

# EXHIBIT A



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 90/008,373      | 12/13/2006  | 6,102,802            | 6620-76454-02       | 2872             |

50086      7590      12/10/2007  
LAW OFFICE OF DAVID H. JUDSON  
15950 DALLAS PARKWAY  
SUITE 225  
DALLAS, TX 75248

EXAMINER

FLANAGAN, B.

ART UNIT      PAPER NUMBER

3993

DATE MAILED: 12/10/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date:

Microsoft Corporation  
One Microsoft Way  
Building 8  
Redmond, WA 98052

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90008373

PATENT NO. : 6102802

ART UNIT : 3900

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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**Notice of Intent to Issue  
Ex Parte Reexamination Certificate**

|                                 |   |  |
|---------------------------------|---|--|
| Control No.<br>90/008,373       | Patent Under Reexamination<br>6,102,802 |  |
| Examiner<br>Beverly M. Flanagan | Art Unit<br>3993                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
  - (a)  Patent owner's communication(s) filed: 12 September 2007.
  - (b)  Patent owner's late response filed: \_\_\_\_\_.
  - (c)  Patent owner's failure to file an appropriate response to the Office action mailed: \_\_\_\_\_.
  - (d)  Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (e)  Other: \_\_\_\_\_.

Status of *Ex Parte* Reexamination:

  - (f) Change in the Specification:  Yes  No
  - (g) Change in the Drawing(s):  Yes  No
  - (h) Status of the Claim(s):
    - (1) Patent claim(s) confirmed: 5-19.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): 3 and 4
    - (3) Patent claim(s) cancelled: 1 and 2.
    - (4) Newly presented claim(s) patentable: \_\_\_\_\_.
    - (5) Newly presented cancelled claims: \_\_\_\_\_.
2.  Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3.  Note attached NOTICE OF REFERENCES CITED (PTO-892).
4.  Note attached LIST OF REFERENCES CITED (PTO/SB/08).
5.  The drawing correction request filed on \_\_\_\_\_ is:  approved  disapproved.
6.  Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the certified copies have
    - been received.
    - not been received.
    - been filed in Application No. \_\_\_\_\_.
    - been filed in reexamination Control No. \_\_\_\_\_.
    - been received by the International Bureau in PCT Application No. \_\_\_\_\_.

\* Certified copies not received: \_\_\_\_\_.

7.  Note attached Examiner's Amendment.
8.  Note attached Interview Summary (PTO-474).

AL 9.  Other: COPY OF PATENT OWNER'S POWER OF ATTORNEY COMMUNICATIONS FILED 8/30/07 AND 9/10/07. NO INDICATION THAT THEY WERE SERVED ON 3RD PARTY REQUESTER.

Beverly M. Flanagan  
Primary Examiner  
Art Unit: 3993

cc: Requester (if third party requester)

U.S. Patent and Trademark Office  
PTOL-469 (Rev.08-06)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No ----

***Entry of Amendment***

The amendment filed September 12, 2007 has been entered and made of record. Accordingly, claims 1 and 2 are canceled. Claims 3-19 remain pending.

***Claims Patentable and/or Confirmed***

Claim 3 is patentable as amended. Claims 4-19 are confirmed.

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding: The examiner agrees that the prior art of record does not teach or fairly suggest the invention as claimed, as set forth in more detail in the amendment filed September 12, 2007. Namely, it is agreed that the Furukawa reference, which is the primary reference in all of the previously set forth rejections, does not specifically disclose that the pressure-sensitive switch be used with one of the right-hand area trigger buttons 19 and 20. Without reaching the merits of whether the Furukawa device could be modified to employ the pressure-sensitive material under the trigger buttons 19 and 20, it is also agreed that the Furukawa device cannot be flipped or rotated to place the pressure-sensitive material in the right hand side as it would interfere with well-established placement of elements on a game controller that is based in extensive study of left-right brain differentiation (see, e.g., the Tyler declaration, which highlights this distinction and col. 3 line 55 through col. 4, line 10 of U.S. Patent No. 6,102,802). It is also agreed that

claims reciting "individual button(s)" or "single digit depressible buttons" define over Furukawa, which utilizes a four way rocker because the rocker has codependent areas, meaning that any area of the rocker is dependent upon the status of at least one other codependent area. Furthermore, none of the newly-submitted prior art overcomes the deficiencies of Furukawa and, accordingly, claims 3-19 are patentable and/or confirmed.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Application/Control Number: 90/008,373  
Art Unit: 3993

Page 4

**Conclusion**

Please mail any communications to:

Attn: Mail Stop "Ex Parte Reexam"  
Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please FAX any communications to:

(571) 273-9900  
Central Reexamination Unit

Please hand-deliver any communications to:

