

EXHIBIT 1

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.,

Defendants.

Civil Action No. 9:06-cv-158-RC

**ANASCAPE LTD.'S OBJECTIONS AND RESPONSES TO NINTENDO OF
AMERICA INC.'S FIRST SET OF REQUESTS FOR ADMISSION (NOS. 1-21)**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of Texas, Plaintiff Anascape Ltd. ("Anascape") serves its responses to Nintendo of America Inc.'s ("Nintendo") First Set of Requests for Admissions ("Requests").

Anascape makes the objections and responses herein (collectively, the "Responses") based solely on its current knowledge, understanding, and belief as to the facts and the information available to it as of the date of the Responses. Additional discovery and investigation may lead to additions to, changes in, or modifications of these Responses. The Responses, therefore, are being given without prejudice to Anascape's right to produce subsequently discovered information and to introduce such subsequently discovered information at the time of any hearing or trial in this action.

RESPONSE:

Subject to the foregoing general and specific objections, Anascape responds as follows:

Admitted.

REQUEST FOR ADMISSION NO. 18

Admit that Anascape did not provide notice of the '700 patent to Nintendo prior to service or filing of the Complaint dated July 31, 2006.

RESPONSE:

Subject to the foregoing general and specific objections, Anascape responds as follows:

Admitted.]

REQUEST FOR ADMISSION NO. 19

Admit that Anascape is aware of no evidence showing that any product or service ever made, sold, or offered for sale in the United States by or under authorization from Anascape and covered by any claim of any Asserted Patent was marked with any Asserted Patent number.

RESPONSE:

Anascape objects to the term "evidence" as ambiguous. Subject to the foregoing general and specific objections, Anascape responds as follows: Denied.

DATED: December 3, 2007.

Respectfully submitted,

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/s/ Luke F. McLeroy

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**ATTORNEYS FOR PLAINTIFF
ANASCAPE, LTD.**

EXHIBIT 2

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.,

Defendants.

Civil Action No. 9:06-cv-158-RC

**ANASCAPE LTD.'S OBJECTIONS AND RESPONSES TO
MICROSOFT CORP.'S SECOND SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of Texas, Plaintiff Anascape Ltd. ("Anascape") serves its responses to Microsoft Corp.'s ("Microsoft") Second Set of Requests for Admissions ("Requests").

Anascape makes the objections and responses herein (collectively, the "Responses") based solely on its current knowledge, understanding, and belief as to the facts and the information available to it as of the date of the Responses. Additional discovery and investigation may lead to additions to, changes in, or modifications of these Responses. The Responses, therefore, are being given without prejudice to Anascape's right to produce subsequently discovered information and to introduce such subsequently discovered information at the time of any hearing or trial in this action.

I.

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REQUEST FOR ADMISSION NO. 38

Admit that prior to service or filing of the Complaint, Anascape did not inform Microsoft of Anascape's contention that a specific Microsoft product infringed the '991 patent or any particular claim thereof.

RESPONSE:

Subject to the foregoing general objections, Anascape responds as follows: Denied.

[**REQUEST FOR ADMISSION NO. 39**

Admit that prior to service or filing of the Complaint, Anascape did not inform Microsoft of Anascape's contention that a specific Microsoft product infringed the '700 patent or any particular claim thereof.

RESPONSE:

Subject to the foregoing general objections, Anascape responds as follows: Admitted.]

REQUEST FOR ADMISSION NO. 40

Admit that Anascape did not provide notice of the '700 patent to Microsoft prior to service or filing of the Complaint.

RESPONSE:

Subject to the foregoing general objections, Anascape responds as follows: Admitted.

EXHIBIT 3



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

7/13/07

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO 95/000221

PATENT NO. 6,906,700

ART UNI 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Transmittal of Communication to Third Party Requester Inter Partes Reexamination	Control No.	Patent Under Reexamination	
	95/000,221	6906700	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,221	6906700	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): PTO-892 PTO/SB/08 Other: _____

1. The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2. The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

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DECISION GRANTING INTER PARTES REEXAMINATION

Reexamination

1. A substantial new question of patentability (SNQ) affecting claims 1-33 of United States Patent Number 6,906,700 to Armstrong (hereafter "the '700 Patent") is raised by the present request for *inter partes* reexamination filed on 5/4/07 for the reasons indicated below.

2. An Office action on merits does not accompany this order for *inter partes* reexamination. An Office action on merits will be provided in due course.

3. Extensions of time under 37 CFR 1.136(a) will not be permitted in *inter partes* reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

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Substantial New Question of Patentability

4. For “a substantial new question of patentability” (SNQ) to be present, it is only necessary that:

A. The prior art patents and or printed publications raise a substantial question of patentability regarding at least one claim, i.e., the teaching of the prior art patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable; it is not necessary that the prior art establish a prima facie case of unpatentability; and

B. The same question of patentability as to the claim has not been decided by the Office in a previous examination or pending reexamination of the patent or in a final holding of invalidity by the Federal Courts in a decision on the merits involving the claim.

5. For any reexamination ordered on or after November 2, 2002, reliance on previously Cited/considered art, i.e., “old art,” does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on that old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact-specific inquiry done on a case-by-case basis. See MPEP 2642.

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Listing of Prior Art

6. In the request for reexamination, the Third Party Requester alleges that the '700 Patent claims 1-33 are anticipated or unpatentable in light of the following references:

- a. Goto *et al.* (European Patent Application Publication EP 0 867 212, hereafter "Goto");
- b. Himoto *et al.*, (European Patent Application Publication EP 0 835 676, hereafter "Himoto")*;
- c. Bersheim (U.S. Patent Number 4,491,325, hereafter "Bersheim");
- d. Chandler (U.S. Patent Number 4,246,452, hereafter "Chandler");
- e. Furukawa (Japanese Patent Publication H05-87760, hereafter "Furukawa'760")*;
- f. Kramer (U.S. Patent Number 5,164,697, hereafter "Kramer")*;
- g. O'Mara *et al.* (U.S. Patent Number 5,510,812, hereafter "O'Mara")*;
- h. Ledin (U.S. Patent Number 6,002,594, hereafter "Ledin");
- i. "Sega Saturn 3D Control Pad Instruction Manual", Sega Enterprises, Ltd., 1996, (hereafter "Sega 3D Control Pad Manual");
- j. "PlayStation Instruction Manual SCPH-7000", Sony Computer Entertainment Inc., Sony Publication No. 3-861-343-05(1), 1994-1998, (hereafter "PlayStation Manual");
- k. Armstrong (U.S. Patent Number 5,565,891, hereafter "Armstrong'891")**;
- l. Armstrong (U.S. Patent Number 5,589,828, hereafter "Armstrong'828")**.

* - The references of Himoto, Furukawa'760, Kramer, and O'Mara were previously cited during the prosecution of the application that became the '700 Patent, but were not relied on for

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any rejections of the claims. Thus, in light of the discussion in the Request for Reexamination, these references are being viewed in a new light or different way as compared to their use in earlier concluded examination(s).

** - The references of Armstrong'891 and Armstrong'828 are both listed as being parent applications to U.S. Application 08/677,378, now U.S. Patent Number 6,222,525 (hereafter "the Armstrong'525 patent"), whereby the Armstrong'525 patent is a continuation-in-part to the Armstrong'891 reference, which is a continuation-in-part of the Armstrong'828 reference. However, in light of the discussion in the Request for Reexamination, these references are being viewed in a new light, and are being viewed as prior art, published over one year before the filing date of the instant '700 Patent.

The remainder of the references listed above are newly cited by the Third Party Requester and were not considered during the prosecution of the application that became the '700 Patent.

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Requester's Position

7. The Third Party Requester asserts that the cited references raise SNQ's for claims 1-33 of the '700 Patent in the following manner:

Issue #1. Claims 19-21 and 26 of the '700 Patent to be anticipated under 35 U.S.C. 102(b) by Goto;

Issue #2. Claims 19-21 and 26 of the '700 Patent to be unpatentable under 35 U.S.C.103(a) over Goto in view of Applicant's Admissions;

Issue #3. Claims 1-15 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C.103(a) over Goto in view of Himoto;

Issue #4. Claims 1-15 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C.103(a) over Goto in view of Himoto, and further in view of Bersheim;

Issue #5. Claims 1-13 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C.103(a) over Goto in view of Himoto, and further in view of Applicant's Admissions;

Issue #6. Claims 20-21 and 26 of the '700 Patent to be unpatentable under 35 U.S.C.103(a) over Goto in view of Chandler;

Issue #7. Claims 14, 22-25, 27, and 31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Furukawa'760;

Issue #8. Claim 16 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Furukawa'760, and further in view of Applicant's Admissions;

Issue #9. Claims 14 and 22-27 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Kramer;

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Issue #10. Claims 16-18 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Kramer, and further in view of Applicant's Admissions;

Issue #11. Claims 12-13, 15, 22-25, 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of O'Mara;

Issue #12. Claim 26 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Ledin;

Issue #13. Claims 22 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of the Sega 3D Control Pad Manual;

Issue #14. Claims 19-21 and 26 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of the PlayStation Manual;

Issue #15. Claims 6-11, 14, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler and further in view of Furukawa'760;

Issue #16. Claims 1-11, 13-16, and 27-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, and further in view of Himoto;

Issue #17. Claim 21 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, and further in view of Ledin;

Issue #18. Claims 1-5 and 13 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, and further in view of O'Mara;

Issue #19. Claims 6-11, 14, 21, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, and further in view of Kramer;

Issue #20. Claims 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, and further in view of the Sega 3D Control Pad Manual;

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Issue #21. Claims 17 and 18 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Chandler, further in view of Kramer, and further in view of the Sega 3D Control Pad Manual;

Issue #22. Claims 1-11 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Himoto, and further in view of Ledin;

Issue #23. Claims 1-11 and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Himoto, and further in view of Kramer;

Issue #24. Claims 3 and 4 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Himoto, and further in view of the PlayStation Manual;

Issue #25. Claims 6-11, 27, and 31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Ledin, and further in view of Kramer;

Issue #26. Claims 6-11, 27, and 31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Ledin and further in view of Furukawa'760;

Issue #27. Claims 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of Ledin, and further in view of the Sega 3D Control Pad Manual;

Issue #28. Claims 1-5, 12-13, 15, 22-25, and 27-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of O'Mara, and further in view of Kramer;

Issue #29. Claims 1-5 and 13 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of O'Mara, further in view of Kramer, and further in view of Chandler;

Issue #30. Claims 28-31 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Goto in view of the Sega 3D Control Pad Manual, and further in view of Himoto;

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Issue #31. Claims 6-11, 14, 16, 19-25 and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Applicant's Admissions;

Issue #32. Claims 16, 19-20, 22-25, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828;

Issue #33. Claim 21 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of Applicant's Admissions;

Issue #34. Claims 9-11 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Chandler, and further in view of Applicant's Admissions;

Issue #35. Claim 14 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Furukawa'760;

Issue #36. Claims 17 and 18 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Kramer, and further in view of Applicant's Admissions;

Issue #37. Claims 1-5 and 12-18 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of O'Mara, and further in view of Applicant's Admissions;

Issue #38. Claims 9-11 and 21 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of Chandler;

Issue #39. Claims 9-11, 17-18, 21-27, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of Kramer;

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Issue #40. Claims 12-13, 15-16, 22-25, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of O'Mara;

Issue #41. Claims 9-11 and 21 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of Ledin;

Issue #42. Claims 16, 22-25, and 32-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, and further in view of Furukawa'760;

Issue #43. Claims 9-10 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Chandler, and further in view of Himoto;

Issue #44. Claim 5 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of O'Mara, and further in view of Chandler;

Issue #45. Claim 5 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of O'Mara, and further in view of Ledin;

Issue #46. Claims 1-11 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Chandler, and further in view of O'Mara;

Issue #47. Claims 1-11 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Ledin, and further in view of O'Mara;

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Issue #48. Claims 1-13, 15-18, and 28-33 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Kramer, and further in view of O'Mara;

Issue #49. Claims 9-11 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Furukawa'760, and further in view of Chandler;

Issue #50. Claims 9-11 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Furukawa'760, and further in view of Ledin;

Issue #51. Claims 9-11 and 17-18 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Armstrong'828, further in view of Furukawa'760, and further in view of Kramer;

Issue #52. Claims 1, 3, 6, and 8-10 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Himoto, further in view of Chandler, and further in view of O'Mara;

Issue #53. Claims 1, 3, 6, and 8-10 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Himoto, further in view of Ledin, and further in view of O'Mara;

Issue #54. Claims 1, 3, 6, and 8-10 of the '700 Patent to be unpatentable under 35 U.S.C. 103(a) over Armstrong'891 in view of Himoto, further in view of Kramer, and further in view of O'Mara.

