

# EXHIBIT C

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

**DATATREASURY CORPORATION,**

**2:06-CV-72 DF**

**Plaintiff**

**v.**

**WELLS FARGO & COMPANY, ET. AL.,**

**Defendants**

**DECLARATION OF THOMAS W. GALLMAN**

I, Thomas W. Gallman, declare as follows:

1. I am over the age of twenty-one (21), of sound mind, and competent to make this declaration. I have never been convicted of a felony or a crime of moral turpitude, and I am qualified to give testimony under oath. Each of the facts listed below is within my personal knowledge and is true and correct.

2. I am a Vice President with Bank of America (Consumer and Corporate Staff Technology), with over thirty (30) years of electrical engineering experience, twenty-two (22) years of which were with IBM. I have worked extensively with imaging, printing, and sorting devices. More particularly, from 1989 through 1998, I was a consulting information technology specialist for IBM. My duties included providing technical support for the installation and integration of imaging products into financial institutions. I have specific experience with the IBM 3890 series sorters during the 1989 through 1998 period.

3. As of November 22, 1993, the claimed filing date of the priority application for U.S. Patent No. 5,583,759 (the "759 Filing Date"), the IBM 3890 series sorters (the "sorter")


had rudimentary installed programming that only permitted the sorter to perform basic sorting and scanning functions. The additional programming necessary to perform more complex functions could be obtained from and customized by various third-party vendors or developed by the financial entity operating the sorter.

4. The function of "preparing a cash letter at the facility" could not be performed by the IBM 3890 sorter in the setup provided by IBM prior to the '759 Filing Date. Instead, the cash letter was prepared by an independent processor (external to the sorter) using application software written by a third-party vendor or the bank. The external processor assembled and formatted information it received from the sorter into a cash letter.

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

FURTHER, DECLARANT SAYETH NOT.

Executed on this 6<sup>TH</sup> day of June 2007, Charlotte, NC.

  
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Thomas W. Gallman