

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

ANASCAPE, LTD..

Plaintiff.

 \mathbf{v}_i

MICROSOFT CORP. and
NINTENDO OF AMERICA INC.,

Defendants.

[illegible]

Hon. Ron Clark

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

**DEFENDANT MICROSOFT CORPORATION'S UNOPPOSED MOTION
FOR LEAVE TO FILE A FIRST AMENDED ANSWER, DEFENSES AND
COUNTERCLAIMS TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a), Defendant Microsoft Corporation (“Microsoft”) moves the Court for leave to file an Amended Answer, Defenses, and Counterclaims to Plaintiff’s First Amended Complaint. By the amendment, Microsoft would plead, with the specificity required by Fed. R. Civ. P. 9(b), three additional grounds of inequitable conduct for its defense and counterclaim of patent unenforceability. The proposed amended pleading is attached hereto as Exhibit 1. The three new allegations of inequitable conduct are pled at paragraphs 23-68 of Microsoft’s Defenses and paragraphs 62-107 of Microsoft’s Counterclaims.

Plaintiff Anascape, Ltd., through counsel, has indicated that it does not oppose Microsoft's motion for leave to file the attached amended pleading. Given that Plaintiff does not oppose the amendment, that discovery does not close for five months, and that Rule 15(a) counsels that leave to amend pleadings should be given freely when justice so requires, Microsoft respectfully requests that the Court grant the requested leave to file.

Respectfully submitted,

Dated: July 9, 2007

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who 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) on this the 9th day of July, 2007. Any other counsel of record will be served by first class mail.

/s/ J. Christopher Carraway_____