

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

ANASCAPE, LTD.

Plaintiff,

v.

MICROSOFT CORPORATION, and
NINTENDO OF AMERICA, INC.,

Defendants.

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Hon. Ron Clark

Civil Action No. 9:06-CV-00158-RC

Oral Argument Requested

DECLARATION OF ANDREW TESNAKIS

I, Andrew Tesnakis, declare that:

1. I am over 18 years of age and make this declaration based on my own knowledge, personal experience and belief; and I am competent to make this declaration.

2. Attached hereto as Exhibit 1 is a true and correct copy of Anascape, Ltd.'s Disclosure of Asserted Claims and Preliminary Infringement Contentions dated December 28, 2006.

3. Attached hereto as Exhibit 2 is a true and correct copy of Anascape, Ltd.'s Amended Infringement Disclosure of Asserted Claims and Preliminary Infringement Contentions along with an excerpt from the exhibits to the Amended Infringement Contentions, dated December 12, 2007. We have consecutively numbered all the pages in Exhibit 2 for easier reference.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on this 21st day of December 2007, in Portland, Oregon.

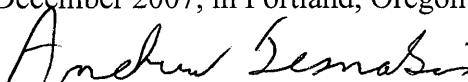

Andrew Tesnakis

EXHIBIT 1

**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.

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

JURY TRIAL REQUESTED

**ANASCAPE, LTD.'S DISCLOSURE OF ASSERTED CLAIMS
AND PRELIMINARY INFRINGEMENT CONTENTIONS**

In compliance with the Scheduling Order, Patent Rule 3-1, and Patent Rule 3-2, Plaintiff Anascape, Ltd. ("Anascape") submits its Disclosure of Asserted Claims and Preliminary Infringement Contentions against Defendants Microsoft Corp. ("Microsoft") and Nintendo of America, Inc. ("Nintendo") and an accompanying document production.

I. Disclosure of Asserted Claims and Preliminary Infringement Contentions

Patent Rule 3-1(a)-(c)

Microsoft's Xbox Controllers and Xbox Controllers S and accompanying video game systems infringe claims 5-6 and 11 of U.S. Patent No. 5,999,084, claims 1-18 of U.S. Patent No. 6,102,802, claim 7 of U.S. Patent No. 6,135,886, claims 11, 13, and 16 of U.S. Patent No. 6,208,271, claims 1, 5-6, and 12-20 of U.S. Patent No. 6,222,525, claims 1, 3, 6-8, 11-12, 16-19, 23-25, 28-37, 40-53, and 66-73 of U.S. Patent No. 6,343,991, claims 1-18, 34-44, 56-62, and 64-65 of U.S. Patent No. 6,344,791, claims 32-37 of U.S. Patent No. 6,347,997, claims 1-5 and 7-8 of U.S. Patent No. 6,351,205, claims 5-6 and 18-19 of U.S. Patent No. 6,400,303, claims 1-2, 4-

5, 7-9, 11, 13-15, 17-18, 20-21, and 23-24 of U.S. Patent No. 6,563,415, and claims 1-15, 19-20, 22-23, 26-29, and 31-33 of U.S. Patent No. 6,906,700. Charts identifying specifically where each element of each asserted claim is found within each accused instrumentality are attached as Exhibits A-K and R.

Microsoft's Xbox 360 Wireless Controllers and Xbox 360 Controllers and accompanying video game systems infringe claims 12-15, 19-20, 22-23, and 32-33 of U.S. Patent No. 6,906,700. A chart identifying specifically where each element of each asserted claim is found within each accused instrumentality is attached as Exhibit L.

Nintendo's GAMECUBE Wavebird Wireless Controllers and accompanying video game systems infringe claims 5, 12-17, and 19-20 of U.S. Patent No. 6,222,525, claims 34, 36-38, 40, 44-47, 49, and 64 of U.S. Patent No. 6,344,791, claims 7-8 of U.S. Patent No. 6,351,205, claims 4, 7-8, and 13 of U.S. Patent No. 6,563,415, and claim 14 and 16-23 of U.S. Patent No. 6,906,700. Charts identifying specifically where each element of each asserted claim is found within each accused instrumentality are attached as Exhibits M-Q.

