



## **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 TradeStation Securities, Inc. is a Florida Corporation with its corporate headquarters at 8050 Southwest 10th Street, Suite 2000, Plantation, Florida 33324.

3. Defendant TradeStation Group, Inc. is a Florida Corporation with its corporate headquarters at 8050 Southwest 10th Street, Suite 4000, Plantation, Florida 33324.

## **JURISDICTION AND VENUE**

4. 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).

5. Defendants TradeStation regularly conduct business in this district. Defendants' trading software provides access to exchanges in this district, including the Chicago Board of Trade ("CBOT"). Defendants TradeStation have formed and continue to be a part of business partnerships with entities in this district, including licensing its software and intellectual property to the CBOT and the Chicago Mercantile Exchange. Defendants TradeStation actively market, demonstrate, license and sell their trading software in this district. Therefore, this Court has jurisdiction generally over Defendants TradeStation.

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

7. Defendants TradeStation maintain several offices in this district at (1) 111 North Canal Street, Chicago, Illinois 60606-7218, (2) 350 West Cermak Road, Chicago, IL 60616, and (3) 233 South Wacker Drive, Chicago, Illinois 60606-6306, and, as such, they are 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**

8. Plaintiff Trading Technologies incorporates paragraphs 1-7 as if set forth in full.

9. 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.

10. 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.

11. Plaintiff Trading Technologies has never licensed Defendants under the ‘304 patent or otherwise authorized Defendants to practice the ‘304 patent.

12. Defendants have created and have used, or actively induced others to use, a system for electronic trading, including at a minimum TradeStation’s MATRIX window. The system, according to instructions on the Defendants’ websites, allows users to electronically trade using front-end trading software upon installation of the software.

13. Defendants have infringed and continue to infringe one or more claims of the ‘304 patent by making, using, selling and/or offering for sale products, including at a minimum TradeStation’s MATRIX window, covered by claims of the ‘304 patent without Plaintiff Trading Technologies’ authorization in violation of 35 U.S.C. § 271. Infringement is direct, as well as contributory, and by actively inducing infringement by others.

14. Defendants have in the past and continue to promote, advertise and instruct customers and potential customers about TradeStation’s MATRIX window and uses of the product, including infringing uses of the MATRIX window. *See, e.g.*, Ex. A. Defendants’ promotion,

advertising, and instruction efforts include, at a minimum, maintenance of the websites www.tradestation.com and distribution of manuals, and release notes. *See, e.g.*, Ex. A. Defendants engaged in these acts with the actual intent to cause the acts which they knew or should have known would induce actual infringements.

15. On information and belief, Defendants had actual and constructive notice of the existence of the '304 patent.

16. Defendants had at least constructive notice of the '304 patent as of August, 2004, when TT added the '304 patent to the list of markings that appear on the opening screen of TT's X\_Trader product. Ex. C.

17. At a minimum, regardless of the foregoing, Defendants had actual knowledge of the '304 patent through the filing of the current lawsuit on February 9, 2010. Since that time, Defendants have continued to make, use, sell and/or offer for sale products, including at a minimum TradeStation's MATRIX window with knowledge of the '304 patent. In addition, Defendants have continued to promote, advertise and instruct customers and potential customers about TradeStation's MATRIX window and uses of the product, including infringing uses of the MATRIX window with knowledge of the '304 patent. *See, e.g.* Ex. A.

18. In addition, Defendants had knowledge of the '304 patent since at least about August 2010 when TT provided them with a licensing term sheet that specifically disclosed and offered for license the '304 patent.

19. In addition, Defendants had or should have had knowledge of the '304 patent based on settlements and consent judgments entered in related cases, specifically *Trading Technologies Int'l, Inc. v. Cunningham Trading Systems, LLC*, Civil Case No. 10-C-726 and/or *Trading*

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