

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

DataTreasury Corporation

Plaintiff

v.

Wells Fargo & Company, et al.

Defendants

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Civil Action No. 2:06-CV-72 DF

ORDER

Pending before this Court is the Motion by Defendants Cullen/Frost Bankers, Inc. and The Frost National Bank to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents. Having considered the Motion, the Court finds that it is well-taken. Therefore, it is hereby

ORDERED, ADJUDGED, and DECREED that the Motion by Defendants Cullen/Frost Bankers, Inc. and The Frost National Bank to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents is **GRANTED**. Plaintiff's claims against Cullen/Frost Bankers, Inc. and The Frost National Bank relating to U.S. Patent Nos. 5,910,988 and 6,032,137 (collectively the "Ballard patents"), Counts 1 and 2 of the Amended Complaint, shall be severed from this action and placed on the Court's docket under a new cause number. Further proceedings in that new action shall be stayed pending reexamination of the Ballard patents by the United States Patent and Trademark Office. The parties shall promptly notify the Court in writing of any official action by the United States Patent and Trademark Office concerning either of the two patents in reexamination.