

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

DATATREASURY CORPORATION,

2:06-CV-72 DF

Plaintiff

v.

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; 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,

Defendants

MOTION FOR EXTENSION OF TIME TO ANSWER

Defendants Bank of America, N.A. and Bank of America, Corp. (collectively “the Bank”) respectfully request that the Court extend the Bank’s deadline to answer Data Treasury Corporation’s First Amended Complaint for Patent Infringement (Docket No. 3) until Friday, February 16, 2007. The Bank’s Answer is currently due on February 12, 2007. (Docket No. 406). The lengthy Amended Complaint, combined with a heavy trial schedule for three of the Bank’s lead attorneys have slowed the Bank’s efforts to provide as complete of a responsive pleading as possible at this stage of the litigation. The requested extension of time to answer will allow the Bank to further research the allegations and provide a more complete pleading. Accordingly, for cause shown, the Bank respectfully requests that the Court extend the answer

date. FED. R. CIV. P. 6(b)(1). This extension is sought so that justice may be done and not for any improper purpose.

Dated: February 12, 2007

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s Thomas M. Melsheimer

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BANK OF AMERICA CORPORATION,
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CERTIFICATE OF CONFERENCE

On February 12, 2007 I e-mailed counsel for Plaintiff, Karl Rupp, regarding the requested extension. Thereafter, an associate in my office attempted to contact Mr. Rupp via telephone and all of Plaintiff's counsel via Plaintiff's list-serve e-mail address. The associate also attempted to contact Plaintiff's counsel Mr. Ed Hohn via telephone, and, after speaking with Mr. Hohn's assistant, learned that Plaintiffs' counsel were unavailable due to various travel commitments. The Bank will continue its efforts to resolve this issue with the Plaintiff and will apprise the Court of any developments.

/s M. Brett Johnson

M. Brett Johnson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s M. Brett Johnson

M. Brett Johnson

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