

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. STRATEGY RUNNER 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 incorporating the STRATEGY RUNNER Strategy Runner Pro/Lite with Static Market Panes software products, screenshots and documentation of which are included in Exhibit 1.

6. Defendant STRATEGY RUNNER, 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, including, without limitation, by 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. TT waives its rights to damages from STRATEGY RUNNER arising from the manufacture, 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.

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

9. Notwithstanding the terms of this Consent Judgment, STRATEGY RUNNER expressly reserves the right to contest infringement if the STRATEGY RUNNER software is modified so as to not infringe the patents-in-suit. In the event that STRATEGY RUNNER contests infringement based on STRATEGY RUNNER software that is modified, TT reserves the right to assert any and all claims against STRATEGY RUNNER 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 STRATEGY RUNNER software and the software that is the subject of this 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: 8/22/05

David H. Coar

Judge Coar
United States District Court Judge

AGREED TO:

Dated: 8/2/05

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CH01/ 12434608.2

Exhibit 1

Example Strategy Runner Screenshot and Documentation

Static Market Pane

Strategy Runner offers Static Market Pane, where Prices are static, and client can choose how often he wants to centralize current/last price.

Explanation from User Guide: Using Static table prices mode

In the Static table prices mode, you can use the **Center Price** button in order to center it. To set default for periodical centering of price:

1. In the Market Pane Table section, click the **Center Last Price** checkbox.
2. Set the number of ticks moved from the center after which you want the current price to be centered automatically.
3. Set the number of seconds from previous centering after which you want the current price to be centered automatically. The price will be centered when one of the conditions set in step 2 or step 3 is met.
4. Click **Apply** to apply and save, or click **Ok** to save and exit.

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