

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

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ADVANCEME, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 6:05-cv-424-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.	§	
	§	

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ADVANCEME, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 6:06-cv-082-LED
	§	
AMERIMERCHANT, LLC,	§	
	§	
Defendant.	§	
	§	

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**NOTICE REGARDING TIME REQUESTED FOR MARKMAN HEARING**

Pursuant to the June 2, 2006 Amended Docket Control Order in the *Rapidpay* action (Civil Action No. 6:05-cv-424 LED) and the July 5, 2006 Docket Control Order in the *AmeriMerchant* action (Civil Action No. 6:06-cv-082 LED), Plaintiff AdvanceMe, Inc. and Defendants AmeriMerchant, LLC, First Funds, LLC, Merchant Money Tree, Inc., and Reach Financial, LLC (collectively the “Parties”) hereby submit this notice regarding time requested for

the *Markman* hearing to be held on October 19, 2006. The Parties request three (3) hours total for the *Markman* hearing in these matters.<sup>1</sup>

Respectfully submitted,

Dated: October 9, 2006

By: /s/ Joseph D. Gray

Willem G. Schuurman  
Texas State Bar No. 17855200  
Joseph D. Gray  
Texas State Bar No. 24045970  
VINSON & ELKINS L.L.P.  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Phone: (512) 542-8400 –  
Fax: (512) 236-3476

Hilary Preston  
Admitted Pro Hac Vice  
VINSON & ELKINS L.L.P.  
666 Fifth Avenue  
26th Floor  
New York, New York 10103  
Phone: (212) 237-0000  
Fax: (212) 237-0100

Douglas McSwane  
Texas State Bar No. 13861300  
POTTER MINTON, P.C.  
110 North College  
500 Plaza Tower  
Tyler, Texas 75702  
Phone: (903) 597-8311  
Fax: (903) 593-0846

*ATTORNEYS FOR AMERIMERCHANT, LLC,  
FIRST FUNDS, LLC, MERCHANT MONEY  
TREE, INC., AND REACH FINANCIAL, LLC*

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<sup>1</sup> Based on the claim construction briefing submitted to date, the Parties expect that three hours will be sufficient time for the *Markman* hearing. However, the Parties request that they be allowed to file a supplemental notice requesting additional time for the *Markman* hearing if they determine that three hours is insufficient in light of Plaintiff AdvanceMe, Inc's reply brief on claim construction, to be filed tomorrow, October 10th.

By: /s/ Michael N. Edelman  
Ronald S. Lemieux  
Robert C. Matz  
Vid Bhakar  
Michael N. Edelman  
PAUL, HASTINGS, JANOFSKY &  
WALKER LLP  
Five Palo Alto Square, Sixth Floor  
Palo Alto, CA 94306-2155  
Tel: (650) 320-1800  
Fax: (650) 320-1900  
Lemieux Direct Tel: (650) 320-1821  
Lemieux Direct Fax: (650) 320-1921  
E-mail: ronlemieux@paulhastings.com  
robertmatz@paulhastings.com  
vidbhakar@paulhastings.com  
michaeledelman@paulhastings.com

Otis Carroll  
IRELAND, CARROLL & KELLEY, P.C.  
6101 S. Broadway, Suite 500  
Tyler, Texas 75703  
Tel: (903) 561-1600  
Fax: (903) 581-1071  
E-mail: Fedserv@icklaw.com

*ATTORNEYS FOR PLAINTIFF  
ADVANCEME, INC.*

**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 9th day of October, 2006. Any other counsel of record will be served by first class mail on this same date.

/s/ Joseph D. Gray

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Joseph D. Gray