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Prosecution History of the '700 Patent

8. The '700 Patent issued from an application with the serial number 09/715,532, filed Nov. 16, 2000. Said application was a continuation of application No. 08/677,378, filed on Jul. 5, 1996, now Patent Number 6,222,525, which is a continuation-in-part of application Number 08/393,459, filed on Feb. 23, 1995, now Patent Number 5,565,891, which is a continuation-in-part of application Number 07/847,619, filed on Mar. 5, 1992, now Patent Number 5,589,828.

9. With this, the examiner notes that it would appear that the effective filing date for the '700 Patent would be Jul. 5, 1996, being the filing date of the parent continuation, now Patent Number 6,222,525 (hereafter "Armstrong'525"), with portions even having an effective filing date of Feb. 23, 1995 and Mar. 5, 1992, being the filing dates of the continuation-in-parts, now Patent Number 5,565,891 and 5,589,828, respectively. However, as noted by the Third Party Requester in the Request for Reexamination on pages 3-13, numerous alterations and additions appear in the application that matured into the '700 Patent from the parent application of the Armstrong'525 patent, therein adding new matter and breaking the chain of continuity.

10. First, as discussed on pages 9-11 of the Request for Reexamination, which is hereby incorporated by reference, the Third Party Requester points out differences in the Armstrong'525 patent and the instant '700 Patent. Particularly, in multiple sections, the phrase "...a 6 DOF image controller, which includes a single input member..." was changed to read "...a 3D image controller, which includes at least one input member..." During the prosecution of the '700

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Patent, the Applicant argued in remarks dated 10/25/02 that the alteration of the term "6 DOF" so as to read "3D" does not constitute new matter, as copied below:

In the current specification at numerous locations the language "3D" and "three-dimensional" have been used in substitution for "6DOF" and "six degrees of freedom" as originally used in the application issued as patent 6,222,525 from which the current specification is continued. This substitution of lang[ua]ge does not constitute new matter, but has been made to allow the reader easier understanding of the subject matter. Any single three-dimensional software object moving, for example in an electronic game, is moving in six degrees of freedom. This "SDOF" and "six degrees of freedom" lang[ua]ge is not as commonly used now as when the '525 patent was filed and the same equivalent product or device which was once so called is now commonly called a 3D or three-dimensional controller.

11. However, the Applicant discussed nothing about the difference of "a single input member", as stated in the Armstrong'525 patent, as opposed to the '700 Patent application's "at least one input member", which broadens the possibility of having multiple input members. In the instant case, the '700 Patent is not seen to have the same disclosure as that of the Armstrong'525 patent, and the phrase of "at least one input member" can be considered to constitute new matter.

12. In this regard, it is noted that MPEP 201.11[R-5], section I, with the heading "Disclosure Requirement", having the sub-section B, with the heading "B. Claiming the Benefit of Nonprovisional Applications", states in part that:

The disclosure of a continuation application must be the same as the disclosure of the prior-filed application. See MPEP § 201.07. The disclosure of a divisional application must be the same as the disclosure of the prior-filed application, or include at least that portion of the disclosure of the prior-filed application that is germane to the invention claimed in the divisional application. See MPEP § 201.06. The disclosure of a continuation or divisional application cannot include anything which would constitute new matter if inserted in the

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prior-filed application. A continuation-in-part application may include matter not disclosed in the prior-filed application. See MPEP § 201.08. Only the claims of the continuation-in-part application that are disclosed in the manner provided by the first paragraph of 35 U.S.C. 112 in the prior-filed application are entitled to the benefit of the filing date of the prior-filed application. If there is a continuous chain of copending nonprovisional applications, each copending application must disclose the claimed invention of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112, in order for the later-filed application to be entitled to the benefit of the earliest filing date. [Emphasis added].

13. Continuing, as further discussed by the Third Party Requester in the Request for Reexamination, Fig. 21 of the '700 Patent includes the notation of "Tactile Feedback Means, e.g., Motor, Shaft and Weight", which does not appear in the Armstrong'525 patent. Additionally, in column 21, lines 42-44 of the '700 Patent, the specification includes a description, which is not found in the Armstrong'525 patent, which describes a motor with shaft and weight mounted to offset the shaft as an example of an active tactile feedback means. Specifically, in column 5, lines 11-29, the '700 Patent states:

Another object of the invention is to provide a 3D controller which is structured in such a manner as to allow the controller to be made with a relatively low profile input member, which offers many advantages in packaging for sale, operation in various embodiments and environments (such as a low profile 3D handle integrated into a keyboard so that other surrounding keys can still be easily accessed) and functions of the device such as still allowing room for active tactile feedback means (electric motor, shaft and weight) within a still small low handle shape as indicated in the attached Fig. 21 in broken lines. "tactile feedback means" in reference to the active type as herein used can be an equivalent to or that which is detailed in the incorporated U.S. Patent 5,589,828 which is shown and described therein basically as a motor with shaft and weight on the shaft, the shaft being offset so that when rotated, vibration occurs which can be felt by the hand(s) operating the controller.

14. By comparison, the Armstrong'525 patent only states in column 8, lines 25-34:

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Another object of the invention is to provide a 6 DOF controller which is structured in such a manner as to allow the controller to be made with a relatively low profile input member, which offers many advantages in packaging for sale, operation in various embodiments and environments (such as a low profile 6 DOF handle integrated into a keyboard so that other surrounding keys can still be easily accessed) and function of the device (such as still allowing room for active tactile feedback means within a still small low handle shape).

15. Thus, the specification of the Armstrong'525 patent describes of leaving room in the handle for the placement of active tactile means, but does not specifically describe using a motor with a shaft and weight on the shaft for the tactile feedback means. Further, the Armstrong'525 patent does not specifically describe using a motor with a shaft and weight, with the shaft being offset so that when rotated, vibration occurs which can be felt by the hand(s) operating the controller. The '700 Patent incorporates by reference the active tactile feedback means described in U.S. Patent 5,589,828, but this is not incorporated by reference in the Armstrong'525 patent. Thus, the '700 Patent adds new matter into the Armstrong'525 patent, as these features were not expressly described in the Armstrong'525 patent.

16. Further, it is noted that the application that matured into the '700 Patent was originally filed on 11/16/2000 with the disclosure stating that the application was a "continuation-in-part", whereby the first paragraph read:

This application is a continuation-in-part of pending U.S. Non-provisional patent application Serial Number 08/677,378 filed July 5, 1996 of which the positive teachings and disclosures are herein incorporated by reference and the benefit of the filing date claimed. ... U.S. Application 08/677,378 was filed during the pendency of U.S. application 08/847,619 filed March 5, 1992 and also makes claim to the benefit of the filing date of the application 08/847,619, now U.S. Patent 5,589,828. This application is also a continuation-in-part of U.S. patent application serial number 08/847,619, filed March 5, 1992, now U.S. Patent 5,589,828, of which the positive teachings and disclosures are herein incorporated by reference. ... This application also is a

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continuation-in-part of and incorporates herein by reference U.S. patent application serial number 08/393,459, filed February 23, 1995, now U.S. Patent 5,565,891, which is a continuation-in-part of U.S. patent application serial number 08/847,619 now U.S. Patent 5,589,828. ...

17. Subsequently, in an amendment dated 10/25/02, the first paragraph was amended and replaced by the following:

This application is a continuation of U.S. Patent Application Serial No. 08/677,378 filed on July 5, 1991, now U.S. Patent 6,222,525. U.S. Patent No. 6,222,525 is a continuation-in-part of U.S. Patent Application Serial No. 08/393,459 filed on Feb. 23, 1995, now U.S. Patent 5,565,891. U.S. Patent No. 6,222,525 is also a continuation-in-part of U.S. Patent Application Serial No. 07/847,619 filed on March 5, 1992, now U.S. Patent 5,589,828....

18. Further, it is noted, that during the prosecution history of the application that matured into the '700 Patent, the issue of priority was addressed in an Office action dated 5/4/04, whereby the examiner at the time pointed out that:

Adding at least a portion "the sensors including spaced components generally preventing false activation thereof through vibration" and "motor with shaft and offset weight mounted to shaft" to page 3, lines 1-20 of the specification is not presented in the prior application. It constitutes a continuation-in-part of the prior application, not continuation as applicant amended on amendment filed on October 25, 2002.

19. In response to this action, the applicant amended the claims, removing the limitation of "the unidirectional sensors including spacing preventing false activation by the vibration", and argued that the motor with an offset weight is shown in Fig. 21 of the parent application that became the Armstrong '525 patent. Particularly, in the remarks filed with the amendment dated 6/14/04, the Applicant stated:

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Claims 40, 42, 45, 49-51, 53, 69, 75 and 77 rejection under 35 USC 112 should all be held allowable with the acceptance that this application is a continuation of application 08/677,378 and that a motor with an offset weight connected to the motor are in the instant specification as well as shown in Fig. 21 in application 08/677,378. Application 08/677,378 is continued from application 07/847,619 by the present Inventor now U.S. Patent 5,589,828 wherein figures 1, 2, 6 and 7 show a motor and offset weight drawn almost identically to figure 21 of the '378 application and described expressly and clearly in the '619 application see column 9 lines 22-24 and column 12 lines 24-26.

The issue of continuation verses continuation-in-part regarding the motor and offset weight language in the claims has already been considered in depth by Primary Examiner Jeffery Brier during the examination of Application No. 09/721,090 now US Patent No. 6,310,606. Primary Examiner Brier found that the motor and offset weight was in fact in the '378 application and was not new matter. Therefore Examiner Brier correctly issued the '606 Patent as a "Continuation of application No. 08/677,378". The Examiner is encouraged to review Examiner Brier's decision.

20. However, the Examiner notes that although Figure 21 of the Armstrong'525 patent shows a dashed outline, the description explicitly states in col. 23, lines 39-49 that "Such a device still has all the benefits of a pure mechanically resolved device and with two planer execution additional benefits are realized, such as: the capability of exceptionally low profile design for integration into computer keyboards and hand held remote controllers, ready integration of finger operated buttons on the handle for operating sensors incorporated into the sensor sheet, space to place active tactile feedback means in a still handle, etc." Thus, Fig. 21 of the Armstrong'525 patent is seen to simply show space to place "active tactile feedback means". However, nowhere does the Armstrong'525 patent describe this embodiment having the function of "active tactile feedback means" that would be detectable by a user, and nowhere in the Armstrong'525 patent is there a description of any active tactile feedback vibration being provided by a "motor with a shaft and weight on the shaft, the shaft being offset so that when rotated, vibration occurs which

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can be felt by the hand(s) operating the controller”, as read in the ‘700 Patent in column 5, lines 11-29.

