

UNITED STATES DISTRICT COURT

FILED

M. 5-13 2008
DAVID J. MALAND, CLERK

EASTERN DISTRICT OF TEXAS U.S. DISTRICT COURT

By [Signature]
DEPUTY

DIVISION: Lufkin

DATE: May 13, 2008

DISTRICT JUDGE: Ron Clark

TIME: 10:35 am

Anascape, Ltd.

CT RPTR: Chris Bickham

CTRM DEPUTY: Debbie Haschke

plaintiff(s)
vs

CASE NO.: 9:06cv158

Nintendo of America, Inc.

JURY TRIAL MINUTES
DAY SIX

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: 8:45 am Court resumed and jury brought in. Defendant calls Susan Panico via video.

Defendant gave and interim statement and then video played. 9:06 am Defendant rest. Plaintiff

calls as a rebuttal witness Robert Howe. Defendant objects as not foundation laid and Court

sustains the objection under hearsay rule but will allow it to be displayed only. 9:24 am

Defendant objects as outside of scope of expert report and Court overrules objections. 9:44 am

Jury excused for a break. 9:47 am Court recessed for a break. 10:00 am Court resumes and

jury brought in. Direct continued of witness. 10:09 am Witness passed and Cross by defendant

began. 11:10 am Witness passed and Re-Direct by Plaintiff. 11:22 am Jury excused for lunch

and a short recess taken. 11:32 am Court resumed and takes up all JMOL's, motions and other

issues. Court denies Defendant's JMOL's. 12:02 pm Plaintiff presents to the Court JMOL and

Court denies JMOL's. 1:14 pm Court resumed and jury brought in. Court reads Jury

Instructions. 1:29 pm Plaintiff began closing arguments. 2:25 pm Court recessed for a break.

2:39 pm Court resumed and jury brought in. Defendant began his closing. 3:19 pm Plaintiff

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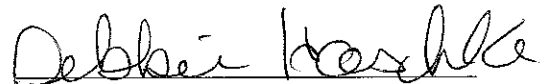
rebuttal closing argument. 3:30 pm Jury excused to deliberate. 3:48 pm Court resumed.

BENCH TRIAL on inequitable conduct. 3:50 pm Defendant calls Brad Armstrong and witness

sworn. 4:19 pm Received Jury Notes #1 and Jury Note #2. 4:58 pm Jury brought in and

recessed until 8:45 am tomorrow. 5:02 pm Court recessed until 8:45 am tomorrow.

TIME IN COURT: 6 HOURS 32 MINUTES



Debbie Haschke
Deputy Clerk