

FILED

UNITED STATES DISTRICT COURT ^{M. 57} 2008
 DAVID J. MALAND, CLERK
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF TEXAS ^{By} _____
 DEPUTY

DIVISION: Lufkin

DATE: May 7, 2008

DISTRICT JUDGE: Ron Clark

TIME: 10:35 am

Anascape, Ltd.

CT RPTR: Chris Bickham

CTRM DEPUTY: Debbie Haschke

plaintiff(s)

CASE NO.: 9:06cv158

vs

Nintendo of America, Inc.

JURY TRIAL MINUTES
DAY THREE

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: 8:32 am Court resumed. Court takes up issues on trial exhibits. 8:44 am Jury brought in and Cross continued of Robert Howe by Defendant. Plaintiff objects and ask for sidebar.

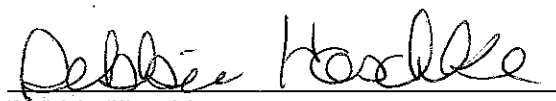
9:45 am Plaintiff objects as to let witness to finish answer and Court instructs counsel to not to talk over one another or a witness. 9:45 am Court recess for a break. 9:58 am Court resumed and jury brought in. Witness passed and re-direct began by plaintiff. 10:25 am Defendant objects as leading and Court sustains the objection. Witness passed and re-cross began by Defendant. 10:34 am Plaintiff objects as argumentative and Court sustains objections. 10:42 am Witness passed and excused. Plaintiff called Mark Newman and witness sworn. Direct began by plaintiff. 10:55 am Court recessed for a break. 11:12 am Court resumed and takes the issue up on slides of Bratic and counsel announce they have reached an agreement. 11:19 am Jury brought in and Defendant began cross of witness. 11:23 am Plaintiff objects as legal

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conclusion and Court sustains objection. 11:27 am Witness passed and excused. Plaintiff calls Kelly Tyler. Plaintiff gives an Interim Statement (1 min 43 sec). 11:49 am Defendant objects expert testimony and moves to strike. Court sustains the objection and gives instruction to the jury. 12:03 pm Defendant objects as excluded by Court. Court excuses jurors for lunch until 20 past 1:00 pm. Court takes up Defendant objection. Court will allow testimony with restrictions given. 1:20 pm Court resumed and jury brought in. 1:37 pm Defendant objects as speculation and Court sustains the objection. 1:41 Witness passed. Cross by Defendant began. 2:03 pm Plaintiff objects as already answered and Court overrules objection. 2:13 pm Witness passed and excused. 2:14 pm Robert Parker requests a break and break taken. 2:28 pm Court resumes and jury brought in. Plaintiff calls Walter Bratic and witness sworn. 3:20 pm Defendant objects as last comment regarding design arounds and Court gives instruction to jury. 3:25 pm Witness passed and Cross began. 3:38 pm Court recessed for a break and jury excused. 3:48 pm Court resumed and jury brought in and Cross began of witness. 4:07 pm Defendant objects as non responsive and Court overrules this objection for this line of questioning. 4:12 pm Defendant objects as non responsive and Court overrules objection. 4:47 pm Witness passed and re-direct began by Plaintiff. 4:48 pm Witness passed and Court ask witness to explain damages and witness excused. 4:52 pm Plaintiff gave interim statement (1 min 41 sec). 4:53pm Jury excused. Court address the interpreter issue. 5:10 pm Court adjourned tomorrow until 8:45 am.

Time remaining: Plaintiff 10 hours 45 minutes Defendant 11 hours and 08 minutes

TIME IN COURT 6 HOURS 48 MINUTES


Debbie Haschke
Deputy Clerk