

**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

ORDER

Before the Court is Anascape, Ltd.’s (“Anascape”) Unopposed Motion to Allow Kelly Tyler to Testify by Telephone at the July 18 Hearing (the “Motion”). After careful consideration, the Court is of the opinion that the Motion should be **GRANTED**.

It is therefore **ORDERED** that Anascape’s Motion is **GRANTED**. It is **FURTHER ORDERED** that the parties use their best efforts and be reasonable in terms of the logistics of Mr. Tyler’s telephone testimony (e.g., allowing Nintendo’s representatives to be with Mr. Tyler during his testimony should Nintendo request this, coordinating so that Mr. Tyler can be shown and testify with respect to exhibits).