

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

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DATATREASURY CORP.,	:	
Plaintiff,	:	
v.	:	
	:	Civil Action No. 2-06-CV-72(DF)
WELLS FARGO and COMPANY, et al.,	:	
Defendants.	:	
	:	
	:	
	:	
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DECLARATION OF JAMES H. CARTER

JAMES H. CARTER declares:

1. I am a member of the Bar of this Court and of Sullivan & Cromwell LLP, attorneys for defendant The Clearing House Payments Company L.L.C. (“The Clearing House”). I submit this declaration in support of The Clearing House’s motion for summary judgment of noninfringement.
2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 5,265,007 (“the ’007 Patent”).
3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiff’s Disclosures of Asserted Claims and Infringement Contentions (the “PICs”) as to SVPCo, dated December 4, 2006, and Appendix A thereto.

4. Attached hereto as Exhibit 3 is a true and correct copy of an Amendment dated December 8, 1992, submitted to the United States Patent & Trademark Office (the "USPTO") during prosecution of the '007 Patent.

5. Attached hereto as Exhibit 4 is a true and correct copy of a Second Amendment After Final Action and Statement Pursuant to 37 C.F.R. § 1.116(b), dated June 29, 1993, submitted to the USPTO during prosecution of the '007 Patent.

6. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit E to the Joint Claim Construction and Prehearing Statement submitted in *DataTreasury Corp. v. Citigroup*, No. 05-CV-294.

7. Attached hereto as Exhibit 6 is a true and correct copy of page 272 of the Oxford English Dictionary, 2d ed.

8. Attached hereto as Exhibit 7 is a true and correct copy of page 1607 of Random House Webster's Unabridged Dictionary, 2d ed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on February 16, 2007.


James H. Carter