21. Furthermore, the Armstrong’525 patent discloses using resilient “tactile” return-to-center parts 226 as rubber dome cap type activators. Also, the Armstrong’525 patent states that the rubber dome cap structures that are shown as RTCs 226 in Fig. 13, can be “metallic dome cap structures (which give an exceptionally strong clear feedback sensation)...” Continuing, as seen in Fig. 40, and read in column 29, lines 5-26, the Armstrong’525 patent states:

Also I believe it is novel to use a metallic “snap-through” resilient dome cap 632 with for its excellent tactile turn-on feel properties..., where metallic dome cap 632 resides on top of upper membrane layer 620 and is shown held in place by silicon adhesive 636 adhering dome cap 632 to any generic actuator 634.... Vibration lines 640 indicate an energetic vibration emanating outward either through support 630 or actuator 634 as a mechanical vibration transmitted through the connected parts to the user's hand, or as air vibrations perceived by the user's ear, and indicating the "snap-through" turn-on/off sensation of resilient dome cap 632 as it impinges upon and activates the sensor. With twelve possible singular input operations, and a very large number of combined input operations the user perceivable tactile sensation indicating sensor activation is of high value to the operator of the device.

22. The examiner notes that this can be interpreted as being “active tactile feedback means that would be detectable by a user”. Thus, the Armstrong’525 patent describes active tactile feedback means, being other than a motor, shaft, and offset weight. With this, it is clear that the ‘700 Patent adds new matter to the specification that became the Armstrong’525 patent.

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23. As additionally noted in MPEP 201.11[R-5], section I, with the heading “Disclosure Requirement”, having the sub-section B, with the heading “B. Claiming the Benefit of Nonprovisional Applications”, which states:

A claim in the later-filed application is not entitled to the benefit of the filing date of the prior-filed application if the disclosure of the prior-filed application does not enable one skilled in the art to “use” the claimed invention. See *In re Hafner*, 410 F.2d 1403, 1406, 161 USPQ 783, 786 (CCPA 1969) (“[T]o be entitled to the benefits provided by [35 U.S.C. 120], the invention disclosed in the “previously filed” application must be described therein in such a manner as to satisfy all the requirements of the first paragraph of [35 U.S.C.] 112, including that which requires the description to be sufficient to enable one skilled in the art to use the [invention].”). Where the prior application (a nonprovisional application) is found to be fatally defective because of insufficient disclosure to support allowable claims, a later-filed application filed as a “continuation-in-part” of the first application to supply the deficiency is not entitled to the benefit of the filing date of the first application. *Hunt Co. v. Mallinckrodt Chemical Works*, 177 F.2d 583, 587, 83 USPQ 277, 281 (2d Cir. 1949) and cases cited therein. [Emphasis added].

24. With this, the disclosure of the ‘700 Patent is seen to be not the same as the Armstrong’525 patent. Further, it is seen that the application that matured into the ‘700 Patent includes new matter from that of the Armstrong’525 patent, as claimed features of the ‘700 Patent, which require a motor and offset weight that provides tactile feedback vibration (see, for instance, claims 2, 4, 7, 11, 12, 13, 15, 25, 31, and 33 of the instant ‘700 Patent), are not expressly or adequately described in the Armstrong’525 patent, so as to enable one skilled in the art to use the claimed invention. Therefore, the ‘700 Patent is not seen to be entitled to the priority date of the Armstrong’525 patent. Thus, because the ‘700 Patent includes new matter based on the above analysis regarding the disclosure of the parent application of which the ‘700 Patent claims 35 U.S.C. 120 benefit, the inventions of claims 1-33 of the ‘700 Patent have only a

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critical date for purposes of prior art patents and printed publications of Nov. 16, 2000, being the filing date of the application that matured into the '700 Patent.

Discussion of Issues that Raise an SNQ

25. It is agreed that Issues #1, 3, 4, 6-7, 9, 11-30, 32, 35, and 38-54 raise a SNQ regarding claims 1-33 of the '700 Patent.

26. It is not agreed that Issues #2, 5, 8, 10, 31, 33-34, and 36-37 raise a SNQ regarding claims 1-33 of the '700 Patent.

27. The proposed substantial new questions (SNQ's) of patentability indicated in the Request for Reexamination by the Third Party Requester are based on numerous variations using two primary references, being either the primary reference of Goto (Issues #1-30) or the primary reference of the Armstrong'891 patent (Issues #31-54). The Goto reference was published on 4/23/1998, being after the filing date of the Armstrong'525 patent (7/5/1996), but being before the filing date of the application that became the '700 Patent (11/16/2000), thus being an intervening publication. The Armstrong'891 patent was published on 10/15/1996, being over one year before the filing date of the '700 Patent. However, as discussed above, because claimed features of the '700 Patent (being the motor and offset weight that provide vibrations for an active tactile feedback means) are not expressly or adequately described in the Armstrong'525 patent, so as to enable one skilled in the art to use the invention of claims 2, 4, 7, 11, 12, 13, 15,

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25, 31, and 33 of the '700 Patent, the effective date utilized for the purpose of prior art patents and printed publications is that of Nov. 16, 2000, being the filing date of the '700 Patent.

28. In this regard, MPEP 2617 states, in part:

The statement applying the prior art may, where appropriate, point out that claims in the patent for which reexamination is requested are entitled only to the filing date of that patent and are not supported by an earlier foreign or United States patent application whose filing date is claimed. For example, even where a patent is a continuing application under 35 U.S.C. 120, the effective date of some of the claims could be the filing date of the child application which resulted in the patent, because those claims were not supported in the parent application. Therefore, any intervening patents or printed publications would be available as prior art. See *In re Ruscetta*, 255 F.2d 687, 118 USPQ 101 (CCPA 1958), *In re van Langenhoven*, 458 F.2d 132, 173 USPQ 426 (CCPA 1972). See also MPEP § 201.11.

29. Therefore, with respect to *Issue #1*, the request indicates that the Third Party Requester considers claims 19-21 and 26 as being anticipated by the reference of Goto. It is agreed that the consideration of Goto raises a substantial new question of patentability as to independent claims 19 and 26. Request page 88, line 22 through page 90, line 6, and the claim chart on pages 69-76 of Appendix A, noted as Elements 114-119, and 124-128, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto that was not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto raises a substantial new question of patentability as to claims 19-21 and 26, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issues #3 and 4*, the request indicates that the Third Party Requester considers claims 1-15 and 27-31 as being unpatentable over Goto in view of Himoto, and also as being unpatentable over Goto in view of Himoto, and further in view of Bersheim. It is agreed that the consideration of Goto in view of Himoto, as well as the consideration of Goto in view of Himoto, and further in view of Bersheim raises a substantial new question of patentability as to independent claims 1, 3, 5, 6, 9, and 12-15. Request page 98, line 7 through page 118, line 18, and the claim chart on pages 1-58 and 77-80 of Appendix A, noted as Elements 1-92, and 129-133, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Himoto that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Himoto raises a substantial new question of patentability as to claims 1-15 and 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #6*, the request indicates that the Third Party Requester considers claims 20-21 and 26 as being unpatentable over Goto in view of Chandler. It is agreed that the consideration of Goto in view of Chandler raises a substantial new question of patentability as to claims 20-21 and 26. Request page 128, line 7 through page 131, line 4, and the claim chart on pages 73-77 of Appendix A, noted as Elements 118-119, and 124-128, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler that were not present in the prosecution of the application which

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became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler raises a substantial new question of patentability as to claims 20-21 and 26, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #7*, the request indicates that the Third Party Requester considers claims 14, 22-25, 27, and 31 as being unpatentable over Goto in view of Furukawa'760. It is agreed that the consideration of Goto in view of Furukawa'760 raises a substantial new question of patentability as to claims 14, 22-25, 27, and 31. Request page 131, line 5 through page 134, line 14, and the claim chart on pages 49-55, 74-75, 77-78, and 80 of Appendix A, noted as Elements 75-83, 120-123, 129, and 133, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Furukawa'760 that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Furukawa'760 raises a substantial new question of patentability as to claims 14, 22-25, 27, and 31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #9*, the request indicates that the Third Party Requester considers claims 14 and 22-27 as being unpatentable over Goto in view of Kramer. It is agreed that the consideration of Goto in view of Kramer raises a substantial new question of patentability as to

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claims 14 and 22-27. Request page 136, line 20 through page 140, line 11, and the claim chart on pages 49-55, and 74-78 of Appendix A, noted as Elements 75-83, and 120-129, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Kramer that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Kramer raises a substantial new question of patentability as to claims 14 and 22-27, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #11*, the request indicates that the Third Party Requester considers claims 12-13, 15, 22-25, 27-31 as being unpatentable over Goto in view of O'Mara. It is agreed that the consideration of Goto in view of O'Mara raises a substantial new question of patentability as to claims 12-13, 15, 22-25, 27-31. Request page 145, line 1 through page 151, line 3, and the claim chart on pages 43-49, 55-58, 74-75, 77-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of O'Mara that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of O'Mara raises a substantial new question of patentability as to claims 12-13, 15, 22-25, and 27-31, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issue #12*, the request indicates that the Third Party Requester considers claim 26 as being unpatentable over Goto in view of Ledin. It is agreed that the consideration of Goto in view of Ledin raises a substantial new question of patentability as to claim 26. Request page 151, line 4 through page 152, line 19, and the claim chart on pages 75-77 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Ledin that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Ledin raises a substantial new question of patentability as to claim 26, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #13*, the request indicates that the Third Party Requester considers claims 22 and 27-31 as being unpatentable over Goto in view of the Sega 3D Control Pad Manual. It is agreed that the consideration of Goto in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 22, and 27-31. Request page 153, line 1 through page 156, line 9, and the claim chart on pages 74 and 77-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of the Sega 3D Control Pad Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding

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whether or not the claims are patentable. Accordingly, Goto in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 22, and 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #14*, the request indicates that the Third Party Requester considers claims 19-21 and 26 as being unpatentable over Goto in view of the PlayStation Manual. It is agreed that the consideration of Goto in view of the PlayStation Manual raises a substantial new question of patentability as to claims 19-21 and 26. Request page 156, line 10 through page 159, line 21, and the claim chart on pages 69-77 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of the PlayStation Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of the PlayStation Manual raises a substantial new question of patentability as to claims 19-21 and 26, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #15*, the request indicates that the Third Party Requester considers claims 6-11, 14, and 32-33 as being unpatentable over Goto in view of Chandler, and further in view of Furukawa'760. It is agreed that the consideration of Goto in view of Chandler, and further in view of Furukawa'760 raises a substantial new question of patentability as to claims 6-11, 14, and 32-33. Request page 160, line 1 through page 166, line 11, and the claim chart on

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pages 32-43, 49-55, and 80-84 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of Furukawa'760 that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of Furukawa'760 raises a substantial new question of patentability as to claims 6-11, 14, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #16*, the request indicates that the Third Party Requester considers claims 1-11, 13-16, and 27-33 as being unpatentable over Goto in view of Chandler, and further in view of Himoto. It is agreed that the consideration of Goto in view of Chandler, and further in view of Himoto raises a substantial new question of patentability as to claims 1-11, 13-16, and 27-33. Request page 166, line 12 through page 181, line 6, and the claim chart on pages 1-43, 47-62, and 77-84 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of Himoto that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of Himoto raises a substantial new question of patentability as to claims 1-11, 13-16, and 27-33, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issue #17*, the request indicates that the Third Party Requester considers claim 21 as being unpatentable over Goto in view of Chandler, and further in view of Ledin. It is agreed that the consideration of Goto in view of Chandler, and further in view of Ledin raises a substantial new question of patentability as to claim 21. Request page 181, line 7 through page 182, line 22, and the claim chart on pages 73-74 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of Ledin that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of Ledin raises a substantial new question of patentability as to claim 21, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #18*, the request indicates that the Third Party Requester considers claims 1-5 and 13 as being unpatentable over Goto in view of Chandler, and further in view of O'Mara. It is agreed that the consideration of Goto in view of Chandler, and further in view of O'Mara raises a substantial new question of patentability as to claims 1-5 and 13. Request page 183, line 1 through page 186, line 5, and the claim chart on pages 1-32 and 47-49 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of O'Mara that were not present in the prosecution of the application which became the '700 Patent. Further, there is

