UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies International, Inc., Plaintiff, v. IBG LLC, Interactive Brokers Group, Inc., IBG Holdings LLC, and Interactive Brokers LLC, Defendants.	Civil Action No. 10-CV-721 Judge Milton I. Shadur Magistrate Judge Maria Valdez

AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Trading Technologies International, Inc. ("Trading Technologies"), for its amended complaint against Defendants IBG LLC, Interactive Brokers Group, Inc., IBG Holdings LLC, Interactive Brokers LLC, (collectively "IBG"), states as follows:

PARTIES

1. Plaintiff Trading Technologies is a Delaware Corporation with a principal place of business at 222 South Riverside Plaza, Suite 1100, Chicago, Illinois 60606.

2. Defendant IBG LLC is a Delaware Corporation with a principal place of business at One Pickwick Plaza, Greenwich, Connecticut 06830 USA.

3. Defendant Interactive Brokers Group, Inc. is a Delaware Corporation with a principal place of business at One Pickwick Plaza, Greenwich, Connecticut 06830 USA.

4. Defendant IBG Holdings LLC is a Delaware Corporation.

5. Defendant Interactive Brokers LLC is a Connecticut Corporation with a principal place of business at One Pickwick Plaza, Greenwich, Connecticut 06830 USA.

6. Defendants IBG have a corporate headquarters at One Pickwick Plaza, Greenwich, Connecticut 06830 USA.

7. IBG Holdings LLC has a ninety percent voting interest in Interactive Brokers Group, Inc. *See* Exhibit A. Interactive Brokers Group, Inc. has a ten percent economic interest in IBG LLC. *See id.* In turn, IBG LLC is a direct holding company for Interactive Brokers LLC. *Id.*

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the acts of Congress relating to patents, namely the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq*. This Court thereby has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Defendants IBG regularly conduct business in this district. Defendants' trading software, including at a minimum the Trader Workstation software ("the IB software"), that provides access to exchanges in this district, including the Chicago Board of Trade ("CBOT"), the Chicago Mercantile Exchange ("CME"), the Chicago Board Options Exchange ("CBOE"), and OneChicago The Single Stock Futures Exchange. Therefore, this Court has general jurisdiction over Defendants IBG.

10. Defendants IBG have committed and continue to commit acts of patent infringement in this district through the manufacturing, sale, offer for sale, and/or use of the IB software, *see, e.g.*, Exhibit B (excerpts from Trader WorkStation manual). Therefore, this Court has specific jurisdiction over Defendants IBG.

11. Defendants IBG maintain an office in this district at 209 South LaSalle Street, 10th Floor, Chicago, Illinois 60604, and, as such, they are subject to personal jurisdiction in this district. Therefore, this District is a proper venue pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 6,766,304

12. Plaintiff Trading Technologies is the owner of U.S. Patent No. 6,766,304 ("the '304 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which was duly and legally issued on July 20, 2004. A true and correct copy of the '304 patent is attached as Exhibit C.

13. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '304 patent.

14. Plaintiff Trading Technologies has never licensed Defendants IBG under the '304 patent nor otherwise authorized Defendants IBG to practice the '304 patent.

15. Defendants IBG have and continue to infringe the '304 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '304 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

16. Defendants IBG have and continue to promote, advertise and instruct customers and potential customers about their products and how to use their products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

17. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

18. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '304 patent in violation of 35 U.S.C. §271(b) and (c).

19. Defendants' infringement of the '304 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 6,772,132

20. Plaintiff Trading Technologies incorporates paragraphs 1-19 as if set forth in full.

21. Plaintiff Trading Technologies is the owner of U.S. Patent No. 6,772,132 ("the '132 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which was duly and legally issued on August 3, 2004. A true and correct copy of the '132 patent is attached as Exhibit D.

22. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '132 patent.

23. Plaintiff Trading Technologies has never licensed Defendants IBG under the '132 patent nor otherwise authorized Defendants IBG to practice the '132 patent.

24. Defendants IBG have and continue to infringe the '132 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '132 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

25. Defendants IBG have and continue to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

26. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

27. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '132 patent in violation of 35 U.S.C. §271(b) and (c).

28. Defendants' infringement of the '132 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

COUNT III:
INFRINGEMENT OF U.S. PATENT NO. 7,212,999

29. Plaintiff Trading Technologies incorporates paragraphs 1-28 as if set forth in full.

30. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,212,999 ("the '999 patent"), titled "User Interface for an Electronic Trading System," which was duly and legally issued on May 1, 2007. A true and correct copy of the '999 patent is attached as Exhibit E.

31. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '999 patent.

