

**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 EXTEND DEADLINE FOR FACT DISCOVERY**

Plaintiff Anascape, Ltd. (“Anascape”) files this Unopposed Motion to Extend Deadline for Fact Discovery. Under the Court’s current schedule, the parties are to complete fact discovery by February 22, 2008. (Dkt. 169). For the convenience of all parties, and with the agreement of all parties, Anascape requests that the Court extend this deadline to February 27, 2007, for the sole purpose of completing the deposition of Brad Armstrong. The parties agree that the extension will not be used as a reason to seek leave to move for a continuance of the trial date, and that all other fact discovery will be completed by February 22, 2008. This extension is not sought for delay and no other deadlines in this case will be affected.

The parties have conferred and have agreed to request that the Court grant this Unopposed Motion to Extend Deadline for Fact Discovery.

DATED: January 7, 2008

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

Anthony M. Garza

Texas State Bar No. 24050644

agarza@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

rmrparker@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

Facsimile: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF**

**ANASCAPE, LTD.**

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff Anascape conferred with counsel for Defendants regarding the foregoing Motion. Counsel for Defendants represented that they did not oppose the Motion.

/s/ Anthony M. Garza  
Anthony M. Garza

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a), on January 7, 2008. As such, this motion was served on all counsel who had consented to electronic service.

/s/ Anthony M. Garza  
Anthony M. Garza