

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

ADVANCEME, INC.	§	
	§	
VS.	§	Civil Case No. 6:06-CV-082(DAVIS)
	§	
AMERIMERCHANT, LLC	§	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff AdvanceMe, Inc. and Defendant AmeriMerchant, L.L.C. and file this joint motion to amend docket control order entered by this Court on July 5, 2006. As this Court is aware, there are two cases involving plaintiff AdvanceMe against separate defendants. However, counsel for the defendants in this case also represent the defendant in cause number 6:05-cv-424, styled *AdvanceMe, Inc. v. RapidPay, L.L.C., et al.* The parties have agreed that it makes sense to have some of the deadlines in both cases be identical and, to some extent, the existing docket control orders accomplish that. However, they diverge with respect to compliance with P.R.4-2 and P.R.4-3 and, in order to have those occur on the same date in both cases, the parties propose the following amendment to the docket control order in this case: that the date of July 28, 2006, on which the parties are to comply with P.R.4-2, exchange of preliminary claim constructions and extrinsic evidence, be changed in this case to July 25, 2006.

WHEREFORE, the parties jointly move this Court to enter an amended docket control order providing that the date to comply with P.R.4-2 be changed from July 28, 2006 to July 25, 2006.

An order reflecting the relief requested is attached for the Court's convenience.

Respectfully submitted,

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Respectfully submitted,

By: /s/ Doug McSwane (with permission by Deborah Race)

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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 or parties will be served by facsimile transmission and/or first class mail this 28th day of July, 2006.

/s/
Deborah Race