IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

REALTIME DATA, LLC D/B/A/ IXO,	§ §	
Plaintiff,	§ §	
v.	§ §	Civil Action No. 6:09-cv-327-LED
CME GROUP INC., BATS TRADING, INC., INTERNATIONAL SECURITIES EXCHANGE, NASDAQ OMX GROUP, INC., NYSE EURONEXT, AND OPTIONS PRICE REPORTING AUTHORITY,	§ § § § § § § §	
Defendants.	§ §	**JURY TRIAL DEMANDED**

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Realtime Data, LLC ("Realtime Data") files this Second Amended Complaint of patent infringement and states as follows:

THE PARTIES

1.   Plaintiff Realtime Data, doing business as IXO, is a limited liability company organized and existing under the laws of the State of New York with places of business at 15 West 36th Street, New York, New York and 1828 ESE Loop 323, Suite 302, Tyler, Texas. Realtime Data is a developer of software and hardware based data compression products, ranging from data compression cards to rack-mounted storage servers. Realtime Data has worked with some of the largest technology companies in the world involved with the development of market data compression solutions.

2.   Upon information and belief, Defendant CME Group Inc. (hereinafter, "CME") is a corporation organized and existing under the laws of the State of Delaware with a principal

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place of business at 20 South Wacker Drive, Chicago, Illinois. CME has one or more locations within Texas. CME makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas.

3.   Upon information and belief, Defendant Board of Trade of the City of the City of Chicago, Inc. (hereinafter, "CBOT") is a subsidiary of CME. CBOT is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 141 West Jackson Boulevard, Chicago, Illinois. CBOT makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas.

4.   Upon information and belief, Defendant New York Mercantile Exchange, Inc. (hereinafter, "NYMEX") is a subsidiary of CME. NYMEX is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1 North End Avenue, New York, New York. NYMEX makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas.

5.   Upon information and belief, CME, CBOT, and NYMEX financial data compression products and services include electronic trading and market data receipt and delivery systems, including but not limited to Globex Electronic Trading Platform, CME EOS Trader, FirmSoft, iLink, CBOT market data feed products, CME market data feed products, NYMEX market data feed products, Commodity Exchange market data feed products, Kansas City Board of Trade market data feed products, Minneapolis Grain Exchange market data feed products, E quotes: Basic Edition, E quotes: Advanced Edition, E quotes: Professional Edition, E

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quotes: Energy Advanced Edition, E quotes Energy Professional Edition, E quotes: Wireless Edition (Stand-alone), E quotes: Wireless Edition (Desktop add-on), and GALAX-C. These products and services communicate with financial institutions, including Bloomberg, Banc of America Securities, FactSet, Interactive Data, Goldman Sachs, JP Morgan Chase, Penson, and Thomson Reuters.

6.   Upon information and belief, Defendant BATS Exchange, Inc. (hereinafter, "BATS") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 8050 Marshall Drive, Suite 120, Lenexa, Kansas. BATS makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include BATS Exchange electronic trading and market data receipt and delivery systems, including but not limited to BATS FAST PITCH, as well as products and services operated by Options Price Reporting Authority LLC ("OPRA") and Securities Industry Automation Corporation ("SIAC") (¶¶ 15, 18). These products and services communicate with financial institutions including Bank of New York, Bloomberg, Boston Options Exchange, Chicago Board Options Exchange, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority. BATS directs and controls the activities of OPRA and SIAC.

7.   Upon information and belief, Defendant International Securities Exchange, LLC (hereinafter, "ISE") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 60 Broad Street, New York, New York. ISE

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makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include electronic trading and market data receipt and delivery systems, including but not limited to precise, ISE Depth of Market Feed, ISE Top Quote Feed, as well as products and services operated by OPRA and SIAC (¶¶15, 18). These products and services communicate with financial institutions including Bank of New York, BATS Exchange, Bloomberg, BNY ConvergEx, Boston Options Exchange, Chicago Board Options Exchange, Credit Suisse, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, HSBC Securities, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority. ISE directs and controls the activities of OPRA and SIAC.

8.   Upon information and belief, Defendant NASDAQ OMX Group Inc. (hereinafter, "NASDAQ") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at One Liberty Plaza, New York, New York. NASDAQ is registered to do business in the State of Texas and has one or more locations within Texas. NASDAQ makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. NASDAQ is directing and controlling the activities of OPRA and SIAC. NASDAQ is qualified to do business in the State of Texas and may be served via its registered agent CT Corporation System, 350 N. St. Paul, Dallas, Texas.

