

James S. Blank
 Direct Dial: (212) 906-1274
 james.blank@lw.com

LATHAM & WATKINS LLP

June 10, 2008

VIA FACSIMILE AND FEDERAL EXPRESS

Honorable Ron Clark
 United States District Court
 Eastern District of Texas
 300 Willow Street, Suite 2211
 Beaumont, Texas 77701

Re: Anascape, Ltd. v. Microsoft Corp. and Nintendo of America Inc., 06-cv-158-RC

Dear Judge Clark:

In connection with Nintendo's pending Motion For Remittitur Or, In The Alternative, A New Trial On Damages (Dkt. #337), we write to clarify the status of PX 215, which Anascape asserts is "part of the record, and was therefore provided to the jury in the jury room." *See* Anascape's Sur-Reply To Nintendo's Motion (Dkt. #351). Nintendo respectfully maintains that, for the following reasons, PX 215 is not part of the record:

- The Court's May 21, 2008 Order clearly and succinctly sets forth the standard for whether or not an exhibit is part of the record – "*Exhibits which were originally submitted but were not offered or mentioned before the jury are not part of the record.*" *See* Doc. # 338.
- The trial transcript is devoid of any indication that PX 215 was offered or mentioned before the jury. Indeed, in its Sur-Reply, Anascape acknowledges this fact. *See* Doc. # 351 at 4, n.4 ("Although PX 215 may not have been specifically mentioned by the parties at trial").
- On May 13, 2008, at the conclusion of trial and prior to the commencement of jury deliberations, counsel for Nintendo, Sabrina Hassan, and a paralegal for Anascape, Joanna Walls, met and conferred in the courtroom and agreed upon the list of Anascape's admitted exhibits and the list of Nintendo's admitted exhibits. Both parties initialed these typewritten lists, and Ms. Walls gave the lists to the

53rd at Third
 885 Third Avenue
 New York, New York 10022-4834
 Tel: +1.212.906.1200 Fax: +1.212.751.4864
 www.lw.com

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File No. 023480-0079

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Court. To Nintendo's counsel's recollection and notes, the initialed lists did not include PX 215.

- The next day, on May 14, 2008, Anascape's counsel hand delivered Nintendo's counsel a disk entitled "Anascape's Admitted Exhibits" containing a revised version of Anascape's Eighth Amended Exhibit List, together with links to pdf files of the exhibits themselves. This Exhibit List, which is attached hereto as Exhibit A, does not include PX 215, and the disk itself does not have a pdf file for PX 215. A copy of the face of the disk and a screenshot of the pdf files on the disk is attached hereto as Ex. B.¹
- On May 23, 2008, when the parties met and conferred pursuant to the Court's May 21 Order, Anascape's counsel referred Nintendo's counsel to the disk that it gave Nintendo on May 14 for a listing of the Plaintiff's exhibits that Anascape contended were in evidence. As noted above, the Exhibit List on this disk as well as the disk itself does not contain PX 215.²
- On May 20, 2008, the Court filed a copy of each of Nintendo's and Anascape's exhibit lists with notations by the Courtroom Deputy indicating which exhibits had been marked and admitted and on which dates. *See* Dkt. # 335, 336. The notations on these lists do not entirely conform to either the trial transcript or the lists of exhibits that Anascape and Nintendo agreed upon on May 13, 2008 and that Anascape gave to Nintendo on May 14.
- Specifically, Dkt. # 335, which Anascape relies upon in its Sur-Reply at 4, incorrectly indicates that PX 215 was admitted on May 7, 2008. Nintendo respectfully suggests that this notation appears to have been a clerical error. First, the May 7 trial transcript does not indicate that PX 215 (or PX 216, which is also listed as having been admitted on May 7) was offered or mentioned before the jury that day. Rather, the May 7 trial transcript indicates that May 7 is the date on which **DX** 215 and 216 were mentioned before the jury. *See* Tr. at 669:14; 671:11, attached hereto as Ex. C. Second, PX 215 does not appear on any of the exhibit lists or disk discussed above that Anascape provided to Nintendo and represented contained all of Anascape's admitted exhibits. Third, none of the trial transcripts from any other day indicates that PX 215 was offered or mentioned before the jury.

