

**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 SUNTRUST BANK AND SUNTRUST BANKS, 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 SunTrust Bank and SunTrust Banks, 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.**

/s/ Sam Baxter  
SAM BAXTER  
Lead Attorney  
Texas State Bar No. 01938000  
[sbaxter@mckoolsmith.com](mailto: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](mailto:tstevenson@mckoolsmith.com)  
L. DAVID ANDERSON  
Texas State Bar No. 00796126  
[danderson@mckoolsmith.com](mailto: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](mailto:payers@mckoolsmith.com)  
GEOFFREY L. SMITH  
Texas State Bar No. 24041939  
[gsmith@mckoolsmith.com](mailto:gsmith@mckoolsmith.com)  
300 W. 6th Street, Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Telecopy: (512) 692-8744

**ATTORNEYS FOR DEFENDANTS  
SUNTRUST BANKS, INC. AND  
SUNTRUST 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