

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KC FILED

SEP 14 2005

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

TRADING TECHNOLOGIES, INC.,

*Plaintiff,*

v.

CQG, INC. and CQGT, LLC,

*Defendants.*

CASE No. 05 C 4811

JUDGE MORAN

MAGISTRATE JUDGE COLE

**DEFENDANTS' MOTION TO DISMISS,  
OR IN THE ALTERNATIVE, TO TRANSFER VENUE**

Defendants CQG, Inc. and CQGT, LLC ("collectively Defendants") hereby respond to Plaintiff Trading Technologies International, Inc.'s ("TT's") Complaint for Patent Infringement and move to dismiss, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, the claims asserted against them by Plaintiff Trading Technologies, International, Inc. ("TT"). As set forth more fully in the accompanying Memorandum in Support of this Motion and the Declarations of Josef Schroeter and Mark W. Fischer, Defendants request that the Court dismiss TT's Complaint in accordance with Rule 12(b)(3) of the Federal Rules of Civil Procedure for improper venue, in light of Defendants' first-filed Declaratory Judgment Action currently pending in the District of Colorado, which involves the same parties and addresses the same issues in this action.

In the event the Court denies Defendants' Motion to Dismiss TT's Complaint, Defendants alternatively request that the Court transfer venue pursuant to 28 U.S.C. § 1404(a) to the District of Colorado for consolidation with Defendants' first-filed Declaratory Judgment Action currently pending in that district. The Court should grant Defendants' request because the District of Colorado represents the more convenient forum for the parties and witnesses for resolution of this dispute, and transfer to the District of Colorado is in the interests of justice.

WHEREFORE, Defendants respectfully request that the Court dismiss TT's Complaint for improper venue, or in the alternative, enter an order transferring venue to the United States District Court for the District of Colorado.

Dated: September 14, 2005

Respectfully Submitted,

By: 

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