Notwithstanding the foregoing, Anascape contends that PX 215 was "admitted into evidence and sent back to the jury room without objection." *See* Dkt. #351 at 4, n.4. The claim that PX 215 was "admitted into evidence" cannot be correct because it is undisputed that PX 215

¹ At the Court's request, Nintendo will submit the disk to the Court.

² The reference to "Anascape's Eighth Amended Exhibit List filed May 20, 2008 (not listing 215)" on page 8 of Nintendo's Reply was meant to refer to Exhibit A attached to this letter, not Dkt. #335.

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was never “offered or mentioned before the jury,” as required by the Court’s May 21 Order. The claim that PX 215 was “sent back to the jury room without objection” is without factual basis and, in any event, is irrelevant given the Court’s May 21 Order setting forth the standard for what is and what is not part of the record. If Anascape believed that PX 215 was admitted into evidence and sent back to the jury room, it would have included PX 215 on its Exhibit List on the disk it gave to Nintendo on May 14, one day after the jury had retired to deliberate. In fact, neither party had any reason to believe that PX 215 was sent back to the jury room, which is presumably why Anascape did not list it on its Exhibit Lists discussed above and why Nintendo did not object – there was nothing to object to.

In view of the foregoing, Nintendo respectfully suggests that PX 215 is not record evidence and that under the maximum recovery rule the highest amount that the jury could have awarded based on the record evidence was \$2,727,799.95.³

Respectfully,



James S. Blank
of LATHAM & WATKINS LLP

cc: All counsel of record (via email)

³ In the event that the Court determines that PX 215 is part of the record, then Nintendo does not dispute that adding to the royalty base Wii Remote units equal to the number of Wii Classic units sold during the damages period would increase the royalty base by approximately \$72 million. Thus, if PX 215 is part of the record, the highest amount that the jury could have awarded was \$6,342,934 based on the following calculation: \$54,555,999 in GameCube, WaveBird wireless and Wii Classic sales + \$72,302,685 in Wii Remote sales = \$126,858,684 x .05 = \$6,342,934.

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

ANASCAPE, LTD.,

PLAINTIFF,

V.

**MICROSOFT CORP., AND
NINTENDO OF AMERICA, INC.,**

DEFENDANTS.

CIVIL ACTION NO. 9:06-CV-158-RC

**ANASCAPE'S EIGHTH AMENDED
EXHIBIT LIST**

PRESIDING JUDGE The Honorable Ron H. Clark	PLAINTIFF'S ATTORNEY: Douglas Cawley; Robert M. Parker	DEFENDANTS' ATTORNEY: J. Christopher Carraway; Robert Gunther
TRIAL DATE (S) May 5, 2008	COURT REPORTER: Christina Bickham	COURTROOM DEPUTY: Beverly Aulbaugh

PLF NO.	DE F. NO	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION
<u>PX0001.p</u> df					06/14/2005 U.S. Patent 6,906,700 B1
<u>PX0002.p</u> df					06/14/2005 File History for U.S. Patent 6,906,700 B1
<u>PX0004.p</u> df					File History for U.S. Patent 6,222,525 B1
<u>PX0039.p</u> df					04/23/2002 Letter from K. Tyler to J. Tingdale, VP of Licensing, Nintendo of America, Inc. with enclosure: Issued Patent Portfolio (Story Deposition, 11/09/2007, Ex. 258) [NCA00001879 - NCA00001880]
<u>PX0043.p</u> df					07/01/1997 License Agreement between Licensor 6-DOF Trust and Licensee K. Tyler (Tyler Deposition, 10/16/2007, Ex. 105) [ANS0008126 - ANS0008133]
<u>PX0046.p</u> df					12/23/1999 Anascape Certificate of Limited Partnership (Tyler Deposition, 10/16/2007) [ANS0028168 - ANS0028182]
<u>PX0047.p</u> df					12/28/1999 Assignment Agreement between B. Armstrong and Anascape (Tyler Deposition, 10/16/2007, Ex. 112) [ANS0004701 - ANS0004708]
<u>PX0048.p</u> df					10/19/2000 Supplemental Agreement between B. Armstrong and Anascape (Tyler Deposition, 10/16/2007, Ex. 113) [ANS0004709 - ANS0004716]
<u>PX0049.p</u> df					07/24/2006 Patent Assignment Agreement between K. Tyler and Anascape, Ltd. (Tyler Deposition, 10/16/2007, Ex. 114) [ANS0000001 - ANS0000002]
<u>PX0052.p</u> df					07/17/2002 Letter from Nintendo of America, Inc. Sayoko Blodgett-Ford to K. Tyler (Tyler Deposition, 10/16/2007, Ex. 122) [ANS0007831]

