

**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

JURY TRIAL REQUESTED

REVISED JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the April 17, 2007 Telephone Hearing, Plaintiff Anascape, Ltd. (“Anascape”) and Defendants Microsoft Corp. (“Microsoft”) and Nintendo of America, Inc. (“Nintendo”) jointly submit this Revised Joint Claim Construction and Prehearing Statement setting forth the parties’ proposed claim constructions of the terms of (i) United States Patent No. 5,999,084 (“the ’084 patent”); (ii) United States Patent No. 6,102,802 (“the ’802 patent”); (iii) United States Patent No. 6,135,886 (“the ’886 patent”); (iv) United States Patent No. 6,222,525 (the ’525 patent); (v) United States Patent No. 6,343,991 (“the ’991 patent”); and (vi) United States Patent No. 6,906,700 (“the ’700 patent”).

I. Reduction in the Number of Disputed Claim Terms, Phrases, or Clauses

The parties have reached a number of agreements to substantially reduce the number of disputed claim term groups to 24.

In particular, Microsoft and Anascape have agreed to stay the litigation with respect to three additional patents: the '271 patent, the '997 patent, and the '303 patent. An agreed motion to stay is being filed concurrently with this revised 4-3 statement.

II. Constructions of Claim Terms, Phrases, or Clauses on Which the Parties Agree

Anascape and Microsoft¹ agree that the following claim terms should be construed as set forth below.

A. U.S. Patent No. 6,102,802

CLAIM TERM, PHRASE, OR CLAUSE	AGREED CONSTRUCTION
means for outputting a signal to an image generation machine, said signal at least representational of said analog electrical outputs	<i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i>
means for outputting to an image generation machine a signal at least representational of said analog electrical output <i>Claims 1, 5, 9, 16</i>	outputting a signal to an image generation machine that is at least representational of the analog output <i>The parties agree that the structure is:</i> ASIC or micro-controller integrated circuitry, and equivalents thereof

B. U.S. Patent No. 6,343,991

CLAIM TERM, PHRASE, OR CLAUSE	AGREED CONSTRUCTION
pressure-sensitive buttons <i>Claims 1, 6</i>	a button operatively associated with a pressure-sensitive variable conductance sensor
means for reading a signal from said analog sensor <i>Claim 44</i>	<i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft agree that the function is:</i> reading a signal from the analog sensor <i>The parties agree that the structure is:</i> ASIC or micro-controller integrated circuitry, and equivalents thereof

¹ The '802 and '991 patents are not asserted against Nintendo. Anascape, Microsoft, and Nintendo are only providing proposed constructions concerning the asserted claims of the non-stayed patents.

CLAIM TERM, PHRASE, OR CLAUSE	AGREED CONSTRUCTION
<p>means for outputting information representing said signal</p> <p><i>Claim 44, 51</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>outputting information representing the signal</p> <p><i>The parties agree that the structure is:</i></p> <p>ASIC or micro-controller integrated circuitry, and equivalents thereof</p>

C. U.S. Patent No. 6,906,700

CLAIM TERM, PHRASE, OR CLAUSE	AGREED CONSTRUCTION
<p>[electromechanical tactile feedback structure providing vibration]; [active tactile feedback structure]</p> <p><i>Claims 26, 32, 33</i></p>	<p>Electro-mechanical structure that provides vibration to the user.</p>
<p>active tactile feedback vibration</p> <p><i>Claims 1, 2, 12</i></p>	<p>Vibration created by an electro-mechanical structure.</p>

At this time, the parties do not agree on the construction of any claim terms, phrases, or clauses of the '084, '802, '886, or '525 patents.

III. Proposed Constructions of Disputed Claim Terms, Phrases, or Clauses

The proposed constructions for each of the disputed claim terms, phrases, or clauses of the patents-in-suit are attached hereto as Exhibits 1 and 2. Exhibit 1 contains the disputed terms arising from the '084, '802, '886, and '991 patents, which are only asserted against Microsoft.² Exhibit 2 contains the disputed claim terms arising from the '525 and '700 patents, which are asserted against Microsoft and Nintendo. In both Exhibits 1 and 2, the parties have joined the disputed claim terms with a common issue into groups, such that the number of unique disputed

² Exhibit 1 also includes two terms, "pressure-sensitive variable sensor" and "pressure-sensitive . . . button sensor," from the '525 and '700 patents, which Anascape and Microsoft agree should be briefed and argued in conjunction with similar terms from the '084, '802, '886, and '991 patents. The claims of the '525 and '700 patents in which these claim terms appear are not asserted against Nintendo.

claim terms has been substantially reduced. Exhibits 1 and 2 also contain an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction of the claim or to oppose any other party's proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses

DATED: May 1, 2007.

Respectfully submitted,

McKOOL SMITH, P.C.

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

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: May 1, 2007.

Respectfully submitted,

/s/ Chris Carraway

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: May 1, 2007

Respectfully submitted,

/s/ James S. Blank (w/ permission by Chris Carraway)

Robert J. Gunther, Jr.

(robert.gunther@wilmerhale.com)

WILMER HALE

399 Park Avenue

New York, New York 10022

Tel.: (212) 230-8800

Fax: (212) 230-8888

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
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 1st day of May, 2007.

Chris Carraway

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