

- UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JURISDICTION AND VENUE

5. 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).

6. Defendant CQG has a regional office in this district at 311 S. Wacker, Suite 6100, Chicago, IL 60606. Defendant CQG also regularly conducts business in this district. Defendant CQG provides trading software that is for use with the exchanges in this district, including the Chicago Board of Trade ("CBOT") and the Chicago Mercantile Exchange ("CME"). This Court has jurisdiction generally over Defendant CQG.

7. Defendant CQGT is a wholly-owned subsidiary of CQG.

8. Defendants have committed and continue to commit acts of patent infringement in this district, through the manufacturing, sale, offer for sale and/or use of trading software and charting software, including at a minimum CQG's Integrated Client and CQGTrader software ("the CQG software"). *See, e.g.,* Exs. A-B. Therefore, this Court has specific jurisdiction over Defendants.

9. Defendants reside in this district, because 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. 7,127,424

10. Plaintiff Trading Technologies incorporates paragraphs 1-9 as if set forth in full.

11. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,127,424 ("the '424 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth and Price

Consolidation,” which was duly and legally issued on October 4, 2006. A true and correct copy of the ‘424 patent is attached as Exhibit C.

12. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the ‘424 patent.

13. Plaintiff Trading Technologies has never licensed Defendants under the ‘424 patent nor otherwise authorized Defendants to practice the ‘424 patent.

14. Defendants have infringed and continue to infringe one or more claims of the ‘424 patent by making, using, selling and/or offering for sale products covered by claims of the ‘424 patent, including at a minimum the CQG software, without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a). *See, e.g.*, Exs. A-B.

15. Defendants have in the past and continue to promote, advertise and instruct customers and potential customers about the CQG products and uses of the products, including infringing uses. Defendants’ promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.cqg.com and the distribution of user guides and tutorials. *See, e.g.*, Exs. A-B.

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

17. Defendants’ actions have and continue to constitute active inducement of and contributory infringement of the ‘424 patent in violation of 35 U.S.C. §271(b) and (c).

18. Defendants’ infringement of the ‘424 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. 7,212,999**

19. Plaintiff Trading Technologies incorporates paragraphs 1-18 as if set forth in full.

20. 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 D.

21. 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.

22. Plaintiff Trading Technologies has never licensed Defendants under the ‘999 patent nor otherwise authorized Defendants to practice the ‘999 patent.

23. Defendants have infringed and continue to infringe one or more claims of the ‘999 patent by making, using, selling and/or offering for sale products covered by claims of the ‘999 patent, including at a minimum the CQG software, without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a). *See, e.g.*, Exs. A-B.

24. Defendants have in the past and continue to promote, advertise and instruct customers and potential customers about the CQG products and uses of the products, including infringing uses. Defendants’ promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.cqg.com and the distribution of user guides and tutorials. *See, e.g.*, Exs. A-B.

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

26. 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).

27. Defendants' infringement of the '999 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. 7,533,056**

28. Plaintiff Trading Technologies incorporates paragraphs 1-27 as if set forth in full.

29. 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 E.

30. 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.

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

32. Defendants have infringed and continue to infringe one or more claims of the '056 patent by making, using, selling and/or offering for sale products covered by claims of the '056 patent, including at a minimum the software, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a). *See, e.g.*, Exs. A-B.

33. Defendants have in the past and continue to promote, advertise and instruct customers and potential customers about the CQG products and uses of the products, including infringing uses. Defendants' promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.cqg.com and the distribution of user guides and tutorials. *See, e.g.*, Exs. A-B.

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

35. 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).

36. Defendants' infringement of the '056 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. 7,676,411**

37. Plaintiff Trading Technologies incorporates paragraphs 1-36 as if set forth in full.

38. 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 F.

39. 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.

40. Plaintiff Trading Technologies has never licensed Defendants CQG under the '056 patent nor otherwise authorized Defendants CQG to practice the '411 patent.

41. Defendants have infringed and continue to infringe one or more claims of the '411 patent by making, using, selling and/or offering for sale products covered by claims of the '411 patent, including at a minimum the software, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a). *See, e.g.*, Exs. A-B.

42. Defendants have in the past and continue to promote, advertise and instruct customers and potential customers about the CQG products and uses of the products, including infringing uses. Defendants' promotion, advertising and instruction efforts include, at a minimum,

the maintenance of the website www.cqg.com and the distribution of user guides and tutorials. *See, e.g.,* Exs. A-B.

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

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

45. Defendants' infringement of the '411 patent has caused 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 have been and are infringing one or more of the claims of the '424, '999, '056, and '411 patents pursuant to 35 U.S.C. §§ 271(a), (b) and (c);

(B) A preliminary and permanent injunction enjoining Defendants and their officers, agents, servants, employees, attorneys, related business entities and those in active concert or participation with them from infringing the '424, '999, '056, and '411 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendants' infringement of the '424, '999, '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; 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/ S. Richard Carden_____

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