Nintendo's GAMECUBE Controllers and accompanying video game systems infringe claims 5, 12-17, and 19-20 of U.S. Patent No. 6,222,525, claims 34-38, 40, 44-53, and 64 of U.S. Patent No. 6,344,791, claims 7-8 of U.S. Patent No. 6,351,205, claims 4, 7-8, and 13 of U.S. Patent No. 6,563,415, and claims 14, 16-23, 26-27, and 31-33 of U.S. Patent No. 6,906,700. Charts identifying specifically where each element of each asserted claim is found within each accused instrumentality are attached as Exhibits M-Q.

Nintendo's Wii Remote Controller and Nunchuk and accompanying video game systems infringe claim 19 of U.S. Patent No. 6,906,700. A chart identifying specifically where each

element of each asserted claim is found within each accused instrumentality is attached as Exhibit S.

Nintendo's Wii Classic Controller and Remote Controller and accompanying video game systems infringe claims 5, 12-17, and 19-20 of U.S. Patent No. 6,222,525, claims 34-38, 40, 44-52, and 64 of U.S. Patent No. 6,344,791, claims 7-8 of U.S. Patent No. 6,351,205, claims 4, 7-8, and 13 of U.S. Patent No. 6,563,415, and claims 14, 19-23, 26-27, and 31 of U.S. Patent No. 6,906,700. Charts identifying specifically where each element of each asserted claim is found within each accused instrumentality are attached as Exhibits T-X.

Patent Rule 3-1(d)

Each asserted claim is literally infringed by the Defendants' accused products as indicated by the infringement claim charts attached hereto. In the alternative, any asserted claim not found to be literally infringed is infringed under the doctrine of equivalents.

Patent Rule 3-1(e)

U.S. Patent No. 5,999,084 is entitled to a priority date of June 29, 1998.

U.S. Patent No. 6,102,802 is entitled to a priority date of October 1, 1997.

U.S. Patent No. 6,135,886 is entitled to a priority date of October 1, 1997.

U.S. Patent No. 6,208,271 is entitled to a priority date of September 4, 1998.

U.S. Patent No. 6,222,525 is entitled to a priority date of March 5, 1992.

U.S. Patent No. 6,343,991 is entitled to a priority date of October 1, 1997.

U.S. Patent No. 6,344,791 is entitled to a priority date of July 5, 1996.

U.S. Patent No. 6,347,997 is entitled to a priority date of July 5, 1996.

U.S. Patent No. 6,351,205 is entitled to a priority date of July 5, 1996.

U.S. Patent No. 6,400,303 is entitled to a priority date of September 4, 1998.

U.S. Patent No, 6,563,415 is entitled to a priority date of July 5, 1996.

U.S. Patent No. 6,906,700 is entitled to a priority date of March 5, 1992.

Patent Rule 3-1(f)

Various controllers developed by Brad Armstrong, Global Devices, and Extreme 6DOF Controllers, including the Global 3-D controller and various prototypes that will be made available for inspection at an agreed-upon time and place may practice claims 5-6 and 11 of U.S. Patent No. 5,999,084, claims 1-18 of U.S. Patent No. 6,102,802, claim 7 of U.S. Patent No. 6,135,886, claims 11, 13, and 16 of U.S. Patent No. 6,208,271, claims 1, 5-6, and 12-20 of U.S. Patent No. 6,222,525, claims 1, 3, 6-8, 11-12, 16-19, 23-25, 28-37, 40-53, and 66-73 of U.S. Patent No. 6,343,991, claims 1-18, 34-44, 56-62, and 64-65 of U.S. Patent No. 6,344,791, claims 32-37 of U.S. Patent No. 6,347,997, claims 1-5 and 7-8 of U.S. Patent No. 6,351,205, claims 5-6 and 18-19 of U.S. Patent No. 6,400,303, claims 1-2, 4-5, 7-9, 11, 13-15, 17-18, 20-21, and 23-24 of U.S. Patent No. 6,563,415, and claims 1-15, 19-20, 22-23, 26-29, and 31-33 of U.S. Patent No. 6,906,700.