Customer Service Window  
Attn: Central Reexamination Unit  
Randolph Building, Lobby Level  
401 Dulaney Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Beverly M. Flanagan/

Beverly M. Flanagan  
CRU Examiner  
GAU 3993  
(571) 272-4766

Conferee: \_\_\_\_\_

Conferee: \_\_\_\_\_

PATENT OWNER'S COMMUNICATION RECEIVED  
8/30/07

PTO/SB/123 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                        |                 |
|--|------------------------|-----------------|
| <p><b>CHANGE OF CORRESPONDENCE ADDRESS Patent</b></p> <p>Address to:<br/>Mail Stop Post Issue<br/>Commissioner for Patents<br/>P.O. Box 1450<br/>Alexandria, VA 22313-1450</p> | Patent Number          | 6,102,602       |
|  | Issue Date             | August 15, 2000 |
|  | Application Number     | 08/842,450      |
|  | Filing Date            | October 1, 1997 |
|  | First Named Inventor   | Armstrong       |
|  | Attorney Docket Number | Anascape 005    |

Please change the Correspondence Address for the above-identified patent to:

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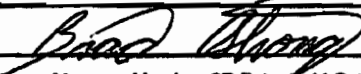
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I am the:

Patentee.

Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86).

Attorney or agent of record. Registration Number \_\_\_\_\_

Signature 

Typed or Printed Name Brad Armstrong, Manager Member, 3D Patents, LLC, the General Partner of Anascape, Ltd.

Date July 11, 2007 Telephone 903 566 3036

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: ArmstrongApplication No./Patent No.: 6,102,802 Filed/Issue Date: August 15, 2000Entitled: Game controller with analog pressure sensor(s)Anascape, Ltd., a limited partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title, and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

In the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Armstrong To: Anascape, Ltd.  
The document was recorded in the United States Patent and Trademark Office at Reel 011347, Frame 00375, or for which a copy thereof is attached.
2. From: Armstrong et al. To: Anascape, Ltd.  
The document was recorded in the United States Patent and Trademark Office at Reel 018239, Frame 00569, or for which a copy thereof is attached.
3. From: Bowman To: Anascape, Ltd.  
The document was recorded in the United States Patent and Trademark Office at Reel 018279, Frame 0573, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Brad Armstrong  
Signature

Brad Armstrong

Printed or Typed Name

Managing Member, SD Patents, LLC, the General Partner of Anascape, Ltd.  
Title

June 11, 2007

Date

903 566 3086

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/82 (01-08)

Approved for use through 12/31/2008. OMB 0651-0035

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|   |                        |                   |
|---|------------------------|-------------------|
| <b>REVOCAION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b> | Application Number     | 90/008,373        |
|   | Filing Date            | 12-13-2006 (reex) |
|   | First Named Inventor   | Armstrong         |
|   | Art Unit               | 3993              |
|   | Examiner Name          | Beverly Flanagan  |
|   | Attorney Docket Number | Anascape 005      |

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: 50086

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number: 50086

OR

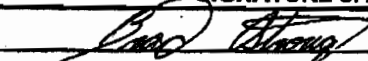
|  |       |     |  |
|--|-------|-----|--|
| <input type="checkbox"/> Firm or Individual Name |       |     |  |
| Address  |       |     |  |
| City   | State | Zip |  |
| Country  |       |     |  |
| Telephone  | Email |     |  |

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

|           |   |           |              |
|-----------|---|-----------|--------------|
| Signature |  |           |              |
| Name      | Brad Armstrong, Managing Member, 3D Patents, LLC, GP of Anascape, Ltd.              |           |              |
| Date      | September 10, 2007  | Telephone | 903-566-3036 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Anascape, Ltd.

Application No./Patent No.: 8,102,802 Filed/Issue Date: August 15, 2000

Entitled: Game controller with analog pressure sensor(s)

Anascape, Ltd. a Texas limited partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

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OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

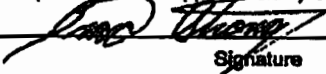
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The document was recorded in the United States Patent and Trademark Office at Reel 011347, Frame u/s/r/s, or for which a copy thereof is attached.
- 2. From: Armstrong et al To: Anascape, Ltd.  
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- 3. From: Bowman To: Anascape, Ltd.  
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[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

|   |                           |
|---|---------------------------|
|  | <u>September 10, 2007</u> |
| Signature   | Date                      |
| <u>Brad Armstrong</u>   | <u>303-566-3036</u>       |
| Printed or Typed Name   | Telephone Number          |
| <u>Managing Member, SD Patents, LLC, the General Partner of Anascape, Ltd.</u>      |                           |
| Title   |                           |

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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