EXHIBIT 1

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

ANASCAPE, LTD.,

§CONFID ENTIAL

Plaintiff,

Hon. Ronald Clark

Civil Action No.: 9:06-CV-00158-

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88888

MICROSOFT CORP. and NINTENDO OF AMERICA INC.,

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Defendants.

INITIAL DISCLOSURES OF NINTENDO OF AMERICA INC.

Pursuant to the Order Governing Proceedings ("Governing Order") dated October 5, 2006 and Federal Rule of Civil Procedure 26(a)(1), Defendant Nintendo of America Inc. ("NOA"), by and through its undersigned counsel, hereby provides its Initial Disclosures. These Initial Disclosures are based upon presently available information, based upon reasonable inquiry, and Defendant reserves the right to supplement the disclosures as provided in Federal Rule of Civil Procedure 26(e) and the Governing Order.

Correct Names of Parties to the Suit [Governing Order E(1)] A.

Nintendo of America Inc. is the proper name of the present disclosing party to this suit.

В. Potential Parties [Governing Order E(2)]

NOA is not presently aware of any potential parties to this suit; NOA is, however, continuing to investigate whether additional parties should be added to this suit, and will disclose any such parties if and when they are identified.

C. Knowledgeable Individuals [Governing Order E(3) and Fed. R. Civ. P. 26(a)(1)(A)

The following list identifies those individuals presently known to NOA who are believed to have knowledge of facts relevant to the claim or defense of any party. NOA's identification of individuals who are likely to have knowledge of facts that NOA may use to support its claims or defenses may depend on discovery that has not yet been provided. NOA reserves the right to add or remove individuals from this disclosure and to object to the deposition or trial testimony of any individual identified in this disclosure. Accordingly, NOA identifies the following:

| Individual | Last Known Address and Telephone, if any | Subject(s) of Knowledge |
|------------------------|---|--|
| Brad Armstrong | Tyler, Texas | Asserted patents, including conception and reduction to practice of the alleged invention(s); prosecution of the asserted patents and any related applications; invalidity, prior art and prior public uses of the alleged invention(s); best mode for practicing the alleged invention(s); ownership of the asserted patents; communications with potential licensees; delay in filing suit |
| George Harrison | Nintendo of America Inc. 4820 150th Avenue NE Redmond, WA | Marketing and sales of accused NOA products |
| Steven Bowman | 6630 Arabian Circle Granite Bay, CA | Ownership of the asserted patents; communications with potential licensees; delay in filing suit. |
| Kelly Tyler | 13950 Via De Jamul Jamul, CA | Ownership of the asserted patents; licensing of asserted patents, including alleged valuation of asserted patents; licensing communications; delay in filing suit |
| Riley R. Russell, Esq. | Sony Computer Entertainment America, Inc. | Licensing of asserted patents, including alleged valuation of |

| | 919 East Hillsdale Boulevard Foster City, CA | asserted patents; licensing communications |
|--------------------------|---|--|
| Gregory S. Gerwitz, Esq. | Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | Licensing of asserted patents, including alleged valuation of asserted patents; licensing communications |
| Ken Kutaragi | Sony Computer Entertainment Inc. 2-6-21 Minami-aoyama Minato-Ku Tokyo | Licensing of asserted patents, including alleged valuation of asserted patents; licensing communications |
| Joseph A. Yanny, Esq. | Yanny & Smith 1925 Century Park East Los Angeles, CA | Licensing of asserted patents, including alleged valuation of asserted patents; licensing communications |
| Hank Morgan | Logitech Inc. 6505 Kaiser Drive Fremont, CA | Attempted licensing of asserted patents, including alleged valuation of asserted patents; licensing communications |
| James Barnes | Logitech Inc. 6505 Kaiser Drive Fremont, CA | Attempted licensing of asserted patents, including alleged valuation of asserted patents; licensing communications |
| Stanley Hiller | Key Tronic Corp 4424 N. Sullivan Rd. Spokane, WA | Valuation of asserted patents |
| Kazunori Koshiishi | Nintendo Co., Ltd. 11-1 Kamitoba-Hokotate-Cho- Minami-Ku Kyoto, 601-8501 Japan | GameCube Controller and GameCube Wavebird Wireless Controller design, development, and testing |
| Shin'ichi Sasamoto | Nintendo Co., Ltd. 11-1 Kamitoba-Hokotate-Cho- Minami-Ku Kyoto, 601-501 Japan | GameCube Controller and GameCube Wavebird Wireless Controller design, development, and testing |
| Kazuo Koushima | Nintendo Co., Ltd. 11-1 Kamitoba-Hokotate-Cho- Minami-Ku Kyoto, 601-8501 Japan | GameCube Controller and GameCube Wavebird Wireless Controller design, development, and testing |
| Masaki Sato | Nintendo Co., Ltd. 11-1 Kamitoba-Hokotate-Cho- Minami-Ku Kyoto, 601-8501 Japan | GameCube Wavebird Wireless design, development, and testing |

