

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

-----	X	
DATATREASURY CORP.,	:	
Plaintiff,	:	
v.	:	
	:	Civil Action No. 2-06-CV-72(DF)
WELLS FARGO and COMPANY, et al.,	:	
Defendants.	:	
	:	
	:	
	:	
	:	
-----	X	

**SUPPLEMENTAL DECLARATION OF JAMES H. CARTER**

JAMES H. CARTER declares:

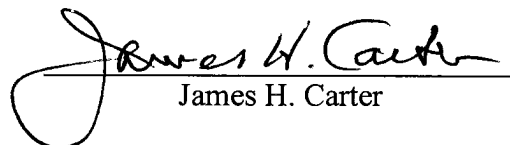
1. I am a member of the Bar of this Court and of Sullivan & Cromwell LLP, attorneys for defendant The Clearing House Payments Company L.L.C. (“The Clearing House”). I submit this supplemental declaration in connection with The Clearing House’s reply memorandum in support of its motion for summary judgment of noninfringement (the “Reply”).

2. Attached hereto as Exhibit 1 is a true and correct copy of the portions of the deposition testimony of Gerard F. Milano, taken on March 20, 2007, that are cited by The Clearing House in its Reply.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Joint Claim Construction Statement submitted by the parties on April 3, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on June 6, 2007.

  
James H. Carter