

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

ADVANCEME, INC.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
RAPIDPAY LLC, BUSINESS CAPITAL CORPORATION, FIRST FUNDS, LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, and FAST TRANSACT, INC. d/b/a SIMPLE CASH,	§	CASE NO. 6:05-CV-424 LED
	§	
<i>Defendants.</i>	§	
	§	

JOINT MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, AdvanceMe, Inc. and Defendants, First Funds, LLC, Merchant Money Tree, Inc. and Reach Financial, LLC, file this their first Joint Motion for Continuance of the trial date and in support respectfully show;

I.

1. This is a civil action for the alleged infringement of U.S. Patent No. 6,941,281 (the “281 patent) under the laws of the United States, 35 U.S.C. § 1 *et seq.* This action is currently scheduled for a bench trial beginning March 26, 2007. The parties seek a continuance of this action and a resetting of the trial for July 10, 2007. The parties have conferred with Judge Davis’s court clerk, and this date is open for the Court.

2. The parties are currently engaged in extensive discovery and are working in an extremely diligent fashion to complete discovery and meet other pre-trial deadlines, but need additional time in which to properly prepare the case for trial. The court recently issued the

Markman opinion, and there is substantial discovery (including from third parties) and preparation of expert reports that has been held in abeyance while that decision was pending. The parties anticipate needing additional time to complete discovery, including providing expert reports and depositions, now that this ruling has issued. Additionally, the parties also anticipate the filing of dispositive motions that may serve the interest of judicial economy, but could not have reasonably been completed without the Markman ruling and the subsequent discovery discussed above.

3. In the event the Court were to grant this motion, the parties submit for consideration and approval of the Court an agreed amended docket control order as Exhibit "A" to help facilitate the orderly disposition of the remaining pre-trial matters. The parties would ask the Court to approve the Agreed Amended Docket Control Order. The continuance of this case to July 10, 2007 will only further enhance the orderly disposition of this action, and the parties are working in a cooperative and constructive manner in that respect.

4. This motion for continuance is for good cause shown and the orderly disposition of justice, and not for purposes of delay.

WHEREFORE, Plaintiff, AdvanceMe, Inc. and Defendants, First Funds, LLC, Merchant Money Tree, Inc. and Reach Financial, LLC respectfully pray that the Court grant this Motion for Continuance and such other relief to which the Court may deem it entitled.

Dated: January 25, 2007

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS
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REACH FINANCIAL, LLC**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 25TH day of January, 2007.

*/s/ Douglas R. McSwane, Jr.*_____

Douglas R. McSwane, Jr.