United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 6740	**DATE**	10/21/2004
CASE TITLE	TRADING TECHNOLOGIES INTL vs. KINGSTREE TRADING		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

(1) ☐   Filed motion of [use listing in "Motion" box above.]

(2) ☐   Brief in support of motion due _____.

(3) ☐   Answer brief to motion due_____. Reply to answer brief due_____.

(4) ☐   Ruling/Hearing on _____ set for _____ at _____.

(5) ☐   Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) ☐   Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) ☐   Trial[set for/re-set for] on _____ at _____.

(8) ☐   [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) ☐   This case is dismissed [with/without] prejudice and without costs[by agreement/pursuant to]
    ☐ FRCP4(m)   ☐ Local Rule 41 1   ☐ FRCP41(a)(1)   ☐ FRCP41(a)(2).

(10) ■   [Other docket entry]   This action is dismissed pursuant to settlement. ENTER CONSENT JUDGMENT.

Suzanne B. Conlon

(11) ■   [For further detail see order attached to the original minute order.]

	No notices required, advised in open court			**Document Number**
	No notices required		number of notices	
	Notices mailed by judge's staff.			
	Notified counsel by telephone.		OCT 21 2004 date docketed	4
✓	Docketing to mail notices			
	Mail AO 450 form	U.S. DISTRICT COURT	JXM docketing deputy initials	
	Copy to judge/magistrate judge			
CB	courtroom deputy's initials	2004 OCT 21 PM 12: 16	date mailed notice	
		Date/time received in central Clerk's Office	mailing deputy initials	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

OCT 2 2 2004

Trading Technologies International, Inc.,) Plaintiff,)) v.)) Kingstree Trading L.L.C.,) Defendant.)	Civil Action No. 04 C 6740 Judge Conlon Magistrate Judge Ashman

CONSENT JUDGMENT

As a result of settlement of this action by virtue of a settlement agreement between the parties dated October 20, 2004 which shall become effective upon entry of this Consent Judgment and upon consent of Plaintiff, Trading Technologies International, Inc. ("TT") and Defendant, Kingstree Trading L.L.C. ("KINGSTREE"), judgment is hereby entered against KINGSTREE upon TT's Complaint, and it is hereby ORDERED, ADJUDGED, and DECREED that:

1.   TT commenced this action for patent infringement against KINGSTREE on October 19, 2004, alleging that KINGSTREE infringes U.S. Patent Nos. 6,766,304 ("'304 patent") and 6,772,132 ("'132 patent"). KINGSTREE 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.   KINGSTREE has directly infringed the '304 and '132 patents by making and using electronic trading software currently referred to as "KINGSTREE's user interface software developed by Kingstree for Trading," screenshots included in Exhibit A.

6.   Defendant KINGSTREE, its officers, directors, partners, members, 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 KINGSTREE based on KINGSTREE's use and/or distribution of electronic trading software provided by any third party software provider prior to entry of this judgment are dismissed without prejudice. The parties have addressed this issue in the Settlement Agreement by TT granting to KINGSTREE a limited covenant not to sue. TT is not waiving any rights to assert the '304 and '132 patents against KINGSTREE based on KINGSTREE's use and/or distribution of such third party software in the future if the limited covenant not to

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sue is terminated. KINGSTREE 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 KINGSTREE 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.
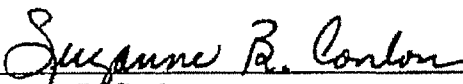
9.   Notwithstanding the terms of this Consent Judgment, KINGSTREE expressly reserves the right to contest infringement if the KINGSTREE software is modified so as to not infringe the patents-in-suit. In the event that KINGSTREE contests infringement based on KINGSTREE software that is modified, TT reserves the right to assert any and all claims against KINGSTREE 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 KINGSTREE 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.

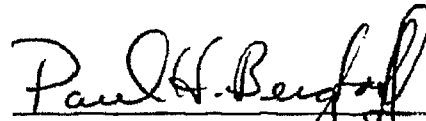11.   Each party shall bear its own costs and attorneys' fees.

SO ORDERED

Dated: 10/21/04

Suzanne B. Conlon
Suzanne B. Conlon
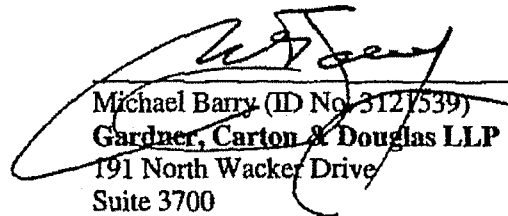United States District Court Judge

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AGREED TO:

Dated: _10/20/04_

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