

IN THE 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 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**

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**JOINT MOTION OF DEFENDANTS U.S. BANCORP, U.S. BANK, NATIONAL ASSOCIATION, NATIONAL CITY CORPORATION, NATIONAL CITY BANK, ZIONS BANCORPORATION, AND ZIONS FIRST NATIONAL BANK TO DISMISS, OR IN THE ALTERNATIVE, FOR MORE DEFINITE STATEMENT**

Defendants U.S. Bancorp, U.S. Bank, National Association, National City Corporation and National City Bank, Zions Bancorporation, and Zions First National Bank, hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Counts 1 through 5 of Plaintiff DataTreasury Corporation's ("DTC") First Amended Complaint for Patent Infringement for failure to state a claim upon which relief may be granted. In the alternative, Defendants U.S. Bancorp, U.S. Bank, National Association, National City Corporation and National City Bank, Zions Bancorporation, and Zions First National Bank hereby move pursuant

to Rule 12(e) of the Federal Rules of Civil Procedure for a more definite statement of DTC's claims.

In support of this Motion and in the interest of brevity, Defendants U.S. Bancorp, U.S. Bank, National Association, National City Corporation and National City Bank, Zions Bancorporation, and Zions First National Bank rely on and incorporate herein by reference the arguments presented in the Joint Motion of Defendants to Dismiss, or in the Alternative, for More Definite Statement filed on June 1, 2006 (Docket No. 80).

Dated: June 1, 2006

Respectfully submitted,

/s/ Anthony H. Son  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2006, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing instrument via the Court's CM/ECF filing system per Local Rule CV-5(a)(3).

                  /s/ Anthony H. Son  
Anthony H. Son