

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 1: “[ ] controller”

| CLAIM TERM, PHRASE, OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION <sup>1</sup>   |
|--|--|---|
| image controller<br><i>'525 patent: Claims 1, 5-6, 12-20</i>                   | <i>No construction is necessary. However, should the Court construe this term:</i><br><br>an input device interfacing between human hands and a graphic image display such as a computer, television, or television based electronic game  | A controller having a hand operable, single input member that is moveable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom (“6DOF”) relative to a reference member of the controller. |
| 3-D graphics controller<br><i>'700 patent: Claims 1-15, 32-33</i>              | <i>No construction is necessary. However, should the Court construe this term:</i><br><br>a controller for controlling 3-D graphics<br><br><u>controller</u> : an input device interfacing between human hands and a host device such as a computer, television, or television based game<br><br><u>3-D graphics</u> : imagery with apparent depth | A controller having a hand operable, single input member that is moveable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom (“6DOF”) relative to a reference member of the controller. |
| hand operated controller<br><i>'700 patent: Claims 19-20, 22-23, 26-29, 31</i> | <i>No construction is necessary. However, should the Court construe this term:</i><br><br>an input device interfacing between human hands and a  | A controller having a hand operable, single input member that is moveable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom (“6  |

<sup>1</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, Nintendo and Microsoft reserve the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein Nintendo and Microsoft are not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. Nintendo and Microsoft reserve the right to rely on any other part or all of the specification and prosecution history. Nintendo and Microsoft also incorporate by reference all intrinsic evidence identified by either of them for similar or related terms. Nintendo and Microsoft incorporate by reference all intrinsic and extrinsic evidence identified for similar or related terms having similar or related constructions whether in the patent at issue or in another asserted patent. For any claim terms that are to be construed, Nintendo and Microsoft reserve the right to utilize the language of the claims as a whole to assist in providing meaning to the claim term. For the file histories cited throughout this disclosure, Nintendo and Microsoft reserve the right to rely on the entire paper cited, regardless of any specific exemplary pages listed.

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

| CLAIM TERM, PHRASE, OR CLAUSE | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION <sup>1</sup>   |
|-------------------------------|---|---|
|                               | host device such as a computer or television or television based game   | DOF”) relative to a reference member of the controller.   |
|                               | <p><i>See, e.g.</i>, ’525 patent at Abstract, 1:14-8:62, 17:25-18:25 and accompanying figures (and corresponding disclosure in the ’700 patent); ’700 patent at Abstract, 1:22-5:58; ’700 patent file history, March 11, 2003 Amendment at 23-24; Oct. 25, 2002 Amendment at 10-11.</p> | <p><b>Image controller:</b></p> <p>’525 patent, Abstract, lines 1-4</p> <p>’525 patent, Figures 1-50; additional set of Figures 1-58 submitted in ’525 file history; reduction to practice (“RTP”) figures and photographs contained in ’525 file history; and claims as originally filed in ’525 application; Field of the Invention: Col. 1, lines 14-21; Col. 1, lines 23-27; Col. 1, lines 36-46; Col. 1, line 61 – Col. 2, line 11; Col. 3, lines 16-21; Col. 3, lines 25-50; Col. 3, line 63 – Col. 4, line 7; Col. 4, lines 24-34; Col. 3, lines 50-55; Col. 4, lines 55-67; Col. 5, lines 1-14; Col. 5, line 56 – Col. 6, line 3; Col. 7, lines 4-31; Col. 7, lines 47-62; Col. 8, lines 3-6; Col. 8, lines 11-13; Col. 8, lines 18-21; Col. 8, lines 49-59; Col. 9, lines 14-19; Col. 11, lines 19-25; Col. 13, lines 27-30; Col. 18, lines 45-57; Col. 19, lines 1-7; Col. 21, line 56 to Col. 22, line 34; Col. 26, lines 39-42; Col. 32, lines 35-45.</p> <p>’828 Patent file history, Applicant’s January 11, 1996 Response to Final Office Action (Paper 22), e.g., pgs. 5, 32-33, 41, 47.</p> <p>’891 Patent file history, Original Application (Paper 1), e.g., pgs. 2-4; Applicant’s March 5, 1996 Request for Reconsideration (Paper 8), e.g., pg. 5.</p> <p>“Disclosure of Inventions” by Brad Armstrong, dated 11/22/95 (’525 Application file history)</p> <p><b>3-D graphics controller:</b></p> <p>See all intrinsic evidence for “image controller” above, as well as all corresponding sections in ’700 specification.</p> <p>’525 patent, Col. 1, line 61 – Col. 2, line 2; Col. 3, lines</p> |

