

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

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

ADVANCEME, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 6:06-cv-082-LED
AMERIMERCHANT, LLC,	§	
	§	
Defendant.	§	

NOTICE REGARDING TIME REQUESTED FOR MARKMAN HEARING

Pursuant to the June 2, 2006 Amended Docket Control Order in the *Rapidpay* action (Civil Action No. 6:05-cv-424 LED) and the July 5, 2006 Docket Control Order in the *AmeriMerchant* action (Civil Action No. 6:06-cv-082 LED), Plaintiff AdvanceMe, Inc. and Defendants AmeriMerchant, LLC, First Funds, LLC, Merchant Money Tree, Inc., and Reach Financial, LLC (collectively the “Parties”) hereby submit this notice regarding time requested for

the *Markman* hearing to be held on October 19, 2006. The Parties request three (3) hours total for the *Markman* hearing in these matters.¹

Respectfully submitted,

Dated: October 9, 2006

By: /s/ Joseph D. Gray

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FIRST FUNDS, LLC, MERCHANT MONEY
TREE, INC., AND REACH FINANCIAL, LLC*

¹ Based on the claim construction briefing submitted to date, the Parties expect that three hours will be sufficient time for the *Markman* hearing. However, the Parties request that they be allowed to file a supplemental notice requesting additional time for the *Markman* hearing if they determine that three hours is insufficient in light of Plaintiff AdvanceMe, Inc's reply brief on claim construction, to be filed tomorrow, October 10th.

By: /s/ Michael N. Edelman
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*ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system per Local Rule CV-5(a)(3) on this the 9th day of October, 2006. Any other counsel of record will be served by first class mail on this same date.

/s/ Joseph D. Gray

Joseph D. Gray