit Nos. 2007, 2052-2058, 2119, 2121, 2122,
 2126, 2127, 2165, 2166, 2168, 2169, 2174, 2204, 2206, 2207, 2209, 2297, 2412,

2413, and 2539 as irrelevant under 401 and thus inadmissible under FRE 402

because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, broadest reasonable interpretation of the claims, or obviousness of the claims in view of the prior art, or because any probative value associated therewith is substantially outweighed by a danger of unfair prejudice, confusing the issues, or a waste of time under FRE 403.

FRE ARTICLE VI – WITNESSES

Petitioners object to TT Exhibit Nos. 2168 for lack of foundation. Patent Owner has not shown that the declarant has personal knowledge of the subject matter of the testimony as required by FRE 602.

FRE ARTICLE VII – OPINIONS AND EXPERT TESTIMONY

Petitioners object to TT Exhibit Nos. 2168, 2169, and 2174 to the extent any portion thereof offers opinion under FRE 701–703. The declarant is not qualified to offer expert testimony, the testimony is not based on sufficient facts or data, nor on scientific, technical, or other specialized knowledge, and there is no indication that declarant has the expertise necessary to apply the law to the facts as would be necessary to opine under FRE 702. Further, there is no indication that the declarant based those opinions on facts or data upon which an expert in the relevant field would reasonably rely. FRE 703. Further, the declarant's testimony falls outside acceptable lay opinion testimony under FRE 701. A party may not evade the expert

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