

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

**DATATREASURY CORPORATION,**

**Plaintiff**

v.

**WELLS FARGO & COMPANY, et al.**

**Defendants**

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

**UNOPPOSED MOTION TO EXCEED PAGE LIMITS  
IN DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF**

The following Defendants<sup>1</sup> (collectively, "Defendants") file this unopposed Motion asking for leave to exceed the page limit imposed by the Court's "Order From Scheduling Conference and Docket Control Order" ("Order" [Docket 325]) for Defendants' Responsive Claim Construction Brief:

Bank of America Corporation	Lasalle Bank, National Association
Bank of America, National Association	M&T Bank
Bank of Tokyo-Mitsubishi UFJ, LTD	M&T Bank Corporation
BB&T Corporation	National City Bank
Branch Banking and Trust Company	National City Corporation
Citizens Financial Group, Inc.	PNC Bank, National Association
City National Bank	PNC Financial Services Group, Inc.
City National Corporation	Telecheck Services, Inc.
Comerica Bank & Trust, National Association	The Bank of New York
Comerica Incorporated	The Bank of New York Co, Inc.
Deutsche Bank Trust Company Americas	The Clearing House Payments Company, LLC
First Citizens Bancshares, Inc.	U.S. Bancorp
First Citizens Bank & Trust Company	U.S. Bank, National Association
First Data Corporation	UBS Americas, Inc.
HSBC Bank USA, National Association	Union Bank of California, National Association
HSBC North America Holdings Inc.	UnionBanCal Corporation
KeyCorp	Wachovia Bank, National Association
KeyBank, National Association	Wachovia Corporation
Lasalle Bank Corporation	

The Court's Order provides that Defendants shall file one joint responsive claim construction brief limited to forty (40) pages. Order at 2. Defendants ask the Court to permit Defendants' Responsive

<sup>1</sup> First Citizens Bancshares, Inc. joins this Response subject to, and without waiver of, their lack of personal jurisdiction defenses.

Claim Construction Brief, filed concurrently herewith, to exceed the forty page limit by **five (5) pages**, excluding attachments. The parties have conferred on this issue, and Plaintiff DataTreasury Corporation does not oppose this motion. Accordingly, Defendants respectfully request that the Court enter an order allowing Defendants to exceed the page limit for its Response by five (5) pages.

Dated: July 9, 2007

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on May 29, 2007, counsel for Defendants Bank of America Corporation and Bank of America, National Association conferred with Plaintiff DataTreasury Corporation concerning the foregoing Motion. Plaintiff does not oppose the relief requested by Defendants.

/s/ Robert C. Earle  
Robert C. Earle

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 9, 2007 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

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