

**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.

§
§
§
§
§
§
§
§
§

Hon. Ron Clark

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

UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE BILL OF COSTS

Defendant Nintendo of America Inc. (“Nintendo”) files this Unopposed Motion to Extend Deadline to File Bill of Costs. Under the current schedule, the deadline for Nintendo to file its bill of costs is June 22, 2010. Pursuant to Local Rule CV-54(b), the parties are continuing to meet and confer in an effort to submit an agreed bill of costs to the Court, and believe that a seven day extension will facilitate this process. This extension is not sought for delay and no other deadlines in this case will be effected.

The parties have agreed to request that the Court grant this Unopposed Motion to Extend Deadline to File Bill of Costs.

DATED: June 22, 2010

Respectfully submitted,

By: /s/Charles W. Goehringer, Jr.
Charles W. Goehringer, Jr.
(cwgoehringer@germer.com)
Texas Bar No. 00793817
Lawrence L. Germer
(lgermer@germer.com)
Texas Bar No. 07824000
GERMER GERTZ, L.L.P.
550 Fannin, Suite 400
P.O. Box 4915

Beaumont, Texas 77704
Tel.: (409) 654-6700
Fax.: (409) 835-2115

Robert J. Gunther, Jr.
(robert.gunther@wilmerhale.com)
WILMER HALE
399 Park Avenue
New York, NY 10022
Tel.: (212) 230-8830
Fax.: (212) 230-8888

James S. Blank
(jblank@kayescholer.com)
KAYE SCHOLER LLP
425 Park Avenue
New York, NY 10022
Tel.: (212) 836-7528
Fax: (212) 836-7169

Robert W. Faris
(rwf@nixonvan.com)
Joseph S. Presta
(jsp@nixonvan.com)
NIXON & VANDERHYE, P.C.
1100 North Glebe Road
8th Floor
Arlington, VA 22201
Tel.: (703) 816-4000
Fax.: (703) 816-4100

Attorneys for Defendant and Counterclaimant
Nintendo of America Inc.

CERTIFICATION OF CONFERENCE

I hereby certify that counsel for Defendant Nintendo conferred with counsel for Plaintiff Anascape regarding the foregoing Motion. Counsel for Anascape represented that they did not oppose the Motion.

/s/ James S. Blank
James S. Blank

CERTIFICATION OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a), on June 22, 2010. As such, this motion was served on all counsel who had consented to electronic service.

/s/ Charles W. Goehringer, Jr.
Charles W. Goehringer, Jr.