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

ANASCAPE, LTD.,	 §
	§
Plaintiff,	§
	§
	§
	§
V.	§ Civil Action No. 9:06-cv-158-RC
	§
MICROSOFT CORP. and	§ JURY TRIAL REQUESTED
NINTENDO OF AMERICA, INC.,	§
	§
Defendants.	§
	§

UNOPPOSED MOTION TO AMEND ORDER RE: TAKING DEPOSITIONS IN JAPAN

On October 30, 2007, the Court granted Plaintiff Anascape, Ltd.'s unopposed motion to take the depositions of the following witnesses in Japan who are employees of non-party Nintendo Co., Ltd. ("NCL"): Genyo Takeda, Kazuo Koushima and Junji Takamoto. Anascape has reached a further agreement with Defendant Nintendo of America Inc. ("NOA"), which changes, in part, the NCL employees to be deposed. The NCL employees who will be deposed are Genyo Takeda, Akio Ikeda and Kazunori Koshiishi. Pursuant to Art. 17 of the United States-Japan Consular Convention, the attorneys for Anascape and NOA present at the deposition must obtain a special visa issued by the Japanese Government. In order to obtain such a visa, Anascape must present a Court order authorizing the deposition. Anascape expects to obtain relevant, admissible evidence through these depositions.

Anascape respectfully requests that the Court enter the attached Amended Order.

Defendants do not oppose the relief requested in this Motion.

Anascape acknowledges and agrees that NCL is not a party to this litigation and that nothing herein shall be deemed to constitute, or argued to be deemed to constitute, a waiver of any of NCL'S rights or remedies, all of which are expressly reserved. Anascape does not waive the right to contend that any materials held by, controlled by, and/or associated with NCL are within the possession, custody, or control of NOA, as contemplated by the Federal Rules of Civil Procedure and/or any controlling law or local rule of this Court. NOA does not waive the right to contend that any materials held by, controlled by, and/or associated with NCL are not within the possession, custody or control of NOA, as contemplated by the Federal Rules of Civil Procedure and/or any controlling law or local rule of this Court.

DATED: December 20, 2007

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
104 East Houston Street, Suite 300
Marshall, Texas 75670
Telephone: (903) 923-9000

Facsimile: (903) 923-9099

Theodore Stevenson, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Luke F. McLeroy
Texas State Bar No. 24041455
Imcleroy@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

Robert M. Parker
Texas State Bar No. 15498000
rmparker@cox-internet.com
Robert Christopher Bunt
Texas State Bar No. 00787165
cbunt@cox-internet.com
Charles Ainsworth
Texas State Bar No. 00783521
charley@pbatyler.com
Parker, Bunt & Ainsworth P.C.
100 E. Ferguson Street, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531, 3535

Telephone: (903) 531-3535 Facsimile: (903) 533-9687

ATTORNEYS FOR PLAINTIFF ANASCAPE, LTD.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a), on December 20, 2007. As such, this motion was served on all counsel who had consented to electronic service.

_/s/ Anthony M. Garza_____

Anthony M. Garza