9.   Upon information and belief, Defendant NASDAQ OMX PHLX, Inc. (hereinafter, "PHLX") is a subsidiary of NASDAQ. PHLX is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1900

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Market Street, Philadelphia, Pennsylvania. PHLX makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. PHLX directs and controls the activities of OPRA and SIAC.

10.   Upon information and belief, Defendants NASDAQ and PHLX financial data compression products and services include electronic trading and market data receipt and delivery systems, including but not limited to the Nordic Equity TotalView Direct, Top of PHLX Options (TOPO) market data feed, TOPO protocol, as well as products and services operated by OPRA and SIAC (¶¶ 15, 18). These products and services communicate with financial institutions, including Bank of New York, BATS Exchange, Bloomberg, Boston Options Exchange, Chicago Board Options Exchange, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, New York Stock Exchange, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority.

11.   Upon information and belief, Defendant NYSE Euronext (hereinafter, "NYSE") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 11 Wall Street, New York, New York. NYSE is registered to do business in the State of Texas. NYSE makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas.

12.   Upon information and belief, Defendant NYSE Arca, Inc. (hereinafter, "NYSE Arca") is a subsidiary of NYSE. NYSE Arca is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 11 Wall Street, New York,

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New York. NYSE Arca makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. NYSE Arca is directing and controlling the activities of OPRA and SIAC.

13.   Upon information and belief, Defendant NYSE Amex LLC (hereinafter, "NYSE Amex") is a subsidiary of NYSE. NYSE Amex is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 11 Wall Street, New York, New York. NYSE Amex makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. NYSE Amex is directing and controlling the activities of OPRA and SIAC.

14.   Upon information and belief, the NYSE, NYSE Arca, and NYSE Amex financial data compression products include electronic trading and market data receipt and delivery systems, including but not limited to Wombat, NYSE Arcabook datafeed, Archipelago datafeed, AMEX Depth of Book datafeed, AMEX Trade Prices datafeed, SuperFeed, NYSE Liffe datafeed, NYSE Technologies Feed Handler, and Secure Financial Transaction Infrastructure (SFTI), as well as products and services operated by OPRA and SIAC (¶¶ 15, 18). These products and services communicate with financial institutions, including Bank of New York, BATS Exchange, Bloomberg, BNY ConvergEx, Boston Options Exchange, Chicago Board Options Exchange, Credit Suisse, Banc of America Securities, FactSet, Goldman Sachs, HSBC, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority.

15.   Upon information and belief, Defendant SIAC is a subsidiary of NYSE. SIAC is a corporation organized and existing under the laws of the State of New York with a principal place of business at 2 Metrotech Center, Brooklyn, New York. SIAC makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, and the FCO 1 network. These products and services communicate with financial institutions, including Bank of New York, BATS Exchange, Bloomberg, Boston Options Exchange, Chicago Board Options Exchange, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, and Southwest Securities.

16.   Upon information and belief, Defendant Chicago Board Options Exchange, Incorporated (hereinafter, "CBOE") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 400 South LaSalle Street, Chicago, Illinois. CBOE makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include CBOE electronic trading and market data receipt and delivery systems, including but not limited to HyTS, as well as products and services operated by OPRA and SIAC (¶¶ 15, 18). These products and services communicate with financial institutions including Bank of New York, BATS Exchange, Bloomberg, Boston Options Exchange, Banc of America Securities, FactSet,

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Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority. CBOE directs and controls the activities of OPRA and SIAC.

17.   Upon information and belief, Defendant Boston Options Exchange Group LLC (hereinafter, "BOX") is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 100 Franklin Street, Boston, Massachusetts. BOX makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include BOX electronic trading and market data receipt and delivery systems, as well as products and services operated by OPRA and SIAC (¶¶ 15, 18). These products and services communicate with financial institutions, including Bank of New York, BATS Exchange, Bloomberg, Chicago Board Options Exchange, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, Southwest Securities, and Options Price Reporting Authority. BOX directs and controls the activities of OPRA and SIAC.

