

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

)	
Trading Technologies International, Inc.,)	
)	Civil Action No. 10-CV-716
Plaintiff,)	
)	
v.)	Judge Rebecca R. Pallmeyer
)	
SunGard Data Systems, Inc.,)	
SunGard Investment Ventures LLC,)	Magistrate Judge Nan R. Nolan
and GL Trade Americas, Inc.,)	
)	
Defendants.)	
)	

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Trading Technologies International, Inc. (“Trading Technologies”), for its second amended complaint against Defendants SunGard Data Systems, Inc. (“SunGard Data”), SunGard Investment Ventures LLC (“SunGard Investments”), and GL Trade Americas, Inc. (“GL Trade Americas”), (collectively “Defendants” or “SunGard”) 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 SunGard Data is a privately-held Delaware corporation with corporate offices at 680 East Swedesford Road, Wayne, Pennsylvania 19087 and an additional office, among others, at One South Wacker Drive, Chicago, Illinois 60606.
3. Defendant SunGard Investments is a Delaware corporation and a wholly-owned subsidiary of SunGard Data with corporate offices at 1105 North Market Street, Wilmington, DE 19801.

4. Defendant GL Trade Americas is a New York Corporation with its principal place of business at 261 Madison Avenue, New York, NY 10016.

5. Defendant GL Trade Americas has a regional office at 440 South LaSalle Street, Suite 2202, Chicago, IL 60605.

JURISDICTION AND VENUE

6. 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).

7. Defendants regularly conduct business in this district. Sungard Data and GL Trade Americas maintain offices in this district. Defendants use, sell, and offer for sale trading software, including at a minimum the GLWin software, that provides access to exchanges in this district, including the Chicago Board of Trade (“CBOT”) and the Chicago Mercantile Exchange (“CME”). *See, e.g.,* Ex. A. This Court has jurisdiction generally over Defendants.

8. Defendants have committed and continue to commit acts of patent infringement in this district. Therefore, this Court has specific jurisdiction over Defendants.

9. Defendants reside in this district, because Defendants 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. 7,212,999**

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. 7,212,999 (“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.

12. 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.

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

14. Defendants have in the past and continue to actively and knowingly aid and abet direct infringement by promoting, advertising, and instructing customers and potential customers about the GL Win software and uses of the product, including infringing uses of the QuickTrade window. Defendants’ promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.sungard.com/financialsystems and www.sungard.com/GlobalTrading and distribution of brochures, manuals and/or tutorials. *See, e.g.*, Ex. A. Defendants engaged in these acts with the actual intent to cause the acts which they knew or should have known would induce actual infringements.

15. Defendants had at least constructive knowledge of the ‘999 patent as of November 15, 2007, when TT added the ‘999 patent to the list of markings that appear on the opening screen of TT’s X_Trader product. Ex. C.

16. Defendants knew or should have known that GL Win software is especially made or especially adapted for use in an infringement of the '999 patent and that there is no substantially non-infringing use of GL Win software's QuickTrade window.

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

18. Defendants' 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**

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. 7,533,056 (“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 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 ‘056 patent.

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

23. Defendants have in the past and continue to actively and knowingly aid and abet direct infringement by promoting, advertising, and instructing customers and potential customers about the GL Win software and uses of the product, including infringing uses of the QuickTrade window. Defendants’ promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.sungard.com/financialsystems and www.sungard.com/GlobalTrading and distribution of brochures, manuals and/or tutorials. *See, e.g.*, Ex. A. Defendants engaged in these acts with the actual intent to cause the acts which they knew or should have known would induce actual infringements.

24. Defendants had at least constructive knowledge of the ‘056 patent as of June 2, 2009, when TT added the ‘056 patent to the list of markings that appear on the opening screen of TT’s X_Trader product. Ex. E.

25. Defendants knew or should have known that GL Win software is especially made or especially adapted for use in an infringement of the '056 patent and that there is no substantially non-infringing use of GL Win software's QuickTrade window.

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

27. 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**

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. 7,676,411 (“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.

30. 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.

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

32. Defendants have in the past and continue to actively and knowingly aid and abet direct infringement by promoting, advertising, and instructing customers and potential customers about the GL Win software and uses of the product, including infringing uses of the QuickTrade window. Defendants’ promotion, advertising, and instruction efforts include, at a minimum, maintenance of the websites www.sungard.com/financialsystems and www.sungard.com/GlobalTrading and distribution of brochures, manuals and/or tutorials. *See, e.g.*, Ex. A. Defendants engaged in these acts with the actual intent to cause the acts which they knew or should have known would induce actual infringements.

33. Defendants knew of U.S. Patent No. 6,772,132 (“the ‘132 patent”) patent as early as October 7, 2005. This is the date on which GL Consultants, Inc. was served the complaint in related Civil Action No. 05-4120 alleging infringement of the ‘132 patent.

34. The '411 patent is a continuation of application No. 11/415,163, which is a continuation of application No. 10/237,131, which is a continuation of the '132 patent and the '411 patent application published November 23, 2006 as U.S. 2006/0265318. In view of Civil Action No. 05-4120 filed against SunGard by the same Plaintiff regarding related products, SunGard would have been tracking any continuations of the '132 patent as a matter of course. Accordingly, SunGard had knowledge of the '411 patent as of its issue date, namely March 9, 2010.

35. Defendants further had constructive knowledge of the '411 patent as of March 24, 2010, when TT added the '411 patent to the list of markings that appear on the opening screen of TT's X_Trader product. Ex. G.

36. Defendants knew or should have known that GL Win software is especially made or especially adapted for use in an infringement of the '411 patent and that there is no substantially non-infringing use of GL Win software's QuickTrade window.

37. In addition, Defendants' actions constitute active inducement of and/or contributory infringement of the '411 patent in violation of 35 U.S.C. §271(b) and (c).

38. 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 have been and are infringing one or more of the claims of the '999, '056, and '411 patents pursuant to 35 U.S.C. §§ 271(a), (b), and/or (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 '999, '056, and '411 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendants' infringement of the '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: September 7, 2010

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**Attorneys for Plaintiff,
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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2010 I electronically filed the foregoing SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons at the given e-mail addresses:

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