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

DATATREASURY CORPORATION,

Plaintiff, Counterclaim Defendant,
vs.

WELLS FARGO & COMPANY, et al.,

Defendants, Counterclaim
Plaintiffs.

S

Civil Action No. 2:06-cv-00072-DF

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Judge David Folsom

Plaintiffs.

VIEWPOINTE ARCHIVE SERVICES, LLC'S NOTICE OF CONDITIONAL CROSS-APPEAL

Notice is hereby given that Defendant Viewpointe Archive Services, LLC conditionally appeals to the United States Court of Appeals for the Federal Circuit from the Amended Final Judgment entered in the above-named action on August 3, 2011, and all previous adverse orders subsumed therein. This appeal is conditioned upon another party challenging the Amended Final Judgment as it impacts Viewpointe. Viewpointe is satisfied with the relief granted to it in the Amended Final Judgment, which awards a take nothing judgment to Plaintiff as against Viewpointe and grants Viewpointe a declaration of non-infringement as to the claims in-suit. This cross-appeal is filed conditionally to preserve the right to raise counterclaims and affirmative defenses, including claims that the Plaintiff's patents are not infringed, invalid and unenforceable, in the event another party challenges the Amended Final Judgment in a manner that impacts Viewpointe.

Dated: September 15, 2011 Respectfully submitted,

/s/ Phillip B. Philbin

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ATTORNEYS FOR VIEWPOINTE ARCHIVE SERVICES, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF filing system per Local Rule CV-5(a)(3) on September 15, 2011.

/s/ Debra J. McComas

Debra J. McComas