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a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of O'Mara raises a substantial new question of patentability as to claims 1-5 and 13, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #19*, the request indicates that the Third Party Requester considers claims 6-11, 14, 21, and 32-33 as being unpatentable over Goto in view of Chandler, and further in view of Kramer. It is agreed that the consideration of Goto in view of Chandler, and further in view of Kramer raises a substantial new question of patentability as to claims 6-11, 14, 21, and 32-33. Request page 186, line 6 through page 193, line 16, and the claim chart on pages 32-43, 49-55, 73-74, and 80-84 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of Kramer that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of Kramer raises a substantial new question of patentability as to claims 6-11, 14, 21, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #20*, the request indicates that the Third Party Requester considers claims 27-31 as being unpatentable over Goto in view of Chandler, and further in view of the Sega 3D Control Pad Manual. It is agreed that the consideration of Goto in view of Chandler,

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and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 27-31. Request page 193, line 17 through page 196, line 22, and the claim chart on pages 77-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, and further in view of the Sega 3D Control Pad Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Chandler, and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #21*, the request indicates that the Third Party Requester considers claims 17-18 as being unpatentable over Goto in view of Chandler, further in view of Kramer, and further in view of the Sega 3D Control Pad Manual. It is agreed that the consideration of Goto in view of Chandler, further in view of Kramer, and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 17-18. Request page 197, line 1 through page 200, line 9, and the claim chart on pages 62-69 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Chandler, further in view of Kramer, and further in view of the Sega 3D Control Pad Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are

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patentable. Accordingly, Goto in view of Chandler, further in view of Kramer, and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 17-18, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issues #22 and 23*, the request indicates that the Third Party Requester considers claims 1-11 and 27-31 as being unpatentable over Goto in view of Himoto, and further in view of Ledin or further in view of Kramer. It is agreed that the consideration of Goto in view of Himoto, and further in view of Ledin or further in view of Kramer raises a substantial new question of patentability as to claims 1-11 and 27-31. Request page 200, line 10 through page 215, line 21, and the claim chart on pages 1-43 and 77-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Himoto, and further in view of Ledin or Kramer that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Himoto, and further in view of Ledin or Kramer raises a substantial new question of patentability as to claims 1-11 and 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #24*, the request indicates that the Third Party Requester considers claims 3 and 4 as being unpatentable over Goto in view of Himoto, and further in view of the PlayStation Manual. It is agreed that the consideration of Goto in view of Himoto, and further in

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view of the PlayStation Manual raises a substantial new question of patentability as to claims 3-4. Request page 216, line 1 through page 218, line 15, and the claim chart on pages 24-28 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Himoto, and further in view of the PlayStation Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Himoto, and further in view of the PlayStation Manual raises a substantial new question of patentability as to claims 3 and 4, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issues #25 and 26*, the request indicates that the Third Party Requester considers claims 6-11, 27, and 31 as being unpatentable over Goto in view of Ledin, and further in view of Kramer or further in view of Furukawa'760. It is agreed that the consideration of Goto in view of Ledin, and further in view of Kramer or further in view of Furukawa'760 raises a substantial new question of patentability as to claims 6-11, 27, and 31. Request page 218, line 15 through page 227, line 8, and the claim chart on pages 32-43, 77-78, and 80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Ledin, and further in view of Kramer or Furukawa'760 that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in

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view of Ledin, and further in view of Kramer or Furukawa'760 raises a substantial new question of patentability as to claims 6-11, 27, and 31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #27*, the request indicates that the Third Party Requester considers claims 27-31 as being unpatentable over Goto in view of Ledin, and further in view of the Sega 3D Control Pad Manual. It is agreed that the consideration of Goto in view of Ledin, and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 27-31. Request page 227, line 9 through page 230, line 12, and the claim chart on pages 77-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of Ledin, and further in view of the Sega 3D Control Pad Manual that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of Ledin, and further in view of the Sega 3D Control Pad Manual raises a substantial new question of patentability as to claims 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #28*, the request indicates that the Third Party Requester considers claims 1-5, 12-13, 15, 22-25, and 27-31 as being unpatentable over Goto in view of O'Mara, and further in view of Kramer. It is agreed that the consideration of Goto in view of O'Mara, and further in view of Kramer raises a substantial new question of patentability as to claims 1-5, 12-

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13, 15, 22-25, and 27-31. Request page 230, line 13 through page 240, line 3, and the claim chart on pages 1-32, 43-49, 55-58, 74-75, and 77-78 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of O'Mara, and further in view of Kramer that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of O'Mara, and further in view of Kramer raises a substantial new question of patentability as to claims 1-5, 12-13, 15, 22-25, and 27-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #29*, the request indicates that the Third Party Requester considers claims 1-5 and 13 as being unpatentable over Goto in view of O'Mara, further in view of Kramer, and further in view of Chandler. It is agreed that the consideration of Goto in view of O'Mara, further in view of Kramer, and further in view of Chandler raises a substantial new question of patentability as to claims 1-5 and 13. Request page 240, line 4 through page 243, line 17, and the claim chart on pages 1-32 and 47-49 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of O'Mara, further in view of Kramer, and further in view of Chandler that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of O'Mara, further in view of Kramer, and further in view of Chandler raises a substantial new question of

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patentability as to claims 1-5 and 13, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #30*, the request indicates that the Third Party Requester considers claims 28-31 as being unpatentable over Goto in view of the Sega 3D Control Pad Manual, and further in view of Himoto. It is agreed that the consideration of Goto in view of the Sega 3D Control Pad Manual, and further in view of Himoto raises a substantial new question of patentability as to claims 28-31. Request page 243, line 18 through page 245, line 22, and the claim chart on pages 78-80 of Appendix A, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Goto in view of the Sega 3D Control Pad Manual, and further in view of Himoto that were not present in the prosecution of the application which became the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Goto in view of the Sega 3D Control Pad Manual, and further in view of Himoto raises a substantial new question of patentability as to claims 28-31, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #32*, the request indicates that the Third Party Requester considers claims 16, 19-20, 22-25, and 32-33 as being unpatentable over Armstrong'891 in view of Armstrong'828. It is agreed that the consideration of Armstrong'891 in view of Armstrong'828 raises a substantial new question of patentability as to claims 16, 19-20, 22-25, and 32-33. Request page 256, line 11 through page 262, line 2, and the claim chart on pages 58-61, and 67-

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75, and 79-82 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Armstrong'828 that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of Armstrong'828 raise a substantial new question of patentability as to claims 16, 19-20, 22-25, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #35*, the request indicates that the Third Party Requester considers claim 14 as being unpatentable over Armstrong'891 in view of Furukawa'760. It is agreed that the consideration of Armstrong'891 in view of Furukawa'760 raises a substantial new question of patentability as to claim 14. Request page 267, line 4 through page 268, line 22, and the claim chart on pages 50-54 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Furukawa'760 that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 reference is being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are

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patentable. Accordingly, Armstrong'891 in view of Furukawa'760 raise a substantial new question of patentability as to claim 14, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issues #38 and 41*, the request indicates that the Third Party Requester considers claims 9-11 and 21 as being unpatentable over Armstrong'891 in view of Armstrong'828, and further in view of Chandler or further in view of Ledin. It is agreed that the consideration of Armstrong'891 in view of Armstrong'828, and further in view of Chandler or further in view of Ledin raises a substantial new question of patentability as to claims 9-11 and 21. Request page 285, line 1 through page 288, line 21, and page 309, line 15 through page 313, line 15, and the claim chart on pages 38-45, and 72-73 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Armstrong'828, and further in view of Chandler or further in view of Ledin that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of Armstrong'828, and further in view of Chandler or further in view of Ledin raise a substantial new question of patentability as to claims 9-11 and 21, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issue #39*, the request indicates that the Third Party Requester considers claims 9-11, 17-18, 21-27, and 32-33 as being unpatentable over Armstrong'891 in view of Armstrong'828, and further in view of Kramer. It is agreed that the consideration of Armstrong'891 in view of Armstrong'828, and further in view of Kramer raises a substantial new question of patentability as to claims 9-11, 17-18, 21-27, and 32-33. Request page 289, line 1 through page 299, line 23, and the claim chart on pages 38-45, 62-67, 72-77, and 79-82 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Armstrong'828, and further in view of Kramer that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of Armstrong'828, and further in view of Kramer raise a substantial new question of patentability as to claims 9-11, 17-18, 21-27, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #40*, the request indicates that the Third Party Requester considers claims 12-13, 15-16, 22-25, and 32-33 as being unpatentable over Armstrong'891 in view of Armstrong'828, and further in view of O'Mara. It is agreed that the consideration of

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Armstrong'891 in view of Armstrong'828, and further in view of O'Mara raises a substantial new question of patentability as to claims 12-13, 15-16, 22-25, and 32-33. Request page 300, line 1 through page 309, line 14, and the claim chart on pages 45-50, 54-61, 73-75, and 79-82 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Armstrong'828, and further in view of O'Mara that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of Armstrong'828, and further in view of O'Mara raise a substantial new question of patentability as to claims 12-13, 15-16, 22-25, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #42*, the request indicates that the Third Party Requester considers claims 16, 22-25, and 32-33 as being unpatentable over Armstrong'891 in view of Armstrong'828, and further in view of Furukawa'760. It is agreed that the consideration of Armstrong'891 in view of Armstrong'828, and further in view of Furukawa'760 raises a substantial new question of patentability as to claims 16, 22-25, and 32-33. Request page 313, line 16 through page 319, line 12, and the claim chart on pages 58-61, 73-75, and 79-82 of Appendix B, are hereby incorporated by reference from the request for reexamination for their

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explanation of the teachings provided in Armstrong'891 in view of Armstrong'828, and further in view of Furukawa'760 that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of Armstrong'828, and further in view of Furukawa'760 raise a substantial new question of patentability as to claims 16, 22-25, and 32-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #43*, the request indicates that the Third Party Requester considers claims 9-10 as being unpatentable over Armstrong'891 in view of Chandler, and further in view of Himoto. It is agreed that the consideration of Armstrong'891 in view of Chandler, and further in view of Himoto raises a substantial new question of patentability as to claims 9-10. Request page 319, line 13 through page 322, line 4, and the claim chart on pages 38-45 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of Chandler, and further in view of Himoto that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 reference is being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would

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consider these teachings important in deciding whether or not the claims are patentable.

