

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

**[PROPOSED] ORDER GRANTING NINTENDO OF AMERICA INC.'S RULE 50  
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Upon consideration of motion of Nintendo of America Inc. ("Nintendo") for judgment as a matter of law, it is hereby **ORDERED and ADJUDGED:**

(1) Nintendo's GameCube controller does not infringe the asserted claims of the '700 patent;

(2) Nintendo's Wavebird wireless controller does not infringe the asserted claims of the '700 patent;

(3) Nintendo's Wii Remote controller connected to the Wii Nunchuk controller does not infringe the asserted claims of the '700 patent;

(4) Nintendo's Wii Classic controller connected to the Wii Remote controller does not infringe the asserted claims of the '700 patent;

(5) The effective filing date of the asserted claims of the '700 patent is November 16, 2000;

(6) Each of the asserted claims of the '700 patent is either anticipated or rendered obvious by the prior art;

(7) None of the asserted claims of the '700 patent satisfies the written description requirement of 35 U.S.C. § 112; and

(8) Plaintiff Anascape is not entitled to collect damages from Nintendo.