

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

ANASCAPE, LTD	§	
	§	
<i>Plaintiff,</i>	§	
	§	Civil Action No. 9:06-CV-158
v.	§	
	§	
MICROSOFT CORP. AND	§	JUDGE RON CLARK
NINTENDO OF AMERICA, INC.	§	
	§	
<i>Defendant.</i>	§	

ORDER GOVERNING *MARKMAN* HEARING

This case is set for a *Markman* hearing on August 22, 2007 (part 1) and September 19, 2007 (part 2). After reviewing the Joint Claim Construction and Pre-hearing Statement and considering the patent and the claims in dispute, the court enters the following **ORDER**, which governs the *Markman* hearing and the parties briefing:

1. Parties will address the ` 084, ` 082, ` 866, ` 271, ` 991, ` 997, and ` 303 patents on August 22, 2007. Each side is given 3 hours to present its case on these patents, including all questioning of all witnesses;
2. Parties will address the ` 525 and ` 700 patents on September 19, 2007. Each side is given 2 hours to present its case on these patents, including all questioning of all witnesses;
3. Plaintiff should be prepared to present its position on each claim term and the Defendants should be prepared to respond. However, the court may simply ask questions about a term without hearing the prepared presentation. The parties should be prepared to answer both technical and legal questions concerning the claims at issue;

4. For briefing on the ` 084, ` 082, ` 866, ` 271, ` 991, ` 997, and ` 303 patents, Anascape is limited to 40 pages for the opening brief and 15 pages for the reply brief. Microsoft is limited to 40 pages for the responsive brief;
5. For briefing on the ` 525 and ` 700 patents, Anascape is limited to 35 pages for the opening brief and 20 pages for the reply brief. Microsoft and Nintendo are limited to 35 pages each for the responsive brief;
6. Each side must submit to chambers two (2) paper copies of their briefs and exhibits. The briefs and exhibits shall be placed in notebooks that are no larger than three inches thick;
7. Exhibits shall be organized by the patent to which they refer, and tabbed with exhibit numbers for easy reference;
8. Copies of the patent at issue need not be bound with the other exhibits. In your brief, cite to the patent by number (` 084), rather than by an exhibit number. Rest assured, the court has a copy of the patents which have allegedly been infringed. Copies of related patents may be helpful exhibits.
9. Local Rule CV-7(b) concerning the highlighting of citations to portions of exhibits should be followed. The highlighting should not be in a color that obscures the print when copied.

So **ORDERED** and **SIGNED** this **29** day of **March, 2007**.



Ron Clark, United States District Judge