

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

DATATREASURY CORPORATION,

Plaintiff,

vs.

Case 2:06-cv-00072-DF-CMC

Civil Action No. 2:06cv72 Document 88 Filed 06/01/2006

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WELLS FARGO & COMPANY; ET AL.

Defendants.

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**HSBC BANK USA, N.A.'S MOTION TO DISMISS, OR IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT**

Defendant HSBC Bank USA, N.A. ("HSBC Bank"), hereby moves 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, Defendant HSBC Bank hereby moves pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for a more definite statement of DTC's claims.

Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure and in the interest of brevity, Defendant HSBC Bank relies on and incorporates 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,

BOUDREAUX, LEONARD, HAMMOND & CURCIO, P.C.

By: /s/ Glen M. Boudreaux
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State Bar No. 02696500

Lead Attorney for HSBC North America Holdings, Inc.

Two Houston Center

909 Fannin, Suite 2350

Houston, Texas 77010

Telephone: (713) 757-0000

Telefax: (713) 757-0178

Gboudreaux@blhc-law.com

Of Counsel:

Boudreaux, Leonard, Hammond & Curcio, P.C.

Tim S. Leonard

State Bar No. 12211200

909 Fannin, Suite 2350

Houston, Texas 77010

Tel. (713) 757-0000

Fax (713) 757-0178

Email: tleonard@blhc-law.com

WilmerHale

Irah H. Donner

399 Park Avenue

New York, N.Y. 10022

Tel. (212) 230-8887

Fax (212) 230-8888

Email: Irah.donner@wilmerhale.com

Locke Liddell & Sapp LLP

Roy W. Hardin

2200 Ross Avenue, Suite 2200

Dallas, Texas 75201-6776

Tel. (214) 740-8556

Fax (214) 740-8800


Email: rhardin@lockeliddell.com

Law Offices of Richard Grainger
Richard Grainger
118 West Houston Street
Tyler, Texas 75710
Tel. (903) 595-3514
Fax (903) 595-5360
Email: graingerpc@aol.com

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Certificate of Service

I certify that a copy of HSBC Bank USA, N.A.'s Motion to Dismiss, or in the Alternative, for More Definite Statement was served on June 1, 2006, 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).



Tim S. Leonard