

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies International, Inc.,

Plaintiff,

v.

Goldenberg, Hehmeyer & Co.

Defendant.

Civil Action No.

DOCKETED

SEP 29 2004

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FILED-ED-11
2004 SEP 28 PM 2:13
U.S. DISTRICT COURT
CLERK

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Trading Technologies International, Inc. ("Trading Technologies"), for its complaint against Defendant Goldenberg, Hehmeyer & Co. ("GHCO"), 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 GHCO is an Illinois general partnership with its principal place of business at 600 West Chicago Avenue, Chicago, Illinois 60610.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the acts of Congress relating to patents, namely the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court thereby has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. Defendant GHCO regularly conducts business in this district and has its headquarters located in this district. Defendant GHCO uses trading software that provides access to exchanges in

this district, including the Chicago Board of Trade (“CBOT”) and the Chicago Mercantile Exchange (“CME”). This Court has jurisdiction generally over Defendant GHCO.

5. Defendant GHCO has committed and continues to commit acts of patent infringement in this district. Therefore, this Court has specific jurisdiction over Defendant GHCO.

6. Defendant GHCO resides in this district, because it is subject to personal jurisdiction in this district. Therefore, this District is a proper venue pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

**COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 6,766,304**

7. 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 issued on July 20, 2004. A true and correct copy of the ‘304 patent is attached as Exhibit A.

8. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287.

9. Defendant GHCO has and continues to infringe the ‘304 patent by making, using, selling and/or offering for sale products and methods covered by claims of the ‘304 patent without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a).

10. In addition, Defendant GHCO’s actions have and continue to constitute active inducement of and/or contributory infringement of the ‘304 patent in violation of 35 U.S.C. §271(b) and (c).

14. Defendant GHCO’s future infringement of the ‘304 patent is willful and deliberate.

15. Defendant GHCO’s 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 issued on August 3, 2004. A true and correct copy of the ’132 patent is attached as Exhibit B.

19. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287.

20. Defendant GHCO has and continues to infringe the ’132 patent by making, using, selling and/or offering for sale products and methods covered by claims of the ’132 patent without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271(a).

22. Defendant GHCO’s actions have and continue to constitute active inducement of and/or contributory infringement of the ’132 patent in violation of 35 U.S.C. §271(b) and (c).

23. Defendant GHCO’s future infringement of the ’132 patent is willful and deliberate.

24. Defendant GHCO’s infringement of the ’132 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 Defendant GHCO has been and is infringing one or more of the claims of the ’304 and ’132 patents pursuant to 35 U.S.C. §§ 271(a), (b) and/or (c);

(B) A preliminary and permanent injunction enjoining Defendant GHCO and its officers, agents, servants, employees, attorneys, related business entities and those in active concert or participation with them from infringing the '304 and '132 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendant GHCO's infringement of the '304 and '132 patents;

(D) An award trebling the damages pursuant to 35 U.S.C. § 284 as a result of Defendant GHCO's willful infringement of the '304 and '132 patents;

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

(F) 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: 9/28/04

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