

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.,

Petitioner,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,

Patent Owner.

Case CBM2016-00087
U.S. Patent 7,412,416 B2

**Patent Owner's Objections to
Evidence Pursuant to 37 C.F.R. § 42.64**

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

Petitioner Exhibits:

- 1010 (Transcript of the Deposition of Christopher Thomas, April 25, 2015, from CBM2014-00131; -00133; -00135; and -00137);
- 1011 (Redacted Second Corrected Expert Report of Christopher Thomas, *Trading Technologies International, Inc. v. CQG, Inc.*, Case No. 1:05-CV-04811 (N.D. Ill. Dec. 12, 2013) (“Thomas Report”)
- 1012 (Expert Declaration of Kendyl A. Roman);
- 1015 (“Futures/Option Purchasing System Trading Terminal Operation Guidelines,” Tokyo Stock Exchange);
- 1016 (Certified Translation of “System for Buying and Selling Futures and Options Transaction Terminal Operational Guidelines”);
- 1017 (Certificate of Translation for “System for Buying and Selling Futures and Options Transaction Terminal Operational Guidelines”);
- 1018 (Deposition Transcript of Atsushi Kawashima, *Trading Techs. Int’l, Inc., v. eSPEED, Inc.*, Case No. 04-cv-5312, United States District Court, Northern District of Illinois, Eastern Division, dated November 21, 2005);

- 1019 (U.S. Patent No. 5,619,631 to Schott);
- 1020 (U.S. Patent No. 5,646,992 to Subler *et al.*);
- 1022 (U.S. Patent No. 5,136,501 to Silverman *et al.*);
- 1023 (U.S. Patent No. 5,297,031 to Gutterman *et al.*);
- 1024 (WO 90/11571 to Belden);
- 1025 (Mark J. Powers, "Starting Out in Futures Trading," Sixth Edition, 2001);
- 1026 (History of the American and NASDAQ Stock Exchanges);
- 1027 (Weiss, "After the Trade is Made");
- 1029 (Cooper, "About Face: The Essentials of User Interface Design," First Edition, 1995);
- 1030 (Shneiderman, "Designing the User Interface: Strategies for Effective Human-Computer Interaction," Third Edition, 1998);
- 1033 (Arms, Jr., "Profits in Volume- Equivolume Charting," 1971);
- 1035 (Inside Macintosh, Promotional Edition, Apple Computer, Inc., 1985);

- 1036 (Valerie Illingworth, and I. C. Pyle, Dictionary of Computing (4th Ed, Oxford University Press, 1996));
- 1037 (U.S. Patent No. 1,760,287 to Schippers;
- 1040 (Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998); and
- 1042 (U.S. Patent No. 5,347,452 to Bay, Jr.).

I. OBJECTION TO PETITIONER EXHIBIT 1012

Patent Owner objects to Exhibit 1012 because it contains unreliable testimony under **FRE 702** and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). In particular, Mr. Román’s declaration includes numerous purported “expert” opinions on matters about which Mr. Román is not qualified to offer such “expert” testimony. Mr. Román has insufficient knowledge, skill, experience, training, and education regarding trading and/or trading GUI design. Yet Mr. Román repeatedly opines about the understanding of a person of ordinary skill in the art in the relevant time period with respect to such subjects. *See, e.g.*, ¶¶ 55, 75, 78, 81, 85-88, 93, 96, 100, 101, 107, 109-112, 115-117, 130, 137, 141, 142, 144, 149, 151, 153, 154, and 165.

II. OBJECTION TO PETITIONER EXHIBITS 1010-1011, 1015-1019, 1020, 1022, 1023-1027, 1029, 1030, 1033, 1035-1037, 1040, 1042

Patent Owner objects to Exhibits 1010-1011, 1015-1019, 1020, 1022, 1023-1027, 1029, 1030, 1033, 1035-1037, 1040, and 1042 to the extent that Petitioner relies on their contents for the truth of the matters asserted therein. Exhibits 1010-1011, 1015-1019, 1022, 1025-1027, 1029, 1030, 1033, 1035-1037, 1040, and 1042 are inadmissible hearsay under **FRE 801 and 802**, and no exception applies.

III. OBJECTION TO PETITIONER EXHIBITS 1015, 1016, and 1017

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.