II. Document Production Accompanying Patent Rule 3-1 Disclosures

Patent Rule 3-2(a)

The documents corresponding to Patent Rule 3-2(a) may be found within the ranges ANS0004666-4736, ANS0007828-7831, ANS0007846-7854, ANS7859-7873, ANS0008091-8133, ANS0026177-6180, ANS0027756-803, and ANS0039867-41791.

Patent Rule 3-2(b)

The documents corresponding to Patent Rule 3-2(b) may be found within the ranges ANS0026177-6180, ANS0027756-803, and ANS0039867-41791.

Patent Rule 3-2(c)

The documents corresponding to Patent Rule 3-2(c) are found at ANS000404-1942 and ANS063797-68021.

Discovery is ongoing in this matter, and Anascape reserves the right to supplement its contentions.

DATED: December 28, 2006.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Luke F. McLeroy

Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
505 E. Travis, Suite 105
Marshall, Texas 75670
Telephone: (903) 927-2111
Facsimile: (903) 927-2622

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

Robert M. Parker
Texas State Bar No. 15498000
mparker@pbatyler.com
Robert Christopher Bunt
Texas State Bar No. 00787165
rcbunt@pbatyler.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
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
ANASCAPE, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via Federal Express on this 28th day of December, 2006.

/s/ Luke F. McLeroy

Luke F. McLeroy

EXHIBIT 2

**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.

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

JURY TRIAL REQUESTED

**ANASCAPE, LTD.'S AMENDED DISCLOSURE OF ASSERTED CLAIMS
AND PRELIMINARY INFRINGEMENT CONTENTIONS**

In compliance with the Scheduling Order, Patent Rule 3-1, and Patent Rule 3-6(a)(1), Plaintiff Anascape, Ltd. (“Anascape”) submits its Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions against Defendant Microsoft Corp. (“Microsoft”), which Anascape believes, in good faith, that the Court’s Claim Construction Ruling require.

I. Disclosure of Asserted Claims and Preliminary Infringement Contentions

Patent Rule 3-1(c)-(d)

Each asserted claim is literally infringed by the Defendants’ accused products as indicated by the infringement claim charts attached hereto. In the alternative, any asserted claim not found to be literally infringed is infringed under the doctrine of equivalents as described in the attached charts. Charts identifying specifically where each element of each asserted claim is found within each accused instrumentality are attached as Exhibits A-C, E, K and R.

Discovery is ongoing in this matter, and Anascape reserves the right to supplement its contentions.

DATED: December 12, 2007.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Luke F. McLeroy
Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
505 E. Travis, Suite 105
Marshall, Texas 75670
Telephone: (903) 927-2111
Facsimile: (903) 927-2622

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

Robert M. Parker
Texas State Bar No. 15498000
rmparker@pbatyler.com
Robert Christopher Bunt
Texas State Bar No. 00787165
rcbunt@pbatyler.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
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
ANASCAPE, LTD.**

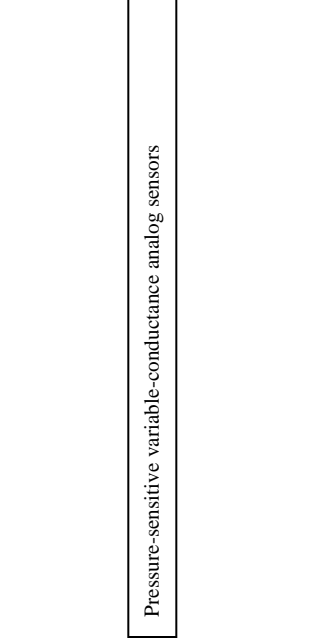
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via Federal Express on this 12th day of December, 2007.