Accordingly, Armstrong'891 in view of Chandler, and further in view of Himoto raise a substantial new question of patentability as to claims 9-10, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issues #44 and 45*, the request indicates that the Third Party Requester considers claim 5 as being unpatentable over Armstrong'891 in view of O'Mara, and further in view of Chandler or further in view of Ledin. It is agreed that the consideration of Armstrong'891 in view of O'Mara, and further in view of Chandler or further in view of Ledin raises a substantial new question of patentability as to claim 5. Request page 322, line 5 through page 327, line 4, and the claim chart on pages 27-30 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891 in view of O'Mara, and further in view of Chandler or further in view of Ledin that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 reference is being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, Armstrong'891 in view of O'Mara, and further in view of Chandler or further in view of Ledin raise a substantial new question of patentability as to claim 5, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issues #46 and 47*, the request indicates that the Third Party Requester considers claims 1-11 as being unpatentable over Armstrong'891 in view of Armstrong'828, further in view of Chandler, and further in view of O'Mara, or unpatentable over Armstrong'891 in view of Armstrong'828, further in view of Ledin, and further in view of O'Mara. It is agreed that the consideration of these combinations raise a substantial new question of patentability as to claims 1-11. Request page 327, line 5 through page 343, line 13, and the claim chart on pages 1-45 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891, Armstrong'828, Chandler, Ledin, and O'Mara that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and the Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the combinations raise a substantial new question of patentability as to claims 1-11, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #48*, the request indicates that the Third Party Requester considers claims 1-13, 15-18, and 28-33 as being unpatentable over Armstrong'891 in view of Armstrong'828, further in view of Kramer, and further in view of O'Mara. It is agreed that the consideration of this combination raises a substantial new question of patentability as to claims 1-13, 15-18, and 28-33. Request page 343, line 14 through page 363, line 17, and the claim chart

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on pages 1-50, 54-67, and 77-82 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891, Armstrong'828, Kramer, and O'Mara that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and the Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the combinations raise a substantial new question of patentability as to claims 1-13, 15-18, and 28-33, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issues #49 and 50*, the request indicates that the Third Party Requester considers claims 9-11 as being unpatentable over Armstrong'891 in view of Armstrong'828, further in view of Furukawa'760, and further in view of Chandler or Ledin. It is agreed that the consideration of these combinations raise a substantial new question of patentability as to claims 9-11. Request page 363, line 18 through page 371, line 9, and the claim chart on pages 38-45 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891, Armstrong'828, Furukawa'760, Chandler, and Ledin that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and the Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a

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substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the combinations raise a substantial new question of patentability as to claims 9-11, which question has not been decided in a previous examination of the '700 Patent.

With respect to *Issue #51*, the request indicates that the Third Party Requester considers claims 9-11 and 17-18 as being unpatentable over Armstrong'891 in view of Armstrong'828, further in view of Furukawa'760, and further in view of Kramer. It is agreed that the consideration of this combination raises a substantial new question of patentability as to claims 9-11 and 17-18. Request page 371, line 10 through page 377, line 17, and the claim chart on pages 38-45 and 62-67 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891, Armstrong'828, Furukawa'760, and Kramer that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 and the Armstrong'828 references are being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the combinations raise a substantial new question of patentability as to claims 9-11 and 17-18, which question has not been decided in a previous examination of the '700 Patent.

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With respect to *Issues #52, 53, and 54*, the request indicates that the Third Party Requester considers claims 1, 3, 6, and 8-10 as being unpatentable over Armstrong'891 in view of Himoto, further in view of either Chandler, Ledin, or Kramer, and further in view of O'Mara. It is agreed that the consideration of these combinations raise a substantial new question of patentability as to claims 1, 3, 6, 8-10. Request page 377, line 18 through page 397, line 23, and the claim chart on pages 1-21, 23-26, 30-45 of Appendix B, are hereby incorporated by reference from the request for reexamination for their explanation of the teachings provided in Armstrong'891, Himoto, Chandler, Ledin, Kramer, and O'Mara that were not present in the manner discussed by the Third Party Requester during the prosecution of the application which became the '700 Patent. Thus, the Armstrong'891 reference is being viewed in a new light, with respect to the discussion above regarding the chain of continuity of the '700 Patent. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. Accordingly, the combinations raise a substantial new question of patentability as to claims 1, 3, 6, and 8-10, which question has not been decided in a previous examination of the '700 Patent.

Contrarily, with respect to *Issues #2, 5, 8, 10, 31, 33, 34, 36, and 37*, the Third Party Requester utilizes the Applicant's Admissions in the request allegedly render various claims unpatentable. It is not agreed that the consideration of the various combinations that utilize the Applicant's Admissions raise a substantial new question of patentability as to the claims 19 and 26. In the examiner's opinion, the portion of the Information Disclosure Statement filed in the

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prosecution history of the '700 Patent and the background section of the earlier 'Armstrong' 525 patent document clearly raise a SNQ for claims in the instant '700 Patent.

Litigation Reminder

30. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,906,700 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

Effective May 16, 2007, 37 CFR 1.33(c) has been revised to provide that:

The patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent.

Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination, 72 FR 18892 (April 16, 2007)(Final Rule)

The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date.

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:

Reexamination and Amendment Practice	(571) 272-7703
Central Reexam Unit (CRU)	(571) 272-7705
Reexamination Facsimile Transmission No.	(571) 273-9900

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Conclusion

31. All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner of Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:


JOSEPH R. POKRZYWA
PRIMARY EXAMINER

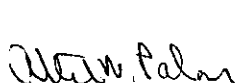
Joseph R Pokrzywa

Primary Patent Examiner

Central Reexamination Unit 3992

(571) 272-7410

Conferees:





EXPRESS MAIL LABEL NO.: EV514208534US
 DATE OF DEPOSIT: May 4, 2007

PATENT

INFORMATION DISCLOSURE STATEMENT REEXAMINATION PRIOR ART	Attorney Docket Number	6620-76454-13
	Patent Number	6,906,700
	Issued Date	June 14, 2005
	First Named Inventor	Brad A. Armstrong

U.S. PATENT DOCUMENTS				
Copies of U.S. Patent documents do not need to be provided, unless requested by the Patent and Trademark Office. For patents, provide the patent number and the issue date. For published U.S. applications, provide the publication number and the publication date. For unpublished pending patent applications, provide the application number and the filing date.				
Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
J.P.		5,164,697	November 17, 1992	Kramer
J.P.		5,565,891	October 15, 1996	Armstrong
J.P.		5,510,812	April 23, 1996	O'Mara et al.
J.P.		5,589,828	December 31, 1996	Armstrong
J.P.		4,246,452	January 21, 1981	Chandler
J.P.		6,002,594	December 14, 1999	Ledin
J.P.		4,491,325	January 1, 1985	Bersheim

FOREIGN PATENT DOCUMENTS					
Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee
J.P.		EP	EP 867,212 A1	September 30, 1998	Goto et al
J.P.		Japan	H05-87760	November 26, 1993	Furukawa et al.
J.P.		EP	EP 0 835676 A1	April 15, 1998	Himoto et al.

EXAMINER SIGNATURE: <i>Joseph R. Rhyne</i>	DATE CONSIDERED: <i>7/2/07</i>
--	--------------------------------

* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV514208534US
 DATE OF DEPOSIT: May 4, 2007

PATENT

INFORMATION DISCLOSURE STATEMENT REEXAMINATION PRIOR ART	Attorney Docket Number	6620-76454-13
	Patent Number	6,906,700
	Issued Date	June 14, 2005
	First Named Inventor	Brad A. Armstrong

Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS
J.P.		Sony Computer Entertainment Inc., "PlayStation® Instruction Manual SCPH-7000," SONY Publication No. 3-861-343-05(1), © 1994-1998
J.P.		Sega Enterprises, Ltd., "Sega Saturn™ 3D Control Pad instruction manual," © 1996
J.P.		May 6, 2004 Declaration of Brad A. Armstrong (submitted for Applicant's Admissions regarding Prior Art contained therein)
J.P.		Brad A. Armstrong, U.S. Patent No. 6,222,525, issued April 24, 2001, (submitted for Applicant's Admissions regarding Prior Art contained therein)
J.P.		'700 Patent Prosecution History, Applicant's December 4, 2003 Information Disclosure Statement (submitted for Applicant's Admissions regarding Prior Art contained therein)

EXAMINER SIGNATURE: <i>Joseph R. Peltz</i>	DATE CONSIDERED: <i>7/2/07</i>
--	--------------------------------

* Examiner: Initial reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXHIBIT 4

AnaScape

Juana Tingdale
Vice President of Licensing
Nintendo of America Inc.
4820 150th Avenue N.E.
Redmond, WA 98052

April 23, 2002

Dear Ms. Tingdale:

Several months ago, we have notified Nintendo of our US issued Patents which are at this time still available for licensing.

In early November 2000, Bernard Stolar gave you 4 patents on our behalf. In the mean time 10 new patents have issued as part of our Portfolio. That's 14 dynamic US Patents that have issued, several others have received notice of allowance from the US Patent Office, and yet others have received favorable International Preliminary Examination Reports from the International Preliminary Examining Authority of the PCT (Patent Cooperation Treaty) Office and many more Patent applications are still pending (attached please find a list of our issued patents).

Please review the attached list of issued patents and claims in regards to Nintendo's Game Cube Console, Controllers, and Software and the other great patented products that could be of substantial benefit to Nintendo.

Other international corporations have shown great interest in our portfolio and we hope Nintendo does not miss out on this excellent business opportunity.

We would like to discuss our intellectual property with you. Please get in touch with me and let us show you how our intellectual property can be to Nintendo's great benefit.

Best Regards



Kelly Tyler
Fax: 619-669-0947
Email: kelly@tyleremail.com
Home tel: 619-669-0455
Mailing Address: PO Box 841, Jamul, CA 91935

PS: Bernard Stolar and Bernard Fischbach are no longer representing us. You can reach me with the above contact information.

Encl: Issued Patent Portfolio (list of 14 issued Anascape Patents)

AnaScape

Issued Patent Portfolio

- 1 6,351,205 **T** Variable-conductance sensor
- 2 6,347,997 **T** Analog controls housed with electronic displays
- 3 6,344,791 **T** Variable sensor with tactile feedback
- 4 6,343,991 **T** Game control with analog pressure sensor
- 5 6,310,606 **T** Multi-plane sheet connected sensors
- 6 6,285,356 **T** Displacement joystick with compression-sensitive sensors
- 7 6,222,525 **T** Image controllers with sheet connected sensors
- 8 6,208,271 **T** Remote controller with analog button(s)
- 9 6,198,473 **T** Computer mouse with enhance control button (s)
- 10 6,135,886 **T** Variable-conductance sensor with elastomeric dome-cap
- 11 6,102,802 **T** Game controller with analog pressure sensor(s)
- 12 5,999,084 **T** Variable-conductance sensor
- 13 5,589,828 **T** 6 Degrees of freedom controller with capability of tactile feedback
- 14 5,565,891 **T** Six degrees of freedom graphics controller



Nintendo of America Inc.
4820 150th Avenue N.E.
Redmond, WA 98052 U.S.A.

425-882-2040
Fax 425-882-3585

VIA U.S. MAIL

July 17, 2002

Kelly Tyler
AnaScape
P. O. Box 841
Jamul, CA 91935

Dear Mr. Tyler:

Your letter of April 23, 2002 (copy enclosed) to Nintendo of America Inc.'s ("Nintendo's") Vice President of Licensing has been referred to me for response. Your letter is the first we have heard regarding the patents listed in your letter, or indeed of any patents that may be offered for licensing by AnaScape. Thank you for the information. We will contact you if we have an interest in discussing any of these patents with you. Please feel free to pursue your other business opportunities.

Thank you for your interest in Nintendo.

Very truly yours,

NINTENDO OF AMERICA INC.

Sayoko Blodgett-Ford
Associate Counsel

SBFkrq
Enclosure

cc: Juana Tingdale

EXHIBIT 5

**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.,

Defendants.

Civil Action No. 9:06-cv-158-RC

**ANASCAPE, LTD.'S OBJECTIONS AND RESPONSES TO NINTENDO OF AMERICA
INC.'S FIRST SET OF INTERROGATORIES (NOS. 1-8)**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Anascape, Ltd. ("Anascape") serves this its Objections and Responses to Defendant Nintendo of America Inc.'s First Set of Interrogatories (Nos. 1-8).

I.

GENERAL OBJECTIONS

The following general objections are made to each and every interrogatory in addition to any specific objections that are raised in response to each interrogatory separately:

1. Anascape objects to the Interrogatories to the extent that they seek information protected, privileged, or otherwise exempt from discovery pursuant to applicable state and federal statutes, the Federal Rules of Civil Procedure, the Local Rules, the Patent Rules, the Federal Rules of Evidence, or any other applicable rule, decision, or law. Specifically and without limitation, Anascape objects to the disclosure of any information protected by the

practice of each claim, the contribution of each individual identified to the conception and reduction to practice of each claim, and identify all documents concerning the same.

