

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

Trading Technologies International, Inc.,)	
)	
Plaintiff,)	Civil Action No. 10-CV-929
)	
v.)	Judge Rebecca R. Pallmeyer
)	
Rosenthal Collins Group, LLC,)	Magistrate Judge Maria Valdez
)	
Defendant.)	
)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Trading Technologies International, Inc. (“Trading Technologies”), for its amended complaint against Defendant Rosenthal Collins Group, LLC (“RCG”), 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 RCG is an Illinois Corporation with its corporate headquarters at 216 West Jackson Boulevard, Suite 400, Chicago, Illinois 60606-6918.

JURISDICTION AND VENUE

3. 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).
4. Defendant RCG regularly conducts business in this district. Defendant RCG’s trading software provides access to exchanges in this district, including the Chicago Board of Trade

("CBOT") and the Chicago Mercantile Exchange ("CME"). Defendant RCG has formed and continues to be a part of business partnerships with entities in this district, including licensing its software and intellectual property to the CBOT and the CME. Defendant RCG actively markets, demonstrates, licenses and sells its trading software, including RCG Onyx, in this district. Therefore, this Court has general jurisdiction over Defendant RCG.

5. Defendant RCG has committed and continues to commit acts of patent infringement in this district through the manufacturing, sale, offer for sale, and/or use of, at a minimum, the RCG Onyx software, *see, e.g.*, Exhibit A. Therefore, this Court has specific jurisdiction over Defendant RCG.

6. Defendant RCG maintains an office in this district at 216 West Jackson Boulevard, Suite 400, Chicago, Illinois 60606-6918, and, as such, it is 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. 7,212,999**

7. 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 B.

8. 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.

9. Plaintiff Trading Technologies has never licensed Defendant RCG under the '999 patent nor otherwise authorized Defendant RCG to practice the '999 patent.

10. Defendant RCG has and continues to infringe 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 RCG

Onyx software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

11. Defendant RCG has and continues to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. RCG's promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.rosenthalcollinsgroup.com and the distribution of user guides and tutorials. *See, e.g.*, Ex. A.

12. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

13. Defendant's 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).

14. Defendant's infringement of the '999 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. 7,533,056**

15. Plaintiff Trading Technologies incorporates paragraphs 1-14 as if set forth in full.

16. 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 C.

17. 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.

18. Plaintiff Trading Technologies has never licensed Defendant RCG under the '056 patent nor otherwise authorized Defendant RCG to practice the '056 patent.

19. Defendant RCG has infringed and continues to infringe 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 RCG Onyx software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

20. Defendant RCG has and continues to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. RCG's promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.rosenthalcollinsgroup.com and the distribution of user guides and tutorials. *See, e.g.*, Ex. A.

21. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

22. Defendant's 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).

23. Defendant's 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. 7,587,357**

24. Plaintiff Trading Technologies incorporates paragraphs 1-23 as if set forth in full.

25. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,587,357 ("the '357 patent"), titled "Repositioning of Market Information on Trading Screens," which was duly and legally issued on September 8, 2009. A true and correct copy of the '357 patent is attached as Exhibit D.

26. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '357 patent.

27. Plaintiff Trading Technologies has never licensed RCG under the '357 patent or otherwise authorized RCG to practice the '357 patent.

28. RCG has infringed and continues to infringe one or more claims of the '357 patent by making, using, selling and/or offering for sale products covered by claims of the '357 patent, including at a minimum the RCG Onyx software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

29. RCG has in the past and continues to promote, advertise and instruct customers and potential customers about RCG's products and uses of the products, including infringing uses. RCG's promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.rosenthalcollinsgroup.com and the distribution of user guides and tutorials. *See, e.g.*, Ex. A.

30. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

31. Defendant's actions have and continue to constitute active inducement of and contributory infringement of the '357 patent in violation of 35 U.S.C. §271(b) and (c).

32. Defendant's infringement of the '357 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. 7,613,651**

33. Plaintiff Trading Technologies incorporates paragraphs 1-32 as if set forth in full.

34. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,613,651 (“the ‘651 patent”), titled “Repositioning of Market Information on Trading Screens,” which was duly and legally issued on November 3, 2009. A true and correct copy of the ‘651 patent is attached as Exhibit E.

35. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the ‘651 patent.

36. Plaintiff Trading Technologies has never licensed RCG under the ‘651 patent or otherwise authorized RCG to practice the ‘651 patent.

37. RCG has infringed and continues to infringe one or more claims of the ‘651 patent by making, using, selling and/or offering for sale products covered by claims of the ‘651 patent, including at a minimum the RCG Onyx software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a).

38. RCG has in the past and continues to promote, advertise and instruct customers and potential customers about RCG’s products and uses of the products, including infringing uses. RCG’s promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.rosenthalcollinsgroup.com and the distribution of user guides and tutorials. *See, e.g.*, Ex. A.

39. Defendant’s products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

40. Defendant’s actions have and continue to constitute active inducement of and contributory infringement of the ‘651 patent in violation of 35 U.S.C. §271(b) and (c).

41. Defendant's infringement of the '651 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. 7,676,411**

42. Plaintiff Trading Technologies incorporates paragraphs 1-41 as if set forth in full.

43. 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.

44. 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.

45. RCG infringes 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 RCG Onyx software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

46. RCG promotes, advertises and instructs customers and potential customers about RCG's products and uses of the products, including infringing uses. RCG's promotion, advertising and instruction efforts include, at a minimum, the maintenance of the website www.rosenthalcollinsgroup.com and the distribution of user guides and tutorials. *See, e.g.*, Ex. A.

47. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

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

49. Defendant's 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 Defendant RCG has been and is infringing one or more of the claims of the '999, '056, '357, '651, and '411 patents pursuant to 35 U.S.C. §§ 271(a), (b) and (c);

(B) A preliminary and permanent injunction enjoining Defendant RCG and its officers, agents, servants, employees, attorneys, related business entities and those in active concert or participation with them from infringing the '999, '056, '357, '651, and '411 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendant RCG's infringement of the '999, '056, '357, '651, and '411 patents;

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

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