



2. This Court has jurisdiction over the parties to this action and over the subject matter of the Complaint.
3. MAN does not contest that 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. MAN does not contest the validity or enforceability of any claims of the '304 and '132 patents. Accordingly, all claims of the '304 and '132 patents are valid and enforceable against MAN.
5. The case of *TT v. Patystems (NA) LLC et al.* ("Patsystems"), Civil Action No. 05 C 2984 (N.D. Ill., Judge Gettleman) was resolved on May 20, 2005 by the entry of a Consent Judgment finding that Patsystems infringed the '304 and '132 patents by making, using and selling software that incorporated a trading screen named "DOME". A copy of that Consent Judgment is attached as Exhibit 1 hereto. A screenshot of the infringing DOME product is attached as Exhibit A to that Consent Judgment. After July 20, 2004 (the issue date of the '304 patent) and prior to the commencement of this lawsuit, MAN provided to its clients electronic trading software made by Patsystems that incorporated the DOME trading screen that was the subject of the May 20, 2005 Consent Judgment. MAN does not contest the finding of infringement against Patsystems made in the Consent Judgment attached as Exhibit A. TT does not now contend that the infringement was willful or deliberate. Accordingly, the parties stipulate that MAN has infringed the '304 and '132 patents under 35 U.S.C. Section 271 by using, selling,

offering for sale, importing, and/or otherwise distributing, the DOME trading screen from Patsystems, but that MAN's infringement was not willful or deliberate.

6. Defendant MAN, its officers, directors, partners, members, affiliates, subsidiaries, assigns, and successors-in-interest are hereby permanently enjoined (unless expressly permitted by TT) during the terms of the '304 and '132 patents from infringing the '304 and '132 patents through the making, using, selling, offering for sale, importing, facilitating connectivity for and otherwise distributing in the United States the electronic trading software products referred to in paragraph 5 above (and substantially similar products) including, without limitation, for use in electronically trading any item (e.g., futures, options, equities, fixed-income products, etc.).

7. Any claims of infringement that TT has against MAN based on MAN's use and/or distribution of electronic trading software provided by other third parties prior to entry of this judgment are dismissed without prejudice. The parties have addressed this issue in the Settlement Agreement by MAN agreeing not to infringe the '304 and '132 patents and by TT releasing MAN for all past damages relating to any past infringement. TT is not waiving the right to assert the '304 and/or '132 patents against MAN based on MAN's use and/or distribution of such third party software in the future. MAN is not waiving any rights to assert that such third party software does not infringe the '304 and/or '132 patents if TT makes such an assertion of infringement in the future.

8. TT waives its rights to damages from MAN arising from the use, sale or offers to sell, importation and/or other distribution of the electronic trading software products referred to in paragraph 5 above prior to entry of this Judgment.

9. This Court shall retain jurisdiction over this case for purposes of enforcing the Consent Judgment.

10. The right to enforce this Consent Judgment shall transfer to any successor-in-interest to TT.

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

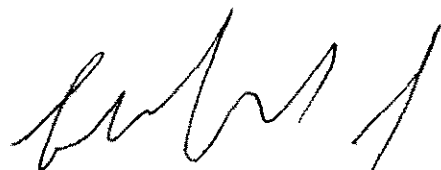
SO ORDERED

Dated: 11/30/2005

  
United States District Court Judge


AGREED TO:

Dated: 11/30/05

  
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# EXHIBIT 1

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