

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

DATATREASURY CORPORTION	§	
<i>Plaintiff/Counter-Defendant</i>	§	
	§	
vs.	§	No. 2:06cv72 (DF)
	§	Jury Trial Demanded
WELLS FARGO & COMPANY;	§	
WELLS FARGO BANK, NATIONAL	§	
ASSOCIATION	§	
<i>Defendants/Counter-Plaintiff</i>	§	

**DATATREASURY’S ANSWER TO BANK OF AMERICA, N.A.’S
COUNTERCLAIMS TO PLAINTIFF’S FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to Bank of America, N.A.’s Counterclaims to Plaintiff’s First Amended Complaint for Patent Infringement and in support thereof, states as follows:

THE PARTIES

1. Plaintiff/Counter-Defendant admits the allegations in paragraph 103 of Bank of America, N.A.’s Counterclaim.
2. Plaintiff/Counter-Defendant admits the allegations in paragraph 104 of Bank of America, N.A.’s Counterclaim.

JURISDICTION AND VENUE

3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 105 of Bank of America, N.A.’s Counterclaim.
4. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 106 of Bank of America, N.A.’s Counterclaim.

Count 1

Declaratory Judgment Regarding Non-Infringement

5. Plaintiff/Counter-Defendant admits that a controversy exists between the parties based on Plaintiff's filing of its Original Complaint and Amended Complaint in this cause of action as alleged in paragraph 107 of Bank of America N.A.'s Counterclaim.

6. Plaintiff/Counter-Defendant denies that Bank of America, N.A. is entitled to a Declaratory Judgment of Non-Infringement, as alleged in paragraph 108 of the first counterclaim of Bank of America, N.A.'s Counterclaim.

Count II

Declaratory Relief Regarding Invalidity

7. Plaintiff/Counter-Defendant denies that Bank of America, N.A. is entitled to a Declaratory Judgment of Invalidity, as alleged in paragraphs 109 thru 110 of the second counterclaim of Bank of America, N.A.'s Counterclaim.

Count III

Declaratory Judgment Relief Regarding Unenforceability

8. Plaintiff/Counter-Defendant denies that Bank of America, N.A. is entitled to Declaratory Judgment of Unenforceability as alleged in paragraphs 111 thru 112 of the third counterclaim of Bank of America, N.A.'s Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

- B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;
- C. An award of the costs of this action; and
- D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____/S/_____

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**ATTORNEYS FOR PLAINTIFF/COUNTER-
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 1st day of March, 2007.

_____/S/_____
Edward Lewis von Hohn