

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**FILED**

M. 5-6 2008  
DAVID J. MALAND, CLERK  
U.S. DISTRICT COURT

By [Signature]  
DEPUTY

DIVISION: Lufkin

DATE: May 6, 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 TWO

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: 8:43 am Court resumes. Court addresses Defendant objections to the demonastrive exhibits to Dr. Howe. 8:52 am Jury brought in and Plaintiff's direct examination of Brad Armstrong. 8:58 am Defendant objects as leading and Court overrules objections. 8:59 am Defendant objects as no foundation and Court sustains objection. 9:01 am Defendant objects as lack of foundation and expert testimony and Court sustains objection. 9:04 am Defendant objects and moves to strikes and Court sustains and ask to rephrase question to keep from getting a narrative answer. Defendant objects as hearsay and Court overrules. Defendant objects as not what he said and Court overrules objections. 9:30 am Witness passed and Cross by Defendant's counsel began. 9:55 am Court recessed for a break. 10:04 am Court resumed and jury brought in. Cross of witness continued by defendant. 10:18 am Plaintiff objects as to the implication

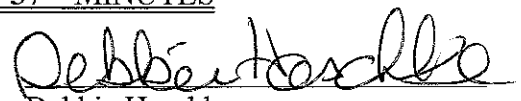
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and Court sustains the objection and Defendant withdraws question. 10:35 am Plaintiff objects that this asking what the attorney is talking about and Court sustains objection. 10:59 am Court recessed for a break. 11:13 am Court resumes and jury brought in and Cross continued by Defendant. 11:26 am Plaintiff objects to "did not change it" and Defendant withdraws question. 11:29 am Plaintiff objects as argumentative and Court overrules objection. Plaintiff objects - plaintiff withdraws objection. 12:15 pm Court recessed for lunch. 1:24 pm Court resumed. Jury brought in. Cross continued by Defendant of witness. 1:40 pm Witness passed. Re-direct by Plaintiff. 1:42 pm Defendant objects as leading and Court sustains the objections. 1:48 pm Defendant objects as witness already testified up to expert and Court overrules objections. Witness passed. Plaintiff calls Robert Howe and witness sworn. 2:34 pm Court recessed for a break. 2:47 pm Court resumed and direct continued of witness. 3:20 pm Witness passed. Defendant passes out binders to jurors. Defendant's cross began of witness. 3:33 pm Plaintiff objects as argumentative and Court sustains objections . 4:05 pm Jury excused and report back 8:45 am tomorrow. Defendant request an instruction on the Sony License. 5:15 pm Mr. Germer ask court to give instructions on Sony License. 5:19 pm Mr. Cawley responds. 5:21 pm The Court denies making an instruction but cautions the attorney regarding the validity. 5:25 pm Court adjourned.

Pla time remaining 13 hrs 44 min

Dft time remaining 13 hrs 48 min

TIME IN COURT: 5 HOURS 37 MINUTES

  
Debbie Haschke  
Deputy Clerk