

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATREASURY CORPORATION	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2-06CV-72-DF
	§	
WELLS FARGO & COMPANY, et al.	§	
Defendants.	§	

ORDER GRANTING DEFENDANTS' MOTION TO STAY AND SEVER

Before the Court is the Motion of Defendants Compass Bank, Compass Bancshares, Inc., First Horizon National Corporation, and First Tennessee Bank, National Association to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination. (the "Motion"). After considering the Motion, the responses, any reply, and the applicable authority, the Court is of the opinion that the Motion should be granted.

It is therefore ORDERED that the Motion of Defendants Compass Bank, Compass Bancshares, Inc., First Horizon National Corporation, and First Tennessee Bank, National Association to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination is GRANTED.

It is further ORDERED that Plaintiff's claims related to U.S. Patent 5,910,988 and U.S. Patent 6,032,137 (jointly, "the Ballard patents") -- Counts 1 and 2 of the First Amended Complaint -- shall be severed from this action and placed on the Court's docket as a new civil action number. Proceedings in the new action are stayed pending reexamination of the Ballard patents by the United States Patent and Trademark Office.