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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies, International, Inc.,	)))	**Case No. 10 C 715**
Plaintiff,	))	**(Consolidated from 10 C 715, 10 C 716, 10 C 718, 10 C 720, 10 C 721, 10 C 726,**
v.	))	**10 C 882, 10 C 883, 10 C 884, 10 C 885, 10 C 929, 10 C 931)**
BGC Partners, Inc.; Cantor Fitzgerald, L.P.; BGC Holdings, L.P.; BGC Partners, L.P.; SunGard Data Systems, Inc.; SunGard Investment Ventures, LLC; GL Trade Americas, Inc.; CQG, Inc.; CQGT, LLC; FuturePath Trading, LLC; IBG, LLC; Interactive Brokers Group, Inc.; IBG Holdings LLC; Interactive Brokers LLC; Cunningham Commodities, LLC, Stellar Trading Systems, Ltd.; Stellar Trading Systems, Inc.; thinkorswim Group, Inc.; TD AMERITRADE, Inc.; TD AMERITRADE Holding Corp.; TradeStation Securities, Inc.; TradeStation Group, Inc.; Open E Cry, LLC; optionsXpress Holdings, Inc.; Rosenthal Collins Group, LLC; and Tradehelm, Inc.,	))))))))))))))))))))	**District Judge Virginia M. Kendall** **Magistrate Judge Sidney I. Schenkier**
Defendants.	))	

PROTECTIVE ORDER

WHEREAS, certain documents and information may be sought, produced or exhibited by the parties to this case that contain the parties' trade secrets, technical information, financial information, competitive information, confidential research, development, or other kinds of commercially sensitive information which the party making the production deems confidential;

WHEREAS, it has been agreed by Plaintiff Trading Technologies International, Inc. ("TT"); BGC Partners, Inc., Cantor Fitzgerald, L.P., BGC Holdings, L.P., and BGC Partners,

L.P. ("BGC"); SunGard Data Systems, Inc., SunGard Investment Ventures LLC, and GL Trade Americas, Inc. ("GL"); CQG, Inc. and CQGT, LLC ("CQG"); FuturePath Trading, LLC ("FuturePath"); IBG LLC, Interactive Brokers LLC, Interactive Brokers Group, Inc., and IBG Holdings LLC ("IBG"); Cunningham Commodities, LLC ("Cunningham"); Stellar Trading Systems, Ltd. and Stellar Trading Systems, Inc. ("Stellar"); thinkorswim Group, Inc., TD AMERITRADE, Inc., and TD AMERITRADE Holding Corp. ("TD Ameritrade"); TradeStation Securities, Inc., and TradeStation Group, Inc. ("TradeStation"); Open E Cry, LLC and OptionsXpress Holdings, Inc. ("Open E Cry"); Rosenthal Collins Group, LLC ("RCG"); and TradeHelm, Inc. ("TradeHelm") that a Protective Order is necessary to preserve the confidentiality of these documents and information;

IT IS HEREBY ORDERED:

1. This Protective Order shall govern all business and technical documents and the information contained therein, produced or disclosed in the course of the above-captioned action (the "Proceeding"), whether revealed in a document, declaration, expert report, deposition or other testimony, discovery response, or otherwise, by any party to this Proceeding (the "Disclosing Party") to any other party (the "Receiving Party"), when such information is designated in accordance with this Protective Order. This Protective Order is binding upon the parties to the Proceeding, including such party's successors, subsidiaries, divisions and their respective attorneys, officers, employees and others as set forth in this Protective Order.

2. A copy of this Protective Order shall be furnished to each third party required to produce documents or otherwise formally disclose information in response to

discovery requests during the Proceeding. Such third parties may elect to avail themselves of, and agree to be bound by, the terms and conditions of this Protective Order and thereby become a Disclosing Party for purposes of this Protective Order.

3.   A Disclosing Party shall have the right to designate as "CONFIDENTIAL" any documents and/or information that the party believes in good faith to constitute, reflect or disclose the Disclosing Party's confidential or proprietary documents and/or information, where the Disclosing Party further believes in good faith that such documents and/or information is not publicly known and the Disclosing Party would not normally reveal such documents and/or information to third parties.

4.   A Disclosing Party shall have the right to designate as "HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY" only information entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, the disclosure of which the Disclosing Party in good faith believes would cause harm to the competitive position of the Disclosing Party. Such information may include:

a.   confidential financial information, such as, without limitation, revenue from sales/licenses of products, revenue or income arrangements with traders or other customers, net and gross revenue, profit and loss statements, earnings statements, accounts receivable/payable statements, including forecasts and plans;

b.   trade secrets, as defined by the Uniform Trade Secrets Act; customer and/or trader lists and competitive market information;

c.   confidential technical information; and

    d.   agreements with third parties containing sensitive business information.

The enumeration of the foregoing categories shall not be construed as suggesting or implying that information falling into one or more of these categories is discoverable in this Proceeding and shall not preclude any party from properly objecting to the discovery of such information for any reason.

5.   A Disclosing Party shall have the right to designate as "HIGHLY CONFIDENTIAL—PATENT PROSECUTION" only information that (1) meets the definition of "HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY" material; and (2) is particularly sensitive product design information which is of the type that can be included in a patent application and form the basis, or part of the basis, for a patent claim or claims. The "HIGHLY CONFIDENTIAL—PATENT PROSECUTION" designation is an extraordinary designation and is to be used only in good faith by counsel to protect information that meets the above defined criteria.

6.   A Receiving Party that receives CONFIDENTIAL information from a Disclosing Party may disclose that CONFIDENTIAL information only to the following persons:

    a.   All outside counsel that have entered an appearance in the Proceeding, including those attorneys, patent agents, paralegals, clerks, secretaries, or other employees of their firm;

    b.   One (1) designated in-house attorney of the Receiving Party that is involved in the Proceeding on behalf of the Receiving Party, provided such attorney agrees, in advance, to be bound by this Order by executing an Acknowledgement in the form attached to this Order as Exhibit A. Requests

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by the parties to designate additional in-house attorneys to have access to confidential information will be considered on a case by case basis. The designated in-house attorney for the parties is as follows:

for TT - Steven Borsand;

for BGC - ____;

for GL - ____;

for CQG - ____;

for FuturePath - ____;

for IBG - ____;

for Cunningham - ____;

for Stellar - ____;

for TD Ameritrade - ____;

for TradeStation - ____;

for Open E Cry - ____;

for RCG - ____; and

for TradeHelm - ____.

c.   Three (3) corporate designees of the Receiving Party, provided such corporate designees agree, in advance, to be bound by this Order by executing an Acknowledgement in the form attached to this Order as Exhibit A. The corporate designees for the parties are as follows:

for TT - Harris Brumfield, Farley Owens, and Michael Burns;

for BGC - _____, _____, and _____;

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