

**FILED**

**UNITED STATES DISTRICT COURT**

5-8 20 08  
DAVID J. MALAND, CLERK  
U.S. DISTRICT COURT

**EASTERN DISTRICT OF TEXAS**

[Signature]  
DEPUTY

DIVISION: Lufkin

DATE: May 8, 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 FOUR**

\_\_\_\_\_ 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**

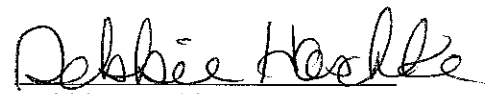
WERE: 8:44 am Court resumes and jury brought in. Plaintiff calls Kazunori Koshiishi via video deposition (34 min 36 secs). 9:23 am Interim statement given by plaintiff. Plaintiff calls Genyo Takeda via video deposition (20 min 01 secs) 9:44 am Jury excused for a break and Court takes up the issued Dezmelyk objections on exhibits. 9:52 am Court recessed for a break. 10:05 am Court resumed and jury brought in. Plaintiff calls Akio Ikeda and witness sworn. Interpreters sworn in. Plaintiff direct began of witness. 10:11 am Defendant objects as privileged and Court will allow what went on at trial. 10:25 am Defendant objects and Court overrules objection. 10:54 am Witness passed. 10:56 am Court recessed for a break. 11:16 am Court resumed and jury brought in. Cross by Defendant began. 11:50 am Plaintiff objects as Court already ruled upon demonstrative exhibits and Court sustains the objections. 12:15 pm Court excuses jurors for lunch and take up objections on exhibits. 12:47 pm Court recessed for lunch. 1:26 pm Court resumed and jury brought in. Cross continued of witness. 1:35 pm Defendant ask witness to demonstrate Wii. 1:52 pm Witness passed. Plaintiff re-direct. 2:00 pm Defendant objects as beyond the scope of infringement and request a sidebar. 2:05 pm

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Check interpreter has an issue to discuss. 2:07 pm Witness passed and excused. 2:10 pm Plaintiff calls Russell Sanchez via video. 2:15 pm Plaintiff calls Collette Meader via video. 2:17 pm Plaintiff calls Albert Pennello Jr via video. 2:21 pm Plaintiff rest. Jury excused. Plaintiff announces they rest. Court takes up motions. 2:26 pm Court recessed for a break. 2:38 pm Court resumed and jury brought in. Defendant calls Jacqualee Story and witness sworn. Direct began by defendant. 2:40 pm Defendant gave an interim statement. 3:00 pm Witness passed and Cross by Plaintiff began. 3:08 pm Plaintiff requests a sidebar. 3:26 pm Witness passed and Re-Direct by Defendant. Witness passed and excused. Defendant called Jon Pederson and witness sworn. 3:29 pm Plaintiff objects on the grounds some demonstrative exhibits have not been ruled on and Court overrules objections. 3:34 pm Court recessed for a break. 3:52 pm Court resumed and jury brought in. 4:11 pm Witness passed and Re-Direct continued. 4:22 pm Witness passed and excused. Defendant gives interim statement and calls Robert Dezmelyk and witness sworn. 4:29 pm Direct began. 4:41 pm Plaintiff objects and Court ask counsel to rephrase. 4:49 pm Court ask counsel for a sidebar. 5:00 pm Court released juror for the day.

Time remaining: Plaintiff 9 hours and 14 minutes Defendant 8 hour 01 minute

Time in Court 6 Hours 50 Minutes

  
Debbie Haschke  
Deputy Clerk