18.   Upon information and belief, Defendant OPRA is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 400 S. LaSalle St., Chicago, Illinois. OPRA makes, sells, offers for sale, and/or uses financial data compression products and services, for compressing or decompressing financial data, in the United States and Texas, including within the Eastern District of Texas. These products and services include the FAST for OPRA protocol, FCO Securities datafeed, Index Options

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Securities datafeed, the FAST network, the FAST for Symbology network, the FCO 1 network, as well as products and services operated by SIAC (¶ 15). These products and services communicate with financial institutions, including Bank of New York, BATS Exchange, Bloomberg, Boston Options Exchange, Chicago Board Options Exchange, Banc of America Securities, FactSet, Goldman Sachs, Interactive Data, International Securities Exchange, JP Morgan Chase, Merrill Lynch, Morgan Stanley, NASDAQ, New York Stock Exchange, Penson, Thomson Reuters, and Southwest Securities.

19.   CME, CBOT, NYMEX, BATS, ISE, NASDAQ, PHLX, NYSE, NYSE Arca, NYSE Amex, SIAC, CBOE, BOX, and OPRA are collectively referred to herein as the "Defendants."

JURISDICTION AND VENUE

20.   This is an action for patent infringement arising under the Patent Laws of the United States, United States Code, 35 U.S.C. § 271 *et seq*. This Court has subject matter jurisdiction over this action under Title 28, United States Code, §§ 1331 and 1338(a).

21.   This Court has personal jurisdiction over each of the Defendants. The Defendants have conducted and do conduct business within the State of Texas. The Defendants, directly or through intermediaries (including distributors, retailers, and others) make, distribute, offer for sale, sell, advertise, and use their products in the United States and the State of Texas.

22.   On information and belief, venue in this Judicial District is proper under Title 28, United States Code, §§ 1391 and 1400(b) because Defendants have regularly conducted business in this judicial district, and the acts complained of herein occurred in this judicial district.

FACTS

23.   U.S. Patent No. 6,624,761 ("the '761 Patent"), entitled "Content Independent Data Compression Method and System," was duly and legally issued to Plaintiff Realtime Data on September 23, 2003. A true and correct copy of the '761 Patent is attached as Exhibit A.

24.   U.S. Patent No. 7,161,506 ("the '506 Patent"), entitled "Systems and Methods for Data Compression Such As Content Dependent Data Compression," was duly and legally issued to Plaintiff Realtime Data on January 9, 2007. A true and correct copy of the '506 Patent is attached as Exhibit B.

25.   U.S. Patent No. 7,400,274 ("the '274 Patent"), entitled "System and Method for Data Feed Acceleration and Encryption," was duly and legally issued to Plaintiff Realtime Data on July 15, 2008. A true and correct copy of the '274 Patent is attached as Exhibit C.

26.   U.S. Patent No. 7,417,568 ("the '568 Patent"), entitled "System and Method for Data Feed Acceleration and Encryption," was duly and legally issued to Plaintiff Realtime Data on August 26, 2008. A true and correct copy of the '568 Patent is attached as Exhibit D.

27.   Plaintiff Realtime Data is the owner of the '761, '506, '274, and '568 patents (collectively, "Patents-in-Suit") with the right to collect damages for all relevant times, and has the right to prevent others from making, having made, using, offering for sale or selling products or services covered by such patents, as well as the right to enforce the '761, '506, '274, and '568 patents with respect to the Defendants.

28.   On information and belief, Defendants have been and are, within this Judicial District, State, and elsewhere, using one or more financial data compression products and/or systems manufactured, designed, produced, sold and/or offered for sale without license or authorization from Plaintiff Realtime Data.

COUNT ONE – INFRINGEMENT OF U.S. PATENT 6,624,761

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29.   Realtime Data incorporates by reference herein the averments set forth in paragraphs 1-28, above.

30.   Defendants have been and are now directly infringing the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, covered by at least one claim of the '761 Patent. Defendants have been and are now indirectly infringing the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 by actively inducing financial institutions.

31.   Defendants CME, CBOT, and NYMEX have been and are now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Globex Electronic Trading Platform, CME EOS Trader, FirmSoft, iLink, CBOT market data feed products, CME market data feed products, NYMEX market data feed products, Commodity Exchange market data feed products, Kansas City Board of Trade market data feed products, Minneapolis Grain Exchange market data feed products, E quotes: Basic Edition, E quotes: Advanced Edition, E quotes: Professional Edition, E quotes: Energy Advanced Edition, E quotes Energy Professional Edition, E quotes: Wireless Edition (Stand-alone), E quotes: Wireless Edition (Desktop add-on), and GALAX-C.

