

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 ASHLEY FOGERTY IN SUPPORT
OF MICROSOFT’S MOTION FOR PARTIAL SUMMARY JUDGMENT
NON-INFRINGEMENT OF “3-D GRAPHICS CONTROLLER” CLAIMS**

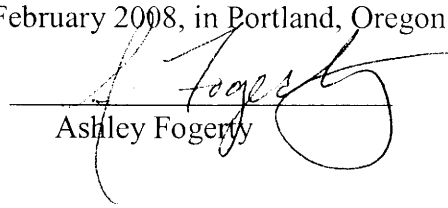
I, Ashley Fogerty, declare that:

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 excerpts from the Expert Report of Dr. Robert Howe, Examination Infringement of the ‘700 Patent (including Exhibit C), dated February 12, 2008.
3. Attached hereto as Exhibit 2 is a true and correct copy of Anascape, Ltd.’s Disclosure of Asserted Claims and Preliminary Infringement Contentions dated December 28, 2006.
4. Attached hereto as Exhibit 3 is a true and correct copy of Anascape, Ltd.’s First Amend Complaint for Patent Infringement dated November 21, 2006.

DECLARATION OF ASHLEY FOGERTY ISO
MICROSOFT’S MOTION FOR PARTIAL SUMMARY JUDGMENT
NON-INFRINGEMENT OF “3-D GRAPHICS CONTROLLER” CLAIMS

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

Executed on this 27st day of February 2008, in Portland, Oregon.


Ashley Fogerty