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| CLAIM TERM, PHRASE, OR CLAUSE | ANASCAPE'S PROPOSED CONSTRUCTION | MICROSOFT'S AND NINTENDO'S PROPOSED CONSTRUCTION <sup>1</sup>  |
|-------------------------------|----------------------------------|--|
|                               |                                  | <p>25-36; Col. 4, lines 24-30; Col. 4, lines 55-67; Col. 5, lines 1-14; Col. 3, line 63 – Col. 4, line 7; Col. 5, line 56 – Col. 6, line 3; Col. 7, lines 4-9; Col. 8, lines 49-59; Col. 11, lines 19-25; Col. 18, lines 45-57; Col. 19, lines 1-7.</p> <p>'700 Patent, Title of the Invention, Col. 1, line 1; Figures 1-50; Col. 1, lines 6-8; Col. 1, lines 17-19; Col. 1, lines 53-54; Col. 2, lines 17--51; Col. 3, lines 26-40; Col. 5, lines 11-22; Col. 5, lines 44-54; Col. 6, lines 10-15; Col. 6, lines 43-44; Col. 6, lines 54-58; Col. 7, lines 9-12; Col. 7, lines 17-20; Col. 8, lines 15-21; Col. 8, lines 25-39; Col. 14, lines 14-20; Col. 15, lines 38-41; Col. 15, lines 43-55; Col. 15, lines 58-65; Col. 15, line 66 – Col. 16, line 5; Col. 16, lines 9-16; Col. 17, lines 40-49; Col. 18, line 53 to Col. 19, line 33; Col. 20, lines 16 – 25; all descriptions relating to Figures 20-28; Col. 24, lines 40-51; Col. 25, lines 33-36; Col. 27, lines 23-31; Col. 28, lines 9-18; Col. 29, lines 33-42.</p> <p>'700 patent file history, Page 1 of '532 application as originally filed (Paper 1); Applicant's July 15, 2002 Preliminary Amendment (Paper 5, entire paper); Applicant's October 25, 2002 Preliminary Amendment (Paper 7, entire paper); December 17, 2002 Notice of Allowability (Paper 8, entire paper), e.g., pg. 4; Applicant's March 11, 2003 Amendment (Paper 9 1/2, entire paper); May 4, 2004 Office Action (Paper 16, entire paper); Applicant's June 14, 2004 Amendment (Paper 18, entire paper).</p> <p>'828 Patent file history, Applicant's January 11, 1996 Response to Final Office Action (Paper 22), e.g., pgs. 5, 32-33, 41, 47.</p> <p>'891 Patent file history, Original Application (Paper 1), e.g., pgs. 2-4; Applicant's March 5, 1996 Request for Reconsideration (Paper 8), e.g., pg. 5.</p> |

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| CLAIM TERM, PHRASE,<br>OR CLAUSE | ANASCAPE'S PROPOSED CONSTRUCTION | MICROSOFT'S AND NINTENDO'S<br>PROPOSED CONSTRUCTION <sup>1</sup>  |
|----------------------------------|----------------------------------|---|
|                                  |                                  | <b>Hand-operated controller:</b><br><br>See all intrinsic evidence for “3-D graphics controller”<br>and “image controller” above. |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 2: “input member . . .,” “[] element,” “[] proportional sensor,” and “rotary potentiometer”

