

supporting the additional grounds for inequitable conduct were obtained from documents and a deposition designated “Confidential” by Plaintiff pursuant to the Agreed Protective Order entered in this matter. Because the proposed amended pleading contain information designated “Confidential,” a copy of this motion with the proposed amended pleading is being hand-delivered to the Court for review.

The four new allegations of inequitable conduct are pled at paragraphs 54-118 of Microsoft’s Defenses and paragraphs 93-157 of Microsoft’s Counterclaims. The additional facts supporting previously pled grounds are pled at paragraphs 50 and 52-53 of Microsoft’s Defenses and paragraphs 89 and 91-92 of Microsoft’s Counterclaims. The information obtained from a document designated as “Confidential” by Plaintiff is contained in paragraphs 62-65, 67-68, and 73 of Microsoft’s Defenses and paragraphs 101-04, 106-07, and 112 of Microsoft’s Counterclaims.

Plaintiff Anascape, Ltd., through counsel, has indicated that (a) it does not oppose Microsoft’s motion for leave to file the amended pleading attached to the courtesy copy of this motion sent to the Court, and (b) it does not oppose Microsoft filing the amended pleading under seal. Given that Plaintiff does not oppose the amendment, that discovery does not close for almost two 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: November 30, 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 30th day of November, 2007. Any other counsel of record will be served by first class mail.

/s/ J. Christopher Carraway_____