

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

JURY TRIAL DEMANDED

ORDER

The Court has decided to grant the Motion of Defendant First Citizens Bank & Trust Company to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents. Accordingly, it is,

ORDERED that the Motion of Defendant First Citizens Bank & Trust Company to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents is **GRANTED**. Claims related to U.S. Patent Nos. 5,910,988 ("the '988 patent") and 6,032,137, ("the '137 patent") — Counts 1 and 2 in the First 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 '988 and '137 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.