RESPONSE:

Anascape objects to this interrogatory as it is overly broad, unduly burdensome, and calls for privileged attorney work product, and communications protected by the attorney-client privilege. Subject to and without waiving the foregoing General Objections, Anascape responds as follows: With the exception of the claims specifically noted below, all claims in each of the Asserted Patents were conceived at least as early as May 1995 to November 1995, and all claims in those patents were reduced to practice at least as early as July 1995 to November 1995. Claims 3-4 and 9-11 in the '802 patent, claims 1, 3, 6-8, 11-12, 16-19, 23-25, 28-37, 40-53, and 69-73 of the '991 patent, and claims 14-18 and 41-43 of the '791 patent, were conceived as least as early as June 1997 to July 1997, and all claims in those patents were reduced to practice at least as early as October 1997. Diligence was continuous from conception to reduction to practice. Brad Armstrong was the only individual involved in the conception of each claim. Except for those that assisted in the prosecution of the patents, Brad Armstrong was the only individual involved in the reduction to practice of each claim. To the extent that non-privileged documents exist responsive to this interrogatory, they have already been produced.

INTERROGATORY NO. 3:

For each claim of the Asserted Patents, identify the first public use, disclosure to third parties, commercial use, offer for sale, or sale by Anascape, of any product or service embodying the claimed invention, the circumstances relating to such public use, disclosure, commercial use,

offer for sale, or sale, the identity of all persons involved in such public use, disclosure, commercial use, offer for sale, or sale, and identify all documents concerning the same.

RESPONSE:

Anascape objects to this interrogatory as being overly broad, unduly burdensome, ambiguous, and calls for information protected by the work product and attorney-client privileges. Subject to and without waiving the foregoing General Objections, Anascape responds as follows:

In the summer of 1997, Brad Armstrong separately met with representatives from a number of companies that produced, designed, or were interested in producing or designing game controllers, including at least Nintendo, Mitsumi, and Alps. In particular, Armstrong met with Howard Cheng of Nintendo during this time period in Silicon Valley. During that meeting, Armstrong disclosed many technologies embodied in the patents. Armstrong showed Cheng a six-degrees-of-freedom controller and also demonstrated an example of a proportional sensor with tactile feedback. Armstrong's meetings with representatives from Mitsumi and Alps followed a similar course.

In May 1999, Armstrong met with representatives of Microsoft, including Todd Holmdahl. Among other things, Armstrong disclosed many technologies embodied in the patents. Armstrong demonstrated an embodiment of a mouse and also demonstrated two prototype controllers.

To the extent that non-privileged documents exist responsive to this interrogatory, they have already been produced.]

DATED: January 26, 2007.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Luke F. McLeroy
Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
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Marshall, Texas 75670
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Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
ANASCAPE, LTD.**

ANASCAPE, LTD.'S OBJECTIONS AND RESPONSES TO NINTENDO OF AMERICA INC.'S
FIRST SET OF INTERROGATORIES (NOS. 1-8)

EXHIBIT 6

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.,

Defendants.

Civil Action No. 9:06-cv-158-RC

JURY TRIAL REQUESTED

**ANASCAPE, LTD.'S OBJECTIONS AND RESPONSES TO
MICROSOFT CORP.'S FIRST SET OF INTERROGATORIES (NOS. 1-26)**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff Anascape, Ltd. ("Anascape") serves these Objections and Responses to Defendant Microsoft Corp.'s ("Microsoft") First Set of Interrogatories (Nos. 1-26) as follows:

I.

GENERAL OBJECTIONS

The following general objections are made to each and every interrogatory in addition to any specific objections that are raised in response to each interrogatory separately:

1. Anascape objects to the Interrogatories to the extent that they seek information protected, privileged, or otherwise exempt from discovery pursuant to applicable state and federal statutes, the Federal Rules of Civil Procedure, the Local Rules, the Patent Rules, the Federal Rules of Evidence, or any other applicable rule, decision, or law. Specifically and without limitation, Anascape objects to the disclosure of any information protected by the attorney-client privilege, work product doctrine, party communications privilege, investigative privilege, consulting expert privilege, self-critical analysis privilege, or any other applicable

INTERROGATORY NO. 2:

Describe in detail the complete factual and legal basis for Anascape's contention that Microsoft has willfully infringed the Asserted Patents, and identify all documents and things supporting this contention.

RESPONSE:

Anascape objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protective doctrine. Anascape also objects to this interrogatory as a premature contention interrogatory. In addition to the foregoing objections, Anascape objects to this Interrogatory as premature as discovery is still ongoing. Subject to the foregoing General Objections and at this time, Anascape contends that Microsoft has willfully infringed the Asserted Patents because Microsoft has acted with objective recklessness with respect to clear and convincing evidence that the Microsoft Accused Products infringed the Asserted Patents. The objectively-defined risk of infringing the patents was either known or so obvious that it should have been known to Microsoft.

Microsoft first uncovered Mr. Armstrong's technology through a webpage published by Mr. Armstrong as early as December 1997 as part of their work developing input devices with six degrees of freedom and tactile feedback. At this time, Microsoft, and in particular, Mr. Bill Gates, intended to make the development of 6DOF input devices a focus within Microsoft. During a subsequent Computer Game Developer's Conference in Santa Clara, Mr. Armstrong and Mike Paull, a Microsoft employee, discussed how Mr. Armstrong's technology could help

Microsoft develop its product portfolio. In this conversation and/or subsequent communications, Mr. Armstrong first introduced Microsoft to his patent portfolio.

Mr. Armstrong emailed Mr. Paull on April 6, 1999 with respect to Mr. Armstrong's proprietary technology and intellectual property related to analog pressure sensors. This email was forwarded to a variety of Microsoft employees, at least four of which expressed interest in meeting with Mr. Armstrong to learn more about his technology.

Mr. Armstrong met with Mr. Holmdahl and another Microsoft engineer at a May 5, 1999 meeting. At this meeting, Mr. Armstrong demonstrated his prototype controllers and explained the relevance of his intellectual property portfolio. At the conclusion of the meeting, Mr. Holmdahl and the other Microsoft employee attending the meeting excused themselves for a private discussion. When they returned to the meeting, Mr. Holmdahl expressed interest in Mr. Armstrong's proprietary technology, and working with him in the future. Mr. Holmdahl also told Mr. Armstrong that he would follow-up their discussions with an NDA so that Mr. Armstrong could further work with Microsoft.

Within twenty-four hours of meeting with Mr. Armstrong, however, Mr. Holmdahl emailed other Microsoft engineers with his ideas about how Microsoft could implement Mr. Armstrong's technology in Microsoft products. Mr. Holmdahl never informed Mr. Armstrong of these discussions. Multiple Microsoft engineers responded that Mr. Armstrong's technology was a "great idea." On August 12, 1999, Mr. Holmdahl told Mr. Armstrong that Microsoft had no interest in working with him.

Shortly after the meeting with Mr. Armstrong, Mr. Holmdahl became the hardware manager for the Xbox project, which was approved by Microsoft management on September 30, 1999. Microsoft's Xbox development team, led by Mr. Holmdahl, built Mr. Armstrong's

patented technology into the accused products with at least objective recklessness with respect to clear and convincing evidence that the Microsoft Accused Products would infringe the Asserted Patents. In addition to building Mr. Armstrong's technology into the Accused Products, there is evidence that Microsoft copied Sony's DUAL SHOCK 2 controller. Sony has taken a license to the Mr. Armstrong's patented technology.

Microsoft received further notice of its infringement of the Asserted Patents in the form of correspondence and personal communications from Bernard Stolar, Bernard Fischback, and Kelly Tyler between November 2000 and June 2002. Despite the above evidence, which shows an objective and subjective recognition that it infringed the Asserted Patents, Microsoft released the Xbox on November 21, 2001 and continued to manufacture and sell the infringing Xbox and Xbox 360 products after that date. Microsoft has not produced any evidence of a good-faith or objective belief that its activities did not constitute infringement of the asserted patents. To the extent Microsoft consulted its lawyers about its objective infringement of the Asserted Patents, Microsoft has shielded those documents from discovery under the attorney-client and/or work-product privileges.

At least Kelly Tyler, Todd Holmdahl, Stacy Quan, Robbie Bach, Bernard Stolar, and Brad Armstrong are knowledgeable regarding Microsoft's willful infringement of the Asserted Patents. Both Anascape and Microsoft have produced documents regarding Microsoft's willful infringement of the Asserted Patents, including, but not limited to the communications referenced above and the exhibits to the deposition of Todd Holmdahl. Anascape reserves its right to supplement its response to this Interrogatory upon receiving further discovery.]

EXHIBIT 7

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.,

Defendants.

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Hon. Ron Clark

Civil Action No.: 9:06-CV-00158-RC

**CONTAINS MICROSOFT
CONFIDENTIAL INFORMATION**

**DEFENDANT MICROSOFT'S SECOND SUPPLEMENTAL
RESPONSE TO ANASCAPE'S INTERROGATORY NOS. 1-19**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Microsoft Corporation ("Microsoft") provides the following Second Supplemental Response to Plaintiff Anascape Ltd.'s Interrogatory Nos. 1-19.

GENERAL OBJECTIONS

Microsoft's incorporates by reference the General Objections set forth in DEFENDANT MICROSOFT CORP.'S RESPONSES TO ANASCAPE, LTD.'S FIRST SET OF INTERROGATORIES (1-19).

Microsoft also objects to each interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information about patents that are not asserted in this litigation or that are subject to the Court's orders staying aspects of this litigation.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

Describe in detail when Microsoft first learned of the Microsoft Infringed Patents, including the date, the circumstances, and who was involved or has knowledge thereof, and identify those individuals.

RESPONSE:

Microsoft incorporates its general objections as its objections to this interrogatory.

In addition, Microsoft objects to this interrogatory as vague and ambiguous with respect to the terms "in detail," "circumstances, and "involved."

Subject to the foregoing objections, to the extent that Microsoft understands this interrogatory, and without waiving any objection, Microsoft answers as follows:

On information and belief, Microsoft received a letter from Bernard Stolar, addressed to Robbie Bach and dated October 24, 2000, that mentions the '802 and '084 patents but the letter does not identify any Microsoft product as infringing any specific Anascape patent. On information and belief, Microsoft received a letter from Bernard Fischbach, addressed to Microsoft attorney Stacy Quan and dated October 5, 2001, that mentions the '271, '525, and '886 patents, but the letter does not state that any Microsoft product infringes any Anascape patents. On information and belief, Microsoft received a letter from Kelly Tyler, addressed to Robbie Bach, copied to Stacy Quan, and dated April 23, 2002, that mentions the '205, '997, '791, and '991 patents, but the letter does not state that any Microsoft product infringes any Anascape patents. On information and belief, Microsoft received a letter from Kelly Tyler, addressed to Stacy Quan and dated June 21, 2002, that mentions the '303 patent, but the letter does not state that any Microsoft product infringes any Anascape patents. On information and

belief, Microsoft attorney Stacy Quan first learned of the '415 patent on May 28, 2003 as part of an investigation into the patents described above. The details of that investigation are attorney-client privileged and work product. On information and belief, Microsoft first learned of the '700 patent after the Complaint was filed in this action.

INTERROGATORY NO. 2:

Identify each witness who may present opinion testimony under Fed. R. Evid. 701-705, whether specially trained or not, and for each such witness, set forth with specificity all opinions that will be offered and all facts and documents relied upon in forming such opinions.

RESPONSE:

Microsoft incorporates its general objections as its objections to this interrogatory.

