

EXHIBIT A

to

Microsoft's Reply in Support of its Motion to Stay Litigation Pending Reexaminations

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

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

**DECLARATION OF JOSEPH T. JAKUBEK IN SUPPORT OF DEFENDANT
MICROSOFT’S REPLY BRIEF ON ITS MOTION TO STAY PROCEEDINGS
PENDING COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT**

1. I, Joseph T. Jakubek, am an attorney with the firm of Klarquist Sparkman, LLP, counsel for defendant Microsoft Corporation, and I have been admitted *pro hac vice* to practice in this Court for this case. I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

2. Pursuant to E.D. Tex. Civil L.R. 7(b), certain of the exhibits attached hereto “have the cited portions highlighted[.]” Thus, where this declaration states that a “true and correct copy” of a document is attached as an exhibit, that statement does not reflect that certain of such exhibits contain highlighting or bracketing of the portions pertinent to this motion.

3. On January 31, 2007, Microsoft filed the last of the reexamination requests for all twelve patents-in-suit with the United States Patent and Trademark Office (“PTO”). These twelve requests ask the PTO to reexamine all claims that Anascape has asserted against Defendants in this litigation. Every patent-in-suit that was eligible for inter partes reexamination pursuant to 37 C.F.R. § 1.913 was filed as an inter partes request.

4. Set forth below is a chart listing the patents-in-suit, whether the request for reexamination was filed as an inter partes or ex parte proceeding, and the date the request was filed:

Patent-in-Suit	Procedure	Date Filed
5,999,084	Ex Parte	12/15/06
6,102,802	Ex Parte	12/13/06
6,135,886	Ex Parte	1/29/07
6,208,271	Ex Parte	1/31/07
6,222,525	Ex Parte	1/31/07
6,343,991	Inter Partes	1/29/07
6,344,791	Inter Partes	1/31/07
6,347,997	Inter Partes	1/12/07
6,351,205	Inter Partes	1/31/07
6,400,303	Inter Partes	1/31/07
6,563,415	Inter Partes	1/31/07
6,906,700	Inter Partes	1/31/07

5. Attached hereto as Exhibit B is a chart that identifies, for each patent-in-suit, the “new” prior art at issue in the reexaminations, that is, the prior art that was not before the PTO for the original examination of the patent but is cited to the PTO in Microsoft’s request for reexamination as rendering claims of the patent invalid.

6. Attached hereto as Exhibit C is a true and correct copy of pertinent pages from Defendant Wacoal America, Inc.’s Motion for Stay Pending Reexamination of the Patent-in-Suit, filed by Wacoal America’s attorneys McKool Smith on December 16, 2004 in the case *Amanda May v. Wacoal America, Inc. et al.*, Case No. 4:03-cv-160-DF (E.D. Tex.). The Court granted the Motion. *See* Exhibit 15 to Carraway Declaration filed January 16, 2007.

7. Attached hereto as Exhibit D is a true and correct copy of a letter dated December 14, 2006 from Luke McLeroy at McKool Smith (attorney for Anascape) to J. Christopher Carraway at Klarquist Sparkman (attorney for Microsoft) identifying the “categories of

documents and information that Anascape, Ltd. ('Anascape') expects to receive" in Microsoft's mandatory disclosures.

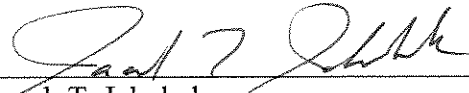
8. Attached hereto as Exhibit E is a true and correct copy of pertinent pages from "Microsoft's Responses to Anascape's First Set of Interrogatories (Nos. 1-19)." The pages identify, at Anascape's request, all game controllers that Microsoft has manufactured, imported, offered for sale, or sold since 2000.

9. Attached hereto as Exhibit F is an e-mail string dated January 24 through January 25, 2007 sent between Luke McLeroy and Chris Carraway in which Microsoft offered several dates for Anascape's requested 30(b)(6) deposition of Microsoft and in which Anascape accepted the February 23, 2007.

10. Attached hereto as Exhibit G is a true and accurate copy of the only new case from the Westlaw on-line case database cited in Microsoft's Reply Brief. Other Westlaw and slip opinions cited in the Reply Brief were previously cited in Microsoft's Motion and were attached to the Carraway Declaration filed therewith, including *Alza Corp. v. Wyeth*, 2006 WL 3500015 (E.D. Tex. Nov. 21, 2006) (Carraway Dec. Ex. 12), *Antor Media Corp. v. Nokia, Inc.*, No. 2:05-CV-186-DF (E.D. Tex. Sept. 27, 2006) (Carraway Dec. Ex. 14), *Echostar Tech. Co. v. TiVo, Inc.*, 2006 WL 2501494 (E.D. Tex. July 14, 2006) (Carraway Dec. Ex. 12), and *Pegasus Dev. Corp. v. Directv, Inc.*, 2003 WL 21105073 (D. Del. May 14, 2003) (Carraway Dec. Ex. 12).

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

Executed this 5th day of February, 2007 at Portland, Oregon.



Joseph T. Jakubek