

# **Exhibit E**

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

DATATREASURY CORPORATION,

Plaintiff

v.

2:06-CV-72 DF

WELLS FARGO & COMPANY; WELLS  
FARGO & COMPANY; WELLS  
FARGO BANK, NATIONAL  
ASSOCIATION; BANK OF AMERICA  
CORPORATION; BANK OF AMERICA,  
NATIONAL ASSOCIATION; U.S.  
BANCORP; U.S. BANK, NATIONAL  
ASSOCIATION; WACHOVIA  
CORPORATION; WACHOVIA BANK,  
NATIONAL ASSOCIATION; SUNTRUST  
BANKS, INC.; SUNTRUST BANK;  
BB&T CORPORATION; BRANCH  
BANKING AND TRUST COMPANY;  
BANCORPSOUTH, INC.;  
BANCORPSOUTH BANK; COMPASS  
BANCSHARES, INC.; COMPASS BANK;  
CULLEN/FROST BANKERS, INC.; THE  
FROST NATIONAL BANK; FIRST  
HORIZON NATIONAL CORPORATION;  
FIRST TENNESSEE BANK, NATIONAL  
ASSOCIATION; HSBC NORTH  
AMERICA HOLDINGS INC.; HSBC  
BANK USA, N.A.; HARRIS BANKCORP,  
INC.; HARRIS N.A.; NATIONAL CITY  
CORPORATION; NATIONAL CITY  
BANK; ZIONS BANCORPORATION;  
ZIONS FIRST NATIONAL BANK; BANK  
OF NEW YORK CO., INC.; THE BANK  
OF NEW YORK; UNIONBANCAL  
CORPORATION; UNION BANK OF  
CALIFORNIA, NATIONAL  
ASSOCIATION; BANK OF  
TOKYO-MITSUBISHI UFJ, LTD.;  
CITIZENS FINANCIAL GROUP, INC.

CITY NATIONAL CORPORATION;  
CITY NATIONAL BANK; COMERICA  
INCORPORATED; COMERICA BANK &  
TRUST, NATIONAL ASSOCIATION;  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS; FIRST CITIZENS  
BANCSHARES, INC.; FIRST CITIZENS  
BANK & TRUST COMPANY;  
KEYCORP; KEYBANK NATIONAL  
ASSOCIATION; LASALLE BANK  
CORPORATION; LASALLE BANK NA;  
M&T BANK CORPORATION; M&T  
BANK; THE PNC FINANCIAL  
SERVICES GROUP, INC.; PNC BANK,  
NATIONAL ASSOCIATION  
UBS AMERICAS, INC.; SMALL VALUE  
PAYMENTS COMPANY, LLC; THE  
CLEARING HOUSE PAYMENTS  
COMPANY, LLC; MAGTEK, INC; FIRST  
DATA CORPORATION; TELECHECK  
SERVICES, INC., REMITCO, LLC; and  
ELECTRONIC DATA SYSTEMS CORP.

Defendants.

**ORDER**

Pending before the Court is the Motion to Sever and Stay Claims Related to Ballard Patents Pending Reexamination of the Ballard Patents by Defendants BB&T Corporation, Branch Banking and Trust Company, Comerica Inc., Comerica Bank & Trust National Association, M&T Bank Corporation and M&T Bank. The Court, having considered the arguments of counsel, finds the motion to be well taken, and grants the motion as follows:

IT IS HEREBY ORDERED that the Motion to Sever and Stay Claims Related to Ballard Patents Pending Reexamination is GRANTED. Plaintiff's claims against Defendants BB&T Corporation, Branch Banking and Trust Company, Comerica Inc., Comerica Bank & Trust National Association, M&T Bank Corporation and M&T Bank relating to U.S. Patent Nos.

5,910, 988 and 6,032,137, 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.