

**EXHIBIT “A”**

## McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

Luke McLeroy  
Direct Dial: (214) 978-4235  
lmcleroy@mckoolsmith.com

300 Crescent Court, Suite 1500  
Dallas, Texas 75201

Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

December 1, 2006

**VIA EMAIL (james.blank@lw.com)**

James S. Blank  
LATHAM & WATKINS LLP  
885 Third Avenue  
New York, New York 10022

**VIA EMAIL (christopher.carraway@klarquist.com)**

J. Christopher Carraway  
KLARQUIST SPARKMAN, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204

RE: *Anascape, Ltd. v. Microsoft Corp. and Nintendo of America, Inc.*  
Civil Action No. 9:06-CV-158-RC

Dear Jim & Chris:

As we previously discussed, I am writing to identify the claims of the patents-in-suit that Anascape presently intends to assert in its P.R. 3-1 disclosures, which are due on December 29, 2006. Please note that the claims identified in this letter are the result of our preliminary investigation and that this letter does not limit or bind Anascape in any way.<sup>1</sup>

Subject to those caveats, the following is a preliminary list of the claims of the patents-in-suit that Anascape asserts in this matter:

- Microsoft's Xbox Controllers and Xbox Controllers S and accompanying video game systems infringe claims 5-6 and 11 of U.S. Patent No. 5,999,084, claims 1-18 of U.S. Patent No. 6,102,802, claim 7 of U.S. Patent No. 6,135,886, claims 11, 13, and 16 of U.S. Patent No. 6,208,271, claims 1, 5-6, and 12-20 of U.S. Patent No. 6,222,525, claims 1, 3, 6-8, 11-12, 16-19, 23-25, 28-37, 40-53, and 66-73 of U.S. Patent No. 6,343,991, claims 1-18, 34-44, 56-62, and 64-65 of U.S. Patent No. 6,344,791, claims 32-37 of U.S. Patent No. 6,347,997, claims 1-5 and 7-8 of U.S. Patent No. 6,351,205, claims 5-6 and 18-19 of U.S. Patent No. 6,400,303,

<sup>1</sup> In particular, please note that we have not investigated potential infringement with respect to the Wii video game system that was recently introduced by Nintendo, which may be added to our assertions to the extent that those products infringe the patents-in-suit.

claims 1-2, 4-5, 7-9, 11, 13-15, 17-18, 20-21, and 23-24 of U.S. Patent No. 6,563,415, and claims 1-15, 19-20, 22-23, 26-29, and 31-33 of U.S. Patent No. 6,906,700.

- Microsoft's Xbox 360 Wireless Controllers and Xbox 360 Controllers and accompanying video game systems infringe claims 12-15, 19-20, 22-23, and 32-33 of U.S. Patent No. 6,906,700.
- Nintendo's GAMECUBE Wavebird Wireless Controllers and accompanying video game systems infringe claims 5, 12-17, and 19-20 of U.S. Patent No. 6,222,525, claims 34, 36-38, 40, 44-47, 49, and 64 of U.S. Patent No. 6,344,791, claims 7-8 of U.S. Patent No. 6,351,205, claims 4, 7-8, and 13 of U.S. Patent No. 6,563,415, and claim 14 and 16-23 of U.S. Patent No. 6,906,700.
- Nintendo's GAMECUBE Controllers and accompanying video game systems infringe claims 5, 12-17, and 19-20 of U.S. Patent No. 6,222,525, claims 34-38, 40, 44-53, and 64 of U.S. Patent No. 6,344,791, claims 7-8 of U.S. Patent No. 6,351,205, claims 4, 7-8, and 13 of U.S. Patent No. 6,563,415, and claims 14, 16-23, 25-27, and 31-33 of U.S. Patent No. 6,906,700.

If you have any questions, please feel free to contact me.

Sincerely,



Luke F. McLeroy

cc: Chris Bunt