

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

ANASCAPE, LTD.	§	
	§	Hon. Ron Clark
Plaintiff,	§	
	§	
v.	§	Civil Action No. 9:06-CV-00158-RC
	§	
MICROSOFT CORPORATION, and	§	
NINTENDO OF AMERICA, INC.,	§	
	§	
Defendants.	§	

**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. In the last week, two additional Anascape patents have been placed into re-examination by the PTO, and the PTO has also rejected the asserted claims in those two patents.

On July 18, 2007, the PTO granted Microsoft's request for the *inter partes* re-examination of U.S. Patent No. 6,343,991 and, on the same day, issued an Office Action ***rejecting all of the claims*** of the patent. In its Office Action, the PTO agreed with and adopted thirty (30) grounds for rejecting the claims that had been proposed by Microsoft in its request. Litigation regarding this patent has not been stayed. A true and correct copy of the PTO Office Action rejecting all of the asserted claims of the '991 patent is attached as Exhibit A.

On July 17, 2007, the PTO granted Microsoft's request for the *inter partes* re-examination of U.S. Patent No. 6,347,997 and, on the same day, issued an Office Action ***rejecting all of the asserted claims*** (claims 32-37) at issue in this lawsuit. In its Office Action,

the PTO agreed with and adopted all forty-four (44) separate grounds for rejecting the claims that had been proposed by Microsoft in its request. Litigation regarding this patent is presently stayed. A true and correct copy of the PTO Office Action rejecting all of the asserted claims of the '997 patent is attached as Exhibit B.

The following charts identify the current status of each of the re-examinations sought by Microsoft for the twelve asserted patents, the first chart showing the patents for which litigation has not been stayed.

<b><i>Patent No. (Not Stayed)</i></b>	<b><i>Status of Re-examination (as of 7/23/07)</i></b>
5,999,084	<i>Ex parte re-examination ordered. (2/23/07)</i>
6,102,802	<i>All claims rejected. (7/12/07)</i>
6,135,886	Request for re-examination pending.
6,222,525	Request for re-examination pending.
6,343,991	<i>All claims rejected. (7/18/07)</i>
6,906,700	<i>Inter partes re-examination ordered. (7/13/07)</i>

<b><i>Patent No. (Stayed)</i></b>	<b><i>Status of Re-examination (as of 7/23/07)</i></b>
6,208,271	Request for re-examination pending.
6,344,791	Request for re-examination pending.
6,347,997	<i>All asserted claims rejected. (7/17/07)</i>
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 23, 2007

By: /s/ Stephen J. Joncus  
J. Christopher Carraway (admitted *pro hac vice*)  
[christopher.carraway@klarquist.com](mailto:christopher.carraway@klarquist.com)  
Joseph T. Jakubek (admitted *pro hac vice*)  
[joseph.jakubek@klarquist.com](mailto:joseph.jakubek@klarquist.com)  
Stephen J. Joncus (admitted *pro hac vice*)  
[stephen.joncus@klarquist.com](mailto:stephen.joncus@klarquist.com)  
Richard D. McLeod (Bar No. 24026836)  
[rick.mcleod@klarquist.com](mailto:rick.mcleod@klarquist.com)  
Derrick W. Toddy (admitted *pro hac vice*)  
[derrick.toddy@klarquist.com](mailto:derrick.toddy@klarquist.com)  
KLARQUIST SPARKMAN, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204  
Telephone: 503-595-5300

J. Thad Heartfield (Bar No. 09346800)  
[thad@jth-law.com](mailto:thad@jth-law.com)  
Law Offices of J. Thad Heartfield  
2195 Dowlen Road  
Beaumont, Texas 77706  
Telephone: 409-866-3318  
Facsimile: 409-866-5789

Clayton E Dark Jr. (Bar No. 05384500)  
[cekrad@yahoo.com](mailto:cekrad@yahoo.com)  
Clayton E Dark Jr., Law Office  
207 E Frank Ave # 100  
Lufkin, TX 75901  
Telephone: 936-637-1733

Stephen McGrath, Esq. (admitted *pro hac vice*)  
MICROSOFT CORPORATION  
One Microsoft Way, Building 8  
Redmond, Washington 98052-6399  
Telephone: 425-882-8080  
Facsimile: 425-706-7329

*Attorneys for Defendant Microsoft Corporation*

**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 23rd day of July, 2007. Any other counsel of record will be served by first-class mail.

/s/ Stephen J. Joncus \_\_\_\_\_