

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

TYLER DIVISION

DATE: 5/22/07

JUDGE

JOHN LOVE

REPORTER: Jan Mason**LAW CLERK:** Deleith Gossett

ADVANCEME INC. Plaintiff vs. RAPIDPAY LLC., ET AL Defendant	CIVIL ACTION NO: 6:05CV424 MOTION HEARING (DKT # 215 & 232)
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ATTORNEY FOR PLAINTIFF	ATTORNEY FOR DEFENDANT
Ronald Lemieux Mike Edelman Deborah Race Shanee Williams	Matt Rowan Floyd Walker Jerry Gray Graham Sutliff Brian Buss

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

OPEN: 9:06 am**ADJOURN:** 3:25 pm

TIME:	MINUTES:
9:06 am	Case called. Mr. Lemieux, Mr. Edelman, Ms. Race and Ms. Williams announced ready on behalf of the plaintiff. Mr. Rowan, Mr. Walker, Mr. Gray, Mr. Sutliff and Mr. Buss announced ready on behalf of the defendant.
9:07 am	The Court greeted the parties. The Court asked to hear from the Plaintiff on their objections to Defendant's Motion for Partial Summary Judgment #215.
9:08 am	Mr. Schuurman stated that Ms. Williams will be arguing the objections to Motion #215.
9:09 am	Ms. Williams began argument on Defendant's Motion for Partial Summary Judgment on behalf of the Plaintiff.
9:15 am	The Court asked Ms. Williams about the issue of the postage advance program. Ms. Williams responded.
9:17 am	Ms. Williams continued objections of Motion #215.
9:20 am	Mr. Schuurman stated that Mr. Sutliff and Mr. Gray will be arguing their Motion #215.

DAVID J. MALAND, CLERK

FILED: 5/22/07

BY: *Mechele Morris*, Courtroom Deputy

PAGE 2 - Proceedings Continued

TIME:	MINUTES:
9:21 am	Mr. Sutliff began argument on Plaintiff's Motion for Partial Summary Judgment #215.
9:24 am	The Court asked to move on to 102G. Mr. Gray began argument on behalf of the Defendant's Motion #215.
9:28 am	The Court asked Mr. Gray about the 3-3 requirement. Mr. Gray responded.
9:29 am	The Court asked Mr. Gray how 102G fits into his case. Mr. Gray responded.
9:32 am	The Court asked Mr. Gray how the Plaintiff knew that they are inserting 102G. Mr. Gray responded.
9:34 am	The Court asked Ms. Williams if she is saying that Defendant's should have laid things out differently. Ms. Williams responded.
9:35 am	The Court will sustain 102G objections and overrule Hanover Finance objections.
9:35 am	The Court will now hear Motion #215.
9:36 am	Mr. Schuurman began argument on Motion #215.
9:45 am	The Court stated to divide time accordingly because he planned to be finished by lunch hour. Mr. Schuurman responded and stated that he had a lot of material to go over and he thought he would be done in the afternoon. The Court stated that if he has heard enough, he will shorten arguments. Mr. Shuurman responded.
9:46 am	Mr. Schuurman continued argument on Motion #215.
10:50 am	The Court takes a 5 minute recess.
10:55 am	Mr. Schuurman continues argument on Motion #215.
11:25 am	Mr. Schuurman moves on to Claim 10.
11:30 am	The Court will allow Defendants 15 additional minutes after lunch on this motion. The Court will recess for lunch until 1:00.
1:03 pm	Mr. Schuurman continues argument on Claim 10.
1:07 pm	Mr. Gray began argument on Motion for Partial Summary Judgment #232 regarding law and public use.
1:20 pm	Mr. Edelman begins his response. He will address in this order; first method, then means plus function and then the public use.
1:28 pm	The Court asks question of Mr. Edelman.
1:29 pm	Mr. Edelman responds to the Court's question.
1:29 pm	The Court asks additional question.
1:30 pm	Mr. Edelman responds to the Court's question.
1:37 pm	The Court states its opinion.
1:48 pm	Mr. Edelman continues his response.

PAGE 3 - Proceedings Continued

TIME:	MINUTES:
1:53 pm	The Court asks question of Mr. Edelman.
1:53 pm	Mr. Edelman responds.
1:54 pm	The Court asks question of Mr. Edelman.
1:55 pm	Mr. Edelman responds to the Court's question and continues his response.
2:37 pm	Mr. Edelman finishes.
2:39 pm	The Court gives Defendant 15 minutes for rebuttal and then 10 minutes for motion and 10 minutes for response. Recess for 5 minutes.
2:48 pm	Mr. Schuurman rebuttal.
2:54 pm	Mr. Gray speaks on public use.
3:00 pm	Mr. Buss discusses Doc. 232 regarding postage advance.
3:12 pm	Mr. Lemieux responds.
3:13 pm	The Court asks a question - asks Lemieux to respond to Buss' contentions.
3:14 pm	Mr. Lemieux continues his response.
3:17 pm	Mr. Buss rebuttal.
3:20 pm	Mr. Gray rebuttal on public use.
3:23 pm	The Court asks Plaintiff for a response to the American Airlines case.
3:23 pm	Mr. Edelman responds.
3:24 pm	Mr. Gray rebuts.
3:24 pm	These motions are submitted. Anything further?
3:24 pm	Mr. Schuurman discusses extending deadlines for one week.
3:25 pm	The Court states fine if you agree. Adjourned.