

Exhibit 1



"Gunther, Jr., Robert J."
<Robert.Gunther@wilmerhale.com>

07/14/2008 06:29 PM

To <JBlank@kayescholar.com>

cc

bcc

Subject FW: Anascape -- Witness list

Here it is.

From: agarza@McKoolSmith.com [mailto:agarza@McKoolSmith.com]

Sent: Thursday, July 10, 2008 4:28 PM

To: JBlank@kayescholar.com; Gunther, Jr., Robert J.

Cc: scallahan@McKoolSmith.com; gholland@mckoolsmith.com

Subject: Anascape -- Witness list

Jim/Bob-

Per our agreement, Anascape intends to call the following witnesses at the hearing on July 18:

1) **Kelly Tyler.** Mr. Tyler is expected to testify on matters related to (1) those subjects addressed in any of his or Brad Armstrong's declarations attached to Anascape's post-trial briefs, (2) his experience in the video game industry and his views of the video game industry, and/or (3) Anascape's ability to become a third-party video game accessory company.

2) **Brad Armstrong.** Mr. Armstrong is expected to testify on matters related to (1) those subjects addressed in any of his or Kelly Tyler's declarations attached to Anascape's post-trial briefs, (2) his experience in the video game industry and his views of the video game industry, (3) Anascape's ability to become a third-party video game accessory company, (4) the functionality of selected Nintendo products, including the Wii Classic, Wii Remote, Wii Console, and selected Wii software, and/or (5) his career as an inventor.

Anascape also reserves the right to call and question any witness on Nintendo's witness list, and to call and question any witness who submits a declaration in support of any of Nintendo's post-trial briefs. Anascape reserves the right to ask any witness questions related to topics put at issue by other testimony and evidence presented at the hearing.

Anthony Garza

McKool Smith, P.C.

(214) 978-4243

NOTICE OF CONFIDENTIALITY:

The information contained in and transmitted with this e-mail is **SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE** and is **CONFIDENTIAL**. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.