

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

**DATATREASURY CORPORATION,**

**Plaintiff**

**v.**

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

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

**Defendants**

**DEFENDANTS' NOTICE OF ACCEPTANCE  
OF STIPULATION REQUIRED FOR STAY**

Defendants KeyCorp, KeyBank National Association, PNC Financial Services Group, Inc. and PNC Bank, N.A. ("Defendants") are accused of infringing United States Patent Nos. 5,265,007 and 5,717,868 (the "Huntington Patents"). The Court ordered (Docket No. 798) that litigation of the Huntington Patents be stayed in light of developments in the *ex parte* reexamination of those patents. As a required condition of the Court's stay, Defendants, through their counsel of record, hereby notify the Court that they accept the following stipulation and the concomitant stay of all proceedings as to the Huntington Patents:

As a condition of the stay, Defendants may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendants will be permitted to rely for obviousness on the combination of a printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

The Defendants further note that they will work with the Plaintiff in this matter to keep the Court apprised of developments in the reexamination which may impact the ordered stay.

Dated: September 25, 2007

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam Baxter

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KEYCORP, KEYBANK NATIONAL  
ASSOCIATION, THE PNC FINANCIAL  
SERVICES GROUP, INC., AND PNC  
BANK, N.A.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 25, 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).

/s/ L. David Anderson

L. David Anderson