

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

TYLER DIVISION

DATE: February 1, 2006

JUDGE

LEONARD DAVIS

REPORTER: Shea Sloan**LAW CLERK:** Andrea Houston, Joe Price

ADVANCEME, INC.
Plaintiff

CIVIL ACTION NO: 6:05-CV-424

vs.
RAPIDPAY, LLC
Defendant

**SCHEDULING CONFERENCE &
MOTION HEARING (DKT #5)**

ATTORNEY FOR PLAINTIFF**ATTORNEY FOR DEFENDANT**

Ronald Lemieux (Paul Hastings)
Otis Carroll (ICK Firm)
Deborah Race (ICK Firm)

Guy Harrison

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:28 am**ADJOURN:** 10:03 am

TIME:	MINUTES:
9:28 am	Case called. Mr. Carroll, Ms. Race and Mr. Lemieux announced ready for plaintiff. Mr. Harrison announced ready for defendant.
9:29 am	Court addressed the parties on Motion to Dismiss.
9:29 am	Mr. Harrison presented Defendant's Motion to Dismiss (Dkt #5). Mr. Harrison did not withdraw Motion to Dismiss and will pursue Motion to Transfer.
9:34 am	Mr. Carroll responded.
9:35 am	Court denied Motion to Dismiss and moved on to Motion to Transfer.
9:35 am	Mr. Harrison addressed the Court on the Motion to Transfer.
9:36 am	Mr. Carroll responded to the motion to transfer. Mr. Harrison responded as to the marketing. Court inquired of Mr. Carroll to address the nature of the patents.
9:40 am	Mr. Lemieux addressed the Court on nature of the patents. Mr. Harrison responded.
9:42 am	Motion to Transfer Venue is denied. Court will move on to scheduling order.

DAVID J. MALAND, CLERK

FILED: 2/1/2006

BY: Rosa L. Ferguson, Courtroom Deputy

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TIME:	MINUTES:
9:43 am	Mr. Carroll addressed the Court on scheduling matters. Court inquired on the number of claims. Mr. Lemieux addressed the Court on number of claims and terms. Mr. Harrison responded to Mr. Carroll's proposal of moving the Markman Hearing to July 31. Mr. Lemieux responded. Mr. Carroll addressed the Court on invalidity contentions. Mr. Lemieux further addressed the Court on other deadlines being affected by moving the Markman hearing and suggested referring construction hearing to Judge Love. Mr. Harrison responded. Court addressed the parties on moving the Markman hearing. Court will move Markman to late September and will refer to Judge Love for Markman hearing. Court will set for trial in December. Court will set for trial on Dec. 7 for a bench trial.
9:58 am	Mr. Carroll addressed the Court on preparation of Docket Control Order. Mr. Carroll also addressed the Court on a proposed Protective Order and parties have agreed to have Judge McKee to mediate case and Court will appoint Judge McKee as mediator. Court will order for pre-Markman - prior to July 15 for 1st round of mediation. Court asked Mr. Carroll to submit Protective Order. Court and parties discussed Discovery Order. Mr. Carroll's office will prepare all of the orders. Mr. Harrison addressed the Court on moving the 1st round of mediation deadline. Court moved 1st round of mediation to 8/15/06.
10:03 am	There being nothing further, Court adjourned.