32.   Defendant BATS has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making,

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using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include BATS FAST PITCH, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

33.   Defendant BATS has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant BATS' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

34.   Defendant ISE has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include precise, ISE Depth of Market Feed, ISE Top Quote Feed, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

35.   Defendant ISE has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant ISE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not

limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation

36.   Defendants NASDAQ and PHLX have been and are now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Nordic Equity TotalView Direct, Top of PHLX Options (TOPO) market data feed, TOPO protocol, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

37.   Defendants NASDAQ and PHLX have been and are now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NASDAQ and PHLX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

38.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing

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electronic trading and market data receipt and delivery systems include Wombat, NYSE Arcabook datafeed, Archipelago datafeed, AMEX Depth of Book datafeed, AMEX Trade Prices datafeed, SuperFeed, NYSE Liffe datafeed, NYSE Technologies Feed Handler, and Secure Financial Transaction Infrastructure (SFTI), as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

39.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NYSE, NYSE Arca, and NYSE Amex' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, Options Price Reporting Authority, and Securities Industry Automation Corporation.

40.   Defendant SIAC has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, and the FCO 1 network.

41.   Defendant SIAC has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant SIAC's electronic trading and market data receipt and delivery systems indirectly infringes by

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actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange.

42.   Defendant CBOE has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include HyTS, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

43.   Defendant CBOE has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant CBOE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

44.   Defendant BOX has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

45.   Defendant BOX has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant BOX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to BATS Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

46.   Defendant OPRA has been and is now directly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, the FCO 1 network, as well as infringing products and services operated by SIAC (¶ 15).

47.   Defendant OPRA has been and is now indirectly infringing claims 1-3 and 7 of the '761 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant OPRA's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange. Realtime Data has at all times complied with 35 U.S.C. § 287.

48.   Realtime Data has been irreparably harmed by the Defendants' acts of infringement of the '761 Patent, and will continue to be harmed unless and until Defendants' acts

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of infringement are enjoined by this Court. Realtime Data has no adequate remedy at law to

redress Defendants' continuing acts of infringement. The hardships that would be imposed upon

Defendants by an injunction are less than those faced by Realtime Data should an injunction not

issue. Furthermore, the public interest would be served by issuance of an injunction.

As a result of Defendants' act of infringement, Realtime Data has suffered and will continue to

suffer damages in an amount to be proved at trial.

COUNT TWO – INFRINGEMENT OF U.S. PATENT 7,161,506

49.   Realtime Data incorporates by reference herein the averments set forth in

paragraphs 1-48, above.

50.   Defendants have been and are now directly infringing the '506 Patent in this

District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or

offering for sale, one or more financial data compression products and/or services, for

compressing or decompressing financial data, covered by at least one claim of the '506 Patent.

Defendants have been and are now indirectly infringing the '506 Patent in this District and

elsewhere in violation of 35 U.S.C. § 271 by actively inducing financial institutions.

51.   Defendants CME, CBOT, and NYMEX have been and are now directly infringing

claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and

elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for

sale, one or more financial data compression products and/or services, for compressing or

decompressing financial data, including electronic trading and market data receipt and delivery

systems. Example infringing electronic trading and market data receipt and delivery systems

include Globex Electronic Trading Platform, CME EOS Trader, FirmSoft, iLink, CBOT market

data feed products, CME market data feed products, NYMEX market data feed products,

Commodity Exchange market data feed products, Kansas City Board of Trade market data feed

products, Minneapolis Grain Exchange market data feed products, E quotes: Basic Edition, E quotes: Advanced Edition, E quotes: Professional Edition, E quotes: Energy Advanced Edition, E quotes Energy Professional Edition, E quotes: Wireless Edition (Stand-alone), E quotes: Wireless Edition (Desktop add-on), and GALAX-C.

52.   Defendant BATS has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include BATS FAST PITCH, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

53.   Defendant BATS has been and is now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant BATS' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

54.   Defendant ISE has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing

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electronic trading and market data receipt and delivery systems include precise, ISE Depth of Market Feed, ISE Top Quote Feed, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

55.   Defendant ISE has been and is now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant ISE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation

56.   Defendants NASDAQ and PHLX have been and are now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Nordic Equity TotalView Direct, Top of PHLX Options (TOPO) market data feed, TOPO protocol, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

57.   Defendants NASDAQ and PHLX have been and are now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NASDAQ and PHLX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing

financial exchanges to compress financial data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

58.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Wombat, NYSE Arcabook datafeed, Archipelago datafeed, AMEX Depth of Book datafeed, AMEX Trade Prices datafeed, SuperFeed, NYSE Liffe datafeed, NYSE Technologies Feed Handler, and Secure Financial Transaction Infrastructure (SFTI), as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

59.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NYSE, NYSE Arca, and NYSE Amex' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, Options Price Reporting Authority, and Securities Industry Automation Corporation.