32. Plaintiff Trading Technologies has never licensed Defendants IBG under the '999 patent nor otherwise authorized Defendants IBG to practice the '999 patent.

33. Defendants IBG have and continue to infringe the '999 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '999 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

34. Defendants IBG have and continue to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

35. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

36. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '999 patent in violation of 35 U.S.C. §271(b) and (c).

37. Defendants' infringement of the '999 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

COUNT IV:
INFRINGEMENT OF U.S. PATENT NO. 7,412,416

38. Plaintiff Trading Technologies incorporates paragraphs 1-37 as if set forth in full.

39. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,412,416 ("the '416 patent"), titled "User Interface for an Electronic Trading System," which was duly and legally issued on Aug. 12, 2008. A true and correct copy of the '416 patent is attached as Exhibit F.

40. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '416 patent.

41. Plaintiff Trading Technologies has never licensed Defendants IBG under the '416 patent nor otherwise authorized Defendants IBG to practice the '416 patent.

42. Defendants IBG have and continue to infringe the '416 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '416 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

43. Defendants IBG have and continue to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

44. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

45. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '416 patent in violation of 35 U.S.C. §271(b) and (c).

46. Defendants' infringement of the '416 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

COUNT V:
INFRINGEMENT OF U.S. PATENT NO. 7,533,056

47. Plaintiff Trading Technologies incorporates paragraphs 1-46 as if set forth in full.

48. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,533,056 ("the '056 patent"), titled "User Interface for an Electronic Trading System," which was duly and legally issued on May 12, 2009. A true and correct copy of the '056 patent is attached as Exhibit G.

49. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '056 patent.

50. Plaintiff Trading Technologies has never licensed Defendants IBG under the '056 patent nor otherwise authorized Defendants IBG to practice the '056 patent.

51. Defendants IBG have and continue to infringe the '056 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '056 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

52. Defendants IBG have and continue to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of

the websites www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

53. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

54. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '056 patent in violation of 35 U.S.C. §271(b) and (c).

55. Defendants' infringement of the '056 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

COUNT VI:
INFRINGEMENT OF U.S. PATENT NO. 7,676,411

56. Plaintiff Trading Technologies incorporates paragraphs 1-55 as if set forth in full.

57. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,676,411 ("the '411 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which was duly and legally issued on March 9, 2010. A true and correct copy of the '411 patent is attached as Exhibit H.

58. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '411 patent.

59. Defendants IBG infringe the '411 patent by making, using, selling and/or offering for sale products, including at a minimum the IB software, covered by claims of the '411 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

60. Defendants IBG promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites

www.interactivebrokers.com and distribution of manuals, release notes and tutorials. *See, e.g.*, Ex. B.

61. Defendants' products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

62. Defendants' actions constitute active inducement of and contributory infringement of the '411 patent in violation of 35 U.S.C. §271(b) and (c).

63. Defendants' infringement of the '411 patent causes irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

RELIEF REQUESTED

THEREFORE, Plaintiff Trading Technologies prays for judgment and relief including:

(A) Judgment that Defendants IBG have been and are infringing one or more of the claims of the '304, '132, '999, '416, '056, and '411 patents pursuant to 35 U.S.C. §§ 271(a), (b) and (c);

(B) A preliminary and permanent injunction enjoining Defendants IBG and their officers, agents, servants, employees, attorneys, related business entities and those in active concert or participation with them from infringing the '304, '132, '999, '416, '056, and '411 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendants IBG's infringement of the '304, '132, '999, '416, '056, and '411 patents;

(D) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment interest against Defendants IBG; and

(E) Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff Trading Technologies demands trial by jury on all issues so triable.

Respectfully submitted,

Date: March 9, 2010

By: s/ Kirsten L. Thomson

Leif R. Sigmond, Jr. (ID No. 6204980)
(sigmond@mbhb.com)
Matthew J. Sampson (ID No. 6207606)
(sampson@mbhb.com)
Michael D. Gannon (ID No. 6206940)
(gannon@mbhb.com)
S. Richard Carden (ID No. 6269504)
(carden@mbhb.com)
Jennifer M. Kurcz (ID No. 6279893)
(kurcz@mbhb.com)
Kirsten L. Thomson (ID No. 6293943)
(thomson@mbhb.com)
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Tel.: (312) 913-0001
Fax: (312) 913-0002

Steven F. Borsand (ID No. 6206597)
(Steve.Borsand@tradingtechnologies.com)
Trading Technologies International, Inc.
222 South Riverside
Suite 1100
Chicago, IL 60606
Tel: (312) 476-1000
Fax: (312) 476-1182

Attorneys for Plaintiff,
TRADING TECHNOLOGIES INTERNATIONAL, INC.