

FILED

UNITED STATES DISTRICT COURT 5-5-2008

DAVID J. MALAND, CLERK
U.S. DISTRICT COURT

EASTERN DISTRICT OF TEXAS

By [Signature]
DEPUTY

DIVISION: Lufkin

DATE: May 5, 2008

DISTRICT JUDGE: Ron Clark

TIME: 10:35 am

Anascape, Ltd.

CT RPTR: Chris Bickham

_____ plaintiff(s)

CTRM DEPUTY: Debbie Haschke

vs

CASE NO.: 9:06cv158

Nintendo of America, Inc.

**JURY TRIAL MINUTES
DAY ONE**

_____ defendant(s)

ATTORNEYS FOR PLAINTIFF(S): Doug Cawley, Anthony Garza, Steve Callahan, Jason Cassidy, Robert Parker,

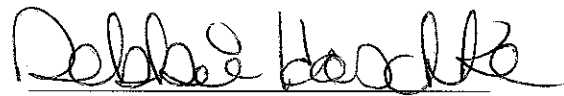
ATTORNEYS FOR DEFENDANT(S): Bob Gunther, Joe Presta, Larry Germer,

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING PROCEEDINGS WERE: 10:35 am Jury brought in and Voir dire began. 11:09 am Mr. Cawley began voir dire for plaintiff. 11:20 am Mr. Germer began voir dire for defendant. 11:31 am Court questions jurors and gives instructions on strikes. 11:43 am Court excuses attorney's to make strikes. 12:04 pm Court resumes and jurors are named and seated. 12:09 pm Jury sworn in and excused for lunch. Judge gives followup instructions on pretrial matters. 12:42 pm Court recessed for lunch until 1:30 pm. 1:32 pm Court resumed. Defendant invokes the rule. Court reads Preliminary Jury Instructions. 2:09 pm Court adjourned for a short recess. 2:25 Court resumed and jury brought in. 2:26 pm Mr. Cawley commenced with opening statements for plaintiff. 2:52 pm Mr. Presta commenced with opening statements for defendant. 3:22 pm Closing statements concluded and Judge gave additional instructions to jurors. 3:25 pm Court recessed for a short break. 3:39 pm Court resumes and jury brought in. Plaintiff calls Brad Armstrong and

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witness is sworn. Direct began by plaintiff. 4:26 pm Dft objects as cause for legal conclusion and court overrules objection. 4:30 pm Dft ask question " Page does not match up with what is on screen? Counsel clarifies the page. 4:38 pm Witness shows how to use the controller in six degrees. 4:44 pm Dft objects as relevancy and opinion testimony and sidebar requested . 4:48 pm Direct continued. 5:00 pm Court excuses jurors until 8:45 am tomorrow. 5:15 pm Court adjourned.

TIME IN COURT : 5 HOURS 20 MINUTES



Debbie Haschke
Deputy Clerk