

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

<b>ADVANCEME, INC.</b>	§	
	§	
<b>VS.</b>	§	<b>Civil Case No. 6:05-CV-424 LED</b>
	§	
<b>1. RAPIDPAY, LLC;</b>	§	
<b>2. BUSINESS CAPITAL CORPORATION;</b>	§	
<b>3. FIRST FUNDS, LLC;</b>	§	<b>NO JURY REQUESTED</b>
<b>4. MERCHANT MONEY TREE, INC.;</b>	§	
<b>5. REACH FINANCIAL, LLC; and</b>	§	<b>EQUITABLE RELIEF ONLY</b>
<b>6. FAST TRANSACT, INC., d/b/a SIMPLE CASH</b>	§	

**MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Now comes the Plaintiff, ADVANCEME, INC., by its attorneys, and pursuant to Federal Rule of Civil Procedure 41(a) respectfully moves this Honorable Court for entry of an order dismissing without prejudice its complaint for patent infringement against BUSINESS CAPITAL CORPORATION. This motion does not affect the rights of ADVANCEME, INC. against any other Defendant. A proposed order is attached.

Respectfully submitted,

/s/ Otis Carroll

Otis Carroll, Attorney-in-Charge

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ATTORNEYS FOR PLAINTIFF ADVANCEME, INC.

**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 22<sup>nd</sup> day of May, 2006.

/s/ Otis Carroll