

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

Trading Technologies International, Inc.,	)	
	)	
Plaintiff,	)	Civil Action No. 10-CV-882
	)	
v.	)	Judge Virginia M. Kendall
	)	
Stellar Trading Systems, Ltd., and	)	Magistrate Judge Jeffrey Cole
Stellar Trading Systems, Inc.,	)	
	)	
Defendants.	)	
	)	

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

Plaintiff Trading Technologies International, Inc. (“Trading Technologies”), for its amended complaint against Defendants Stellar Trading Systems, Ltd. and Stellar Trading Systems, Inc. (collectively “Stellar”), states as follows:

**THE 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 Stellar Trading Systems, Ltd. is a United Kingdom private limited company headquarters and principal place of business at 1 Royal Exchange Avenue, London EC3V 3LT, United Kingdom.
3. Defendant Stellar Trading Systems, Inc. is a Delaware corporation with headquarters and principal place of business at 101 North Wacker Drive, Suite 110, Chicago, Illinois 60606.

## **JURISDICTION AND VENUE**

4. 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).

5. Stellar has a place of business in this district located at 110 North Wacker Drive, Chicago, Illinois 60606 and regularly conducts business in this district. Stellar provides trading software products (“the Stellar software”), including at a minimum the Stellar front end and in particular the Stellar dynamic depth display module, that provide access to exchanges in this district, including the Chicago Board of Trade (“CBOT”) and the Chicago Mercantile Exchange (“CME”). Exhibit A. This Court has jurisdiction generally over Stellar.

6. Stellar has committed and continues to commit acts of patent infringement in this district, through the manufacturing, sale, offer for sale, and/or use of the Stellar software, see, e.g. Exhibit A. Therefore, this Court has specific jurisdiction over the Stellar.

7. Stellar Trading Systems, Ltd. and Stellar Trading Systems, Inc. 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. 6,766,304**

8. Plaintiff Trading Technologies incorporates paragraphs 1-7 as if set forth in full.

9. 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 B.

10. 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.

11. Plaintiff Trading Technologies has never licensed Stellar under the '304 patent or otherwise authorized Stellar to practice the '304 patent.

12. Stellar has infringed and continues to infringe the '304 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by claims of the '304 patent without Plaintiff Trading Technologies' authorization, in violation of 35 U.S.C. § 271(a).

13. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com), and distribution of brochures. *See, e.g.,* Ex. A.

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

15. 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).

16. 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**

17. Plaintiff Trading Technologies incorporates paragraphs 1-16 as if set forth in full.

18. 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 C.

19. 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.

20. Plaintiff Trading Technologies has never licensed Stellar under the ‘132 patent or otherwise authorized Stellar to practice the ‘132 patent.

21. Stellar has infringed and continues to infringe the ‘132 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by claims of the ‘132 patent without Plaintiff Trading Technologies’ authorization, in violation of 35 U.S.C. § 271(a).

22. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants’ promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com), and distribution of brochures. *See, e.g.,* Ex. A.

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

24. 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).

25. 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**

26. Plaintiff Trading Technologies incorporates paragraphs 1-25 as if set forth in full.

27. 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.

28. 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.

29. Plaintiff Trading Technologies has never licensed Stellar under the '999 patent or otherwise authorized Stellar to practice the '999 patent.

30. Stellar has infringed and continues to infringe the '999 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by claims of the '999 patent without Plaintiff Trading Technologies' authorization, in violation of 35 U.S.C. § 271(a).

31. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com), and distribution of brochures. *See, e.g.,* Ex. A.

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

33. 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).

34. 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. 7,533,056**

35. Plaintiff Trading Technologies incorporates paragraphs 1-34 as if set forth in full.

36. 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.

37. 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.

38. Plaintiff Trading Technologies has never licensed Stellar under the '056 patent or otherwise authorized Stellar to practice the '056 patent.

39. Stellar has infringed and continues to infringe the '056 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by claims of the '056 patent without Plaintiff Trading Technologies' authorization, in violation of 35 U.S.C. § 271(a).

40. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum,

maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com) and distribution of brochures. *See, e.g.*, Ex. A.

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

42. 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).

43. Defendants' infringement of the '056 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. 7,587,357**

44. Plaintiff Trading Technologies incorporates paragraphs 1-43 as if set forth in full.

45. 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 F.

46. 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.

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

48. Stellar has infringed and continues to infringe the '357 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by claims of the '357 patent without Plaintiff Trading Technologies' authorization, in violation of 35 U.S.C. § 271(a).

49. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com) and distribution of brochures. *See, e.g.*, Ex. A.

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

51. Defendants' 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).

52. Defendants' infringement of the '357 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. 7,613,651**

53. Plaintiff Trading Technologies incorporates paragraphs 1-52 as if set forth in full.

54. 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 G.

55. 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.

56. Plaintiff Trading Technologies has never licensed Stellar under the '651 patent or otherwise authorized Stellar to practice the '651 patent.

57. Stellar has infringed and continues to infringe the '651 patent by making, using, selling and/or offering for sale products, including at a minimum the Stellar front end software, covered by



claims of the '651 patent without Plaintiff Trading Technologies' authorization, in violation of 35 U.S.C. § 271(a).

58. Stellar has in the past and continues to promote, advertise, and instruct customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com) and distribution of brochures. *See, e.g.*, Ex. A.

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

60. Defendants' 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).

61. Defendants' infringement of the '651 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

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

62. Plaintiff Trading Technologies incorporates paragraphs 1-61 as if set forth in full.

63. 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.

64. 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.

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

66. Stellar promotes, advertises, and instructs customers and potential customers about the Stellar front end software products and uses of the products, including infringing uses. Defendants' promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website [www.stellartradingsystems.com](http://www.stellartradingsystems.com) and distribution of brochures. *See, e.g.*, Ex. A.

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

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

69. 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 '304, '132, '999, '056, '357, '651, 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 '304, '132, '999, '056, '357, '651, and '411 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendant's infringement of the '304, '132, '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 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/ Kirsten L. Thomson  
Leif R. Sigmond, Jr. (ID No. 6204980)  
(sigmond@mbhb.com)  
Matthew J. Sampson (ID No. 6207606)  
(sampson@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.**