

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 UBS AMERICAS, INC.’S COUNTERCLAIM**

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Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to UBS Americas, Inc.’s (UBSAI) Counterclaims to Plaintiff’s First Amended Complaint for Patent Infringement and in support thereof, states as follows:

**PARTIES**

1. Plaintiff/Counter-Defendant admits the allegations in paragraphs 96 thru 97 of UBSAI’s Counterclaim.

**JURISDICTION AND VENUE**

2. Plaintiff/Counter-Defendant admits the allegations contained in paragraphs 98 thru 99 of UBSAI.’s Counterclaim.

**COUNT ONE – DECLARATORY RELIEF REGARDING NON-  
 INFRINGEMENT**

3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 100 of UBSAI’s Counterclaim.

4. Plaintiff/Counter-Defendant denies that UBSAI is entitled to a Declaratory Judgment of Non-Infringement, as alleged in paragraph 101 of the first counterclaim of UBSAI.'s Counterclaim.

**COUNT TWO – DECLARATORY RELIEF REGARDING INVALIDITY**

5. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 102 of UBSAI's Counterclaim.

6. Plaintiff/Counter-Defendant denies that UBSAI. is entitled to a Declaratory Judgment of Invalidity, as alleged in paragraph 103 of the second counterclaim of UBSAI.'s Counterclaim.

**EXCEPTIONAL CASE**

7. Plaintiff/Counter-Defendant denies that UBSAI is entitled to recover attorney's fees under 35 U.S.C. §285 as alleged in paragraph 104 of UBSAI.'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-  
DEFENDANT, DATA TREASURY  
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