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60.   Defendant SIAC has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, and the FCO 1 network.

61.   Defendant SIAC has been and is now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant SIAC's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange.

62.   Defendant CBOE has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include HyTS, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

63.   Defendant CBOE has been and is now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35

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U.S.C. § 271. Each of defendant CBOE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

64.   Defendant BOX has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

65.   Defendant BOX has been and is now indirectly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant BOX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to BATS Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

66.   Defendant OPRA has been and is now directly infringing claims 1-5, 9, 11, 17, 21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial

data, including electronic trading and market data receipt and delivery systems. Example

infringing electronic trading and market data receipt and delivery systems include FAST for

OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the

FAST for Symbology network, the FCO 1 network, as well as infringing products and services

operated by SIAC (¶ 15).

67.   Defendant OPRA has been and is now indirectly infringing claims 1-5, 9, 11, 17,

21-23, 69, 72-73, 79, and 81 of the '506 Patent in this District and elsewhere in violation of 35

U.S.C. § 271. Each of defendant OPRA's electronic trading and market data receipt and delivery

systems indirectly infringes by actively inducing financial exchanges to compress financial data,

including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and

New York Stock Exchange. Realtime Data has at all times complied with 35 U.S.C. § 287.

68.   Realtime Data has at all times complied with 35 U.S.C. § 287.

69.   Realtime Data have been irreparably harmed by the Defendants' acts of

infringement of the '506 Patent, and will continue to be harmed unless and until Defendants' acts

of infringement are enjoined by this Court. Realtime Data has no adequate remedy at law to

redress Defendants' continuing acts of infringement. The hardships that would be imposed upon

Defendants by an injunction are less than those faced by Realtime Data should an injunction not

issue. Furthermore, the public interest would be served by issuance of an injunction.

70.   As a result of Defendants' act of infringement, Realtime Data has suffered and

will continue to suffer damages in an amount to be proved at trial.

COUNT THREE – INFRINGEMENT OF U.S. PATENT 7,400,274

71.   Realtime Data incorporates by reference herein the averments set forth in

paragraphs 1-70, above.

72.   Defendants have been and are now directly infringing the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, covered by at least one claim of the '274 Patent. Defendants have been and are now indirectly infringing the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 by actively inducing financial institutions.

73.   Defendants CME, CBOT, and NYMEX have been and are now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Globex Electronic Trading Platform, CME EOS Trader, FirmSoft, iLink, CBOT market data feed products, CME market data feed products, NYMEX market data feed products, Commodity Exchange market data feed products, Kansas City Board of Trade market data feed products, Minneapolis Grain Exchange market data feed products, E quotes: Basic Edition, E quotes: Advanced Edition, E quotes: Professional Edition, E quotes: Energy Advanced Edition, E quotes Energy Professional Edition, E quotes: Wireless Edition (Stand-alone), E quotes: Wireless Edition (Desktop add-on), and GALAX-C.

74.   Defendant BATS has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data

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receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include BATS FAST PITCH, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

75.   Defendant BATS has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant BATS' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

76.   Defendant ISE has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include precise, ISE Depth of Market Feed, ISE Top Quote Feed, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

77.   Defendant ISE has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant ISE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, NASDAQ, New

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York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation

Corporation

78.   Defendants NASDAQ and PHLX have been and are now directly infringing

claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271

including by making, using, selling, and/or offering for sale, one or more financial data

compression products and/or services, for compressing or decompressing financial data,

including electronic trading and market data receipt and delivery systems. Example infringing

electronic trading and market data receipt and delivery systems include Nordic Equity TotalView

Direct, Top of PHLX Options (TOPO) market data feed, TOPO protocol, as well as infringing

products and services operated by OPRA and SIAC (¶¶ 15, 18).

79.   Defendants NASDAQ and PHLX have been and are now indirectly infringing

claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271.

