

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

DATATREASURY CORPORATION,

Plaintiff

v.

WELLS FARGO & COMPANY *ET AL.*,

Defendants

2:06-CV-72 DF

**NOTICE OF STIPULATION BY ZIONS BANCORPORATION AND ZIONS FIRST
NATIONAL BANK AS TO BALLARD PATENTS**

Pursuant to the Court's October 25, 2006 Order (Dkt. No. 326) on the pending Motions to Sever and Stay the Claims relating to the Ballard Patents, Defendants ZIONS BANCORPORATION and ZIONS FIRST NATIONAL BANK (hereinafter "the Zions Defendants") notify the Court as follows:

The Zions Defendants agree that the stay will be granted only on condition that the Zions Defendants agree not to challenge United States Patent Numbers 5,910,988 and/or 6,032,137 based on any prior art printed publications that were considered in the reexamination process. To satisfy the Court's condition, if the Court enters the stay, the Zions Defendants agree not to challenge United States Patent Numbers 5,910,988 and/or 6,032,137 based on any prior art printed publications that were considered in the reexamination process.

Since no claims have been asserted against Zions other than claims relating to United States Patent Numbers 5,910,988 and 6,032,137 (i.e., the Ballard Patents), Zions request that this case be severed and stayed in its entirety as to Zions pending final outcome of the

reexaminations of the Ballard Patents. The Zions Defendants reserve the right to raise any claims or defenses relating to the Ballard Patents in the event the Court declines to stay the claims asserted against the Zions Defendants in this action.

Respectfully submitted this 3rd day of November, 2006.

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**ATTORNEYS FOR DEFENDANTS ZIONS
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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing Stipulation By Zions Parties As To Ballard Patents on Plaintiff's counsel of record by electronic mail via the Court's CM/ECF system, pursuant to Local Court Rule 5, addressed as follows:

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This 3rd day of November, 2006.

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