

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

Anascape, Ltd.,

Plaintiff,

v.

Microsoft Corp., and
Nintendo of America, Inc.,

Defendants.

Hon. Ron Clark

Civil Action No. 9:06-cv-158-RC

JURY TRIAL REQUESTED

SECOND REVISED JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s May 31, 2007 Order, Plaintiff Anascape, Ltd. (“Anascape”) and Defendants Microsoft Corp. (“Microsoft”) and Nintendo of America, Inc. (“Nintendo”) have conferred regarding whether any additional claim terms can be agreed upon.

Anascape and Microsoft have agreed¹ that the following “Disputed Term Groups” of the ‘991 and ‘084 patents that appeared in Exhibit 1 of their Revised Claim Construction Statement of May 1, 2007, no longer need to be construed by the Court in the context of those patents:

DISPUTED TERM GROUP 5: “flexible material”

CLAIM TERM, PHRASE, OR CLAUSE	PARTIES’ AGREEMENT
flexible material <i>’991 patent: Claim 41</i>	No construction necessary.

¹ The ‘991 and ‘084 patents are not asserted against Nintendo.

DISPUTED TERM GROUP 6: “said surface with an apex is flexible . . .”

CLAIM TERM, PHRASE, OR CLAUSE	PARTIES’ AGREEMENT
said surface with an apex is flexible, deforming with additional physical pressure to flatten and cause additional surface area contact to provide changes in electrical conductivity in said sensor <i>'991 patent: Claim 66</i>	No construction necessary.

DISPUTED TERM GROUP 7: “sheet”

CLAIM TERM, PHRASE, OR CLAUSE	PARTIES’ AGREEMENT
sheet <i>'991 patent: Claim 44, 46, 47</i>	No construction necessary.

DISPUTED TERM GROUP 11: “snap-through”

CLAIM TERM, PHRASE, OR CLAUSE	PARTIES’ AGREEMENT
snap-through <i>'084 patent: Claims 5-6</i>	No construction necessary.

DATED: July 31, 2007.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Luke McLeroy (w/ permission by Chris Carraway)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via ECF or U.S. Mail on this 31st day of July, 2007.

/s/ Chris Carraway
Chris Carraway