

EP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Trading Technologies International, Inc.,)
)
Plaintiff,)
)
v.)
)
eSpeed, Inc., ITSEcco Holdings Limited,)
and Ecco LLC)
)
Defendants.)
)
_____)

Case No. 04 C 5312
Judge James B. Moran
Magistrate Sidney I. Schenkier

FILED

OCT 10 2007

Judge James B. Moran
United States District Court

JURY VERDICT FORM

EXPLANATION REGARDING INDEPENDENT AND DEPENDENT CLAIMS

On this Verdict Sheet you will find that independent claims are listed in boldface, and dependent claims in regular typeface. This is not an indication that some claims are more important than others. Rather, as explained in the jury instructions, if you find that an independent claim is not infringed, you need not consider whether the dependent claims listed underneath it are infringed. Similarly, if you find that an independent claim is valid, you need not consider whether the dependent claims listed underneath it are valid.

SPECIAL VERDICT NO. 1: DIRECT INFRINGEMENT (eSpeed)

1. For each of the Asserted Claims, did TT prove by a preponderance of the evidence that eSpeed directly infringed? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for eSpeed on the issue.)

'132 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 2:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 7:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 20:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 23:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 24:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 25:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 27:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 28:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 50:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

'304 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 11:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 26:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 2: CONTRIBUTORY INFRINGEMENT (eSpeed)

2. For each of the claims below, did TT prove by a preponderance of the evidence that eSpeed contributorily infringed? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for eSpeed on the issue.)

'132 Patent

Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 3: INDUCEMENT TO INFRINGE (eSpeed)

3. For each of the Asserted Claims, did TT prove by a preponderance of the evidence that eSpeed induced infringement by others? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for eSpeed on the issue.)

'132 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 2:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 7:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 20:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 23:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 24:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 25:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 27:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 28:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 50:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

'304 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 11:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 26:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 4: DIRECT INFRINGEMENT (Ecco)

4. For each of the Asserted Claims, did TT prove by a preponderance of the evidence that Ecco directly infringed? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for Ecco on the issue.)

'132 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 2:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 7:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 20:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 23:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 24:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 25:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 27:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 28:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 50:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

'304 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 11:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 26:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 5: CONTRIBUTORY INFRINGEMENT (Ecco)

5. For each of the claims below, did TT prove by a preponderance of the evidence that Ecco contributorily infringed? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for Ecco on the issue.)

'132 Patent

Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 6: INDUCEMENT TO INFRINGE (Ecco)

6. For each of the Asserted Claims, did TT prove by a preponderance of the evidence that Ecco induced infringement by others? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for Ecco on the issue.)

'132 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 2:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 7:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 20:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 23:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 24:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 25:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 27:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 28:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 50:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 40:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 45:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 47:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 48:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 52:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

'304 Patent

Claim 1:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 11:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 14:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 15:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Claim 26:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

SPECIAL VERDICT NO. 7: WILLFULNESS

For eSpeed:

If you found direct infringement, contributory infringement or inducing infringement by eSpeed, did TT prove by clear and convincing evidence that such infringement was willful? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for eSpeed on the issue.)

YES NO

For Ecco:

If you found direct infringement, contributory infringement or inducing infringement by Ecco, did TT prove by clear and convincing evidence that such infringement was willful? (A "Yes" answer is a finding for TT on the issue; a "No" answer is a finding for Ecco on the issue.)

YES NO

SPECIAL VERDICT NO. 8: PRIORITY DATE

Did eSpeed/Ecco prove, by clear and convincing evidence, that the Asserted Claims of the '132 and '304 patents are NOT entitled to the benefit of the filing date of the Provisional Application, March 2, 2000, and, therefore, the patents are invalid? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

YES _____

NO ✓

SPECIAL VERDICT NO. 9: PRIOR ART

A. Regardless of your response to Special Verdict No. 8, assuming the priority date is March 2, 2000, which of the following references has eSpeed/Ecco proved by clear and convincing evidence to qualify as prior art? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

Tradepad 4.31	YES ___	NO <input checked="" type="checkbox"/>
Midas Kapiti	YES ___	NO <input checked="" type="checkbox"/>
TIFFE	YES ___	NO <input checked="" type="checkbox"/>
TSE	YES ___	NO <input checked="" type="checkbox"/>

B. Regardless of your response to Special Verdict No. 8, assuming the priority date is June 9, 2000, which of the following references has eSpeed/Ecco proved by clear and convincing evidence to qualify as prior art? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

Tradepad 4.31	YES ___	NO <input checked="" type="checkbox"/>
Midas Kapiti	YES ___	NO <input checked="" type="checkbox"/>
TIFFE	YES ___	NO <input checked="" type="checkbox"/>
TSE	YES ___	NO <input checked="" type="checkbox"/>

SPECIAL VERDICT NO. 10: ANTICIPATION - 1

Regardless of your response to Special Verdict No. 8, assuming the priority date is March 2, 2000, did eSpeed/Ecco prove by clear and convincing evidence that any of the following claims was anticipated by a single prior art reference? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

'132 Patent

Claim 1:	YES	_____	NO	<u> ✓ </u>
Claim 2:	YES	_____	NO	<u> ✓ </u>
Claim 7:	YES	_____	NO	<u> ✓ </u>
Claim 20:	YES	_____	NO	<u> ✓ </u>
Claim 23:	YES	_____	NO	<u> ✓ </u>
Claim 24:	YES	_____	NO	<u> ✓ </u>
Claim 25:	YES	_____	NO	<u> ✓ </u>
Claim 27:	YES	_____	NO	<u> ✓ </u>
Claim 28:	YES	_____	NO	<u> ✓ </u>
Claim 50:	YES	_____	NO	<u> ✓ </u>
Claim 14:	YES	_____	NO	<u> ✓ </u>
Claim 15:	YES	_____	NO	<u> ✓ </u>
Claim 40:	YES	_____	NO	<u> ✓ </u>
Claim 45:	YES	_____	NO	<u> ✓ </u>
Claim 47:	YES	_____	NO	<u> ✓ </u>
Claim 48:	YES	_____	NO	<u> ✓ </u>
Claim 52:	YES	_____	NO	<u> ✓ </u>

