

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

ADVANCEME INC.

Plaintiff

vs.

RAPIDPAY, LLC, ET AL

Defendant

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**CASE NO. 6:05 CV 424
PATENT CASE**

ORDER

The Court has reviewed the parties requests for trial time. The Court will allow the parties 40 minutes for opening statements, 12 hours for direct and cross examinations, and 45 minutes for closing arguments. However, since this is a Bench Trial the Court would encourage the parties to plan their evidence presentations carefully and hopefully not require the full time the Court has allowed, as the Court has many other pressing matters that need its attention. Specifically, the Court has a criminal suppression hearing hearing previously scheduled for Thursday morning, which has priority and must be heard and will take at least a half day. Accordingly, the Court would encourage the parties to try and complete their presentations by Wednesday afternoon, if at all possible.

The Court **ORDERS** the parties to provide the Court with each side’s previously filed Proposed Findings of Fact and Conclusions of Law in Word Perfect format before trial begins. The Court would encourage the parties to carefully review their proposed findings so that they are succinct, to the point, not boilerplate, and helpful to the Court.

With regard to exhibits expected to be tendered during the trial of this case, the Court

ORDERS the following:

(1) On the first day of trial, each party is to provide the Court with one original set of exhibits and three copies of the exhibit list. The Court's preferred format for Exhibit Lists is available on the Court's website at www.txed.uscourts.gov under Judge Davis's "Orders & Forms." The parties are encouraged to utilize the Court's electronic capability in presentation of exhibits during trial. After Opening Statements each side will offer and the Court will admit all exhibits to which there are no objections or the objections have already been ruled upon.¹ The parties are encouraged to meet and confer regarding exhibits with the goal of having all exhibits admitted at this time, except for those for which there is a substantive and important objection, which has not been ruled upon..

(2) Within two business days of the conclusion of trial, each party shall submit to the Court a Final Exhibit List of all exhibits admitted during trial for each respective party and in addition, provide the Court a disk containing this document in WordPerfect format.

(3) Within two business days of the conclusion of trial, each party shall submit to the Court a disk or disks containing all admitted trial exhibits in PDF format. If tangible exhibits were admitted, such exhibits shall be substituted with a photograph to be converted to a PDF file and shall be included in the Court's disk of admitted exhibits.

(4) At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.

(5) After verification of exhibit lists by the Clerk, the lists shall be filed by the Clerk, and the disk or disks containing the exhibits in PDF format shall be stored in the Clerk's Office, Tyler Division constituting the permanent record.

¹ All objections ruled on at pretrial are preserved for appeal without the necessity of reasserting them at trial.

Finally, the parties are **ORDERED** to individually contact the Mediator in this case immediately upon receipt of this order and explore all final options at resolving this case with a business resolution, rather than the unpredictable results which may result from trial.

So ORDERED and SIGNED this 12th day of July, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE