Trading Technologies International, Inc.,	)	Civil Action No. 04 C 6278
Plaintiff,	)))	Judge Blanche M. Manning
v.	))	Magistrate Martin C. Ashman
Goldenberg, Hehmeyer & Co.,	))	
Defendant.	))	

CONSENT JUDGMENT

As a result of settlement of this action by virtue of a settlement agreement between the parties dated September 29, 2004 which shall become effective upon entry of this Consent Judgment and upon consent of Plaintiff, Trading Technologies International, Inc. ("TT") AND Defendant, Goldenberg Hehmeyer & Co. ("GH"), judgment is hereby entered against GH upon TT's Complaint, and it is hereby ORDERED, ADJUDGED, and DECREED that:

1.   TT commenced this action for patent infringement against GH on September 28, 2004, alleging that GH infringes U.S. Patent Nos. 6,766,304 ("'304 patent") and 6,772,132 ("'132 patent"). GH has received and reviewed a copy of the Complaint filed by TT in this action.

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2.   This Court has jurisdiction over the parties to this action and over the subject matter of the Complaint.

3.   TT is the sole and exclusive owner of the '304 patent and the '132 patent, and has the right to sue upon, and recover damages for past infringement and enjoin future infringement of the '304 and '132 patents.

4.   All claims of the '304 and '132 patents are valid and enforceable.

5.   GH has directly infringed the '304 and '132 patents by making and using electronic trading software currently referred to as "GH Trader," screenshots included in Exhibit A.

6.   Defendant GH, its officers, directors, partners, affiliates, subsidiaries, assigns, and successors-in-interest are hereby permanently enjoined during the terms of the '304 and '132 patents from the making, using, selling, offering for sale, importing and otherwise distributing in the United States the electronic trading software products referred to in paragraph 5 above.

7.   Any claims of infringement that TT has against GH based on GH's use and/or distribution of electronic trading software provided by Patsystems, CQG, Rolfe & Nolan and Strategy Runner prior to entry of this judgment are dismissed without prejudice. The parties have addressed this issue in the Settlement Agreement by TT granting to GH a limited covenant not to sue. TT is not waiving any rights to assert the '304 and '132 patents against GH based on GH's use and/or distribution of such third party software in the future if the limited covenant not to sue is terminated. GH is not waiving any rights

to assert that such third party software does not infringe the '304 and '132 patents if the limited covenant not to sue is terminated.

8.   TT waives its rights to damages from GH arising from the manufacture, use, sale or offers to sell the electronic trading software products referred to in paragraph 5 above prior to entry of this Judgment.
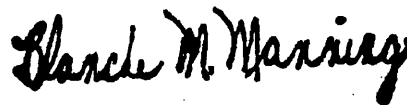
9.   Notwithstanding the terms of this Consent Judgment, GH expressly reserves the right to contest infringement if the GH software is modified so as to not infringe the patents-in-suit. In the event that GH contests infringement based on GH software that is modified, TT reserves the right to assert any and all claims against GH including without limitation a claim of contempt of court based on a violation of this Consent Judgment in the event that the Court finds there is no colorable difference between the modified GH software and the software that is the subject of this Consent Judgment.

10.   This Court shall retain jurisdiction over this case for purposes of enforcing the Consent Judgment and the Settlement Agreement between the parties pursuant to which the Consent Judgment is filed.

11.   Each party shall bear its own costs and attorneys' fees.

SO ORDERED

Dated: ___9/30/04___

_____
Blanche M. Manning
United States District Court Judge
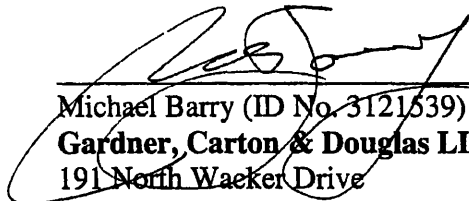
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AGREED TO:

Dated: _September 29, 2004_

_____

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Dated: _Sept. 29, 2004_

_____

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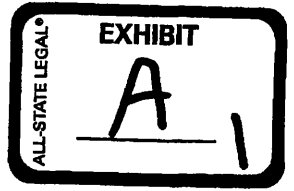**Attorneys for Defendant**
GOLDENBERG HEHMEYER & CO.

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Position	Working	Bid	Price	Ask	Last
0			~~111_130~~		
Change			~~111_115~~		
111_065			~~111_110~~		
153084			~~111_105~~		
Volume			~~111_100~~		
High			~~111_095~~	100	
			~~111_090~~	100	
			~~111_085~~	200	
Low			~~111_080~~	100	
1			~~111_075~~	100	
10			~~111_070~~		
	0/1	121...	~~111_060~~		
	0/1	1			
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		1090			
		600			
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		389...			

1	2
5	7
10	15
20	50

Clear

Del Buys

Del Sells

Last Price Update at 3:17:51 pm   Subscribed   3:18:21 pm

GHTrader User: mike Workspace: ECBOT-e...   _ □ ✕

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