

**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

PROPOSED JURY VERDICT FORMS

The parties in the above referenced case jointly submit the following proposed jury verdict forms. Anascape, Ltd.’s (“Anascape”) proposed jury verdict form appears first, and Microsoft Corp.’s and Nintendo of America, Inc.’s (collectively, “Defendants”) appears second.

ANASCAPE’S PROPOSED JURY VERDICT FORM:

QUESTION NO. 1: (INFRINGEMENT)

A. Do you find by a preponderance of evidence that Microsoft Corp. infringes, either directly or indirectly, any of the following claims of United States Patent No. 6,906,700, either literally or under the doctrine of equivalents? Answer “YES” or “NO” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

B. Do you find by a preponderance of evidence that Nintendo of America, Inc. infringes, either directly or indirectly, any of the following claims of United States Patent No. 6,906,700, either literally or under the doctrine of equivalents? Answer “YES” or “NO” as to each claim.

Claim 14 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

If you have answered “YES” to any claim in Question No. 1, then answer Question No. 2. Otherwise, do not answer Question No. 2, but proceed to question No. 3.

QUESTION NO. 2: (WILLFULNESS)

Do you find by clear and convincing evidence that such conduct as you have found in Question No. 1 was willful? Answer "YES" or "NO" as to each defendant:

Microsoft Corp. _____

Nintendo of America, Inc. _____

Proceed to Question No. 3.

QUESTION NO. 3: (INVALIDITY)

Do you find by clear and convincing evidence that any of the following claims of United States Patent No. 6,906,700 are invalid? Answer “YES” or “NO” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

If you answered “YES” to any claim in Question No. 1 and “NO” as to that same claim in Question No. 3, then answer Question No. 4. Otherwise, do not answer Question No. 4.

QUESTION NO. 4: (DAMAGES)

What sum of money would adequately compensate Anascape, Ltd. for the conduct you found to infringe from July 31, 2006 through today? This amount must not be less than a reasonable royalty. Answer in dollars and cents separately for each defendant.

Microsoft Corp.

Answer: \$ _____

Nintendo of America, Inc.

Answer: \$ _____

Date: _____

Initials of Foreperson: _____

DEFENDANTS' PROPOSED JURY VERDICT FORM:

QUESTION NO. 1 (INFRINGEMENT):

A. Do you find by a preponderance of evidence that Microsoft Corp. infringes the '700 patent? Answer "YES" or "NO" as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

B. Do you find by a preponderance of evidence that Nintendo's Wii Remote controller, connected to the Wii Nunchuk controller, infringes the '700 patent? Answer "YES" or "NO" as to each claim.

Claim 19 _____

C. Do you find by a preponderance of evidence that Nintendo's Wii Classic controller, connected to the Wii Remote Controller, infringes the '700 patent? Answer "YES" or "NO" as to each claim.

Claim 14 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

D. Do you find by a preponderance of evidence that Nintendo's GameCube controller infringes the '700 patent? Answer "YES" or "NO" as to each claim.

Claim 14 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

E. Do you find by a preponderance of evidence that Nintendo's GameCube WaveBird wireless controller infringes the '700 patent? Answer "YES" or "NO" as to each claim.

Claim 14 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

QUESTION NO. 2 (EFFECTIVE FILING DATE):

Do you find that Anascape has proven by a preponderance of the evidence that the effective filing date of this claim is July 5, 1996, and not the actual filing date of November 16, 2000? Answer “Yes” or “No” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

QUESTION NO 3 (ANTICIPATION):

Do you find by a preponderance of the evidence that any of the claims are invalid because they were anticipated by prior art? Answer “Yes” or “No” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

QUESTION NO. 4 (OBVIOUSNESS):

Do you find by a preponderance of the evidence that any of the claims are invalid because they were obvious in view of the prior art? Answer “Yes” or “No” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

QUESTION NO 5. (WRITTEN DESCRIPTION):

Do you find by a preponderance of the evidence that any of the claims are invalid for failure to satisfy the written description requirement? Answer “Yes” or “No” as to each claim.

Claim 12 _____

Claim 13 _____

Claim 14 _____

Claim 15 _____

Claim 16 _____

Claim 17 _____

Claim 18 _____

Claim 19 _____

Claim 20 _____

Claim 22 _____

Claim 23 _____

Claim 32 _____

Claim 33 _____

If you answered “YES” to any claim in Question No. 1 and “NO” as to that same claim in Question Nos. 3, 4 and 5, then answer Question Nos. 6 and 7. Otherwise, do not answer Question Nos 6 and 7.

QUESTION NO. 6 (WILLFUL INFRINGEMENT):

Do you find by clear and convincing evidence that the conduct you have found infringes the ‘700 patent was willful? Answer “YES” or “NO” as to each defendant:

Microsoft Corp. _____

Nintendo of America Inc. _____

QUESTION NO. 7 (DAMAGES):

A. If you found above that Microsoft has infringed at least one valid claim, what sum of money, if any, do you find is adequate to compensate Anascape for infringement? State your answer in format (1) OR format (2) (but not both), in dollars and cents:

(1) A reasonable one-time lump sum payment for the life of the patent, in the amount of

\$ _____

OR

(2) A per unit payment from the commencement of the lawsuit through today in the total amount of:

\$ _____

B. If you found above that Nintendo has infringed at least one valid claim, what sum of money, if any, do you find is adequate to compensate Anascape for infringement? State your answer in format (1) OR format (2) (but not both), in dollars and cents:

(1) A reasonable one-time lump sum payment for the life of the patent, in the amount of

\$ _____

OR

(2) A per unit payment from the commencement of the lawsuit through today in the total amount of:

\$ _____

Date: _____

Initials of Foreperson: _____

DATED: April 18, 2008

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on April 18, 2008. As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Steven Callahan
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