

EXHIBIT D

to

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

MCKOOL SMITH

A PROFESSIONAL CORPORATION • ATTORNEYS

300 Crescent Court, Suite 1500
Dallas, Texas 75201

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

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

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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 Chris:

To assist Microsoft Corp. (“Microsoft”) in complying with its disclosure obligations, and subject to any agreements reached between the parties with respect to the scope of discovery, listed below are categories of documents and information that Anascape, Ltd. (“Anascape”) expects to receive. The following is not a Rule 34 document request and is not meant to be an exhaustive list of Microsoft’s disclosure obligations. Microsoft should include all documents and things in its disclosures that are required by the Federal Rules of Civil Procedure, the Local Rules, the Court’s patent rules and otherwise. With respect to the following document categories, “Microsoft” shall include any and all related entities.

- All documents (including detailed schematics) related to the design, development, operation, engineering and functionality of all Microsoft video game or PC game controllers including, but not limited to the Xbox 360 Wireless Controller, Xbox 360 Controller, Xbox Controller S, and Xbox Controller.
- All documents related to the design, development, operation, engineering and functionality of all components or parts that are included within all Microsoft video game or PC game controllers including, but not limited to the Xbox 360 Wireless Controller, Xbox 360 Controller, Xbox Controller S, and Xbox Controller.
- All product manuals and packaging material for each major version or release of all Microsoft video game or PC game controllers including, but not limited to the Xbox 360 Wireless Controller, Xbox 360 Controller, Xbox Controller S, and Xbox Controller.

- All internal and external advertising, promotional, and marketing documents related to all Microsoft video game or PC game controllers including, but not limited to the Xbox 360 Wireless Controller, Xbox 360 Controller, Xbox Controller S, and Xbox Controller.
- Documents sufficient to show the identity of each game designed for use with the Microsoft Xbox video game console that offers or is capable of providing an analog mode of operation with respect to any of the six analog buttons of the Xbox Controller and Xbox Controller S.
- All marketing studies, consumer surveys, and all other documents that refer to or relate in any way to consumer preference or demand for game controllers and/or game controller functionality.
- Documents sufficient to show the identity and location of manufacturing facilities for each of Microsoft's game controllers.
- All documents supporting or otherwise relating to Microsoft's contentions, if any, that Microsoft does not infringe the asserted patents.
- All documents supporting or otherwise relating to Microsoft's contentions, if any, that the asserted patents are invalid.
- All documents supporting or otherwise relating to Microsoft's contentions, if any, that the asserted patents are unenforceable.
- All documents relating to any Microsoft defense to infringement of the asserted Anascape patents.
- All documents relating to or evidencing any prior art relevant to the asserted Anascape patents.
- All documents relating to any system identified as prior art by or to Microsoft regarding any of the asserted Anascape patents.
- All documents related to any analysis or opinion as to the validity, scope, enforceability, or Microsoft's infringement of any of the of the asserted Anascape patents.
- All documents constituting or relating to any analyses or reports that have been prepared for or by Microsoft relating to any allegation or defense in this lawsuit.
- All documents that discuss or refer to Microsoft's potential liability or non-liability with respect to any of the asserted Anascape patents or any related Anascape patents.
- All documents related to efforts by Microsoft to design around the asserted Anascape patents.

- All documents related to the impact that any of the asserted Anascape patents could have on Microsoft, including without limitation, damages, liability, injunctive relief or required product changes.
- All documents evidencing any communications relating to the asserted Anascape patents.
- All documents relating to any meetings and/or communications between Anascape, Brad Armstrong, or anyone acting on their behalf and Microsoft.
- All documents related to when and how Microsoft first became aware of the asserted Anascape patents.
- All documents related to any communications between Microsoft and any other party regarding this litigation.
- All documents that discuss, refer to, or evidence the value of the asserted Anascape patents or damages for infringement of the asserted Anascape patents.
- All patent licenses relating to video game consoles and/or video game controllers to which Microsoft is or has been a party.
- All patent licenses that Microsoft contends are relevant to the royalty that would be reached as a result of a hypothetical negotiation with respect to any of the asserted Anascape patents.
- Documents sufficient to show (on a quarterly and annual basis) for the last six years Microsoft's revenue, quantities, profits, profit margins, and costs for each of the following Microsoft game controllers: Xbox 360 Wireless Controller; Xbox 360 Controller; Xbox Controller S; and Xbox Controller.
- Documents sufficient to show (on a quarterly and annual basis) for the last six years Microsoft's revenue, quantities, profits, profit margins, and costs for each of the following Microsoft video game systems: Xbox 360; and Xbox.
- Documents sufficient to show (on a quarterly and annual basis) for the last six years Microsoft's revenue, quantities, profits, profit margins, and costs for all accessories sold in conjunction with each of the following Microsoft video game systems: Xbox 360; and Xbox.
- Documents sufficient to show (on a quarterly and annual basis) for the last six years Microsoft's revenue, quantities, profits, profit margins, and costs for all revenue related to each of the following Microsoft video game systems: Xbox 360; and Xbox.
- All documents indicating how Microsoft allocates revenue received from sales of video game systems that include at least one video game controller.

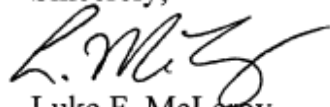
- All documents relating to the asserted Anascope patents or any related U.S. or foreign patents, including without limitation all documents related to any analysis or opinion as to the validity, scope, enforceability, or infringement of any such patent.
- All of Microsoft's Quarterly and Annual Reports.
- All documents related to any insurance policies or indemnity arrangements relating to this lawsuit.
- Documents, such as organizational charts, sufficient to show for each of the years 2000 to present, the persons at Microsoft responsible for the following activities related to game controllers: (i) research; (ii) product development; (iii) design engineering; (iv) programming or writing software; (v) manufacturing; (vi) marketing; (vii) sales; (viii) customer technical support; (ix) quality control; and (x) competitive product analysis.

If Microsoft has additional documents or information within its possession, custody or control that are relevant to the claims or defenses asserted in this case, but not specifically set forth above, they should be produced as well.

To the extent these topics relate solely to damages-related discovery, we do not expect responses until required under the Court's scheduling order.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Luke F. McLeroy

cc: Robert J. Gunther
James S. Blank
J. Thad Heartfield
Clayton E. Dark
Robert W. Faris
Joseph S. Presta
R. Christopher Bunt