

**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

JURY TRIAL REQUESTED

**UNOPPOSED MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Plaintiff Anascape, Ltd. (“Anascape”) moves the Court for leave to file an amended complaint asserting U.S. Patent No. 6,222,525 (“the ’525 patent”) against Defendant Microsoft Corp. (“Microsoft”) and in support thereof, states as follows:

1. Anascape filed its Original Complaint on July 31, 2006 against Microsoft and Defendant Nintendo of America, Inc. (“Nintendo”). In its Original Complaint, Anascape alleged that Nintendo five of its patents, including the ’525 patent, and that Microsoft infringed eleven of its patents, not including the ’525 patent.

2. Plaintiff seeks leave of this Court to amend its Complaint, pursuant to Fed. R. Civ. P. 15 and this Court’s October 12, 2006 Order, in order to additionally assert the ’525 patent against Microsoft. The proposed First Amended Complaint is attached as Exhibit 1 hereto.

3. The Case Management Conference is scheduled for December 13, 2006 and no discovery has been propounded in this case to date. Therefore, the requested amendments will not affect discovery that will be conducted in this matter, nor delay trial of this case.

4. Defendants Microsoft and Nintendo do not oppose this Motion.

WHEREFORE, Plaintiff Anascape, Ltd. moves the Court to grant leave to file and serve the attached and proposed First Amended Complaint, and for such other and further relief to which it may be entitled in law or in equity.

DATED: November 21, 2006.

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam Baxter  
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**ATTORNEYS FOR PLAINTIFF  
ANASCAPE, LTD.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via ECF or U.S. Mail on this 21st day of November, 2006.

/s/ Luke F. McLeroy

Luke F. McLeroy

**CERTIFICATE OF CONFERENCE**

The undersigned counsel has conferred with counsel for the Defendants and has been informed that the Defendants do not oppose this Motion.

/s/ Luke F. McLeroy

Luke F. McLeroy