

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HFT SOLUTIONS, LLC,

Plaintiff / Counterclaim Defendant,

v.

JUMP TRADING, LLC,

Defendant / Counterclaim Plaintiff.

Case No. 1:24-cv-13214

Hon. John J. Tharp, Jr.

Hon. Daniel P. McLaughlin

JURY TRIAL DEMANDED

**DEFENDANT JUMP TRADING, LLC'S RESPONSE TO PLAINTIFF'S MOTION TO
VACATE THE *MARKMAN* HEARING**

Defendant Jump Trading, LLC ("Jump Trading") respectfully submits this Response to the motion filed by Plaintiff HFT Solutions, LLC ("HFT") seeking to vacate the claim construction hearing currently scheduled for April 20, 2026. While Jump Trading takes no position on vacating the hearing and does not wish to unnecessarily burden the Court, HFT's motion is misleading, fails to disclose critical facts to this Court, and is part of a broader pattern of gamesmanship that appears designed to delay this litigation.

On February 3, 2026, this Court set a *Markman* hearing for April 20, 2026 to address the proper construction of two claim terms from U.S. Patent No. 11,128,305 (the "'305 Patent"). In the weeks preceding the hearing, the parties engaged in discussions regarding the scope of HFT's infringement contentions and the continued viability of HFT's claims. During those discussions, HFT's counsel made a critical admission to Jump Trading's counsel: HFT's expert's review of Jump Trading's source code gave HFT "pause" about the viability of its claims. HFT appears to have recognized what Jump Trading has been telling it for months: Jump Trading does not infringe any of the three patents asserted in this litigation.

Despite this admission, HFT did not move to dismiss its claims. Instead, HFT stated that

it wished to take “limited discovery” to confirm that the code its expert reviewed is, in fact, the only relevant code Jump Trading uses with the accused board. Jump Trading offered to provide a sworn declaration to that effect. HFT, however, was not satisfied with a sworn declaration and insisted that it needs to take a deposition.

Setting aside the logistics of any proposed “limited discovery,” Jump Trading attempted in good faith to meet and confer with HFT in the hopes of filing a joint motion that would save the Court and the parties from expending resources on claim construction but that would provide context to the Court as to the reason for the unusual last-minute request. Specifically, Jump Trading was willing to agree to vacate the *Markman* hearing but asked only that HFT advise the Court that, upon confirmation of the information regarding Jump Trading’s code, the case would be dismissed in its entirety—across all three asserted patents. This was a reasonable request that would have given the Court a full and accurate picture of the status of this litigation.

Unfortunately, HFT refused. During the course of negotiating the terms of a proposed joint motion, HFT reneged on an offer to indicate it would likely dismiss the claims arising from all three asserted patents. Even that offer, however, was insufficient—HFT’s only claims in this case are for alleged infringement of the three asserted patents, so HFT should have been willing to indicate it will dismiss the case in its entirety. But HFT would not do so. Attached to this Response are four documents reflecting the negotiations. Exhibit A is a copy of the last redline Jump Trading proposed to HFT, reflecting Jump Trading’s agreement to join the motion provided that the motion indicated that the case would be dismissed. Exhibit B is a copy of the redline HFT provided in response to Exhibit A, reflecting HFT’s willingness to dismiss only the claims arising from all three asserted patents. Exhibit C is an email from Jump Trading to HFT explaining why it felt that the context for the Court was necessary, and Exhibit D is HFT’s response. In the end, the motion

HFT filed with the Court references only the possibility of dismissing the '305 Patent, when HFT knows full well that the non-infringement issue extends to all three asserted patents, and its only claims in this case relate to those three patents. Thus, HFT's refusal to indicate it will dismiss the case in its entirety is puzzling.

Indeed, this is not a case where discovery might reveal new facts pertaining to alleged infringement at some uncertain future date. HFT already knows—based on the contentions served and its own expert's review of the source code underlying those contentions—that Jump Trading does not use an off-the-FPGA jitter cleaner, a feature that is required for every asserted claim across all three asserted patents. Thus, the non-infringement conclusion is not limited to the two claim terms at issue in the *Markman* hearing or even to the '305 Patent alone. The absence of an off-the-FPGA jitter cleaner in the accused board Jump Trading uses applies to each and every asserted claim from all three asserted patents in this case.

In short, HFT's motion, while suggesting cooperation, is nothing more than an attempt to delay this case. Rather than accepting the implications of its own expert's review and moving to dismiss, HFT seeks to push the *Markman* hearing to an indefinite future date while it conducts unnecessary additional discovery. HFT's proposed timeline—waiting until June 9, 2026, to “address the status of [the parties] discussions”—would waste nearly two months of the Court's and the parties' time on a case that lacks merit.

Jump Trading wants to avoid the Court having to expend unnecessary resources on claim construction issues pertaining to a patent that HFT plans to dismiss, and thus Jump Trading does not expressly oppose the relief sought by HFT's motion (i.e., vacating the *Markman* hearing), but it strongly opposes any litigation gamesmanship HFT may attempt as a result of vacating the hearing. Jump Trading thus makes this submission to provide a full picture to the Court. Jump

Trading should not be forced to remain under the cloud of this litigation while HFT engages in dilatory tactics. If, having reviewed the relevant source code, HFT recognizes that Jump Trading does not infringe—as its statement to counsel indicates—then HFT should dismiss this case instead of prolonging it by demanding unnecessary discovery.

Dated: April 16, 2026

Respectfully submitted,

By: /s/ Matthew J. Hertko

William E. Devitt
Matthew J. Hertko
JONES DAY
110 N. Wacker Drive, Suite 4800
Chicago, IL 60606
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
Email: wdevitt@jonesday.com
mhertko@jonesday.com

Stephanie M. Mishaga
JONES DAY
4655 Executive Drive, Suite 1500
San Diego, CA 92121
Telephone: (858) 314-1200
Facsimile: (844) 345-3178
Email: smishaga@jonesday.com

*Counsel for Defendant and Counterclaim
Plaintiff Jump Trading, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2026 a copy of the foregoing was filed using the CM/ECF system, which will effectuate service on all counsel of record.

/s/ Matthew J. Hertko

Matthew J. Hertko

*Counsel for Defendant and Counterclaim
Plaintiff Jump Trading, LLC*