Each of defendants NASDAQ and PHLX's electronic trading and market data receipt and

delivery systems indirectly infringes by actively inducing financial exchanges to compress

financial data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago

Board Options Exchange, International Securities Exchange, New York Stock Exchange,

Options Price Reporting Authority, and Securities Industry Automation Corporation.

80.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now directly

infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C.

§ 271 including by making, using, selling, and/or offering for sale, one or more financial data

compression products and/or services, for compressing or decompressing financial data,

including electronic trading and market data receipt and delivery systems. Example infringing

electronic trading and market data receipt and delivery systems include Wombat, NYSE

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Arcabook datafeed, Archipelago datafeed, AMEX Depth of Book datafeed, AMEX Trade Prices datafeed, SuperFeed, NYSE Liffe datafeed, NYSE Technologies Feed Handler, and Secure Financial Transaction Infrastructure (SFTI), as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

81.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NYSE, NYSE Arca, and NYSE Amex' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, Options Price Reporting Authority, and Securities Industry Automation Corporation.

82.   Defendant SIAC has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, and the FCO 1 network.

83.   Defendant SIAC has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant SIAC's electronic trading and market data receipt and delivery systems indirectly infringes by

actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange.

84.   Defendant CBOE has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include HyTS, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

85.   Defendant CBOE has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant CBOE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

86.   Defendant BOX has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

87.   Defendant BOX has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant BOX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to BATS Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

88.   Defendant OPRA has been and is now directly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, the FCO 1 network, as well as infringing products and services operated by SIAC (¶ 15).

89.   Defendant OPRA has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant OPRA's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange. Realtime Data has at all times complied with 35 U.S.C. § 287.

90.   Realtime Data has at all times complied with 35 U.S.C. § 287.

91.   Realtime Data have been irreparably harmed by the Defendants' acts of infringement of the '274 Patent, and will continue to be harmed unless and until Defendants' acts of infringement are enjoined by this Court. Realtime Data has no adequate remedy at law to redress Defendants' continuing acts of infringement. The hardships that would be imposed upon Defendants by an injunction are less than those faced by Realtime Data should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

92.   As a result of Defendants' act of infringement, Realtime Data has suffered and will continue to suffer damages in an amount to be proved at trial.

COUNT FOUR – INFRINGEMENT OF U.S. PATENT 7,417,568

93.   Realtime Data incorporates by reference herein the averments set forth in paragraphs 1-92, above.

94.   Defendants have been and are now directly infringing the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, covered by at least one claim of the '568 Patent. Defendants have been and are now indirectly infringing the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 by actively inducing financial institutions.

95.   Defendants CME, CBOT, and NYMEX have been and are now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Globex Electronic Trading Platform, CME EOS Trader, FirmSoft, iLink, CBOT market data

feed products, CME market data feed products, NYMEX market data feed products, Commodity Exchange market data feed products, Kansas City Board of Trade market data feed products, Minneapolis Grain Exchange market data feed products, E quotes: Basic Edition, E quotes: Advanced Edition, E quotes: Professional Edition, E quotes: Energy Advanced Edition, E quotes Energy Professional Edition, E quotes: Wireless Edition (Stand-alone), E quotes: Wireless Edition (Desktop add-on), and GALAX-C.

96.   Defendant BATS has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include BATS FAST PITCH, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

97.   Defendant BATS has been and is now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant BATS' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

98.   Defendant ISE has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data

compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include precise, ISE Depth of Market Feed, ISE Top Quote Feed, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

99.   Defendant ISE has been and is now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of Defendant ISE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation

100.   Defendants NASDAQ and PHLX have been and are now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Nordic Equity TotalView Direct, Top of PHLX Options (TOPO) market data feed, TOPO protocol, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

101.   Defendants NASDAQ and PHLX have been and are now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NASDAQ and PHLX's electronic trading and

market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

102.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include Wombat, NYSE Arcabook datafeed, Archipelago datafeed, AMEX Depth of Book datafeed, AMEX Trade Prices datafeed, SuperFeed, NYSE Liffe datafeed, NYSE Technologies Feed Handler, and Secure Financial Transaction Infrastructure (SFTI), as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

103.   Defendants NYSE, NYSE Arca, and NYSE Amex have been and are now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendants NYSE, NYSE Arca, and NYSE Amex' electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, Boston Options Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, Options Price Reporting Authority, and Securities Industry Automation Corporation.

104.   Defendant SIAC has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, and the FCO 1 network.

105.   Defendant SIAC has been and is now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant SIAC's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange.