/s/ Luke F. McLeroy

Luke F. McLeroy

**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
XBOX CONTROLLER AND XBOX CONTROLLER S AND ACCOMPANYING VIDEO GAME SYSTEMS
 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
<p>5. An improved pressure-sensitive variable-conductance analog sensor of the type having</p>	<div style="text-align: center;">  </div> <p>The Accused Instrumentalities include, among other things, an improved pressure-sensitive variable-conductance analog sensor. Multiple pressure-sensitive variable-conductance sensors are shown below in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities.</p> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is</p>

**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
XBOX CONTROLLER AND XBOX CONTROLLER S AND ACCOMPANYING VIDEO GAME SYSTEMS
 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<p>comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
<p>at least two electrically conductive elements operationally connected to pressure-sensitive variable-conductance material;</p>	<p>The Accused Instrumentalities include, among other things, at least two electrically conductive elements operationally connected to pressure-sensitive variable-conductance material. Multiple sets of two pressure-sensitive electrically conductive elements are shown below in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities.</p> <div data-bbox="889 1171 1218 1612" data-label="Image"> </div> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p>

**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
XBOX CONTROLLER AND XBOX CONTROLLER S AND ACCOMPANYING VIDEO GAME SYSTEMS
 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
a depressible actuator retained relative to said pressure-sensitive variable-conductance material;	<p>The Accused Instrumentalities include, among other things, a depressible actuator retained relative to the pressure-sensitive variable-conductance material. Multiple depressible actuators are shown below in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities.</p>

**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
XBOX CONTROLLER AND XBOX CONTROLLER S AND ACCOMPANYING VIDEO GAME SYSTEMS
 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<div data-bbox="305 1249 633 1606" data-label="Image"> </div> <p data-bbox="662 142 782 1612">Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p data-bbox="803 1390 828 1612"><u>Literal Infringement</u></p> <p data-bbox="849 132 1026 1612">This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p data-bbox="1047 1354 1071 1612"><u>Doctrine of Equivalents</u></p> <p data-bbox="1092 132 1425 1612">The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed</p>

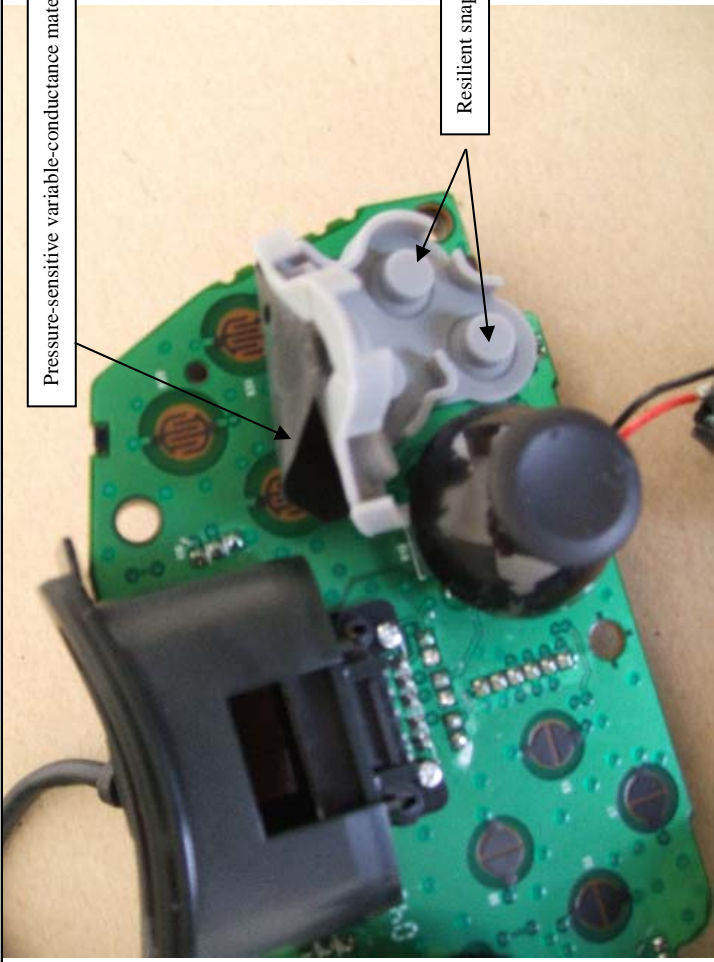
**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
XBOX CONTROLLER AND XBOX CONTROLLER S AND ACCOMPANYING VIDEO GAME SYSTEMS
 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
<p>said actuator depressible toward said pressure-sensitive variable-conductance material for transferring force into said pressure-sensitive variable-conductance material;</p>	<p>harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
<p>said actuator depressible toward said pressure-sensitive variable-conductance material for transferring force into the pressure-sensitive variable-conductance material.</p> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin</p>	<p>The actuators of the Accused Instrumentalities are depressible toward pressure-sensitive variable-conductance material for transferring force into the pressure-sensitive variable-conductance material.</p> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin</p>

