

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

DATATREASURY CORPORATION,

Plaintiff

v.

2:06-CV-72 DF

WELLS FARGO & COMPANY; WELLS  
FARGO & COMPANY; WELLS  
FARGO BANK, NATIONAL  
ASSOCIATION; BANK OF AMERICA  
CORPORATION; BANK OF AMERICA,  
NATIONAL ASSOCIATION; U.S.  
BANCORP; U.S. BANK, NATIONAL  
ASSOCIATION; WACHOVIA  
CORPORATION; WACHOVIA BANK,  
NATIONAL ASSOCIATION; SUNTRUST  
BANKS, INC.; SUNTRUST BANK;  
BB&T CORPORATION; BRANCH  
BANKING AND TRUST COMPANY;  
BANCORPSOUTH, INC.;  
BANCORPSOUTH BANK; COMPASS  
BANCSHARES, INC.; COMPASS BANK;  
CULLEN/FROST BANKERS, INC.; THE  
FROST NATIONAL BANK; FIRST  
HORIZON NATIONAL CORPORATION;  
FIRST TENNESSEE BANK, NATIONAL  
ASSOCIATION; HSBC NORTH  
AMERICA HOLDINGS INC.; HSBC  
BANK USA, N.A.; HARRIS BANKCORP,  
INC.; HARRIS N.A.; NATIONAL CITY  
CORPORATION; NATIONAL CITY  
BANK; ZIONS BANCORPORATION;  
ZIONS FIRST NATIONAL BANK; BANK  
OF NEW YORK CO., INC.; THE BANK  
OF NEW YORK; UNIONBANCAL  
CORPORATION; UNION BANK OF  
CALIFORNIA, NATIONAL  
ASSOCIATION; BANK OF  
TOKYO-MITSUBISHI UFJ, LTD.;  
CITIZENS FINANCIAL GROUP, INC.

CITY NATIONAL CORPORATION;  
CITY NATIONAL BANK; COMERICA  
INCORPORATED; COMERICA BANK &  
TRUST, NATIONAL ASSOCIATION;  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS; FIRST CITIZENS  
BANCSHARES, INC.; FIRST CITIZENS  
BANK & TRUST COMPANY;  
KEYCORP; KEYBANK NATIONAL  
ASSOCIATION; LASALLE BANK  
CORPORATION; LASALLE BANK NA;  
M&T BANK CORPORATION; M&T  
BANK; THE PNC FINANCIAL  
SERVICES GROUP, INC.; PNC BANK,  
NATIONAL ASSOCIATION  
UBS AMERICAS, INC.; SMALL VALUE  
PAYMENTS COMPANY, LLC; THE  
CLEARING HOUSE PAYMENTS  
COMPANY, LLC; MAGTEK, INC; FIRST  
DATA CORPORATION; TELECHECK  
SERVICES, INC., REMITCO, LLC; and  
ELECTRONIC DATA SYSTEMS CORP.

Defendants.

**M&T'S NOTICE OF ACCEPTANCE OF STIPULATION  
REQUIRED FOR STAY**

Pursuant to this Court's September 17, 2007 Order permitting a stay of all discovery and proceedings for the claims related to U.S. Patent Nos. 5,265,007, 5,717,868, 5,583,759 and 5,930,778 (collectively the "Huntington Patents") in light of the pending reexaminations by the U.S. Patent and Trademark Office, M&T Bank Corporation and M&T Bank (collectively, "M&T") hereby stipulate to the following:

As a condition of the stay, M&T 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, M&T will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

This the 25th day of September, 2007.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be served the foregoing Stipulation on Plaintiff's counsel of record by electronic mail pursuant to Local Court Rule 5(e) addressed as follows:

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This the 25th day of September, 2007.

/s/ E. Danielle Thompson Williams  
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