106.   Defendant CBOE has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include HyTS, as well as infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

107.   Defendant CBOE has been and is now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. §

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271. Each of defendant CBOE's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial market data, including but not limited to, BATS Exchange, Boston Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

108.   Defendant BOX has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial data compression products and/or services, for compressing or decompressing financial data, including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include infringing products and services operated by OPRA and SIAC (¶¶ 15, 18).

109.   Defendant BOX has been and is now indirectly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant BOX's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to BATS Exchange, Chicago Board Options Exchange, International Securities Exchange, NASDAQ, New York Stock Exchange, Options Price Reporting Authority, and Securities Industry Automation Corporation.

110.   Defendant OPRA has been and is now directly infringing claims 1-5, 13-16, 25-33, 39-40, and 46-51 of the '568 Patent in this District and elsewhere in violation of 35 U.S.C. § 271 including by making, using, selling, and/or offering for sale, one or more financial market data compression products and/or services, for compressing or decompressing financial data,

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including electronic trading and market data receipt and delivery systems. Example infringing electronic trading and market data receipt and delivery systems include FAST for OPRA, FCO Securities datafeed, Index Options Securities datafeed, the FAST network, the FAST for Symbology network, the FCO 1 network, as well as infringing products and services operated by SIAC (¶ 15).

111.   Defendant OPRA has been and is now indirectly infringing claims 11-30 of the '274 Patent in this District and elsewhere in violation of 35 U.S.C. § 271. Each of defendant OPRA's electronic trading and market data receipt and delivery systems indirectly infringes by actively inducing financial exchanges to compress financial data, including but not limited to, BATS Exchange, International Securities Exchange, NASDAQ, and New York Stock Exchange. Realtime Data has at all times complied with 35 U.S.C. § 287.

112.   Realtime Data has at all times complied with 35 U.S.C. § 287.

113.   Realtime Data have been irreparably harmed by the Defendants' acts of infringement of the '568 Patent, and will continue to be harmed unless and until Defendants' acts of infringement are enjoined by this Court. Realtime Data has no adequate remedy at law to redress Defendants' continuing acts of infringement. The hardships that would be imposed upon Defendants by an injunction are less than those faced by Realtime Data should an injunction not issue. Furthermore, the public interest would be served by issuance of an injunction.

114.   As a result of Defendants' act of infringement, Realtime Data has suffered and will continue to suffer damages in an amount to be proved at trial.

PRAYER FOR RELIEF

115.   WHEREFORE, Realtime Data requests a judgment:

A.   That Realtime Data is the owner of all right, title and interest in and to United States Patents Nos. 6,624,761, 7,161,506, 7,400,274, and 7,417,568, together with all rights of recovery under such patents for past and future infringements thereof;

B.   That Defendants have infringed United States Patents Nos. 6,624,761, 7,161,506, 7,400,274, and 7,417,568;

C.   That United States Patents Nos. 6,624,761, 7,161,506, 7,400,274, and 7,417,568 are valid and enforceable in law;

D.   Awarding to Realtime Data its damages caused by Defendants' infringement of United States Patents Nos. 6,624,761, 7,161,506, 7,400,274, and 7,417,568 including an assessment of pre-judgment and post-judgment interest and costs;

E.   Entering a permanent injunction against Defendants, their officers, agents, servants, employees, attorneys, all parent and subsidiary corporations and affiliates, their assigns and successors in interest, and those persons in active concert or participation with any of them who receive notice of the injunction, enjoining them from continuing acts of infringement of United States Patents Nos. 6,624,761, 7,161,506, 7,400,274, and 7,417,568, including without limitation from continuing to make, use, sell and/or offer for sale infringing compression-based data acceleration products;

F.   That this is an exceptional case and awarding to Realtime Data its costs, expenses and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

G.   In the event a permanent injunction preventing future acts of infringement is not granted, that Realtime Data be awarded a compulsory ongoing licensing fee; and

H.   Awarding to Realtime Data such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

116.   Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

Date: May 17, 2010   Respectfully submitted,

                                                      MCKOOL SMITH, P.C.

                                                      ___/s/ Sam Baxter_____

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<u>CERTIFICATE OF SERVICE</u>

The undersigned certifies that the foregoing document was served on the defense counsel by e-mail on May 17, 2010.

                                                               _/s/ Sam Baxter_____

                                                                   Sam Baxter