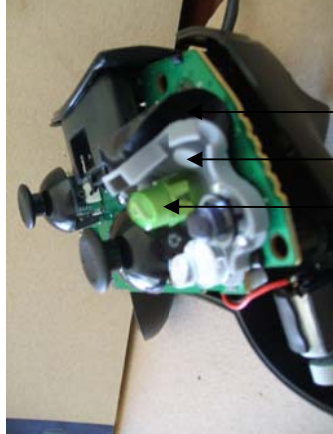
**EXHIBIT A – INFRINGEMENT OF U.S. PATENT NO. 5,999,084 BY MICROSOFT’S
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 (“ACCUSED INSTRUMENTALITIES”)**

CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<p>oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
<p>wherein the improvement comprises:</p>	<p>The Accused Instrumentalities comprise the following improvement.</p>
<p>a resilient snap-through dome-cap positioned to provide tactile feedback to a user upon actuation of said pressure-sensitive variable-conductance material.</p>	<p>Among other things, the Accused Instrumentalities include a resilient snap-through dome-cap positioned to provide tactile feedback to a user upon actuation of the pressure-sensitive variable-conductance material. Multiple resilient snap-through dome-caps are shown below in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities.</p>

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CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
<div style="border: 1px solid red; height: 20px; width: 100%;"></div>	 <p>The photograph shows the internal green printed circuit board (PCB) of an Xbox controller. A grey plastic component, likely a button housing, is mounted on the board. Two callout boxes with arrows point to specific parts: one points to a small black component on the PCB labeled 'Pressure-sensitive variable-conductance material', and the other points to a grey dome-shaped component labeled 'Resilient snap-through dome-caps'.</p> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p>

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CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
<p>6. An improved pressure-sensitive variable-conductance analog sensor in accordance with claim 5 wherein said snap-through dome-cap is positioned between said actuator and said pressure-sensitive variable-conductance material.</p>	<p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
<p>6. An improved pressure-sensitive variable-conductance analog sensor in accordance with claim 5 wherein said snap-through dome-cap is positioned between said actuator and said pressure-sensitive variable-conductance material.</p>	<p>The snap-through dome-caps of the Accused Instrumentalities are positioned between the actuator and the pressure-sensitive variable-conductance material. This positioning is shown below in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities.</p> 

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CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<div style="display: flex; justify-content: space-around; margin-bottom: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">Actuator</div> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">Pressure-sensitive variable-conductance material</div> </div> <div style="border: 1px solid black; padding: 2px 5px; text-align: center;">Snap-through dome-cap</div> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p> <p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the</p>

