

EXHIBIT NO. 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.

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).