

EXHIBIT 51

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

ANASCAPE, LTD.

Plaintiff,

v.

MICROSOFT CORPORATION, and
NINTENDO OF AMERICA, INC.,

Defendants.

§
§
§
§
§
§
§
§
§

Hon. Ron Clark

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

**EXPERT WITNESS REPORT OF STEPHEN BRISTOW
PURSUANT TO FED. R. CIV. P. 26(a)(2)(B)
REGARDING INVALIDITY OF U.S. PATENT NO. 6,906,700**

I, Stephen Bristow, make the following first opening expert report:

including any commercial success of certain products, is not relevant to the anticipation analysis and cannot overcome any finding that the '700 patent is invalid for these reasons. To the extent that any of such products relied upon for commercial success are not encompassed by the asserted claims, it is my opinion that any such commercial success of such products is not due to what was described and claimed in the '700 Patent. I am aware of no plausible connection or nexus between the commercial success of any products and the claimed features of the '700 patent, and even if some connection or nexus is established, it is my opinion that it would not overcome the strong showing of obviousness as set forth in my report.

XII. CLAIM 19 AND ITS DEPENDENTS ARE INVALID AS INDEFINITE

A. Claim Invalidity due to Claim Mixing Apparatus Claim With Method Claim

For legal understandings relating to Claim 19, see Section III.E, above.

B. Claim 19 Is An Indefinite Apparatus/Method Claim

Claim 19 reads:

A hand operated controller comprising structure allowing hand inputs rotating a platform on two mutually perpendicular axes to be translated into electrical outputs by four unidirectional sensors to allow controlling objects and navigating a viewpoint, the controller including a tactile feedback means for providing vibration detectable by the user through the hand operating the controller;

a second element movable on two mutually perpendicular axes, said second element structured to activate two bi-directional proportional sensors providing outputs at least in part controlling objects and navigating a viewpoint;

a third element movable on two mutually perpendicular axes, said third element structured to activate two bi-directional proportional sensors providing outputs at least in part controlling objects and navigating a viewpoint;

a plurality of independent finger depressible buttons, each button associated with a button sensor, said button sensor outputs at least On/Off data to allow controlling of the objects.

It is unclear whether infringement of claim 19 occurs when one creates the recited apparatus, or when the apparatus is also used in some specific way (presumably with software used to employ information from the sensors to move images on a screen in a manner that is

nowhere disclosed in the '700 Patent). To the extent that claim 19 requires both an apparatus and a method for using that apparatus, it does not apprise a person of ordinary skill in the art of its scope, and it is therefore invalid in view of the *IPXL* case, as I understand it.

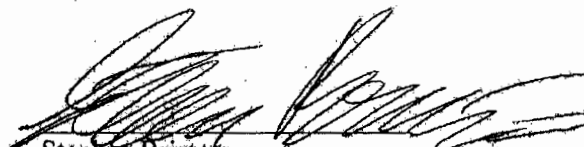
I may provide supplemental or rebuttal testimony, whether in further reports or at trial, concerning the subjects discussed in this Report, in response to any expert reports, testimony, or evidence that Anascape or the parties may present. I may also provide a tutorial on the technical subject matter discussed herein.

XIII. OPINIONS BASED ON PRESENT UNDERSTANDING/RIGHT TO SUPPLEMENT

I hold the opinions expressed herein to a reasonable degree of scientific and professional certainty based upon my experience and understanding of the materials that I have reviewed.

I may provide supplemental or rebuttal testimony, whether in further reports or at trial, concerning the subjects discussed in this Report, in response to any expert reports, testimony, or evidence that Anascape or the parties may present, in response to any changes in the construction of the claims and/or and changes in the relevant law. I may also provide a more detailed tutorial on the technical subject matter discussed herein.

Date: February 11, 2008


Stephen Bristow