

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

Anascape, Ltd.,

Plaintiff,

v.

Microsoft Corp., and
Nintendo of America, Inc.,

Defendants.

Civil Action No. 9:06-cv-158-RC

JOINT REPORT REGARDING APPOINTMENT OF A TECHNICAL ADVISOR

In connection with the April 17, 2007 Telephone Hearing, Plaintiff Anascape, Ltd. (“Anascape”) and Defendants Microsoft Corp. (“Microsoft”) and Nintendo of America, Inc. (“Nintendo”) jointly submit this report regarding the appointment of a technical advisor.

1. During the April 17, 2007 telephone hearing, the Court requested that the parties submit a report regarding potential technical advisors for this case.

2. The parties have been unable to agree on a technical advisor.

3. In meeting and conferring on this matter, each party proposed to the other parties two candidates to serve as a technical advisor in this case. The candidates proposed, but upon which consensus was not reached, are as follows:

- Lou Brucculeri (Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. – Houston, Texas)
- Richard Egan (O’Keefe, Egan, Peterman & Enders, LLP – Austin, Texas)
- Michael McLemore (Houston, Texas)
- Gale Peterson (Cox Smith Matthews Incorporated – San Antonio, Texas)
- David Weaver (Vinson & Elkins, LLP – Austin, Texas)

Bios for each of the technical advisers, except for Mr. McLemore, who was originally identified by the Court, are attached as Exhibits 1-4.

4. The parties have not yet contacted these technical advisers to determine their availability or assess conflicts.

DATED: April 24, 2007.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter_____

Sam Baxter
Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
P.O. Box O
505 E. Travis, Suite 105
Marshall, Texas 75670
Telephone: (903) 927-2111
Facsimile: (903) 927-2622

Theodore Stevenson, III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Luke F. McLeroy
Texas State Bar No. 24041455
lmcleroy@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Robert M. Parker
Texas State Bar No. 15498000
rmparker@pbatyler.com
Robert Christopher Bunt
Texas State Bar No. 00787165
rcbunt@pbatyler.com
Charles Ainsworth
Texas State Bar No. 00783521
charley@pbatyler.com
Parker, Bunt & Ainsworth P.C.
100 E. Ferguson Street, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF
ANASCAPE, LTD.**

DATED: April 24, 2007.

Respectfully submitted,

/s/ Chris Carraway (with permission by Sam Baxter)

J. Christopher Carraway (admitted *pro hac vice*)

christopher.carraway@klarquist.com

Joseph T. Jakubek (admitted *pro hac vice*)

joseph.jakubek@klarquist.com

Stephen J. Joncus (admitted *pro hac vice*)

stephen.joncus@klarquist.com

Richard D. McLeod (Bar No. 24026836)

rick.mcleod@klarquist.com

Derrick W. Toddy (admitted *pro hac vice*)

derrick.toddy@klarquist.com

KLARQUIST SPARKMAN, LLP

121 S.W. Salmon Street, Suite 1600

Portland, Oregon 97204

Telephone: 503-595-5300

J. Thad Heartfield (Bar No. 09346800)

thad@jth-law.com

Law Offices of J. Thad Heartfield

2195 Dowlen Road

Beaumont, Texas 77706

Telephone: 409-866-3318

Facsimile: 409-866-5789

Clayton E Dark Jr. (Bar No. 05384500)

clay.dark@yahoo.com

Clayton E Dark Jr., Law Office

207 E Frank Ave # 100

Lufkin, TX 75901

Telephone: 936-637-1733

Stephen McGrath, Esq. (admitted *pro hac vice*)

MICROSOFT CORPORATION

One Microsoft Way, Building 8

Redmond, Washington 98052-6399

Telephone: 425-882-8080

Facsimile: 425-706-7329

**ATTORNEYS FOR DEFENDANT MICROSOFT
CORPORATION**

DATED: April 24, 2007

Respectfully submitted,

/s/ James S. Blank (with permission by Sam Baxter)

Robert J. Gunther, Jr.
(robert.gunther@lw.com)
James S. Blank
(james.blank@lw.com)
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Tel.: (212) 906-1200
Fax: (212) 751-4864

Robert W. Faris
(rwf@nixonvan.com)
Joseph S. Presta
(jsp@nixonvan.com)
NIXON & VANDERHYE, P.C.
1100 North Glebe Road
8th Floor
Arlington, VA 22201
Tel.: (703) 816-4000
Fax: (703) 816-4100

Lawrence L. Germer
(llgermer@germer.com)
Texas Bar No. 07824000
GERMER GERTZ L.L.P.
550 Fannin, Suite 400
P.O. Box 4915
Beaumont, Texas 77704
Tel.: (409) 654-6700
Fax: (409) 835-2115

Attorneys for Defendant and Counterclaimant

Nintendo of America Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record via ECF or U.S. Mail on this 24th day of April, 2007.

Luke McLeroy

Luke F. McLeroy