'304 Patent

Claim 1:	YES	_____	NO	<u> ✓ </u>
Claim 11:	YES	_____	NO	<u> ✓ </u>
Claim 14:	YES	_____	NO	<u> ✓ </u>
Claim 15:	YES	_____	NO	<u> ✓ </u>
Claim 26:	YES	_____	NO	<u> ✓ </u>

If you find that any of the above claims is anticipated, for each claim please identify specifically each reference, which you found qualified as prior art in Question 9 A, that anticipated the claim.

SPECIAL VERDICT NO. 11: ANTICIPATION - 2

Regardless of your response to Special Verdict No. 8, assuming the priority date is June 9, 2000, did eSpeed/Ecco prove by clear and convincing evidence that any of the following claims was anticipated by a single prior art reference? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

'132 Patent

Claim 1:	YES	_____	NO	_____ ✓
Claim 2:	YES	_____	NO	_____ ✓
Claim 7:	YES	_____	NO	_____ ✓
Claim 20:	YES	_____	NO	_____ ✓
Claim 23:	YES	_____	NO	_____ ✓
Claim 24:	YES	_____	NO	_____ ✓
Claim 25:	YES	_____	NO	_____ ✓
Claim 27:	YES	_____	NO	_____ ✓
Claim 28:	YES	_____	NO	_____ ✓
Claim 50:	YES	_____	NO	_____ ✓
Claim 14:	YES	_____	NO	_____ ✓
Claim 15:	YES	_____	NO	_____ ✓
Claim 40:	YES	_____	NO	_____ ✓
Claim 45:	YES	_____	NO	_____ ✓
Claim 47:	YES	_____	NO	_____ ✓
Claim 48:	YES	_____	NO	_____ ✓
Claim 52:	YES	_____	NO	_____ ✓

'304 Patent

Claim 1:	YES	_____	NO	_____ ✓
Claim 11:	YES	_____	NO	_____ ✓
Claim 14:	YES	_____	NO	_____ ✓
Claim 15:	YES	_____	NO	_____ ✓
Claim 26:	YES	_____	NO	_____ ✓

If you find that any of the above claims is anticipated, for each claim please identify specifically each reference, which you found qualified as prior art in Question 9 A, that anticipated the claim.

SPECIAL VERDICT NO. 12: OBVIOUSNESS -1

Regardless of your response to Special Verdict No. 8, assuming the priority date is March 2, 2000, did eSpeed/Ecco prove by clear and convincing evidence that the subject matter of any of the following claims would have been obvious at the time the claimed invention was made to a person having ordinary skill in the art of that patent? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT.)

'132 Patent

Claim 1:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 2:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 7:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 20:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 23:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 24:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 25:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 27:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 28:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 50:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 14:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 15:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 40:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 45:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 47:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 48:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 52:	YES	_____	NO	<input checked="" type="checkbox"/>

'304 Patent

Claim 1:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 11:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 14:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 15:	YES	_____	NO	<input checked="" type="checkbox"/>
Claim 26:	YES	_____	NO	<input checked="" type="checkbox"/>

SPECIAL VERDICT NO. 13: OBVIOUSNESS -2

Regardless of your response to Special Verdict No. 8, assuming the priority date is June 9, 2000, did eSpeed/Ecco prove by clear and convincing evidence that the subject matter of any of the following claims would have been obvious to a person having ordinary skill in the art of that patent at the time the claimed invention was made? (A "Yes" answer is a finding for eSpeed/Ecco on the issue; a "No" answer is a finding for TT on the issue.)

'132 Patent

Claim 1:	YES	_____	NO	_____ ✓
Claim 2:	YES	_____	NO	_____ ✓
Claim 7:	YES	_____	NO	_____ ✓
Claim 20:	YES	_____	NO	_____ ✓
Claim 23:	YES	_____	NO	_____ ✓
Claim 24:	YES	_____	NO	_____ ✓
Claim 25:	YES	_____	NO	_____ ✓
Claim 27:	YES	_____	NO	_____ ✓
Claim 28:	YES	_____	NO	_____ ✓
Claim 50:	YES	_____	NO	_____ ✓
Claim 14:	YES	_____	NO	_____ ✓
Claim 15:	YES	_____	NO	_____ ✓
Claim 40:	YES	_____	NO	_____ ✓
Claim 45:	YES	_____	NO	_____ ✓
Claim 47:	YES	_____	NO	_____ ✓
Claim 48:	YES	_____	NO	_____ ✓
Claim 52:	YES	_____	NO	_____ ✓

'304 Patent

Claim 1:	YES	_____	NO	_____ ✓
Claim 11:	YES	_____	NO	_____ ✓
Claim 14:	YES	_____	NO	_____ ✓
Claim 15:	YES	_____	NO	_____ ✓
Claim 26:	YES	_____	NO	_____ ✓

SPECIAL VERDICT NO. 14: DAMAGES

If you found that eSpeed infringed any valid claim of the '304 or '132 patent, what amount do you award as damages to compensate TT for the infringement by eSpeed?

\$ 1.5 million

If you found that Ecco infringed any valid claim of the '304 or '132 patent, what amount do you award as damages to compensate TT for the infringement by Ecco?

\$ 2.0 million