

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

Trading Technologies International, Inc.,)	
)	
Plaintiff,)	Civil Action No. 10-CV-884
)	
v.)	Judge James F. Holderman
)	
TradeStation Securities, Inc., and)	Magistrate Judge Arlander Keys
TradeStation Group, Inc.,)	
)	
Defendants.)	
)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Trading Technologies International, Inc. (“Trading Technologies”), for its amended complaint against Defendants TradeStation Securities, Inc. and TradeStation Group, Inc. (collectively “TradeStation”), 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 TradeStation Securities, Inc. is a Florida Corporation with its corporate headquarters at 8050 Southwest 10th Street, Suite 2000, Plantation, Florida 33324.
3. Defendant TradeStation Group, Inc. is a Florida Corporation with its corporate headquarters at 8050 Southwest 10th Street, Suite 4000, Plantation, Florida 33324.

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. Defendants TradeStation regularly conduct business in this district. Defendants' trading software provides access to exchanges in this district, including the Chicago Board of Trade ("CBOT"). Defendants TradeStation have formed and continue to be a part of business partnerships with entities in this district, including licensing its software and intellectual property to the CBOT and the Chicago Mercantile Exchange. Defendants TradeStation actively market, demonstrate, license and sell their trading software in this district. Therefore, this Court has jurisdiction generally over Defendants TradeStation.

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

7. Defendants TradeStation maintain several offices in this district at (1) 111 North Canal Street, Chicago, Illinois 60606-7218, (2) 350 West Cermak Road, Chicago, IL 60616, and (3) 233 South Wacker Drive, Chicago, Illinois 60606-6306, 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**

8. 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 A.

9. 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.

10. Plaintiff Trading Technologies has never licensed Defendants TradeStation under the ‘304 patent nor otherwise authorized Defendants TradeStation to practice the ‘304 patent.

11. Defendants TradeStation have infringed and continue to infringe the ‘304 patent by making, using, selling and/or offering for sale products covered by claims of the ‘304 patent without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a).

12. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

14. 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).

15. 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**

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

17. 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.

18. 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.

19. Plaintiff Trading Technologies has never licensed Defendants TradeStation under the ‘132 patent nor otherwise authorized Defendants TradeStation to practice the ‘132 patent.

20. Defendants TradeStation have infringed and continue to infringe the ‘132 patent by making, using, selling and/or offering for sale products covered by claims of the ‘132 patent without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a).

21. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

23. 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).

24. 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**

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

26. 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.

27. 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.

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

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

30. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

32. 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).

33. 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**

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

35. 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 duly and legally issued on May 12, 2009. A true and correct copy of the '056 patent is attached as Exhibit E.

36. 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.

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

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

39. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

41. 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).

42. 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. 7,676,411**

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

44. 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 duly and legally issued on March 9, 2010. A true and correct copy of the '411 patent is attached as Exhibit F.

45. 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.

46. Plaintiff Trading Technologies has never licensed Defendants TradeStation under the '411 patent nor otherwise authorized Defendants TradeStation to practice the '411 patent.

47. Defendants TradeStation have infringed and continue to infringe the '411 patent by making, using, selling and/or offering for sale products covered by claims of the '411 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

48. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

50. 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).

51. Defendants' infringement of the '411 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. 7,693,768**

52. Plaintiff Trading Technologies incorporates paragraphs 1-51 as if set forth in full.

53. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,693,768 ("the '768 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which duly and legally issued on April 6, 2010. A true and correct copy of the '768 patent is attached as Exhibit G.

54. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '768 patent.

55. Plaintiff Trading Technologies has never licensed Defendants TradeStation under the '768 patent nor otherwise authorized Defendants TradeStation to practice the '768 patent.

56. Defendants TradeStation have infringed and continue to infringe the '768 patent by making, using, selling and/or offering for sale products covered by claims of the '768 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

57. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

59. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '768 patent in violation of 35 U.S.C. §271(b) and (c).

60. Defendants' infringement of the '768 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. 7,725,382**

61. Plaintiff Trading Technologies incorporates paragraphs 1-60 as if set forth in full.

62. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,725,382 ("the '382 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which duly and legally issued on May 25, 2010. A true and correct copy of the '382 patent is attached as Exhibit H.

63. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '382 patent.

64. Plaintiff Trading Technologies has never licensed Defendants TradeStation under the '382 patent nor otherwise authorized Defendants TradeStation to practice the '382 patent.

65. Defendants TradeStation have infringed and continue to infringe the '382 patent by making, using, selling and/or offering for sale products covered by claims of the '382 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

66. Defendants TradeStation have in the past 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 website www.tradestation.com, and distribution of brochures, release notes and tutorials. *See, e.g.*, Ex. B.

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

68. Defendants' actions have and continue to constitute active inducement of and contributory infringement of the '382 patent in violation of 35 U.S.C. §271(b) and (c).

69. Defendants' infringement of the '382 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 TradeStation have been and are infringing one or more of the claims of the '304, '132, '999, '056, '411, '768, and '382 patents pursuant to 35 U.S.C. §§ 271(a), (b) and (c);

(B) A preliminary and permanent injunction enjoining Defendants TradeStation 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, '411, '768, and '382 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendants TradeStation's infringement of the '304, '132, '999, '056, '411, '768, and '382 patents;

(D) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment interest against Defendants TradeStation; 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: June 1, 2010

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