Consistent with its general objections, Microsoft objects to this interrogatory as premature and improper discovery of information within the scope of Fed. R. Civ. P. 26(b)(4). Also consistent with its general objections, to the extent this interrogatory seeks information relevant to damages, it is also premature and improper damages discovery pursuant to the Scheduling Order entered by the Court. Microsoft will provide further objections and a response to this interrogatory within the time frame outlined in the Scheduling Order entered by the Court.

INTERROGATORY NO. 3:

With respect to each of the Microsoft Infringed Patents, identify every non-infringing available alternative to the Microsoft Accused Controllers and explain the factual basis for your contention, if any, that each such alternative is non-infringing, acceptable, and available to Microsoft as well as all person(s) who have knowledge related to this contention(s).

EXHIBIT 8

BERNARD J. FISCHBACH
MICHAEL J. PERLSTEIN**
ROBERT H. LIEBERMAN**
DAVID S. ROSENBAUM**
CHRISTOPHER COSBY
MAHONEY, COPPENRATH
& JAFFE LLP

*A PROFESSIONAL CORPORATION
**ALSO ADMITTED IN NEW YORK

LAW OFFICES
FISCHBACH, PERLSTEIN & LIEBERMAN LLP

A LIMITED LIABILITY PARTNERSHIP
INCLUDING A PROFESSIONAL CORPORATION
AND A LIMITED LIABILITY PARTNERSHIP
1875 CENTURY PARK EAST, SUITE 880
LOS ANGELES, CALIFORNIA 90067

TELEPHONE
(310) 556-1956
TELEFAX
(310) 556-4617
(310) 203-8334

March 23, 2001

VIA FEDERAL EXPRESS

Stacy Quan
Microsoft Corporation
1 Microsoft Way
Redmond, Washington 98052

Re: **Anascape**

Dear Ms. Quan:

This office represents Anascape. I am enclosing with this letter a patent number 6,198,473 titled "Computer mouse with enhance control buttons" which is owned by my client. This patent recently issued from the US Patent & Trademark Office. Please review this patent (especially claims 16 through 28) in regards to Microsoft's Intellimouse Explorer product.

I would be pleased to speak with you about the above-referenced patent at your earliest convenience.

Best regards.

Sincerely,



Bernard J. Fischbach

BJF/ac

cc: Kelly Tyler
Bernie Stolar

AnaScape

Stacy Quan
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052-6399

June 21, 2002

Dear Ms Quan:

Since our last communication, two more of our patents have issued. At this time all are still available for licensing although this may not last indefinitely (please see complete list of issued patents attached).

We believe that the '584, '891, '606 and '356 patents are terrific products that Microsoft may want to build. However, we believe that Microsoft does not currently infringe these patents.

Please review the remaining patents (and claims) on the attached list of issued US patents in regards to Microsoft's X-box Console, Controllers, and Software; Microsoft's Sidewinder Game Pad Pro; Microsoft's Intellimouse Explorer and Microsoft's Trackball Explorer.

Please contact me and let me know your analysis and let us show you how these patents can be of great benefit to Microsoft.

Best Regards



Kelly Tyler

Fax: 619-669-0947

Email: kelly@tyleremail.com

Home tel: 619-669-0455

Mailing Address: PO Box 841, Jamul, CA 91935

PAT. NO.	Title
1 <u>6,404,584</u>	T <u>Analog controls housed with electronic displays for voice recorders</u>
2 <u>6,400,303</u>	T <u>Remote controller with analog pressure sensor (S)</u>
3 <u>6,351,205</u>	T <u>Variable-conductance sensor</u>
4 <u>6,347,997</u>	T <u>Analog controls housed with electronic displays</u>
5 <u>6,344,791</u>	T <u>Variable sensor with tactile feedback</u>
6 <u>6,343,991</u>	T <u>Game control with analog pressure sensor</u>
7 <u>6,310,606</u>	T <u>Multi-plane sheet connected sensors</u>
8 <u>6,285,356</u>	T <u>Displacement joystick with compression-sensitive sensors</u>
9 <u>6,222,525</u>	T <u>Image controllers with sheet connected sensors</u>
10 <u>6,208,271</u>	T <u>Remote controller with analog button(s)</u>
11 <u>6,198,473</u>	T <u>Computer mouse with enhance control button (s)</u>
12 <u>6,135,886</u>	T <u>Variable-conductance sensor with elastomeric dome-cap</u>
13 <u>6,102,802</u>	T <u>Game controller with analog pressure sensor(s)</u>
14 <u>5,999,084</u>	T <u>Variable-conductance sensor</u>
15 <u>5,589,828</u>	T <u>6 Degrees of freedom controller with capability of tactile feedback</u>
16 <u>5,565,891</u>	T <u>Six degrees of freedom graphics controller</u>

AnaScape

Robby Bach
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052-6399

April 23, 2002

Dear Mr. Bach:

Over the last year and several months, we have notified Microsoft of our US-issued Patents which are at this time still available for licensing.

In early November, 2000, Bernard Stolar gave you four patents on our behalf. We have sent four additional Patents to Stacy Quan, a Microsoft corporate attorney, and since then, 6 new Patents have issued as part of our Portfolio. That's 14 dynamic US Patents that have issued. Several other Patents of ours have received notice of allowance from the US Patent Office, and still others have received a favorable International Preliminary Examination Report from the International Preliminary Examining Authority of the PCT (Patent Cooperation Treaty) Office. Many more Patent applications are still pending (attached please find a list of our issued Patents).

Please review the attached list of issued US Patents and claims in regards to Microsoft's X-box Console, Controllers, and Software; Microsoft's Sidewinder Game Pad Pro; Microsoft's Intellimouse Explorer; Microsoft's Trackball Explorer and the other great patented products that could be of substantial benefit to Microsoft.

Other international corporations have shown great interest in our portfolio and we hope Microsoft does not miss out on this excellent business opportunity.

We would like to discuss our intellectual property with you. However, we have not heard from Microsoft since receiving Stacy Quan's letter of March 27, 2001 addressed to Mr. Fischbach.

Please get in contact me so I can show you how our intellectual property can be of great benefit to Microsoft.

Best Regards



Kelly Tyler

Fax: 619-669-0947

Email: kelly@tyleremail.com

Home tel: 619-669-0455

Mailing Address: PO Box 841, Jamul, CA 91935

PS: Bernard Stolar and Bernard Fischbach are no longer representing us. You can reach me with the above contact information.

*
Cc: Stacy Quan

Encl: Issued Patent Portfolio (list of 14 issued Anascape Patents)

MS-ANAS0019342

AnaScape

Issued Patent Portfolio

- 1 6,351,205 **T** Variable-conductance sensor
 - 2 6,347,997 **T** Analog controls housed with electronic displays
 - 3 6,344,791 **T** Variable sensor with tactile feedback
 - 4 6,343,991 **T** Game control with analog pressure sensor
 - 5 6,310,606 **T** Multi-plane sheet connected sensors
 - 6 6,285,356 **T** Displacement joystick with compression-sensitive sensors
 - 7 6,222,525 **T** Image controllers with sheet connected sensors
 - 8 6,208,271 **T** Remote controller with analog button(s)
 - 9 6,198,473 **T** Computer mouse with enhance control button (s)
 - 10 6,135,886 **T** Variable-conductance sensor with elastomeric dome-cap
 - 11 6,102,802 **T** Game controller with analog pressure sensor(s)
 - 12 5,999,084 **T** Variable-conductance sensor
 - 13 5,589,828 **T** 6 Degrees of freedom controller with capability of tactile feedback
 - 14 5,565,891 **T** Six degrees of freedom graphics controller
-

BERNARD J. FISCHBACH
MICHAEL J. PERLSTEIN**
ROBERT H. LIEBERMAN*
DAVID S. ROSENBAUM**
CHRISTOPHER COSBT
MAHONEY, COPPENRATH
& JAFFE LLP

*A PROFESSIONAL CORPORATION
**ALSO ADMITTED IN NEW YORK

LAW OFFICES
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INCLUDING A PROFESSIONAL CORPORATION
AND A LIMITED LIABILITY PARTNERSHIP
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TELEFAX
(310) 556-4817
(310) 203-8334

October 5, 2001

*Rec'd Legal
10/8/2001*

VIA FEDERAL EXPRESS

Ms. Stacy Quan
Microsoft Corporation
1 Microsoft Way
Redmond, Washington 98052

Re: Anascape

Dear Ms. Quan:

I am enclosing with this letter the following patents: 6,208,271 titled "Remote controller with analog button(s)", 6,222,525 titled "Image controllers with sheet connected sensors" and 6,285,356 titled "Displacement joystick with compression-sensitive sensors". Also enclosed please find claims for 3 additional patents that have been allowed by the US Patent and Trademark Office and will be issued soon. Please review these patents and claims in regards to Microsoft's Sidewinder Game Pad Pro and potentially the up coming release of Microsoft's XBox.

Also, we are still waiting for your promised response in regards to Microsoft's Intellimouse Explorer product and Anascape's patent number 6,198,473 titled "Computer mouse with enhanced control button (s)" which we sent to you in March of 2001.

Also, we are still waiting for responses regarding the four patents given to Robby Bach by Bernard Stolar in November of 2000 regarding Microsoft's Sidewinder Game Pad Pro and potentially Microsoft's XBox. (These being Anascape's patents numbered: 5,589,828 titled "6 Degrees of freedom controller with capability of tactile feedback", 5,999,084 titled "Variable-conductance sensor", 6,102,802 titled "Game controller with analog pressure sensor(s)" and 6,135,886 titled "Variable-conductance sensor with elastomeric dome-cap").

LAW OFFICES
FISCHBACH, PERLSTEIN & LIEBERMAN LLP

Ms. Stacy Quan
October 5, 2001
Page 2

What are Microsoft's positions on the above patents and claims with regard to the above referenced Microsoft products?

Best Regards.

Very truly yours,



Bernard J. Fischbach

BJF/ac
Enclosures
cc: Kelly Tyler

File 11

These claims 1-51 are how file 11 application is issuing.

- 1. A hand holdable electronic device for controlling imagery, comprising:**
a housing sized to be hand-held;
electronic circuitry located in said housing;
a general image display located in said housing, said general image display operatively connected to said circuitry; at least one finger depressible surface in part exposed on said housing, said at least one finger depressible surface operatively connected to
at least one pressure-sensitive analog sensor, said pressure-sensitive analog sensor for inputting a signal to said circuitry, said signal having variable value depending on variable pressure applied to said at least one finger depressible surface;
said circuitry structured to receive said signal and to cause said general image display to provide variable visual feedback data, said variable visual feedback data at least in part representing the variable pressure applied to said at least one finger depressible surface, whereby said variable visual feedback data may be controlled at varying rates according to variable pressure applied to said at least one finger depressible surface.
- 2. A hand holdable electronic device according to claim 1 wherein said at least one finger depressible surface is a first depressible surface, said electronic device further includes a finger depressible surface which is a second depressible surface in part exposed on said housing, said second depressible surface operatively connected to
a second pressure-sensitive analog sensor, said second pressure-sensitive analog sensor for inputting a second signal to said circuitry, said second signal having variable value depending on variable pressure applied to said second depressible surface;
said circuitry structured to receive said second signal and to cause said general image display to provide variable visual feedback data, said variable visual feedback data at least in part representing the variable pressure applied to said second depressible surface, whereby said variable visual feedback data may be scrolled at varying rates according to variable pressure applied to said second depressible surface.**
- 3. A hand holdable electronic device according to claim 2 wherein said first depressible surface and said second depressible surface are thumb depressible single individual buttons.**
- 4. A hand holdable electronic device according to claim 3 wherein the pressure-sensitive analog sensors are structured to provide tactile**

feedback.

