

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

DATATREASURY CORPORATION)	
)	
Plaintiff,)	Case No. 2-06CV-72DF
)	
vs.)	
)	Jury demanded
CITIZENS FINANCIAL GROUP)	
INC., et al.,)	
)	
Defendants.)	
_____)	

**MOTION OF DEFENDANT CITIZENS FINANCIAL GROUP, INC. TO SEVER AND
STAY THE CLAIMS RELATING TO THE BALLARD PATENTS PENDING
REEXAMINATION OF THE BALLARD PATENTS**

Defendant Citizens Financial Group, Inc. (“Citizens Financial”) moves for a severance and stay of the claims related to U.S. Patent Nos. 5,910,988 (“the ‘988 patent”) and 6,032,137 (“the ‘137 patent”) (collectively the “Ballard patents”) until the reexamination of those two patents is complete.

Defendants Harris Bankcorp., Inc., Harris N.A., KeyBank National Association, KeyCorp, PNC Bank, The PNC Financial Services Group, Inc., Sun Trust Bank, Sun Trust Banks, Inc., and Electronic Data Systems Corp. filed a Motion to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents on September 19, 2006 in this matter. (Dkt. No. 260). Citizens Financial adopts the arguments and authorities advanced by that Motion to Sever and Stay, as if set out fully herein. Specifically, Citizens Financial asserts that they, like the KeyBank and PNC defendants, seek to avoid substantial time and expense in defending DataTreasury Corporation’s claims of patent infringement related to the Ballard patents and instead focus on the claims asserted under the Huntington Patents (U.S. Patent Nos. 5,717,868 and 5,265,007).

In the interest of justice and of judicial economy, this Court should sever and stay the claims related to the Ballard patents pending the completion of their reexamination.

Respectfully submitted,

Date: October 2, 2006

/s/ Claude E. Welch
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CERTIFICATE OF CONFERENCE

I certify that on October 2, 2006, I conferred with Plaintiff DataTreasury Corporation's counsel, Eric M. Albritton, in a good faith attempt to resolve this matter without court intervention. Mr. Albritton stated that Plaintiff opposes this Motion.

/s/ Michael Stonebrook

CERTIFICATE OF SERVICE

I certify that all counsel of record who are deemed to have consented to electronic service are being served this 10th day of October 2006, with a copy of the foregoing via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Claude E. Welch