

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

DATATREASURY CORPORATION §
PLAINTIFF §

vs. §

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; §

Civil Action No. 2:06cv72

JURY TRIAL DEMANDED

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. §
 § JURY TRIAL DEMANDED
 §
 § *DEFENDANTS* §

**DATA TREASURY CORPORATION'S
 RESPONSE TO MOTION TO SEVER AND STAY THE CLAIMS
 RELATING TO THE BALLARD PATENTS
 PENDING REEXAMINATION OF THE BALLARD PATENTS**

Comes now Plaintiff DataTreasury Corporation (“DataTreasury”) and files its Response to Defendant First Citizens Bank & Trust Company’s Motion to Stay and Sever the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents (Dkt. No. 289). DataTreasury respectfully requests that this Court deny Defendants’ Motion in its entirety. In support thereof, DataTreasury incorporates, in its entirety, its Response to Defendants Harris Bankcorp, Inc., Harris N.A., KeyBank National Association, KeyCorp, PNC Bank, The PNC Financial Services Group, Inc., SunTrust Bank, SunTrust Banks, Inc., and Electronic Data Systems Corp. Motion to Sever and Stay the Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents and the arguments and authorities cited therein.

Respectfully submitted,

/s/ R. Benjamin King

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 11th day of October, 2006.

/s/ R. Benjamin King

Nix, Patterson & Roach LLP