

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>	§	

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**DATATREASURY’S ANSWER TO LASALLE BANK CORPORATION AND  
LASALLE BANK, N.A. COUNTERCLAIMS**

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

1. In paragraph 100 of Defendants’ Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant’s Answer which are affirmative defenses by Defendant LaSalle for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 99 as denied.
2. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 101 of LaSalle’s Counterclaims.
3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 102 of LaSalle’s Counterclaims.

4. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 103 of LaSalle's Counterclaim.

**First Counterclaim  
(Declaratory Judgment of Non-Infringement)**

5. In paragraph 104 of Defendants' Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant's Answer which are affirmative defenses by Defendants LaSalle for which Defendants have the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 99 as denied.

6. Plaintiff/Counter-Defendant denies the allegations contained in paragraphs 105 thru 107 of LaSalle's Counterclaims.

**Second Counterclaim  
(Declaratory Judgment of Invalidity)**

7. In paragraph 108 of Defendants' Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant's Answer which are affirmative defenses by Defendants LaSalle for which Defendants have the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 99 as denied.

8. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 109 of LaSalle's Counterclaims.

**Third Counterclaim  
(Declaratory Judgment of Unenforceability)**

9. In paragraph 110 of Defendants' Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant's Answer which are affirmative defenses by Defendants LaSalle for which Defendant have the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 98 as denied.

10. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 111 of LaSalle's Counterclaims.

**Fourth Counterclaim  
(Laches and/or Statute of Limitations)**

11. In paragraph 112 of Defendants' Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant's Answer which are affirmative defenses by Defendants LaSalle for which Defendants have the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 98 as denied.

12. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 113 of LaSalle's Counterclaims.

**Fifth Counterclaim  
(Exceptional Case)**

13. In paragraph 114 of Defendants' Counterclaim, LaSalle has incorporated Paragraphs 93 through 99 of Defendant's Answer which are affirmative defenses by Defendants LaSalle for which Defendants have the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be

required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 99 as denied.

14. Plaintiff/Counter-Defendant denies LaSalle is entitled to recover reasonable attorneys' fees as alleged in paragraph 115 of LaSalle'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,

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**ATTORNEYS FOR PLAINTIFF/COUNTER-  
DEFENDANT, DATATREASURY  
CORPORATION**

**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.

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Edward Lewis von Hohn