UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GAIN CAPITAL HOLDINGS, INC.,
Petitioner,

v.

OANDA CORPORATION,
Patent Owner.

_____

Case No. CBM2020-00021
Patent No. 8,392,311
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DECLARATION OF IVAN ZATKOVICH

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I, Ivan Zatkovich, hereby declare:

I.   INTRODUCTION

1.   I have been retained by counsel for OANDA Corporation ("OANDA") to provide opinions on subject matter eligibility issues concerning the claims of U.S. Patent No. 8,392,311 entitled "CURRENCY TRADING SYSTEM, METHODS, AND SOFTWARE" (the "'311 Patent" or "Patent-in-Suit").

2.   This declaration is a rebuttal to Petitioner Gain Capitol Holdings, Inc.'s ("GAIN") Covered Business Model (CBM) Petition CBM2020-00021 for the '311 Patent ("Petition"). I have been asked to opine on the subject matter eligibility of the Patent-in-Suit under 35 U.S.C. § 101 taking into account legal guidance provided by counsel for OANDA and my evaluation of the Patent-in-Suit. I have also been retained by OANDA to offer an expert opinion on U.S. Patent Nos. 7,146,336 and 7,496,534.

3.   My opinions are set forth below. I make these statements based upon facts and matters within my own knowledge or on information provided to me. All such facts and matters are true to the best of my knowledge and belief. I am being paid $585 per hour for my work on this matter, and my pay is in no way dependent upon the content of my opinions or the results of my work. A list of materials I considered in forming these opinions is included at the end of this declaration.

II. BACKGROUND AND QUALIFICATIONS

4. A copy of my *curriculum vitae* with a list of cases where I have been retained in the past five years is submitted as EX2012.

5. I received a Bachelor's degree in Computer Science, with a minor in Electrical Engineering Digital Circuit Design, from the University of Pittsburgh in 1980. I completed a Master's thesis in Computer Networks in 1981 at the University of Pittsburgh, the results of which were published in Byte Magazine. My Master's thesis involved designing a heterogeneous network architecture that allowed substantially different computer systems to communicate with a common command interface.

6. I have over 35 years of experience in the fields of computer science and computer network architecture involving a diverse set of implementations including the following: telecommunications, eCommerce, financial transaction systems including trading and investments systems, banking and payment network systems, currency exchange rates, and secure electronic transactions.

7. I have been a Principal Consultant with eComp Consultants for over ten years. eComp Consultants provides professional consulting services relating to computer and technical matters in a wide range of industries including embedded internet systems, cellular telephony, and eCommerce and financial transactions. These consulting services are wide ranging, include working with clients, such as Amazon.com, Microsoft, GEICO, Verizon, and McGraw-Hill, on specific

information technology projects, process improvement, project management, and other technology issues.

8.   At eComp Consultants, I have been frequently called upon to provide my expert opinion on matters in patent disputes. I have been qualified as a technical expert in over 24 matters and have specifically analyzed and testified about computer systems for managing and tracking shipments and supply chain and logistics management. A complete list of the cases in which I have testified in the last five years is included in my resume.

9.   In my professional career, I have worked for companies such as Digital Equipment Corp., GTE Data Services (now Verizon), and Eva-Tone, Inc. on projects designing, developing, and integrating software and hardware for major computer and telecommunications systems and networks, and on projects designing and developing eCommerce, financial and payment systems, and web publishing systems.

10.   I have designed, implemented, and/or managed specific projects related to the technology of the Patent-in-Suit including the following:

- **IMR Global** – eBusiness Manager designing and implementing financial applications for:
  - **ETrade** – Developed initial version of ETrade's online securities trading system. Implemented transaction for matching security interests with limit and stop orders.

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