PLF NO.	DE F. NO	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION
<u>PX0054.p</u> <u>df</u>					04/20/2004 Patent License Agreement between, on the one hand, Sony Computer Entertainment America Inc. and Sony Computer Entertainment Inc., and on the other hand, Anascape, B. Armstrong and K. Tyler (Tyler Deposition, 10/16/2007, Ex. 129) [ANS0004667 - ANS0004679]
<u>PX0108.p</u> <u>df</u>					06/12/1990 U.S. Patent 4,933,670 (Anascape's Omnibus Response to Microsoft Motion for Partial Summary Judgment, Nintendo Motion for Summary Judgment and Defendants' Joint Motion for Partial Summary Judgment, 03/13/2008, Ex. 27)
<u>PX0114.p</u> <u>df</u>					05/13/1993 Joint Venture Agreement between Key Tronic Corporation and Global Devices and S. Bowman (Bowman Deposition, 10/03/2007, Ex. 87) [ANS0008091 - ANS0008106]
<u>PX0117.p</u> <u>df</u>					07/24/2006 Patent Assignment Agreement between S. Bowman and Anascape (Bowman Deposition, 10/03/2007, Ex. 92) [ANS0000050 - ANS0000051]
<u>PX0118.p</u> <u>df</u>					07/24/2006 Patent Assignment Agreement between S. Bowman, B. Armstrong, Global Devices, and Anascape (Bowman Deposition, 10/03/2007, Ex. 93) [ANS0000056 - ANS0000057]
<u>PX0192.p</u> <u>df</u>					09/00/2006 Product specifications for analog devices - ADXL330 (R. Dezmelyk Rebuttal Expert Report, 03/03/2008, Ex. 33) [No Bates]
<u>PX0246.p</u> <u>df</u>					12/30/2005 Fax from Office of Secretary of State, State of Nevada, to Adams & Coker PC with Job Receipt and Filing Acknowledgement of Articles of Conversion [No Bates]
<u>PX0249.p</u> <u>df</u>					12/30/2005 Articles of Conversion of Anascape, a Nevada Limited Partnership Into Anascape, Ltd. [No Bates]
<u>PX0250.p</u> <u>df</u>					03/20/1989 TO 05/08/1992 "Inventor's Notebook" [ANS0041733 - ANS0041786]
<u>PX0263.p</u> <u>df</u>					12/30/2005 Agreement of Limited Partnership of Anascape, Ltd. between B. Armstrong and The Kim Tyler and Kelly Tyler Limited Partnership, B. Armstrong and B. Carlson [No Bates]
<u>PX0265.p</u> <u>df</u>					11/29/2004 Signed document "Assignment Recording of Patent Application and Resultant Patent" [ANS0016927]
<u>PX0309.p</u> <u>df</u>					07/26/2006 Patent Assignment Agreement between B. Armstrong, Trustee of the GP Trust, and Anascape, Ltd [ANS0000058 - ANS0000059]
<u>PX0310.p</u> <u>df</u>					07/26/2006 Patent Assignment Agreement between B. Armstrong, Trustee of the 6-DOF Trust, and Anascape, Ltd [ANS0000003 - ANS00000004]
<u>PX0311.p</u> <u>df</u>					07/26/2006 Patent Assignment Agreement between B. Armstrong and Anascape, Ltd. [ANS0000005 - ANS0000006]
<u>PX0364.p</u> <u>df</u>					Undated - Slide entitled "Reasonable Royalty Damages Due from Nintendo of America" [No Bates]
<u>PX0400.p</u> <u>df</u>					09/25/2006 Presentation by ARS Technical re: "Survey says: Gamers want rumble by Jeremy Reimer" (Bratic Report) [No Bates]
<u>PX0413.p</u> <u>df</u>					Photograph of GameCube Controller (wired, assembled) [No Bates]

