

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 CITIZENS FINANCIAL GROUP INC.’S
COUNTERCLAIMS**

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to Citizens Financial Group, Inc.’s (“CFG”) Counterclaims to Plaintiff’s First Amended Complaint for Patent Infringement and in support thereof, states as follows:

1. Plaintiff/Counter-Defendant admits the allegations in paragraph 1 of CFG’s Counterclaims.

2. Plaintiff/Counter-Defendant admits the allegations in paragraph 2 of CFG’s Counterclaims.

3. Plaintiff/Counter-Defendant admits the allegations in paragraph 3 of CFG’s Counterclaims.

4. Plaintiff/Counter-Defendant admits the allegations in paragraph 4 of CFG’s Counterclaims.

5. Plaintiff/Counter-Defendant admits the allegations in paragraph 5 of CFG’s Counterclaims.

**FIRST COUNTERCLAIM – DECLARATORY JUDGMENT OF NON-
INFRINGEMENT**

6. Plaintiff/Counter-Defendant is without sufficient knowledge to either admit or deny the allegations contained in paragraphs 6 thru 19 of the first counterclaim of CFG's Counterclaims.

7. Plaintiff/Counter-Defendant denies the allegations in paragraph 20 of the first counterclaim of CFG's Counterclaims.

8. Plaintiff/Counter-Defendant denies the allegations in paragraph 21 of the first counterclaim of CFG's Counterclaims.

9. Plaintiff/Counter-Defendant denies the allegations in paragraph 22 of the first counterclaim of CFG's Counterclaims.

10. Plaintiff/Counter-Defendant denies the allegations in paragraph 23 of the first counterclaim of CFG's Counterclaims.

11. Plaintiff/Counter-Defendant denies that CFG is entitled to a Declaratory Judgment of Non-Infringement as to the '988 Patent, as alleged in paragraph 24 of the first counterclaim of CFG's Counterclaim.

12. Plaintiff/Counter-Defendant denies that CFG is entitled to a Declaratory Judgment of Non-Infringement as to the '137 Patent, as alleged in paragraph 25 of the first counterclaim of CFG's Counterclaim.

13. Plaintiff/Counter-Defendant denies that CFG is entitled to a Declaratory Judgment of Non-Infringement as to the '007 Patent, as alleged in paragraph 26 of the first counterclaim of CFG's Counterclaim.

14. Plaintiff/Counter-Defendant denies that CFG is entitled to a Declaratory Judgment of Non-Infringement as to the '868 Patent, as alleged in paragraph 27 of the first counterclaim of CFG's Counterclaim.

SECOND COUNTERCLAIM – DECLARATORY JUDGMENT OF INVALIDITY

15. Plaintiff/Counter-Defendant denies the allegations contained in paragraphs 28 thru 32 of the second counterclaim of CFG's Counterclaim.

16. Plaintiff/Counter-Defendant denies that CFG is entitled to a Declaratory Judgment of Invalidity as to the '988, '137, '007, and '868 patents as alleged in paragraphs 33 thru 36 of the second counterclaim of CFG's Counterclaims.

THIRD COUNTERCLAIM – DECLARATORY JUDGMENT OF UNENFORCEABILITY

17. Plaintiff/Counter-Defendant denies the allegations contained in paragraphs 37 through 38 of the third counterclaim of CFG's Counterclaims.

18. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 39 of the third counterclaim of CFG's Counterclaims.

19. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 40 of the third counterclaim of CFG's Counterclaims.

20. Plaintiff/Counter-Defendant denies the allegations contained in paragraphs 41 through 67 of the third counterclaim of CFG's Counterclaims.

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/

EDWARD L. VON HOHN, Attorney in Charge
State Bar No. 09813240

ROD COOPER
State Bar No. 90001628

EDWARD CHIN
STATE BAR NO. 50511688

NIX PATTERSON & ROACH LLP
5215 N. O'Connor Blvd. Ste. 1900
Irving, Texas 75039
972.831.1188 (telephone)
972.692.5445 (facsimile)
edhohn@nixlawfirm.com
rodcooper@nixlawfirm.com
edchin@nixlawfirm.com

C. CARY PATTERSON
State Bar No. 15587000

BRADY PADDOCK
State Bar No. 00791394

ANTHONY BRUSTER
State Bar No. 24036280

R. BENJAMIN KING
State Bar No. 24048592

NIX PATTERSON & ROACH L.L.P.
2900 St. Michael Drive, Suite 500
Texarkana, Texas 75503
903.223.3999 (telephone)
903.223.8520 (facsimile)
akbruster@nixlawfirm.com
bpaddock@nixlawfirm.com
benking@nixlawfirm.com

JOE KENDALL
State Bar No. 11260700
KARL RUPP
State Bar No. 24035243
PROVOST * UMPHREY, L.L.P.
3232 McKinney Avenue, Ste. 700
Dallas, Texas 75204
214.744.3000 (telephone)
214.744.3015 (facsimile)
jkendall@provostumphrey.com
krupp@provostumphrey.com

ERIC M. ALBRITTON
State Bar ;No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
903.757.8449 (telephone)
903.758.7397 (facsimile)
ema@emafirm.com

T. JOHN WARD, JR.
State Bar No. 00794818
LAW OFFICE OF T. JOHN WARD, JR.
P.O. Box 1231
Longview, Texas 75601
903.757.6400 (telephone)
903.757.2323 (facsimile)
jw@jwfirm.com

**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.

_____/S/_____
Edward Lewis von Hohn