

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

FILED

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

5-14-2008
[Signature]

DIVISION: Lufkin

DATE: May 14, 2008

DEPUTY

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 SEVEN

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,

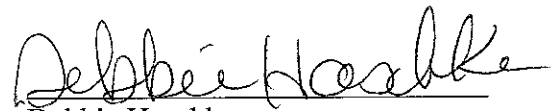
THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING PROCEEDINGS

WERE: 8:51 am Court resumed with bench trial while jury deliberated. 9:38 am Witness passed and Cross by Plaintiff began. 9:56 am Court recessed for a break. 10:14 am Court resumed. 10:46 am Witness passed and Re-Direct by Plaintiff. 10:49 am Court received Jury Note #3 from jury and responds. 11:15 am Court recessed for a break. 11:25 am Court resumes with Re-direct continuing. 11:32 am Plaintiff states he held up the patent book to show the jury the title. 11:33 am Court ask question when Sony licensing was done and the counsel answer sometime in 2004. 11:37 am Court receives Jury Note #4 from jury and responds. 11:46 Re-direct continued of witness. 11:57 am Witness passed and Re-cross by plaintiff began. 12:00 pm Defendant calls Edward Fiorito and witness sworn. 12:04 pm Plaintiff objects as purely legal testimony and unnecessary and Court informs attorney's to go another issue. 12:06 pm Defendant time is up and Court will allow a few extra minutes. 12:30 pm Court recessed for lunch and to await for jury verdict. 2:35 pm Jury Note #6 received from jury. 2:45 pm Court responds and jury is brought in for a modified Allen Charge. 2:53 pm Jury sent back to deliberate further. 3:19 pm Court resumed. Court ruling on inequitable conduct. Judgment is

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granted to plaintiff on inequitable conduct. 4:07 pm Court receives Jury Note #7. 4:26 pm Court responds to jury note #7. 4:34 pm Jury Note #8 received. 4:36 pm Jury brought in. 4:40 pm Jury verdict read into record. 4:48 pm Jurors excused. 4:54 pm Court addresses the issue of attorney's fees and Court denies request for attorney fees. 5:02 pm Court adjourned. Plaintiff had 3 hours and 42 minutes left out of their 17 hours and Defendant had 2 hours and 20 minutes left out their 17 hours. Jury was out 8 hours and 37 minutes excluding breaks and lunch.

TIME IN COURT 6 HOURS 56 MINUTES


Debbie Haschke
Deputy Clerk