

# **EXHIBIT E**



SIDLEY AUSTIN LLP  
717 NORTH HARWOOD  
SUITE 3400  
DALLAS, TEXAS 75201  
214 981 3300  
214 981 3400 FAX

ctener@sidley.com  
(213) 896-6621

BEIJING GENEVA SAN FRANCISCO  
BRUSSELS HONG KONG SHANGHAI  
CHICAGO LONDON SINGAPORE  
DALLAS LOS ANGELES TOKYO  
NEW YORK WASHINGTON, DC

FOUNDED 1866

May 1, 2007

**VIA E-Mail**

Rod Cooper, Esq.  
Nix, Patterson & Roach, LLP  
5215 N. O'Connor Blvd., Ste. 1900  
Irving, Texas 75039

Re: Data Treasury Corporation v. Wells Fargo & Co., et al.  
United States District Court for the Eastern District of Texas, Marshall  
Division Civil Action No. 2:06CV72(DF)

Dear Rod:

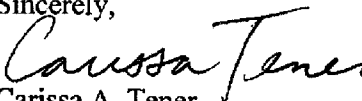
This letter is in response to your April 27, 2007 letter to Peter Ayers and his original letter of April 23 regarding the number of DataTreasury asserted claims. All non-McKool-represented Defendants that are accused of infringing the '007 and '868 patents are taking the same position as articulated by Peter Ayers. Thus, for purposes of this issue, this letter reflects the joint position of these Defendants.

Although your April 27<sup>th</sup> letter states that DataTreasury will seek to lift the stay if the original filed claims are allowed via the reexamination of the Ballard patents, it does not address Mr. Ayers' main point that DataTreasury has not reserved any of the 18 claims allotted by the Court to assert if such fact pattern develops.

Accordingly, if DataTreasury does not now reduce its list of 18 asserted claims from the '007 and '868 patents, all Defendants that are accused of infringing these 2 patents believe that DataTreasury will have forfeited its right to pursue the Ballard patents in this case, and we will therefore move to dismiss the Ballard patents from the case.

Please let us know DataTreasury's intentions in this regard.

Sincerely,

  
Carissa A. Tener

cc: All Counsel of Record (via e-mail)