

**EXHIBIT 15**  
**TO OPPOSITION TO MOTION TO COMPEL**

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

ADVANCEME, INC.,

Plaintiff

v.

AMERIMERCHANT LLC,

Defendant.

CASE NO. 6:06-CV-082 LED

**DEFENDANT AMERIMERCHANT, LLC'S SECOND  
AMENDED RULE 26(a)(1) INITIAL DISCLOSURES**

Defendant AmeriMerchant LLC ("AmeriMerchant"), by its undersigned attorneys, hereby provides the following information to AdvanceMe, Inc. ("AdvanceMe"), pursuant to Federal Rule of Civil Procedure 26(a)(1). These disclosures are based upon information reasonably available to AmeriMerchant at the time of service. AmeriMerchant reserves the right to revise, correct, supplement, clarify or otherwise amend the disclosures set forth herein. Nothing in these disclosures shall be construed as a waiver of any rights or objections that are otherwise available to AmeriMerchant.

- A. The following persons are likely to have discoverable information that AmeriMerchant may use to support its claims or defenses.**

Based upon the allegations in AdvanceMe's Complaint and AmeriMerchant's investigation thus far, AmeriMerchant presently believes that the following individuals and businesses are likely to have discoverable information that AmeriMerchant may use to support its claims or defenses. AmeriMerchant believes that other individuals may have discoverable

*Defendant AmeriMerchant LLC's Second Amended Rule 26(a)(1) Initial Disclosures*

information and specifically reserves the right to identify additional witnesses as discovery proceeds.

By indicating the general subject matter of information these individuals and businesses may possess, AmeriMerchant is in no way limiting its right to call any individual(s) or business(es) listed to testify concerning other subject(s).

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
Barbara Johnson	Southport, Connecticut	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Gary Johnson	Southport, Connecticut	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Shearman & Sterling LLP	599 Lexington Avenue New York, New York (212) 848-4000	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.
Testa, Hurwitz & Thibeault, LLP	High Street Tower 125 High Street Boston, MA 02110	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
David M. Klein	Paul, Hastings, Janofsky & Walker, LLP Park Avenue Tower 75 E. 55th Street New York, New York 10022 (212) 318-6318	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.
Anthony L. Meola	Kelly, Drye & Warren 101 Park Ave. New York, New York 10178 (212) 808-7911	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.
Robert J. Tosti	Edwards & Angell, LLP 101 Federal Street Boston, Massachusetts 02110 (617) 517-5584	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.
John V. Forcier	Goodwin & Procter, LLP 53 State Street Exchange Place Boston, Massachusetts 02109 (617) 570-1607	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; prior art.
AdvanceMe, Inc.	600 TownPark Lane Suite 500 Kennesaw, Georgia 30144 (770) 590-9822	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
Glen Goldman	Capital Access Network, Inc. 2 Overhill Road Scarsdale, NY 10583 (914) 725-3901	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Parris Sanz	Capital Access Network, Inc. 2 Overhill Road Scarsdale, NY 10583 (914) 725-3901	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Tom Burnside	AdvanceMe, Inc. 600 TownPark Lane Suite 500 Kennesaw, Georgia 30144 (770) 590-9822	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Marc Tesler	160 West 86th Street New York, NY 10024 (212) 277-3901	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
Technology Crossover Ventures	750 3rd Avenue, 23rd Floor New York, NY 10017 (212) 808-0200	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Vertrue Incorporated	20 Glover Avenue Norwalk, CT 06850 (302) 324-7635	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
John Konop	1308 Oak Bluff Court Canton, GA 30114 (770) 926-8774	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Frank Angrisani	c/o Kevin Kiernan, Esq. Kiernan & Campbell 206 Claremont Avenue Montclair, New Jersey 07042	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
James D'Alesandro	156 Liberty Avenue Staten Island, NY 10305	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Les Falke	1366 Winborn Cir NW Kennesaw, GA 30152	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
Adam Secher	(312) 315-2000	Information related to the patent-in-suit including: inventorship; conception; design; development; operation; reduction to practice; prosecution; licensing; ownership; current/prior litigation and enforcement; prior art.
David Goldin	AmeriMerchant LLC 475 Park Avenue South 15th Floor New York, NY 10026  Contact through AmeriMerchant's counsel of record	The offer to sell, sale and use of the accused instrumentality; prior art.
Nick Logan	11675 Rainwater Drive Suite 450 Alpharetta, GA 30004	Information related to the patent-in-suit, including inventorship and prior art.
Ruth Elastrì	Cynergy Data 45 West 36th Street, 6th Floor New York, New York 10018 (866) 906-4040	Information related to the patent-in-suit, including inventorship and prior art.
Cynergy Data	45 West 36th Street, 6th Floor New York, New York 10018 (866) 906-4040	Information related to the patent-in-suit, including inventorship and prior art.

