

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

ANASCAPE, LTD.	§	
	§	Hon. Ron Clark
Plaintiff,	§	
	§	
v.	§	Civil Action No. 9:06-CV-00158-RC
	§	
MICROSOFT CORPORATION, and	§	
NINTENDO OF AMERICA, INC.,	§	
	§	
Defendants.	§	

**DECLARATION OF ASHLEY FOGERTY**

I, Ashley Fogerty, declare that:

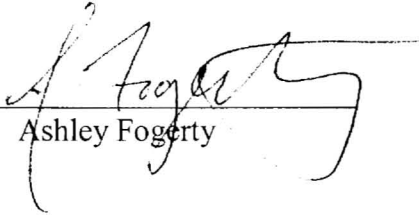
1. I am over 18 years of age and make this declaration based on my own knowledge, personal experience and belief; and I am competent to make this declaration.
2. I am a paralegal assistant for the firm of Klarquist Sparkman, LLP, co-counsel for Microsoft Corporation in this action.
3. Appended hereto are true and correct copies the following:

<b><u>Appendix Range</u></b>	<b><u>Description</u></b>
A001-A091	The specification of U.S. patent application of Brad A. Armstrong, dated July 5, 1996, entitled "6 DOF Graphic Controllers with Sheet Connected Sensors."
A092-A102	Continued Prosecution Application (CPA) of Mr. Armstrong, number, dated August 4, 2000, entitled "Image Controllers with Sheet Connected Sensors."
A103	First page of specification of patent application filed November 16, 2000, by Mr. Brad A. Armstrong, entitled "3D Controller with Vibration."
A104	Cover page of US Patent 6,222,525.
A105-A109	Excerpt from amendments to the claims of November 16, 2000 patent application leading to US Patent 6,906,700.
A110-A111	Excerpts from US Patent 6,906,700.
A112-A123	Excerpts from Ex Parte Reexamination

	Communication Transmittal form re: US Patent 6,906,700.
A124-A125	Press Release: "New PlayStation Game Consoles to Include Dual Shock Analog as Standard Pack-In for \$149," dated May 27, 1998.
A126-A150	European Patent Application EP 0 867 212 A1, dated (publication) September 30, 1998.
A151-A152	Press Release: "PlayStation2 Accessories; New Digital Analog Controller 'Dual Shock' 2; Large Capacity Memory Card Unveiled," dated September 13, 1999.
A153-A155	Cover and Article from November 1999 <i>US Official PlayStation Magazine</i> "Two-rific: After months of speculation and eager anticipation, PlayStation 2 is finally here."
A156	Copyright Registration form for <i>PSM 100% Independent Play Station Magazine</i> .
A157-A159	Excerpts from Anascape's Objections and Responses to Microsoft's First Set of Interrogatories.
A160-A162	Excerpts from Anascape's Objection and Responses to Microsoft's Third Set of Interrogatories.
A163-A175	Excerpts from the October 4, 2001 deposition of Mr. Brian Carlson, in this action.
A176	Letter from McKool Smith dated November 20, 2007.
A177-A217	Excerpts form the Expert Witness Report of Steven Bristow, dated February 11, 2008.
A218-A223	Excerpted claim charts submitted in Microsoft's Request for Reexamination of US Patent 6,906,700, dated May 4, 2007.
A224-A236	Excerpted slides used as exhibits in the Expert Witness Report of Steven Bristow, dated February 11, 2008.
A237	Excerpted page from the Title 37 of the <i>Code of Federal Regulations: Patents, Trademarks, and Copyrights</i> , dated July 1, 2001.
A238	Excerpt from US Patent and Trademark Office's Manual of Patent Examining Procedure (MPEP).

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

Executed on this 26<sup>th</sup> day of February, in Portland, Oregon.

  
Ashley Fogerty

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 27<sup>th</sup> day of February, 2008, the foregoing pleading was electronically filed with the Court. Pursuant to Local Rule CV-5(a)(3), this constitutes service on the following counsel:

By: /s/ John D. Vandenberg

John D. Vandenberg

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