| Daisuke Kumazaki | Nintendo Co., Ltd. | Wii Classic Controller, Wii |
|---|-----------------------------|-----------------------------|
| Daisake Ramazaki | 11-1 Kamitoba-Hokotate-Cho- | Remote Controller and Wii |
| | Minami-Ku | Nunchuk design, |
| | Kyoto, 601-8501 Japan | development, and testing |
| Junji Takamoto | Nintendo Co., Ltd. | Wii Classic Controller, Wii |
| 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 | 11-1 Kamitoba-Hokotate-Cho- | Remote Controller and Wii |
| | Minami-Ku | Nunchuk design, |
| | Kyoto, 601-8501 Japan | development, and testing |
| Susumu Inoue | Nintendo Co., Ltd. | Wii Classic Controller, Wii |
| | 11-1 Kamitoba-Hokotate-Cho- | Remote Controller, and Wii |
| | Minami-Ku | Nunchuk Controller design, |
| | Kyoto, 601-8501 Japan | development, and testing |
| Kuniaki Ito | Nintendo Co., Ltd. | Wii Classic Controller, Wii |
| | 11-1 Kamitoba-Hokotate-Cho- | Remote Controller, and Wii |
| | Minami-Ku | Nunchuk Controller design, |
| | Kyoto, 601-8501 Japan | development, and testing |
| Akio Ikeda | Nintendo Co., Ltd. | Wii Classic Controller, Wii |
| | 11-1 Kamitoba-Hokotate-Cho- | Remote Controller, and Wii |
| | Minami-Ku | Nunchuk Controller design, |
| | Kyoto, 601-8501 Japan | development, and testing |
| Genyo Takeda | Nintendo Co., Ltd. | GameCube Controller, |
| | 11-1 Kamitoba-Hokotate-Cho- | GameCube Wavebird |
| | Minami-Ku | Wireless Controller |
| | Kyoto, 601-8501 Japan | Wii Classic Controller, Wii |
| | | Remote Controller and Wii |
| | | Nunchuk Controller design, |
| | | development, and testing |
| Jon Pederson | Nintendo of America Inc. | GameCube Controller, |
| | 4820 150th Avenue NE | GameCube Wavebird |
| | Redmond, WA | Wireless Controller |
| | | Wii Classic Controller, Wii |
| | | Remote Controller and Wii |
| | | Nunchuk Controller design |
| Howard Cheng | Nintendo of America Inc. | Communications with Global |
| | 4820 150th Avenue NE | Devices |
| | Redmond, WA | |
| | | |

Descriptions of Relevant Documents [Governing Order E(4) and Fed. R. Civ. D. P. 26(a)(1)(B)]

The following list describes those documents, data compilations and tangible things presently known to NOA that are in the possession, custody, or control of NOA relevant to the

claims of defenses of any party and that NOA may use to support their claims or defenses, excluding documents that NOA may use solely for impeachment. NOA will make copies available to other parties upon agreement to reasonable delivery terms and payment of reasonable expenses to be incurred for such production. NOA's description of such documents, data compilations and tangible items may depend on discovery that has not yet been provided. NOA reserves the right to add or remove documents, data compilations and tangible things from this disclosure and to object to any documents, data compilations and tangible things described in this disclosure. Accordingly, NOA describes the following:

| Document Category | Location |
|--|-----------------------|
| Asserted patents | Latham & Watkins LLP |
| | 885 Third Avenue |
| | New York, NY |
| | Nixon & Vanderhye |
| | 1100 North Glebe Road |
| | Arlington, Virginia |
| | Armgion, Virginia |
| Prior art patents | Latham & Watkins LLP |
| • | 885 Third Avenue |
| | New York, NY |
| | |
| | Nixon & Vanderhye |
| | 1100 North Glebe Road |
| | Arlington, Virginia |
| Non-notant union out publications and things | Latham & Watkins LLP |
| Non-patent prior art publications and things | 885 Third Avenue |
| | |
| | New York, NY |
| | Nixon & Vanderhye |
| | 1100 North Glebe Road |
| | Arlington, Virginia |
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| Prosecution file for each asserted patent | Latham & Watkins LLP |
| | 885 Third Avenue |
| | New York, NY |
| | |

| | Nixon & Vanderhye 1100 North Glebe Road Arlington, Virginia |
|--|--|
| Documentation of function of accused products offered by NOA | Nintendo Co., Ltd. 11-1 Kamitoba-Hokotate-Cho-Minami-Ku Kyoto, 601-8501 Japan Nintendo of America Inc. 4820 150th Avenue NE Redmond, WA |
| Sales and marketing of accused products offered by NOA | Nintendo of America Inc. 4820 150th Avenue NE Redmond, WA |

Disclosing Party's Claimed Damages [Governing Order E(5) and Fed. R. E. Civ. P. 26(a)(1)(C)

Federal Rule of Civil Procedure 26(a)(1)(C) requires each party to provide "a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary materials, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered."

NOA has not made a claim for damages in this action; however, NOA reserves the right to seek recovery of attorneys' fees and costs.

F. Insurance Agreements [Fed. R. Civ. P. 26(a)(1)(D)]

NOA does not believe that any insurance will be applicable in this case.

| | Respectfully submitted, |
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| By: | <u>/s/</u> |

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