

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ANASCAPE, LTD.	§	
	§	Hon. Ronald Clark
Plaintiff,	§	
	§	
v.	§	Civil Action No. 9:06-CV-00158-RC
	§	
MICROSOFT CORPORATION, and	§	
NINTENDO OF AMERICA, INC.,	§	
	§	
Defendants.	§	

**DECLARATION OF MARK WHITTEN IN SUPPORT
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT**

1. I, Marc Whitten, am General Manager of Xbox Accessories at Microsoft Corporation ("Microsoft"). I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

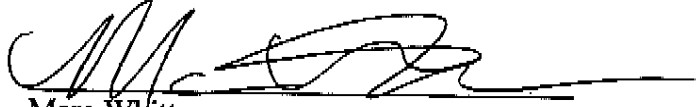
2. The original Xbox gaming system first went on sale in the United States in November 2001. Microsoft has sold two different controllers for use with the original Xbox system, called the Xbox Controller and the Xbox Controller S.

3. In December 2005, Microsoft began sales of its next-generation Xbox system, called the Xbox 360. Microsoft sells two new next-generation controllers, called the Xbox 360 Wired Controller and the Xbox 360 Wireless Controller.

4. The original Xbox Controller and Xbox Controller S, which were for use with the original Xbox system, are no longer being manufactured by or for Microsoft. Microsoft is in the process of selling any of its remaining inventory of controllers for the original Xbox system. I currently estimate that any such inventory will be depleted by mid-2007.

5. I declare under penalty of perjury that the foregoing statements are true.

Executed this 16 day of January, 2007 at Redmond, Washington.



Marc Whitten

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 15th day of January, 2007. Plaintiff has also been served by **hand delivery** and e-mail to its counsel at:

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/s/ J. Christopher Carraway _____