



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Trading Technologies International, Inc.	)	
	)	Civil Action No. 10 C 726
Plaintiff,	)	
	)	Judge Hibbler
v.	)	
	)	
Cunningham Trading Systems, LLC., and	)	
Cunningham Commodities, LLC.	)	
	)	
Defendants.	)	

**CONSENT JUDGMENT**

As a result of settlement of this action by virtue of a settlement agreement between the parties dated December 31, 2010 ("Settlement Agreement") which shall become effective upon entry of this Consent Judgment and upon consent of Plaintiff, Trading Technologies International, Inc. ("TT") and Defendant, Cunningham Trading Systems, LLC ("CTS"), judgment is hereby entered against CTS upon TT's Complaint, and it is hereby ORDERED, ADJUDGED, and DECREED that:

1. TT commenced this action for patent infringement against CTS and Cunningham Commodities, LLC ("CC") on February 3, 2010. This action alleges infringement of U.S. Patent Nos. 6,766,304 ("304 patent"), 6,772,132 ("132 patent"), 7,212,999 ("999 patent"), 7,412,416 ("416 patent"), 7,533,056 ("056 patent"), 7,587,357 ("357 patent"), and 7,613,651 ("651 patent"). The complaint was subsequently amended to add claims of infringement of U.S. Patent Nos. 7,676,411 ("411 patent"), 7,693,768 ("768 patent"), 7,725,382 ("382 patent") and 7,813,996 ("996 patent"). CTS and CC have received

and reviewed a copy of the Complaint and Amended Complaints filed by TT in this action.

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 patents-in-suit, and has the right to sue upon, and recover damages for past infringement and enjoin future infringement of the patents-in-suit.

4. All claims of the '304, '132, '411, '768, '382 and '996 patents are valid and enforceable.

5. CTS has infringed the '304 and '132 patents under 35 U.S.C. Section 271 by making, using, selling, offering for sale, importing, and/or otherwise distributing electronic trading software referred to as t4, versions 1.5.0 - 1.22.1.

6. CTS has infringed the '411, '768, '382 and '996 patents under 35 U.S.C. Section 271 by making, using, selling, offering for sale, importing and/or otherwise distributing electronic trading software referred to as t4, versions 2.0.0 - 2.0.52. An excerpt from documentation describing the most recent product is included in Exhibit 1.

7. Defendant CTS, its officers, directors, partners, members, affiliates, subsidiaries, assigns, and successors-in-interest are hereby permanently enjoined (unless expressly permitted by TT (for example pursuant to the license granted in the Settlement Agreement)) during the terms of the '304, '132, '411, '768, '382 and '996 patents from infringing the '304, '132, '411, '768, '382 and '996 patents, including, without limitation, by the making, using, selling, offering for sale, importing, and otherwise distributing in the United States the electronic trading software products referred to in paragraphs 5 and

6 above including, without limitation, for use in electronically trading any item (e.g., futures, options, equities, fixed-income products, etc.).

8. Pursuant to the Settlement Agreement, CTS shall pay to TT an amount in settlement of TT's claims for past damages arising from the claims of infringement of the patents-in-suit.

9. The Settlement Agreement resolves all claims in this action. Accordingly, TT's claims of patent infringement of the '999, '416, '056, '357 and '651 patents are hereby dismissed with prejudice.

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

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

SO ORDERED

Dated: 1/21/11

Wm. J. Hubler  
United States District Court Judge

AGREED TO:

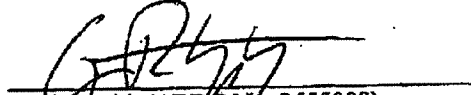
Dated: 1/12/11



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Dated: 1-12-2011



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