

**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 PNC BANK AND THE PNC FINANCIAL SERVICES GROUP, INC.'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 PNC Bank and The PNC Financial Services Group, Inc. 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.

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**ATTORNEYS FOR DEFENDANTS THE
PNC FINANCIAL SERVICES GROUP,
INC. AND PNC BANK**

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