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<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
Joe Kaplan	Innovative Merchant Solutions 26541 Agoura Road Calabasas, CA 91302 (818) 936-7800	Information related to the patent-in-suit, including inventorship and prior art.
Innovative Merchant Solutions	26541 Agoura Road Calabasas, CA 91302 (818) 936-7800	Information related to the patent-in-suit, including inventorship and prior art.
Frank Villano	120 West 58th Street Suite 3D New York, NY 10019 (212) 247-7120	Information related to the patent-in-suit, including inventorship and prior art.
Tim Litle	Litle & Co. 900 Chelmsford Street Lowell, MA 01851 (978) 275-6500	Information related to the patent-in-suit, including inventorship and prior art.
Randy Bourne	7 Middle Way Old Greenwich, CT 06870	Information related to the patent-in-suit, including inventorship and prior art.
Allen Abbott	223 West Poplar Street Fleetwood, PA 19522	Information related to the patent-in-suit, including inventorship and prior art.
Clever Ideas, Inc.	180 N. Stetson Ave. Suite 5300 Chicago, IL 60601 (312) 616-3600	Information related to the patent-in-suit, including inventorship and prior art.
Lee Suckow	Clever Ideas, Inc. 180 N. Stetson Ave. Suite 5300 Chicago, IL 60601 (312) 616-3600	Information related to the patent-in-suit, including inventorship and prior art.
Rewards Network	2 North Riverside Plaza Chicago, IL 60606 (877) 491-3463	Information related to the patent-in-suit, including inventorship and prior art.
IGT Services, Inc.	600 NE 36th Street Miami, FL 33137 (305) 573-2800	Information related to the patent-in-suit, including inventorship and prior art.
First Data Corporation	6200 South Quebec Street Greenwood Village, CO 80111 (303) 488-8000	Information related to the patent-in-suit, including inventorship and prior art.
Chase Paymentech Solutions	14221 Dallas Parkway, Bldg. 2 Dallas, Texas 75254 (800) 824-4313	Information related to the patent-in-suit, including inventorship and prior art.

<u>Name</u>	<u>Contact Information</u>	<u>Subject(s)</u>
Bank of America, N.A.	100 North Tryon Street Bank of America Corporate Center Charlotte, NC 28255	Information related to the patent-in-suit, including inventorship and prior art.
Electronic Data Systems Corporation	5400 Legacy Drive M/S H3-3A-05 Plano, TX 75024 (972) 604-6000	Information related to the patent-in-suit, including inventorship and prior art.
Authors and inventors of prior art references to be identified and produced in this Action	As listed on the prior art references to be identified and produced in this Action.	Invalidity of the patent-in-suit; state of the art; level of skill in the art.

All current and former AmeriMerchant employees should be contacted through AmeriMerchant's attorneys of record.

- B. The following is a description, by category and location of all documents, data compilations, and tangible things that are in the possession, custody or control of AmeriMerchant and that AmeriMerchant may use to support its claims or defenses.**

As to documents, AmeriMerchant provides the following listing without concession, agreement, admission, or waiver of any ultimate determination of relevance or admissibility of particular information for any purpose, and without waiver of attorney-client privilege or work-product immunity or any other privilege or immunity. AmeriMerchant also reserves the right to identify additional documents throughout discovery.

Documents reflecting agreements between AmeriMerchant, merchants and/or merchant processors.	475 Park Avenue South 15th Floor New York, NY 10026
Documents and materials relating to the advertising, marketing and/or use of AmeriMerchant's accused instrumentality.	475 Park Avenue South 15th Floor New York, NY 10026
Prosecution History of the patent-in-suit.	Vinson & Elkins LLP 2801 Via Fortuna Suite 100 Austin, TX 78746

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Prior art to the patent-in-suit, including but not limited to printed publications, machines and components thereof, evidence of prior sales, offers for sale and public uses.	Vinson & Elkins LLP 2801 Via Fortuna Suite 100 Austin, TX 78746
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**C. The following is a computation and description, by category, of damages claimed by AmeriMerchant.**

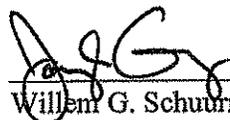
AmeriMerchant intends to seek damages sufficient to cover the reasonable and necessary fees and associated costs related to the representation of AmeriMerchant in the above-captioned action. The attorneys fees and costs, at present, are unknown.

**D. The following is a description of any insurance agreement under which a person carrying on an insurance business may be liable to satisfy part of or all of a judgment.**

AmeriMerchant is unaware of any insurance agreement under which any person carrying on an insurance business may be liable, under an obligation to AmeriMerchant, to satisfy part of or all of a judgment.

Date: September 13, 2006

Respectfully submitted,



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*ATTORNEYS FOR DEFENDANT  
AMERIMERCHANT LLC*

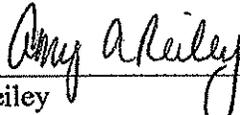
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served upon all counsel of record on this the 13th day of September, 2006 as indicated:

***Via U.S. Mail, Return Receipt Requested***

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Amy Reiley