

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.

Defendant.

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Civil Action No. 9:06-CV-158

JUDGE RON CLARK

ORDER ON AGREED TERMS

Plaintiff Anascape, Ltd. (“Anascape”) filed suit against Defendant Microsoft Corporation (“Microsoft”) claiming infringement of United States Patent Nos. 5,999,084 (“the ‘084 patent”), 6,102,802 (“the ‘802 patent”), 6,135,886 (“the ‘886 patent”), and 6,343,991 (“the ‘991 patent”). These patents all relate to the switches and buttons on controllers used for video games.¹

The court conducted a *Markman* hearing to assist the court in interpreting the meaning of the claim terms in dispute. The definitions agreed upon comport with the meaning of the terms as they are used in the claims, the specification, the prosecution history, and any applicable extrinsic evidence. Therefore, these terms will be defined as follows:

¹ Anascape’s suit against Microsoft alleged infringement of U.S. Patent Nos. 6,208,271 (“the ‘271 patent”), 6,344,791 (“the ‘791 patent”), 6,347,997 (“the ‘997 patent”), 6,352,205 (“the ‘205 patent”), 6,400,303 (“the ‘303 patent”) and 6,563,415 (“the ‘415 patent”). On February 23, 2007, the court granted stay pending reexamination before the U.S. Patent and Trademark Office (“PTO”) as to the ‘791, ‘205 and ‘415 patents. On May 2, 2007, the parties agreed to stay the ‘271, ‘997 and ‘303 patents pending reexamination by the PTO. Anascape also filed suit against Microsoft and Nintendo of America, Inc. (“Nintendo”) claiming infringement of U.S. Patent Nos. 6,222,525 (“the ‘525 patent”) and 6,906,700 (“the ‘700 patent”). The claim terms in the ‘525 and ‘700 patents will be construed in a later order.

I. Claim Terms

1. **“means for outputting a signal to an image generation machine, said signal at least representational of said analog electrical outputs.”**
“means for outputting to an image generation machine a signal at least representational of said analog electrical output.” Used in ‘802 patent, claims 1, 5, 9 and 16.

The parties agree that this term is governed by 35 U.S.C. § 112, ¶ 6. The parties agree that the function is: “outputting a signal to an image generation machine that is at least representational of the analog output,” and the corresponding structure is: “ASIC or micro-controller integrated circuitry, and equivalents thereof.”

2. **“pressure-sensitive buttons.”** Used in ‘991 patent, claims 1 and 6.

means: “a button operatively associated with a pressure-sensitive variable conductance sensor.”

3. **“means for reading a signal from said analog sensor.”** Used in ‘991, claim 44.

The parties agree that this term is governed by 35 U.S.C. § 112, ¶ 6. The parties agree that the function is: “reading a signal from the analog signal,” and the corresponding structure is: “ASIC or micro-controller integrated circuitry, and equivalents thereof.”

4. **“means for outputting information representing said signal.”** Used in ‘991, claim 44 and 51.

The parties agree that this term is governed by 35 U.S.C. § 112, ¶ 6. The parties agree that the function is: “outputting information representing the signal,” and the

corresponding structure is: “ASIC or micro-controller integrated circuitry, and equivalents thereof.”

II. Conclusion

The jury shall be instructed in accordance with the court’s interpretations of the disputed claim terms in the ‘084, ‘802, ‘886, and ‘991 patents.

So **ORDERED** and **SIGNED** this **30** day of **November, 2007**.



Ron Clark, United States District Judge