

**FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

ANASCAPE, LTD.

Plaintiff,

v.

MICROSOFT CORPORATION, and
NINTENDO OF AMERICA INC.,

Defendants.

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Hon. Ron Clark

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

**ORDER GRANTING UNOPPOSED
MOTION FOR APPROVAL OF SUPERSEDEAS BOND**

The Court has considered the Unopposed Motion for Approval of Supersedeas Bond (“Motion”). The Court is of the opinion that the Motion should be and is hereby GRANTED in all respects. The Clerk shall receive and file the Supersedeas Bond immediately.

So **ORDERED** and **SIGNED** this **29** day of **July, 2008**.



Ron Clark, United States District Judge

SUPERSEDEAS BOND

Bond No. 6590291

IN THE United States District COURT OF The Eastern District of Texas Lufkin Division
COUNTY OF Angelina STATE OF Texas

ANASCAPE, LTD.,

Plaintiff

vs.

NINTENDO OF AMERICA INC.,

Defendant

CIVIL ACTION NO. 9:06-CV-158-RC

KNOW ALL MEN BY THESE PRESENTS, That we, NINTENDO OF AMERICA INC. as Principal, and Safeco Insurance Company of America a Washington corporation, as Surety are held and firmly bound unto ANASCAPE, LTD. in the amount of Twenty Seven Million Six Hundred and Ninety-Nine Thousand Five Hundred and Thirty-Seven and 68/100 Dollars (\$ 27,699,537.68) for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal has petitioned THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT for an appeal to said court of an action previously decided in THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, LUFKIN DIVISION, wherein the said Principal is Defendant, and being numbered 9:06-CV-158-RC on the docket thereof.

WHEREAS, on Wednesday, July 23, 2008, a Judgment and decree was entered in the above cause number in favor of Plaintiff and against the Defendant, a copy of which said Judgment is attached hereto and by this reference made a part hereof.

NOW THEREFORE, the condition of this obligation is such that if the said Principal shall pay all costs, disbursements and judgments incurred by reason of the said appeal proceeding, then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond is subject to the following conditions:

1. The maximum liability of the Surety shall in no event exceed the aggregate penal sum of the bond.
2. The liability of the Surety for this obligation shall not extend to royalty payments secured under Safeco Bond 6590292.

IN WITNESS WHEREOF, NINTENDO OF AMERICA INC., as Principal and Safeco Insurance Company of America, as Surety, have hereunto set our hands this 25 day of

July, 2008.

ATTEST WITNESS:

By: [Signature]

NINTENDO OF AMERICA INC.

By: [Signature] Principal

Safeco Insurance Company of America

By: [Signature] Attorney-in-Fact