

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

ANASCAPE, LTD.

Plaintiff,

v.

MICROSOFT CORPORATION, and
NINTENDO OF AMERICA, INC.,

Defendants.

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Hon. Ron Clark

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

**DEFENDANT MICROSOFT CORPORATION'S
NOTICE OF PTO ORDERS AND PATENT CLAIM REJECTIONS IN
MICROSOFT'S REQUESTS FOR RE-EXAMINATION OF ANASCAPE PATENTS**

Please take notice of the following recent actions by the United States Patent and Trademark Office ("PTO") in the requests for re-examination filed by Microsoft against the asserted Anascape patents.

On July 12, 2007, the PTO issued an Office Action rejecting all claims of U.S. Patent No. 6,102,802. (The PTO had granted Microsoft's request for re-examination of the '802 patent on March 9, 2007.) Litigation regarding this patent has not been stayed. A true and correct copy of the PTO Office Action is attached as Exhibit A. In the Office Action, the PTO finds that every claim of the '802 patent is not patentable, citing multiple different reasons for each claim.

On July 13, 2007, the PTO granted Microsoft's request for the *inter partes* re-examination of U.S. Patent No. 6,906,700. Litigation regarding this patent has not been stayed. A true and correct copy of the PTO communication ordering re-examination is attached as Exhibit B. In the communication, the PTO agrees with Microsoft that twelve prior art references, including both prior art previously considered by the PTO as well as prior art not previously considered by the PTO, raise over forty substantial new questions of patentability for

the claims of the patent. *See* Exh. C, pp. 4, 6-11, 20. Additionally, after a lengthy analysis (*see* Ex. B, ¶¶ 8-24), the examiner stated that “the ‘700 Patent is not seen to be entitled to the priority date of the Armstrong ‘525 patent.” (Ex. B, ¶ 24.) All claims of the ‘700 patent are now under *inter partes* re-examination.

On June 4, 2007, the PTO granted Microsoft’s request for the *inter partes* re-examination of U.S. Patent No. 6,563,415. Litigation regarding this patent is presently stayed. A true and correct copy of the PTO communication ordering re-examination is attached as Exhibit C. In the communication, the PTO agrees with Microsoft that eight prior art references, including both prior art previously considered by the PTO as well as prior art not previously considered by the PTO, raise substantial new questions of patentability for the claims of the patent. *See* Exh. C, pp. 2, 4-5. All claims of the ‘415 patent are now under *inter partes* re-examination.

Also on June 4, 2007, the PTO granted Microsoft’s request for the *inter partes* re-examination of U.S. Patent No. 6,351,205. Litigation regarding this patent is presently stayed. A true and correct copy of the PTO communication ordering re-examination is attached as Exhibit D. In the communication, the PTO agrees with Microsoft that seven prior art references, including both prior art previously considered by the PTO as well as prior art not previously considered by the PTO, raise substantial new questions of patentability for all asserted claims of the patent. *See* Exh. D, pp. 3-4. All asserted claims of the ‘205 patent are now under *inter partes* re-examination.

The following chart identifies the current status of each of the re-examinations sought by Microsoft for the twelve asserted patents. The six patents in bolded-underlined font are the ones for which litigation has not been stayed:

<i>Patent No.</i>	<i>Status of Re-examination</i>
<u>5,999,084</u>	<i>Ex parte re-examination ordered. (2/23/07)</i>
<u>6,102,802</u>	<i>All claims rejected. (7/12/07)</i>
<u>6,135,886</u>	Request for re-examination pending.
<u>6,222,525</u>	Request for re-examination pending.
<u>6,343,991</u>	Request for re-examination pending.
<u>6,906,700</u>	<i>Inter partes re-examination ordered. (7/13/07)</i>
6,208,271	Request for re-examination pending.
6,344,791	Request for re-examination pending.
6,347,997	Request for re-examination pending.
6,351,205	<i>Inter partes re-examination ordered. (6/15/07)</i>
6,400,303	Request for re-examination pending.
6,563,415	<i>Inter partes re-examination ordered. (6/4/07)</i>

Respectfully submitted,

Dated: July 17, 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 17th day of July, 2007. Any other counsel of record will be served by first-class mail.

/s/ Stephen J. Joncus_____

CERTIFICATE OF SERVICE