

EXHIBIT 2

DECLARATION OF J. CHRISTOPHER CARRAWAY IN SUPPORT
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT

8. Other Pre-Trial Matters

a. Reexamination and Stay of the Litigation

Microsoft intends to file with the United States Patent and Trademark Office requests for reexamination of each of the patents asserted by Anascape against Microsoft. As a consequence, Microsoft also intends to file a motion to stay this litigation in its entirety pending reexamination proceedings. Anascape will oppose any motion to stay the litigation.

b. Grouping of the Patents

As more fully explained in Nintendo's Response to Anascape's Proposed Grouping of Patents, Nintendo submits that the parties and the Court will be in a better position to assess logical groupings of the patents-in-suit in a manner that will best serve the administrative ease objective of the Court's August 16, 2006 Order after Anascape serves its Disclosure of Asserted Claims and Preliminary Infringement Contentions pursuant to P-R 3.1, which, as reflected above, is due on or before December 26, 2006.

To completely address the issue at the December 13, 2006 scheduling conference, the parties have agreed that Anascape will provide Nintendo and Microsoft with certain information regarding Anascape's infringement contentions, including an identification of the accused products, the infringed patents, and the asserted claims by December 1, 2006.

Accordingly, Nintendo and Microsoft respectfully request that the Court permit them to the file further responses on the appropriate grouping of patents on or before December 8, 2007.

c. Severance/Separate Trials

In view of the fact that eleven Anascape patents are asserted against Microsoft products while five Anascape patents are asserted against different Nintendo products, Microsoft and Nintendo intend to ask the Court to sever the cases. In making this request, Microsoft and