COURT OF APPEALS AFFIRMS JUDGMENT IN FAVOR OF INTERCONTINENTALEXCHANGE IN NYMEX LITIGATION

Released : 01 August 2007

ATLANTA, Aug. 1 /PRNewswire-FirstCall/ -- IntercontinentalExchange (NYSE: ICE), the leading electronic energy marketplace and soft commodity exchange, today issued the following statement regarding today's decision by the United States Court of Appeals for the Second Circuit affirming judgment in favor of ICE in its long-running litigation with the New York Mercantile Exchange (NYMEX) over the right of market participants to use NYMEX settlement prices.

ICE Chairman and CEO Jeffrey C. Sprecher said: "This is an important decision for all market participants. ICE has been confident all along in its position that NYMEX has no intellectual property in its settlement prices, and we have been steadfast in our position that we will not allow the threats of a competitor to dictate the direction of our business. The United States Copyright Office agreed with our position that NYMEX settlement prices are not copyrightable. The District Court also agreed with this position and granted judgment in favor of ICE as a matter law. Now, the Second Circuit Court of Appeals has affirmed this decision in favor of ICE. Given the repeated affirmation of our position, we consider this matter closed."

About IntercontinentalExchange

IntercontinentalExchange(R) (NYSE: ICE) operates global commodity and financial products marketplaces, including the world's leading electronic energy markets and soft commodity exchange. ICE's diverse futures and over- the-counter (OTC) markets offer access to contracts based on crude oil and refined products, natural gas, power and emissions, as well as agricultural commodities including cocoa, coffee, cotton, ethanol, orange juice, wood pulp and sugar, in addition to foreign currency and equity index futures and options. ICE(R) conducts its energy futures markets through ICE Futures, its U.K. regulated London-based subsidiary, which offers the world's leading oil benchmarks and trades nearly half of the world's global crude futures in its markets. ICE conducts its soft commodity, foreign exchange and index markets through its U.S. regulated subsidiary, the New York Board of Trade(R). NYBOT(R) provides global futures and options markets, as well as clearing services through ICE Clear US(sm), its wholly owned clearing house. ICE's state-of-the-art electronic trading platform brings market access and transparency to participants in more than 50 countries. ICE was added to the Russell 1000(R) Index in June 2006. Headquartered in Atlanta, ICE also has offices in Calgary, Chicago, Houston, London, New York and Singapore. For more information, please visit **www.theice.com**.

Safe Harbor Statement under the Private Securities Litigation Reform Act of 1995 - Statements in this press release regarding IntercontinentalExchange's business that are not historical facts are "forward-looking statements" that involve risks and uncertainties. For a discussion of such risks and uncertainties, which could cause actual results to differ from those contained in the forward-looking statements, see ICE's Securities and Exchange Commission (SEC) filings, including, but not limited to, the risk factors in ICE's Annual Report on Form 10-K for the year ended December 31, 2006, and the Quarterly Reports on Form 10-Q for the quarters ended March 31 and June 30, 2007, each as filed with the SEC on February 26, 2007, May 4, 2007 and July 27, 2007, respectively.

SOURCE IntercontinentalExchange