

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

I, Ashley Fogerty, declare that:

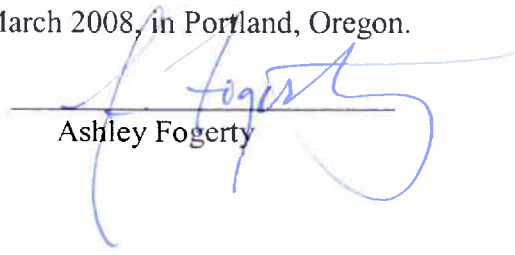
1. I am over 18 years of age and make this declaration based on my own knowledge, personal experience and belief; and I am competent to make this declaration.

2. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the Preliminary Expert Report of Walter Bratic, dated February 11, 2008.

3. Attached hereto as Exhibit 2 are true and correct copies of excerpts from Anascape's Response to Interrogatory No. 23 excerpted from Anascape, Ltd.'s Second Supplemental Objections and Responses to Microsoft Corp.'s First Set of Interrogatories (Nos. 15-19, 23 & 25) dated January 24, 2008.

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

Executed on this 3rd day of March 2008, in Portland, Oregon.



Ashley Fogerty

DECLARATION OF ASHLEY FOGERTY