

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 CLAIM TERMS

Plaintiff Anascape, Ltd. (“Anascape”) filed suit against Defendants Microsoft Corporation (“Microsoft”) and Nintendo of America, Inc. (“Nintendo”) and Microsoft claiming infringement of U.S. Patent Nos. 6,222,525 (“the ‘525 patent”) and 6,906,700 (“the ‘700 patent”).¹ These patents will be collectively known as the Microsoft & Nintendo-Accused Patents.

The court conducted a *Markman* hearing on September 19, 2007 to assist the court in interpreting the meaning of the claim terms of the Microsoft & Nintendo-Accused Patents 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 also filed suit against Microsoft and Nintendo alleging infringement of U.S. Patent Nos. 6,344,791 (“the ‘791 patent”), 6,352,205 (“the ‘205 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.

I. Claim Terms

1. “[electromechanical tactile feedback structure providing vibration][active tactile feedback structure].” Used in ‘700 patent, Claims 26, 32 and 33.

means: “electro-mechanical structure that provides vibration to the user.”

2. “active tactile feedback vibration.” Used in ‘700 patent, Claims 1, 2 and 12.

means: “vibration created by an electro-mechanical structure.”

II. Conclusion

The jury shall be instructed in accordance with the court’s interpretations of the disputed claim terms in the ‘525 and ‘700 patents.

So **ORDERED** and **SIGNED** this **4** day of **February, 2008**.



Ron Clark, United States District Judge