PX 413A					GameCube Controller <i>(physical evidence-controller will be given to the court)</i>
<u>PX0414.p</u> <u>df</u>					Photograph of Wii Remote (original, assembled) [No Bates]
PX 414A					Wii Remote <i>(physical evidence-controller will be given to the court)</i>
<u>PX0416.p</u> <u>df</u>					Photograph of Wii Classic Controller (wired) [No Bates]
PX 416A					Wii Classic Controller <i>(physical evidence-controller will be given to the court)</i>
<u>PX0418.p</u> <u>df</u>					Photograph of Wii Nunchuk (assembled) [No Bates]
PX 418A					Wii Nunchuk <i>(physical evidence-controller will be given to the court)</i>
<u>PX0425.p</u> <u>df</u>					Undated - Prototype 2 [No Bates]
<u>PX0426.p</u> <u>df</u>					Undated - Prototype 3 [No Bates]
<u>PX0428.p</u> <u>df</u>					Undated - Prototype 5 [No Bates]
<u>PX0440.p</u> <u>df</u>					Photograph of Nintendo GameCube Wavebird Wireless controller
PX 440A					Nintendo GameCube Wavebird Controller <i>(physical evidence-controller will be given to the court)</i>
<u>PX0447.p</u> <u>df</u>					Atari Controller
<u>PX0448.p</u> <u>df</u>					Resume of Walter Bratic

The attached are exhibits which Anascape, Ltd. ("Anascape") may offer at trial. Anascape may decide not to offer certain of the listed exhibits into evidence, and some of the exhibits are contingent on what Defendants offer into evidence. The inclusion of an exhibit on this list does not constitute an admission that the exhibit would be admissible if offered by Defendants. Anascape reserves the right to supplement or amend this exhibit list. Anascape further reserves the right to offer into evidence any trial exhibit listed on Defendants' trial exhibit list.

EXHIBIT B

Anascope

v.

Nintendo

CA. No. 9:06-cv-158

Anascope's
Exhibits

Admitted

Name	Size	Type	Date Modified	Location
Files Currently on the CD				
254944_1.DOC	145 KB	Microsoft Word Doc...	5/13/2008 11:46 PM	Files Currently on the CD
PX0001.pdf	3,331 KB	Adobe Acrobat Doc...	5/4/2008 12:03 PM	Files Currently on the CD
PX0002.pdf	44,935 KB	Adobe Acrobat Doc...	5/4/2008 12:14 PM	Files Currently on the CD
PX0004.pdf	14,436 KB	Adobe Acrobat Doc...	5/4/2008 12:16 PM	Files Currently on the CD
PX0039.pdf	64 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0043.pdf	441 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0046.pdf	609 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0047.pdf	402 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0048.pdf	274 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0049.pdf	98 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0052.pdf	25 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0054.pdf	534 KB	Adobe Acrobat Doc...	5/3/2008 11:24 AM	Files Currently on the CD
PX0108.pdf	296 KB	Adobe Acrobat Doc...	5/3/2008 11:25 AM	Files Currently on the CD
PX0114.pdf	751 KB	Adobe Acrobat Doc...	5/3/2008 11:25 AM	Files Currently on the CD
PX0117.pdf	99 KB	Adobe Acrobat Doc...	5/3/2008 11:25 AM	Files Currently on the CD
PX0118.pdf	115 KB	Adobe Acrobat Doc...	5/3/2008 11:25 AM	Files Currently on the CD
PX0192.pdf	629 KB	Adobe Acrobat Doc...	5/3/2008 11:27 AM	Files Currently on the CD
PX0246.pdf	184 KB	Adobe Acrobat Doc...	5/3/2008 11:29 AM	Files Currently on the CD
PX0249.pdf	62 KB	Adobe Acrobat Doc...	5/3/2008 11:29 AM	Files Currently on the CD
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PX0263.pdf	2,455 KB	Adobe Acrobat Doc...	5/3/2008 11:29 AM	Files Currently on the CD
PX0265.pdf	89 KB	Adobe Acrobat Doc...	5/3/2008 11:29 AM	Files Currently on the CD
PX0309.pdf	108 KB	Adobe Acrobat Doc...	5/3/2008 11:32 AM	Files Currently on the CD
PX0310.pdf	108 KB	Adobe Acrobat Doc...	5/3/2008 11:32 AM	Files Currently on the CD
PX0311.pdf	98 KB	Adobe Acrobat Doc...	5/3/2008 11:32 AM	Files Currently on the CD
PX0364.pdf	25 KB	Adobe Acrobat Doc...	5/4/2008 11:44 PM	Files Currently on the CD
PX0400.pdf	2,137 KB	Adobe Acrobat Doc...	5/3/2008 11:35 AM	Files Currently on the CD
PX0413.pdf	990 KB	Adobe Acrobat Doc...	5/3/2008 11:36 AM	Files Currently on the CD
PX0414.pdf	246 KB	Adobe Acrobat Doc...	5/3/2008 11:36 AM	Files Currently on the CD
PX0416.pdf	2,815 KB	Adobe Acrobat Doc...	5/3/2008 11:36 AM	Files Currently on the CD
PX0418.pdf	292 KB	Adobe Acrobat Doc...	5/3/2008 11:36 AM	Files Currently on the CD
PX0425.pdf	1,498 KB	Adobe Acrobat Doc...	5/3/2008 11:37 AM	Files Currently on the CD
PX0426.pdf	950 KB	Adobe Acrobat Doc...	5/3/2008 11:36 AM	Files Currently on the CD
PX0428.pdf	433 KB	Adobe Acrobat Doc...	5/3/2008 11:37 AM	Files Currently on the CD
PX0440.pdf	401 KB	Adobe Acrobat Doc...	5/3/2008 11:37 AM	Files Currently on the CD
PX0447.pdf	41 KB	Adobe Acrobat Doc...	5/13/2008 1:47 AM	Files Currently on the CD
PX0448.pdf	115 KB	Adobe Acrobat Doc...	5/6/2008 8:28 PM	Files Currently on the CD