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CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
<p>11. An improved method of manufacturing a pressure-sensitive analog variable-conductance sensor, comprising the steps of:</p>	<p>same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p> <p>The pressure-sensitive analog variable-conductance sensors in the Accused Instrumentalities are manufactured according to an improved method of manufacturing a pressure-sensitive analog variable-conductance sensor.</p> <p>Under the language of the claim and/or the Court’s November 30, 2007 Claim Construction Order, this claim element, to the extent it is a limitation of the claim, requires “pressure-sensitive variable conductance material.” The Court’s November 30, 2007 Claim Construction Order construed the claim term “pressure-sensitive variable conductance material” as “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.”</p> <p><u>Literal Infringement</u></p> <p>This “pressure-sensitive variable conductance material” is literally met in the Accused Instrumentalities by the thin, black “FSR material,” which was identified in the figures throughout this chart when it was originally served. The “FSR material” literally meets this claim element because it is “a substance that changes in conductivity to allow a greater flow of electric current through it, as pressure is applied to it.” Generally, the following evidence developed during the discovery in this case substantiates Anascape’s assertion that this element is literally met: the deposition testimony of Robert Walker and Steve Branton and corresponding exhibits, the Yaniger patent, the Accused Instrumentalities themselves, and the specific documents and excerpts cited below.</p> <p><u>Doctrine of Equivalents</u></p> <p>The action buttons of the Accused Instrumentalities provide a varying output based on the input pressure or force applied to the button caps, due to the interaction between the action buttons, the dome caps, the FSR Material, and the PCB traces. See Walker 106:6-107:4 (describing how these different components work together); Depo Exs. 14 and 16 (showing the relative position of these components). There is a substantially convex area of flexible material located on the underside of the dome cap, which flattens on the application of increasing pressure to the action button cap, and causes a larger amount of FSR material to contact the PCB traces, thereby increasing the conductivity of the sensor associated with that action button. See Depo. Ex. 63 at INT199, Branton Tr. at 57:16-58:8. The FSR Material is comprised of a polysulfone plastic film, (which is softer than the semiconductor layer, and gives under pressure) on which a semiconductor layer of carbon and tin oxide is printed. See Branton Tr. at 33:3-9, 33:23-34:4, 34:8-19, 47:1-5, 51:10-24, 52:7-13. The surface of the semiconductor layer -- which faces the circuit traces in the xbox controllers -- is not perfectly flat, but irregular, because particles of tin oxide “stick out” from the surface of the material. See Branton Tr. 50:10-16. When the FSR Material first contacts the traces, only the tin oxide particles that “stick out” the furthest from the material contact the traces. See Branton Tr. at 50:10-16. As the actuator is pressed harder against the back side of the material, more tin oxide particles contact the traces, increasing the number of paths for electricity to move, decreasing the resistance of the FSR Material. See Branton Tr. at 50:17-51:2; Depo Ex. 11 at MSANAS22135; Depo Ex. 12 at MSANAS25182.</p>

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CLAIM LANGUAGE	ACCUSED INSTRUMENTALITIES
	<p>The “FSR Material” of the Accused Instrumentalities is equivalent to “pressure-sensitive variable conductance material” because it performs substantially the same function -- creating an analog response that varies in response to applied pressure -- in substantially the same way -- by rearranging conductive elements in order to increase the number of conductive paths (as confirmed by the detailed descriptions of the Yaniger and Mitchell patents and the Asserted Patents) -- to yield substantially the same result -- an analog output that varies in response to applied pressure. In light of this discussion, there is only an “insubstantial change” between the “FSR Material” of the Accused Instrumentalities and the “pressure-sensitive variable conductance material” of the patent claim.</p>
forming two conductive elements;	<p>During the manufacture of the Accused Instrumentalities, two conductive elements are formed. The conductive elements are shown above. <i>See</i> claim 5.</p>
Locating pressure-sensitive variable-conductance material positioned as a variably conductive element electrically between said two conductive elements;	<p>During the manufacture of the Accused Instrumentalities, pressure sensitive variable conductance material is located as a variably conductive electrical element between the two conductive elements. The pressure-sensitive variable-conductance material in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities, is shown above. <i>See</i> claims 5 & 6.</p>
positioning an actuator for transferring externally applied force onto said pressure-sensitive analog variable-conductance material;	<p>During the manufacture of the Accused Instrumentalities, an actuator is positioned for transferring externally applied force onto the pressure sensitive analog variable conductance material. The actuator in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities, is shown above. <i>See</i> claims 5 & 6.</p>
wherein the improvement comprises the step of;	<p>The Accused Instrumentalities comprise the following improvement.</p>
positioning a resilient tactile feedback dome-cap operationally associated with said pressure-sensitive variable-conductance material.	<p>During the manufacture of the Accused Instrumentalities, a resilient tactile feedback dome-cap is positioned as operationally associated with the pressure sensitive variable conductance material. The resilient tactile feedback dome-cap in Microsoft’s Xbox Controller S, one of the Accused Instrumentalities, is shown above. <i>See</i> claims 5 & 6.</p>