

FILED

AUG 19 2005

MICHAEL W. DOBBINS UNITED STATES DISTRICT COURT
CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies International, Inc.,)
)
)
Plaintiff,)
)
)
v.)
)
)
CQG, Inc.; and)
CQGT, LLC)
)
Defendants.)
_____)

Civil Action No. **05C 4811**

JUDGE MORAN

MAGISTRATE JUDGE COLE

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Trading Technologies International, Inc. ("Trading Technologies"), for its complaint against Defendants CQG, Inc. ("CQG") and CQGT, LLC ("CQGT") (collectively "Defendants"), states as follows:

PARTIES

1. Plaintiff Trading Technologies is a Delaware Corporation with a principal place of business at 222 South Riverside Plaza, Suite 1100, Chicago, Illinois 60606.
2. Defendant CQG is a Colorado Corporation with its principal place of business at 1050 17th Street, Suite 2000, Denver, CO 80265.
3. Defendant CQG has a regional office at 311 S. Wacker, Suite 3810, Chicago, IL 60606.
4. Defendant CQGT is a Colorado Limited Liability Company with its principal place of business at 1050 17th Street, Suite 2000, Denver, CO 80265.
5. Defendant CQGT was formed by CQG on August 12, 2005.

CQG EXHIBIT 1004

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the acts of Congress relating to patents, namely the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court thereby has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Defendant CQG regularly conducts business in this district. Defendant CQG has an office located in this district. Defendant CQG provides trading software that is for use with the exchanges in this district, including the Chicago Board of Trade (“CBOT”) and the Chicago Mercantile Exchange (“CME”). This Court has jurisdiction generally over Defendant CQG.

8. Defendant CQGT is a wholly owned subsidiary of CQG.

9. Defendants have committed and continue to commit acts of patent infringement in this district. Therefore, this Court has specific jurisdiction over the Defendants.

10. Defendants CQG resides in this district, because Defendant is subject to personal jurisdiction in this district. Therefore, this District is a proper venue pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,766,304

11. Plaintiff Trading Technologies is the owner of U.S. Patent No. 6,766,304 (“the ’304 patent”), titled “Click Based Trading with Intuitive Grid Display of Market Depth,” which issued on July 20, 2004. A true and correct copy of the ’304 patent is attached as Exhibit A.

12. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287.

13. Defendants have and continue to infringe the '304 patent by making, using, selling and/or offering for sale products and methods covered by claims of the '304 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

14. In addition, Defendants actions have and continue to constitute active inducement of and/or contributory infringement of the '304 patent in violation of 35 U.S.C. §271(b) and (c).

15. Defendants' infringement of the '304 patent is willful and deliberate.

16. Defendants' infringement of the '304 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

**COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 6,772,132**

17. Plaintiff Trading Technologies incorporates paragraphs 1-16 as if set forth in full.

18. Plaintiff Trading Technologies is the owner of U.S. Patent No. 6,772,132 ("the '132 patent"), titled "Click Based Trading with Intuitive Grid Display of Market Depth," which issued on August 3, 2004. A true and correct copy of the '132 patent is attached as Exhibit B.

19. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287.

20. Defendants have and continues to infringe the '132 patent by making, using, selling and/or offering for sale products and methods covered by claims of the '132 patent without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

21. In addition, Defendants' actions have and continue to constitute active inducement of and/or contributory infringement of the '132 patent in violation of 35 U.S.C. §271(b) and (c).

22. Defendant's infringement of the '132 patent is willful and deliberate.

23. Defendant's infringement of the '132 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

RELIEF REQUESTED

THEREFORE, Plaintiff Trading Technologies prays for judgment and relief including:

(A) Judgment that Defendants CQG and CQGT have been and are infringing one or more of the claims of the '304 and '132 patents pursuant to 35 U.S.C. §§ 271(a), (b), and/or (c);

(B) A preliminary and permanent injunction enjoining Defendants CQG and CQGT and their officers, agents, servants, employees, attorneys, related business entities and those in active concert or participation with them from infringing the '304 and '132 patents;

(C) An award of damages incurred by Plaintiff Trading Technologies as a result of Defendants' infringement of the '304 and '132 patents;

(D) An award trebling the damages pursuant to 35 U.S.C. § 284 as a result of Defendants' willful infringement of the '304 and '132 patents;

(E) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment interest against Defendant CQG and CQGT; and

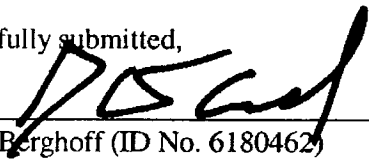
(F) Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff Trading Technologies demands trial by jury on all issues so triable.

Date: Aug 19, 2005 By: _____

Respectfully submitted,


Paul H. Berghoff (ID No. 6180462)
Leif R. Sigmond, Jr. (ID No. 6204980)
Matthew J. Sampson (ID No. 6207606)
George I. Lee (I.D. No. 6224430)
S. Richard Carden (ID No. 6269504)
Jennifer M. Swartz (ID No. 6279893)
Dennis D. Crouch (ID No. 6281230)
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Tel.: (312) 913-0001
Fax: (312) 913-0002

Steven F. Borsand (ID No. 6206597)
Trading Technologies International, Inc.
222 South Riverside
Suite 1100
Chicago, Illinois 60606
Tel: (312) 476-1000
Fax: (312) 476-1182

**Attorneys for Plaintiff,
TRADING TECHNOLOGIES
INTERNATIONAL, INC.**

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.