CD Writing Tasks

- Write these files to CD

File and Folder Tasks

- Make a new folder
- Publish this folder to the Web

Other Places

- May 13 2008 (D:)
- My Documents
- My Network Places

Details

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ANASCAPE, LTD.		DOCKET 9:06CV158
VS.		MAY 7, 2008
		8:43 A.M.
MICROSOFT CORP., ET AL		LUFKIN, TEXAS

VOLUME 3 OF __, PAGES 495 THROUGH 831

REPORTER'S TRANSCRIPT OF JURY TRIAL

BEFORE THE HON. RON CLARK
UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

FOR THE PLAINTIFF:

DOUGLAS A. CAWLEY
ANTHONY M. GARZA
JASON D. CASSADY
STEVEN CALLAHAN
CHRISTOPHER BOVENKAMP
MCKOOL SMITH - DALLAS
300 CRESCENT COURT
SUITE 1200
DALLAS, TEXAS 75201

ROBERT M. PARKER
ROBERT CHRISTOPHER BUNT
PARKER, BUNT & AINSWORTH
100 E. FERGUSON
SUITE 1114
TYLER, TEXAS 75702
SAMUEL FRANKLIN BAXTER
MCKOOL SMITH - MARSHALL
104 E. HOUSTON STREET, SUITE 300
POST OFFICE BOX 0
MARSHALL, TEXAS 75671

Page 668

1 Q. Is that important to players?
 2 A. Yeah, I think so. It makes the game more, you
 3 know -- you know, people like that more, I believe.
 4 Q. Okay. Are you familiar with a feature called
 5 "rumble"?
 6 A. Yes. Rumble or vibration.
 7 Q. Why -- is that important in controllers?
 8 A. Yeah. Initially the controllers -- you know, you
 9 just played the controller. The controller talked to
 10 the video game machine; and, you know, it was all
 11 visual. But now you have a two-way communication. If
 12 something happens in the game, if you run into a wall,
 13 if you run into something, you feel that vibration. It
 14 kind of immerses you into the game.
 15 There was a time -- like Sony, I think they
 16 had vibration in their controllers. There came a time
 17 when they pulled it out for some reason. They got a lot
 18 of complaints, and they put it back in.
 19 Q. Have you heard of a company called "Immersion"?
 20 A. Yes, uh-huh.
 21 Q. Who is Immersion?
 22 A. Immersion is a company that does technology. They
 23 provide -- it's called a "haptic," I believe; and it's
 24 technology that's used in video game controllers.
 25 Q. All right. Are they a well-known supplier of

