

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

DECLARATION OF KELLY TYLER

I, Kelly Tyler, declare as follows:

1. I am over the age of twenty-one (21) and have never been convicted of any crime. I have personal knowledge of the following facts and statements in this declaration and, if called upon to testify, I could and would testify competently thereto.

2. I own, through one of my limited partnerships, approximately 36% of Anascape, Ltd. ("Anascape"), the plaintiff in the above referenced case.

3. In May 2008, I testified at trial in the above referenced case.

4. I live in Jamul, California with my wife and our five children.

5. My son Kade is thirteen years old.

6. I have been involved (on and off) with the Boy Scouts of America since I was twelve years old. My son Kade is also involved with the Scouts.


7. I have been planning to attend a Scout camp with Kade and his Scout troop since last year. In late February or early March of this year, we committed to attend the

Scout camp being held at Camp Pendleton Marine Corp Base in Pendleton, California. I will be acting as a supervisor of the troop at the camp.

8. This Scout camp is being held from Monday, July 14 until Saturday July 19, 2008.

9. I had planned to attend the post-trial hearing on July 22, 2008 in person. I understand that, due to the Court's reschedule, the post-trial hearing has been rescheduled to July 18, 2008. If the Court allows me to, I will be prepared to offer testimony during the July 18 hearing by telephone.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 2, 2008 in Provo, Utah.


Kelly Tyler