- 5. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a personal digital assistant.**
- 6. A hand holdable electronic device according to claim 5 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.**
- 7. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a telephone.**
- 8. A hand holdable electronic device according to claim 7 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.**
- 9. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a hand-held game system, and said thumb depressible single individual buttons are located in a right hand area of said housing.**
- 10. A hand holdable electronic device according to claim 9 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.**
- 11. A hand holdable electronic device according to claim 10 wherein the pressure-sensitive analog sensors are structured with resilient dome caps, said dome caps providing said tactile feedback.**
- 12. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a hand-held global positioning receiver.**
- 13. A hand holdable electronic device according to claim 12 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.**
- 14. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a hand-held wireless web browser.**
- 15. A hand holdable electronic device according to claim 14 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.**
- 16. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a hand-held remote controller.**

17. A hand holdable electronic device according to claim 16 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.

18. A hand holdable electronic device according to claim 3 wherein said hand holdable electronic device is a pager.

19. A hand holdable electronic device according to claim 18 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.

20. A device for controlling time imagery, comprising:
a housing;
electronic circuitry located in said housing, said electronic circuitry at least calculating units of time;
a time display located in said housing, said time display having at least three seven-element numeric displays, said time display operatively connected to said circuitry; said time display displaying time information;
at least one finger depressible surface in part exposed on said housing, said at least one finger depressible surface operatively connected to
at least one pressure-sensitive variable-conductance analog sensor, said pressure-sensitive analog sensor for inputting a signal to said circuitry, said signal having variable value depending on variable pressure applied to said at least one finger depressible surface;
said circuitry structured to receive said signal and to cause said time display to provide visual feedback time information, said visual feedback time information changeable at a variable rate representing the variable pressure applied to said at least one finger depressible surface.

21. A device according to claim 20 wherein said at least one finger depressible surface is a first depressible surface, said electronic device further includes a finger depressible surface which is a second depressible surface in part exposed on said housing, said second depressible surface operatively connected to a second pressure-sensitive variable-conductance analog sensor, said second pressure-sensitive analog sensor for inputting a second signal to said circuitry, said second signal having variable value depending on variable pressure applied to said second depressible surface; said circuitry structured to receive said second signal and to cause said time display to provide visual feedback time information changeable at a variable rate representing the variable pressure applied to said second depressible surface.

22. A device according to claim 21 wherein said first depressible surface and said second depressible surface are depressible single individual buttons.
23. A device according to claim 22 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.
24. A device according to claim 22 wherein said device is a household clock.
25. A device according to claim 24 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.
26. A device according to claim 22 wherein said device is a coffee maker.
27. A device according to claim 26 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.
28. A device according to claim 22 wherein said device is an oven.
29. A device according to claim 28 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.
30. A device according to claim 28 wherein said oven is a microwave oven.
31. A device according to claim 30 wherein the pressure-sensitive analog sensors are structured to provide tactile feedback.
32. A device for controlling imagery, comprising:
pressure-sensitive variable-conductance analog sensor for creating a varying analog value according to varying depression applied by a finger of a user to said analog sensor; associated with said analog sensor is means for providing tactile feedback to the finger;
circuitry connected to said analog sensor, said circuitry for reading a varying analog value from said analog sensor and causing representative varying of imagery.
33. A device according to claim 32 wherein said analog sensor is a first analog sensor, said device further includes a second analog sensor, said second analog sensor connected to said circuitry for causing variable control of the imagery.
34. A device according to claim 33 wherein said means for providing tactile feedback comprises means for active tactile feedback.

35. A device according to claim 33 wherein said means for providing tactile feedback comprises a resilient dome cap supplying a break-over threshold tactile feedback to the finger.
36. A device according to claim 35 wherein said means for providing tactile feedback also comprises active tactile feedback.
37. A device according to claim 36 wherein said first analog sensor and said second analog sensor are activated by thumb depressible single individual buttons located in a right-hand area of a housing.
38. A device according to claim 35 wherein a display is supported by a housing, said display showing the imagery, said housing structured to at least part support the analog sensors.
39. A device according to claim 38 wherein said display is a general image display.
40. A device according to claim 39 wherein said device is a personal digital assistant, and said housing is a hand-held housing.
41. A device according to claim 39 wherein said device is a telephone.
42. A device according to claim 39 wherein said device is a hand-held game system, and said first analog sensor and said second analog sensor are activated by thumb depressible single individual buttons located in a right hand area of said housing.
43. A device according to claim 39 wherein said device is a hand-held global positioning receiver.
44. A device according to claim 39 wherein said device is a wireless web browser.
45. A device according to claim 39 wherein said device is a remote controller.
46. A device according to claim 39 wherein said device is a hand-held pager.
47. A device according to claim 34 wherein said display is a time display, said time display having at least three seven-element numeric displays, said time display displaying time information.
48. A device according to claim 47 wherein said device is a coffee maker.

49. A device according to claim 47 wherein said device is a household clock.

50. A device according to claim 47 wherein said device is an oven.

51. A device according to claim 50 wherein said oven is a microwave oven.

File 19

These claims 1-9 are how File 19 application is issuing

1. A method of controlling variable output of a variable output sensor, comprising pressing an actuator with force, using only a single human thumb, to receive a first snap-through tactile feedback to the thumb pressing the actuator, then, varying the pressing force for varying the output of the sensor, followed by reducing the pressing force until a second snap-through tactile feedback is received by the thumb.

2. A method of controlling variable output of a variable output sensor according to claim 1 further including increasing the pressing force because of receiving said second snap-through tactile feedback, to receive a third snap-through tactile feedback and to vary the output of the sensor with varying force.

3. A method of controlling a variable output sensor, comprising pressing an actuator with force, using only a thumb or a finger, to receive a first snap-through tactile feedback to the thumb or finger pressing the actuator, and using the first snap-through tactile feedback as indication of output of the sensor beginning to be varied, then, increasing the pressing force for further varying the output of the sensor, followed by reducing the pressing force until a second snap-through tactile feedback is received by the thumb or finger pressing the actuator, and using the second snap-through tactile feedback as an indication of the output of the sensor no longer being varied.

4. A method according to claim 3 further including receiving of said second snap-through tactile feedback and using said second snap-through tactile feedback as indication the sensor is no longer being varied and acting by increasing the pressing force to

receive another tactile feedback and again vary the output of the sensor.

5. A method of using an analog sensor variably depressed by a human finger to variably control an electronic game, said method including the steps:

- a) depressing said analog sensor with varying pressure;
- b) receiving a user discernable snap-through tactile feedback.

6. A method according to claim 5 wherein said depressing includes depressing harder to make a firing rate faster.

7. A method of using an analog sensor for controlling a host device showing an electronic game, said method including the steps:

- a) pressing, with a human finger, a button associated with the analog sensor;
- b) receiving, through said finger, a snap threshold tactile feedback.

8. A method according to claim 7 wherein said threshold tactile feedback is a snap-through threshold tactile feedback.

9. A method according to claim 8 wherein said pressing includes pressing harder to make a firing rate faster.

File 31

These claims 1-24 are how File 31 application is issuing

1. A physical-to-electrical converter; comprising:
a manual input member with associated sensors, said input member moveable on at least two axes; and
a plurality of finger depressible buttons with associated sensors; and
at least one sheet connecting to the sensors of said input member, and
said at least one sheet connecting to the sensors of said finger depressible buttons;
said at least one sheet comprising at least
a flexible membrane sheet,
said flexible membrane sheet having a first portion thereof residing in a first plane, said flexible membrane sheet bent and having a second portion thereof residing in a second plane;
an electric motor with shaft and offset weight are within a handle of said converter for providing active tactile feedback; and
at least one of the finger depressible buttons is associated with a sensor which is a pressure-sensitive variable sensor for providing a proportional signal, whereby depression of said at least one of the finger depressible buttons provides a proportional signal representing the level of depressive pressure applied.

- 2. An image controller comprising:**
an input member with associated sensors, said input member moveable on at least two axes; and
a plurality of finger depressible buttons with associated sensors; and
at least one sheet connecting to the sensors of said input member, and
said at least one sheet connecting to the sensors of said finger depressible buttons;
said at least one sheet comprising at least a flexible membrane sheet,
said flexible membrane sheet having a first portion thereof residing in a first plane, said flexible membrane sheet having a second portion thereof residing in a second plane.
- 3. An image controller according to claim 2 in which at least one of said sensors reside on said first plane, and
at least one of said sensors reside on said second plane.**
- 4. An image controller according to claim 3 in which said image controller is connected to an image generation device.**
- 5. An image controller according to claim 4 in which said image generation device includes a television based electronic game.**
- 6. An image controller according to claim 3 in which at least one of the finger depressible buttons is structured with a resilient dome cap; said resilient dome cap is structured to provide a tactile feedback to a human hand.**
- 7. An image controller according to claim 6 in which a plunger is positioned above said dome cap, said plunger comprising a non-conductive rigid plastic material; and an electric motor with shaft and offset weight are within a handle of said controller for providing active tactile feedback.**
- 8. An image controller according to claim 2 in which said at least one of the finger depressible buttons is associated with a pressure-sensitive variable sensor for providing a proportional signal, whereby depression of said at least one of the finger depressible buttons provides a proportional signal representing the level of depressive pressure applied.**
- 9. An image controller according to claim 2 in which said at least one sheet comprises said flexible membrane sheet connected to a second sheet.**
- 10. An image controller according to claim 9 in which said second sheet is a circuit board.**

11. An image controller according to claim 9 in which said second sheet is a rigid membrane support structure.
12. An image controller according to claim 10 in which said at least one sheet comprises said flexible membrane sheet further supported by a third sheet, said third sheet is a rigid membrane support structure.
13. An image controller according to claim 12 in which said at least one of the finger depressible buttons is associated with a pressure-sensitive variable sensor for providing a proportional signal, whereby depression of said at least one of the finger depressible buttons provides a proportional signal representing the level of depressive pressure applied.
14. An image controller comprising:
an input member with associated sensors for manual manipulation, said input member moveable on at least two axes; and
a plurality of finger depressible buttons with associated sensors; and
at least one flexible sheet connecting to the sensors of said input member, and said at least one flexible sheet connecting to the sensors of said finger depressible buttons;
said at least one flexible sheet having a first portion thereof residing in a first plane, said at least one flexible sheet having a second portion thereof residing in a second plane; and
active tactile feedback means for providing vibration to be felt by a hand operating said controller.
15. An image controller according to claim 14 in which at least one of the finger depressible buttons is structured with a resilient dome cap.
16. An image controller according to claim 15 in which said image controller is connected to an image generation device.
17. An image controller according to claim 16 in which said image generation device includes a television based electronic game.
18. An image controller according to claim 17 wherein said active tactile feedback means comprises an electric motor with shaft and offset weight positioned within a handle portion of said controller.
19. An image controller according to claim 18 in which a plunger is positioned above said dome cap, said plunger comprising a non-conductive rigid plastic material.
20. An image controller according to claim 14 in which

said at least one of the finger depressible buttons is associated with a pressure-sensitive variable sensor for providing a proportional signal, whereby depression of said at least one of the finger depressible buttons provides a proportional signal representing the level of depressive pressure applied; and
said active tactile feedback means comprises an electric motor with shaft and offset weight within a handle portion of said controller.

21. An image controller according to claim 14 in which said at least one flexible sheet is connected to a second sheet.

22. An image controller according to claim 21 in which said second sheet is a circuit board.

23. An image controller according to claim 21 in which said second sheet is a rigid support structure for said flexible membrane sheet.

24. An image controller according to claim 23 in which said at least one of the finger depressible buttons is associated with a pressure-sensitive variable sensor for providing a proportional signal, whereby depression of said at least one of the finger depressible buttons provides a proportional signal representing the level of depressive pressure applied; and
said active tactile feedback means comprises an electric motor with shaft and offset weight within a handle portion of said controller.