

**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

**PLAINTIFF ANASCAPE, LTD.'S SUPPLEMENTAL OBJECTIONS TO
DEFENDANTS' DEPOSITION DESIGNATIONS**

Anascape, Ltd. ("Anascape") hereby serves it Supplemental Objections to Defendants' Deposition Designations pursuant to the Court's Order. Anascape expressly reserves the right to supplement, amend, or otherwise modify these designations based on circumstances as they may evolve prior to the commencement of trial.

I. Anascape's Supplemental Objections to Defendants' Deposition Designations:

Brian Carlson, 10/4/07

<p>6:11-6:14 8:14-10:11 14:9-16 15:6-20 16:9-12 16:21-18:2 28:14-29:4 29:5-7 30:14-30:16 30:17-31:2 31:3-31:13 31:14-24 37:9-37:16 38:16-39:8</p>	<p>These exhibits are objectionable under Rule 403, as Armstrong's access to the GameCube controller at the time period when he was prosecuting the '700 Patent does not substantially support Nintendo's priority date argument, and encourages the jury to determine the priority date issue on inapposite facts.</p>
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<p>60:4-60:15 61:6-61:13 62:6-63:11 63:15-64:7 66:24-67:11 68:12-19 68:20-69:22 69:23-70:4 75:22-76:5 76:16-76:21 77:17-78:10 85:12-85:21 88:8-90:16 90:16-25 91:9-91:25 93:8-93:11 93:12-14 93:15-93:18 93:19-23 93:24-94:12 95:7-95:13 95:14-96:6 96:7-96:14 97:8-97:20 98:10-98:16 98:17-99:7 99:8-99:12 101:16-102:4 102:5-103:12 104:13-104:20 105:17-106:1 106:8-107:2 107:14-23 127:19-129:1 129:2-129:19 130:1-133:7</p>	<p>These exhibits are objectionable under Rule 403, as Armstrong's access to the GameCube controller at the time period when he was prosecuting the '700 Patent does not substantially support Nintendo's priority date argument, and encourages the jury to determine the priority date issue on inapposite facts.</p>
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DATED: May 2, 2008

Respectfully submitted,

McKOOL SMITH PC

/s/ Douglas A. Cawley

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on Defendants via e-mail on May 2, 2008.

/s/ Anthony M. Garza
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