

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

DATATREASURY CORPORATION	§	Civil Action No. 2:06-CV-72
<i>PLAINTIFF</i>	§	
vs.	§	Judge David Folsom
	§	
WELLS FARGO & COMPANY, <i>ET AL.</i>	§	
<i>DEFENDANTS</i>	§	
_____	§	

**DEFENDANTS KEYBANK NATIONAL ASSOCIATION AND KEYCORP'S
NOTICE OF DECISION REGARDING STIPULATION**

Pursuant to the Court's Order (Dkt. No. 326) dated October 25, 2006 regarding the pending Motions to Sever and Stay Claims Relating to the Ballard Patents Pending Reexamination of the Ballard Patents, Defendants KeyBank National Association and KeyCorp respectfully notify this Court of their decision not to execute the stipulation proposed in the Order.

DATED: November 3, 2006

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter
SAM BAXTER
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
505 East Travis Street, Suite 105
Marshall, Texas 75670
Telephone: (903) 927-2111
Telecopy: (903) 927-2622

THEODORE STEVENSON, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
L. DAVID ANDERSON
Texas State Bar No. 00796126
danderson@mckoolsmith.com
300 Crescent Court
Suite 1500
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

PETER J. AYERS
Texas State Bar No. 24009882
payers@mckoolsmith.com
GEOFFREY L. SMITH
Texas State Bar No. 24041939
gsmith@mckoolsmith.com
300 W. 6th Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Telecopy: (512) 692-8744

**ATTORNEYS FOR DEFENDANTS
KEYCORP AND KEYBANK NA**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ L. David Anderson _____
L. David Anderson