

# Exhibit E

**GERMER GERTZ L.L.P.**  
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June 4, 2008

Mr. Anthony M. Garza  
MCKOOL SMITH, P.C.  
300 Crescent Court, Suite 1500  
Dallas, Texas 76201

VIA ELECTRONIC MAIL

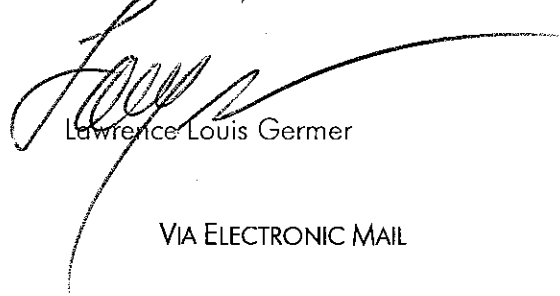
Re: *Anascape, Ltd. v. Microsoft Corp. and Nintendo of America, Inc.*  
Civil Action No. 9:06cv158  
GG File No. 70602

Dear Mr. Garza:

Thank you for your letter of May 30<sup>th</sup>. Since you do not raise any issue under Paragraph 24 of the Protective Order, we assume that you are in agreement that Mr. Bratic deliberately sent the email to several attorneys for Nintendo. As such, the email, sent after the verdict, is simply not covered by the work product stipulation. We therefore cannot agree to return or destroy the email, and in fact believe it should be part of the remittitur record.

Sincerely,

GERMER GERTZ, L.L.P.



Lawrence Louis Germer

LLG/ph  
cc: All Counsel of Record

VIA ELECTRONIC MAIL