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

ADVANCEME, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	CAUSE NO. 6:05CV424 LED
RAPIDPAY, LLC, BUSINESS CAPITAL	§	
CORPORATION, FIRST FUNDS LLC,	§	
MERCHANT MONEY TREE, INC.,	§	
REACH FINANCIAL, LLC and	§	
FAST TRANSACT, INC. d/b/a	§	
SIMPLE CASH	§	
	§	
Defendants.	§	
ADVANCEME, INC.,	§	
	§	
Plaintiff,	§	
007	§	CAUSE NO. 6:06cv0082 LED
v.	§	JURY TRIAL DEMANDED
	§	
AMERIMERCHANT, LLC,	§	
Defendant.	§	

DEFENDANTS' <u>UNOPPOSED</u> MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT IN RESPONSIVE CLAIM CONSTRUCTION BRIEF OF DEFENDANTS FIRST FUNDS LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, AND <u>AMERIMERCHANT, LLC, PURSUANT TO LOCAL PATENT RULE 4-5(b)</u>

Defendants First Funds LLC, Merchant Money Tree, Inc., Reach Financial, LLC, and AmeriMerchant, LLC (collectively "Defendants") respectfully request that the Court grant leave to exceed the page limit for their Responsive Claim Construction Brief Pursuant to Local Patent Rule 4-5(b), which will be filed jointly on behalf of four defendants. Specifically, in order to properly address the disputed terms, Defendants request leave of Court to file a 36-page Responsive Claim Construction Brief, a copy of which is attached here as Exhibit A. Plaintiff and Defendants met and conferred by telephone conference regarding this motion on September 27, 2006 and agreed that this motion will be unopposed.

September 27, 2006

Respectfully submitted,

By: /s/ Joseph D. Gray Willem G. Schuurman Texas State Bar No. 17855200 bschuurman@velaw.com

> Joseph D. Gray Texas State Bar No. 24045970 jgray@velaw.com VINSON & ELKINS L.L.P. 2801 Via Fortuna, Suite 100

Austin, Texas 78746 Telephone: 512.542.8400 Facsimile: 512.236.3476

-and-

Hilary L. Preston hpreston@velaw.com VINSON & ELKINS L.L.P. 666 Fifth Avenue – 26th Floor New York, NY 10103 Telephone: 212.237.0000 Facsimile: 212.237.0100

-and-

Douglas R. McSwane, Jr. State Bar No. 13861300 **POTTER MINTON** A Professional Corporation 110 N. College 500 Plaza Tower (75702) P.O. Box 359 Tyler, Texas 75710 Telephone: 903.597.8311 Facsimile: 903.593.0846 E-mail: dougmcswane@potterminton.com

Counsel for Defendants First Funds LLC, Merchant Money Tree, Inc., Reach Financial, LLC, and AmeriMerchant, LLC

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SIMPLE CASH	§	
	§	
Defendants.	§ §	
ADVANCEME, INC.,	§	
	§	
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AMERIMERCHANT, LLC,	8	
Defendant.	\$ \$ \$	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who have consented to electronic service

are being served a copy of this document via the court's CM/ECF system per Local Rule CV-

5(a)(3) on this the 27th day of September, 2006. Any other counsel of record will be served by

first class mail on this same date.

By: /s/ Joseph D. Gray Joseph D. Gray

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	§	
AMERIMERCHANT, LLC,	§	
Defendant.	§	
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ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT IN RESPONSIVE CLAIM CONSTRUCTION BRIEF

The Court having considered Defendants First Funds LLC's, Merchant Money Tree, Inc.'s, Reach Financial, LLC's, and AmeriMerchant, LLC's (collectively "Defendants") Motion for Leave to Exceed the Page Limit in Defendants' Responsive Claim Construction Brief is of the opinion that Defendants' motion should be GRANTED.

Accordingly, IT IS ORDERED that Defendants may submit a Responsive Claim

Construction Brief of 36 pages, excluding the Tables of Contents and Authorities.

IT IS SO ORDERED on this the _____ day of _____, 2006.

The Honorable Leonard Davis United States District Court for the Eastern District of Texas