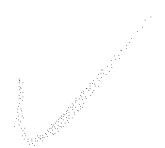


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JUL 22 2008

RON CLARK
U.S. DISTRICT JUDGE

July 22, 2008

Honorable Ron Clark
United States District Judge
Jack Brooks Federal Building
300 Willow Street, Suite 221
Beaumont, Texas 77701

VIA HAND DELIVERY

Re: Civil Action No. 9:06cv158; *Anascape, Ltd. v. Microsoft Corp. and Nintendo of America, Inc.*; GG File No. 70602.

Dear Judge Clark:

Per the discussion of this issue at last Friday's hearing, Nintendo has not been able to locate any order from the Court dismissing Nintendo's remaining counterclaims concerning the '525 patent without prejudice. Accordingly, we respectfully request that the final judgment include a provision dismissing without prejudice Nintendo's unadjudicated counterclaims concerning the '525 patent.

Respectfully submitted:

GERMER GERTZ, L.L.P.

Lawrence Germer by permission CWG

Lawrence Louis Germer

LLG/rr
Enclosure

cc: All Counsel of Record