

**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

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

The Court ordered (Docket No. 798) that litigation of United States Patent Nos. 5,265,007; 5,717,868; 5,583,759; and 5,930,778 (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, the undersigned Defendants through their counsel of record hereby notify the Court that they accept the following stipulation and the concomitant stay of all proceedings:

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,

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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/ Thomas M. Melsheimer

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