

**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.

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Hon. Ron Clark

Civil Action No.: 9:06-CV-00158-RC

**ORDER**

Before the Court is Nintendo of America Inc.’s (“Nintendo”) Unopposed Motion to Allow Keith Ugone 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 Nintendo’s Motion is **GRANTED**. It is **FURTHER ORDERED** that the parties use their best efforts and be reasonable in terms of the logistics of Dr. Ugone’s telephone testimony (e.g., allowing Anascape’s representatives to be with Dr. Ugone during his testimony should Anascape request this, coordinating so that Dr. Ugone can be shown, and testify with respect to, exhibits).