

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

)	
)	Case No. 10 C 715
TRADING TECHNOLOGIES)	(Consolidated with:
INTERNATIONAL, INC.)	10 C 716, 10 C 718,
)	10 C 720, 10 C 721,
Plaintiff,)	10 C 726, 10 C 882,
v.)	10 C 883, 10 C 884,
)	10 C 885, 10 C 929,
BCG PARTNERS, INC.)	10 C 931)
)	
Defendant.)	Judge Virginia M. Kendall
)	

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Trading Technologies International, Inc. (“Trading Technologies”), for its complaint against Defendant TradeHelm, Inc. (“TradeHelm”), 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 TradeHelm is a Delaware Corporation with its corporate headquarters at 5727 South Lewis Ave., Suite 500, Tulsa, Oklahoma 74105.

JURISDICTION AND VENUE

3. 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).

4. Defendant TradeHelm regularly conducts business in this district. Defendant's trading software provides access to exchanges in this district, including the Chicago Board of Trade ("CBOT"). Defendant TradeHelm actively markets, demonstrates, licenses and sells its trading software, including at a minimum the ACTrader product, in this district. *See, e.g.*, Ex. A. Therefore, this Court has jurisdiction generally over Defendant TradeHelm.

5. Defendant TradeHelm has committed and continues to commit acts of patent infringement in this district. Therefore, this Court has specific jurisdiction over Defendant TradeHelm.

6. Defendant TradeHelm maintains an office in this district at 20 North Wacker Dr., Suite 3550, Chicago, Illinois 60606, and, as such, it 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**

7. 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 was duly and legally issued on July 20, 2004. A true and correct copy of the '304 patent is attached as Exhibit B.

8. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '304 patent.

9. Plaintiff Trading Technologies has never licensed Defendant TradeHelm under the '304 patent nor otherwise authorized Defendant TradeHelm to practice the '304 patent.

10. Defendant TradeHelm has infringed and continues to infringe the '304 patent by making, using, selling and/or offering for sale products covered by claims of the '304 patent, including

at a minimum the ACTrader software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

11. Defendant TradeHelm has in the past and continues to promote, advertise and instruct customers and potential customers about its products and how to use its products, including infringing uses. Defendant's promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website www.TradeHelm.com, and distribution of brochures. *See, e.g.*, Ex. A.

12. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

13. Defendant's actions have in the past and continue to constitute active inducement of and contributory infringement of the '304 patent in violation of 35 U.S.C. §271(b) and (c).

14. Defendant's 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**

15. Plaintiff Trading Technologies incorporates paragraphs 1-14 as if set forth in full.

16. 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 was duly and legally issued on August 3, 2004. A true and correct copy of the '132 patent is attached as Exhibit C.

17. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '132 patent.

18. Plaintiff Trading Technologies has never licensed Defendant TradeHelm under the '132 patent nor otherwise authorized Defendant TradeHelm to practice the '132 patent.

19. Defendant TradeHelm has infringed and continues to infringe the '132 patent by making, using, selling and/or offering for sale products covered by claims of the '132 patent, including at a minimum the ACTrader software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

20. Defendant TradeHelm has in the past and continues to promote, advertise and instruct customers and potential customers about their products and how to use their products, including infringing uses. Defendant's promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website www.TradeHelm.com, and distribution of brochures. *See, e.g.*, Ex. A.

21. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

22. Defendant's actions have in the past and continue to constitute active inducement of and contributory infringement of the '132 patent in violation of 35 U.S.C. §271(b) and (c).

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

**COUNT III:
INFRINGEMENT OF U.S. PATENT NO. 7,212,999**

24. Plaintiff Trading Technologies incorporates paragraphs 1-23 as if set forth in full.

25. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,212,999 ("the '999 patent"), titled "User Interface for an Electronic Trading System," which was duly and legally issued on May 1, 2007. A true and correct copy of the '999 patent is attached as Exhibit D.

26. Plaintiff Trading Technologies is in compliance with any applicable marking and notice provisions of 35 U.S.C. § 287, with respect to the '999 patent.

27. Plaintiff Trading Technologies has never licensed Defendant TradeHelm under the '999 patent nor otherwise authorized Defendant TradeHelm to practice the '999 patent.

28. Defendant TradeHelm has infringed and continues to infringe the '999 patent by making, using, selling and/or offering for sale products covered by claims of the '999 patent, including at a minimum the ACTrader software, *see, e.g.*, Ex. A, without Plaintiff Trading Technologies' authorization in violation of 35 U.S.C. § 271(a).

29. Defendant TradeHelm has in the past and continues to promote, advertise and instruct customers and potential customers about their products and how to use their products, including infringing uses. Defendant's promotion, advertising, and instruction efforts include, at a minimum, maintenance of the website www.TradeHelm.com, and distribution of brochures. *See, e.g.*, Ex. A.

30. Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

31. Defendant's actions have in the past and continue to constitute active inducement of and contributory infringement of the '999 patent in violation of 35 U.S.C. §271(b) and (c).

32. Defendant's infringement of the '999 patent has caused irreparable harm to Plaintiff Trading Technologies and will continue to do so unless enjoined.

**COUNT IV:
INFRINGEMENT OF U.S. PATENT NO. 7,533,056**

33. Plaintiff Trading Technologies incorporates paragraphs 1-32 as if set forth in full.

34. Plaintiff Trading Technologies is the owner of U.S. Patent No. 7,533,056 ("the '056 patent"), titled "User Interface for an Electronic Trading System," which duly and legally issued on May 12, 2009. A true and correct copy of the '056 patent is attached as Exhibit E.

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