

**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

**ORDER ON PLAINTIFF ANASCAPE, LTD.’S SUPPLEMENTAL OBJECTIONS TO
DEFENDANTS’ DEPOSITION DESIGNATIONS**

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>	<p>Overruled. The first reference (6:11 – 6: 14 is the name of the witness. The court is not going to plow through multifarious objections looking for a good one.</p>
<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</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>	<p>Overruled. See above.</p>

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		
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So **ORDERED** and **SIGNED** this 2 day of **May, 2008**.



Ron Clark, United States District Judge