

No. 2016-120

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

IN RE TRADING TECHNOLOGIES INTERNATIONAL, INC.,
PETITIONER.

On Petition for a Writ of Mandamus to the United States Patent and Trademark
Office, Patent Trial and Appeal Board, Case CBM2015-00161

**MOTION OF AMICI CURIAE BGC PARTNERS, INC. AND CANTOR
FITZGERALD, L.P. FOR EXTENSION OF TIME TO FILE AMICUS
BRIEF IN SUPPORT OF PETITIONER TRADING TECHNOLOGIES
INTERNATIONAL, INC.**

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Attorneys for Amici Curiae BGC Partners, Inc. & Cantor Fitzgerald, L.P.

Pursuant to Federal Circuit Rule 26(b), BGC Partners, Inc. and Cantor Fitzgerald, L.P (collectively “Movants”) respectfully request a six-day extension, from March 15 to March 21, 2016, to file an amicus brief in favor of the Petition. Movants have not previously asked for an extension of time in this matter.

The parties have consented to the filing of amicus briefs in this matter. Because he only became aware of the need for this relief after business hours today, however, counsel for Movants has not contacted counsel for the parties to seek their consent to this extension.

Movants request this extension because although the undersigned counsel, who was retained after the filing of the Petition on March 8, has drafted an amicus brief, it has not yet received all required organizational approvals for filing. (Rosen Decl.)

The requested extension should not delay the proceeding as no action has yet been taken with respect to the Petition.

Movant BGC Partners, Inc. (“BGC”) is a publicly-owned holding company of global brokerage businesses primarily servicing wholesale financial and real estate markets. BGC is a creation of Cantor Fitzgerald, L.P. (“Cantor”), a preeminent capital markets investment bank and brokerage business founded in 1945. In the 1970s, Cantor pioneered the use of “screen brokerage” in the secondary (*i.e.*, post-auction) United States Treasury securities market, bringing a

measure of transparency to the market by making price quotes and other market data widely available to traders, brokers, and (through the Telerate service) the public. In the 1990s, Cantor and BGC (then known as eSpeed, Inc.) created the first fully electronic trading platform for government fixed income instruments.

Movants respectfully submit that their perspective and brief will aid the Court in its consideration of the Petition.

Respectfully submitted,

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**DECLARATION OF GARY A. ROSEN IN SUPPORT OF MOTION OF
AMICI CURIAE BGC PARTNERS, INC. AND CANTOR FITZGERALD,
L.P. FOR EXTENSION OF TIME TO FILE AMICUS BRIEF**

I, Gary A. Rosen, declare as follows:

1. I am counsel for Movants BGC Partners, Inc. and Cantor Fitzgerald, L.P. in connection with this Petition. The following is within my personal knowledge, and if sworn as a witness, I would competently testify thereto.

2. I make this declaration as required by Fed. Cir. R. 26(b)(1) in support of Amici's Motion for Extension of Time to show cause for an extension sought less than seven days before the date to be extended.

3. I was retained by the Movants to draft an amicus brief in support of the Petition shortly after the Petition was filed on March 8, 2016. I have drafted the amicus brief, which is due today, March 15, but learned after business hours from in-house counsel for the Movants that not all required organizational approvals have been obtained for its filing. I am advised that it should take no more than a few days to obtain the required approvals. The requested six-day extension should be sufficient for this purpose.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Gary A. Rosen
Gary A. Rosen

CERTIFICATE OF INTEREST

Counsel for Amici Curiae BGC Partners, Inc. and Cantor Fitzgerald, L.P. certifies the following:

1. The full name of every party or *amicus curiae* represented by me is: BGC Partners, Inc. and Cantor Fitzgerald, L.P.

2. The name of the real party in interest (if the parties named in the caption are not the real parties in interest) represented by me is: *See* response to number 1.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are: BGC Partners, Inc. is publicly held. CF Group Management, Inc. (the managing general partner of Cantor Fitzgerald, L.P.) beneficially owns 10% or more of the stock of BGC Partners, Inc.

4. The names of all law firms and the partners or associates that appeared for the party or *amicus curiae* now represented by me in the trial court or agency or are expected to appear in this Court are:

Law Offices of Gary A. Rosen, P.C.

Gary A. Rosen

CERTIFICATE OF SERVICE

I certify that on March 15, 2016 I electronically filed the foregoing motion using the Court's CM/ECF system, which will serve e-mail notice of such filing on counsel of record.

/s/ Gary A. Rosen

GARY A. ROSEN