

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	
<i>PLAINTIFF/COUNTER-DEFENDANT</i>	§	
vs.	§	2:06-CV-72
	§	
WELLS FARGO & COMPANY, <i>et al</i>	§	JURY TRIAL DEMANDED
<i>DEFENDANTS/COUNTER-PLAINTIFFS</i>	§	

**DATATREASURY'S ANSWER TO MAGTEK'S COUNTERCLAIM TO
DATATREASURY'S AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DataTreasury Corporation hereby files its Answer to MagTek, Inc.'s Counterclaim to Plaintiff's Amended Complaint for Patent Infringement (hereafter "MagTek's Counterclaim") and, in support thereof, states as follows:

JURISDICTION AND VENUE

1. Plaintiff/Counter-Defendant admits the allegations in paragraph 103 of MagTek's Counterclaim.
2. Plaintiff/Counter-Defendant admits that venue is proper.

PARTIES

3. Plaintiff/Counter-Defendant admits the allegations in paragraph 105 of MagTek's Counterclaim.
4. Plaintiff/Counter-Defendant admits the allegations in paragraph 106 of MagTek's Counterclaim.

FIRST CLAIM FOR RELIEF

**Against DataTreasury for Declaration of
Noninfringement and Invalidity of U.S. Patent No. 5,583,759**

5. Plaintiff/Counter-Defendant admits the allegations in paragraph 107 of MagTek's Counterclaim.

6. Plaintiff/Counter-Defendant denies the allegations in paragraph 108 of MagTek's Counterclaim.

7. Plaintiff/Counter-Defendant denies the allegations in paragraph 109 of MagTek's Counterclaim.

8. Plaintiff/Counter-Defendant denies the allegations in paragraph 110 of MagTek's Counterclaim.

9. Plaintiff/Counter-Defendant denies the allegations in paragraph 111 of MagTek's Counterclaim.

SECOND CLAIM FOR RELIEF

**Against DataTreasury for Declaration of
Noninfringement and Invalidity of U.S. Patent No. 5,930,778**

10. Plaintiff/Counter-Defendant admits the allegations in paragraph 112 of MagTek's Counterclaim.

11. Plaintiff/Counter-Defendant denies the allegations in paragraph 113 of MagTek's Counterclaim.

12. Plaintiff/Counter-Defendant denies the allegations in paragraph 114 of MagTek's Counterclaim.


13. Plaintiff/Counter-Defendant denies the allegations in paragraph 115 of MagTek's Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

- A. For judgment dismissing the counterclaims with prejudice;
- B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;
- C. An award of the costs of this action; and
- D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
DATATREASURY CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of record registered to receive same through the Court's Electronic Filing System on the 26th day of June, 2006.



A handwritten signature in black ink, appearing to read 'Anthony K. Bruster', is written over a horizontal line.

ANTHONY K. BRUSTER