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1 technology to the video game controller industry,
 2 Immersion?
 3 A. Yes, uh-huh.
 4 Q. As time went on -- you told us you sold your
 5 company Mad Catz. You got into business with
 6 Mr. Armstrong and formed Anascape. Did you have
 7 discussions with him from time to time about the work he
 8 was doing on his patent applications?
 9 A. Yes.
 10 Q. From time to time, did you read through some of the
 11 applications he was filing and try to give him comments
 12 that might help him?
 13 A. Yes, uh-huh.
 14 [Q. Let's take a look at Defendant's Exhibit 216. Do
 15 you have that in the binder in front of you?
 16 A. Yes, I do.
 17 Q. What is this?
 18 A. This is an email from myself to Brad Armstrong back
 19 in 2000.
 20 Q. Okay. And you say in the email -- if we can go
 21 down a little bit -- (reading) I believe we can get some
 22 additional valuable claims out of this application. Do
 23 you see that?
 24 A. Let's see. Yes, I see that.
 25 Q. What did you mean by that?

Page 670

1 A. Well, from my understanding, you can write a
 2 specification and there can be a gazillion inventions in
 3 that one specification. But in order to get those
 4 inventions out and have them protected, you have to
 5 write claims on those.
 6 Q. Okay. And if we could also go to another piece of
 7 this email -- I don't want to take the time to read it
 8 all. You say here that: Page 28, lines 31 through 35
 9 broadens definition of 6 DOF controllers to 3-D graphic
 10 image controllers (probably a better definition of
 11 controllers on the market today) and combines tactile
 12 break-over devices with proportional or variable
 13 sensors.
 14 What did you mean when you said this in your
 15 email to Mr. Armstrong?
 16 A. Well, I talk about broadening; and what I'm talking
 17 about is -- you know, on the street if you talk to
 18 anybody -- I don't know of anybody, any of my friends or
 19 anything, that really know what 6 D-O-F is or 6 DOF. If
 20 I went out on the street and said, "I have a 6 DOF
 21 controller," they'd just look at me like "What's that?"
 22 But if I went out on the street and said, "I have a 3-D
 23 controller," you know, people have heard about 3-D.
 24 They've learned that in school. They've made art
 25 projects that are three-dimensional. So, they kind of

Page 671

1 understand that. So, it's, you know, more understood.
 2 Q. So, do you think that it would be a definition that
 3 would be understood by a broader number of users?
 4 A. Yes, uh-huh.
 5 Q. As far as you're concerned, do these two terms "3-D
 6 graphic image controllers" and "6 DOF controllers" mean
 7 the same thing?
 8 A. In my mind, they do.
 9 [Q. Now, in 1999 did Mr. Armstrong also send you some
 10 emails that was sort of a to-do priority list that is
 11 Defendant's Exhibit 215?
 12 A. Yes, uh-huh.
 13 Q. And do you see under the "First Order of Business"
 14 there, it says: Strengthen Sony claims?
 15 A. Yes, uh-huh.
 16 Q. What did that mean?
 17 A. Well, this is before we actually set up the
 18 company; and Brad was telling me what his first order of
 19 business is, what he wanted to do. And if you look
 20 through this document, there's -- you know, it mentions
 21 six inventions up here and then there's four inventions
 22 there and you turn over to the next page; there's three
 23 or four inventions. So, probably over 12 inventions
 24 that he wants to get claims for that are already
 25 probably in the specifications.

HP LaserJet 3050

Fax Call Report



LATHAMWATKINS

Jun-10-2008 2:42PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
2737	6/10/2008	2:39:05PM	Send	#76314096546280	3:47	15	OK

James S. Blank
Direct Dial (212) 906-1274
james.blank@lw.com

LATHAM & WATKINS LLP

FACSIMILE TRANSMISSION
June 10, 2008

53rd at Third
885 Third Avenue
New York, New York 10022-4834
Tel: +1.212.906.1200 Fax: +1.212.751.4884
www.lw.com

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Milan Singapore
Moscow Tokyo
Munich Washington, D.C.

To: Hon. Ron Clark Fax: (409) 654-6280 Tel: (409) 654-2800

From: James S. Blank

Re: **ANASCAPE, LTD. v. MICROSOFT CORPORATION, and NINTENDO OF AMERICA, INC - Civil Action No. 9:06-CV-00158-RC**

Original(s) to follow Number of pages, including cover:

Please see the attached.

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address above via the U.S. Postal service. Thank you.

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