| CLAIM TERM, PHRASE, OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION  |
|---|--|---|
| input member<br><i>'525 patent: Claims 1, 5, 12</i>   | a trackball or a joystick  | A hand operable, single trackball or handle fit to be manipulated by a human hand in 6DOF.  |
| a first [second] [third] element<br><i>'700 patent: Claims 1, 3, 5, 6, 9, 12-13, 15, 32</i>         | <i>No construction is necessary. However, should the Court construe this term:</i><br>a first [second] [third] structure, member, part, component or combination of the same   | The first, second and third elements are controlled by a hand operable, single input member moveable in 6DOF  |
| a [first, second, third, fourth] rotary potentiometer<br><i>'700 patent: Claim 9</i>                | <i>No construction is necessary. However, should the Court construe this term:</i><br>a [first, second, third, fourth] resistive element with a rotating element that varies electrical flow due to positional changes | Microsoft’s proposed construction: <sup>2</sup><br>The first element, and the first, second, third and fourth rotary potentiometers are controlled or activated by a hand operable, single input member moveable in 6DOF. |
| a first element<br><i>'700 patent: Claim 14</i>   | <i>No construction is necessary. However, should the Court construe this term:</i><br>a structure, member, part, component or combination of the same  | The first element and the first, second, third and fourth bi-directional proportional sensors are controlled or activated by a hand operable, single input member moveable in 6DOF.                                       |
| a [first, second, third, fourth] bi-directional proportional sensor<br><i>'700 patent: Claim 14</i> | a [first, second, third, fourth] sensor that produces signals representative of change in two directions of the same axis (e.g. left and right)  | See “first element,” above.   |
| [structure]; [second] [third] element   | <i>No construction is necessary. However, should the Court construe this term:</i>   | The structure, and the second and third elements are controlled by a hand operable, single input member   |

<sup>2</sup> Nintendo has not proposed a construction for this phrase since it appears in a claim not asserted against Nintendo.

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| CLAIM TERM, PHRASE,<br>OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S AND NINTENDO’S<br>PROPOSED CONSTRUCTION   |
|-----------------------------------|---|---|
| <i>'700 patent: Claims 19, 26</i> | a [second] [third] structure, member, part, component or combination of the same  | moveable in 6DOF.   |
|                                   | <i>See, e.g., '525 patent at Abstract, 1:14-8:62, 11:13-18:25, 31:44-47, 23:38-26:59 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24.</i> | <p>See all intrinsic evidence for “3-D graphics controller” and “image controller,” above.</p> <p>'525 patent, Abstract; Col. 4, lines 24-27; Col. 4, lines 50-67; Col. 5, lines 1-14; Col. 11, lines 19-28; Col. 11, lines 49-63; Col. 12, lines 44-58; Col. 13, lines 8-46; Col. 11, lines 29-34; Col. 7, lines 4-14; Col. 7, lines 15-22; Col. 7, lines 23-30; Col. 8, lines 49-59; Col. 6, lines 58-64; Col. 14, line 14 – Col. 15, line 21; Col. 24, lines 9-19; Col. 24, lines 20-36.</p> <p>'828 Patent file history, Original Application (Paper 1), e.g., pgs. 14-15, 19-21; Applicant’s June 3, 1994 Amendment (Paper 6), e.g., pgs. 3-4, 12, 14-15; Applicant’s January 11, 1996 Response to Final Office Action (Paper 22), e.g., pgs. 36, 43-44.</p> <p>'891 Patent file history, Original Application (Paper 1), e.g., pgs. 3-6, 11-12, 14, 27 (Claim 9); March 5, 1996 Request for Reconsideration (Paper 8), e.g., pg. 3.</p> |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 3: “moveable on [] two [] axes”

| CLAIM TERM, PHRASE, OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION   |
|--|--|--|
| moveable on two axes<br>’700 patent: Claim 14                            | <i>No construction is necessary.</i>   | Capable of linear movement along two axes relative to a reference member of the controller.  |
| moveable on at least two axes<br>’525 patent: Claims 1, 5, 12            | <i>No construction is necessary.</i>   | Capable of linear movement along at least two axes relative to a reference member of the controller.   |
| movable on two mutually perpendicular axes<br>’700 patent: Claims 19, 26 | <i>No construction is necessary. However, should the Court construe this term:</i><br><br>moveable on two axes that are perpendicular to one another   | Capable of linear movement along two mutually perpendicular axes relative to a reference member of the controller.   |
|  | <i>See, e.g., ’525 patent at Abstract, 1:14-8:62, 9:14-20, 11:13-28, 12:59-13:46, 17:20-24, 18:45-20:17, 23:38-26:59, 23:38-26:59 and accompanying figures (and corresponding disclosure in the ’700 patent); ’700 patent at Abstract, 1:22-5:58; ’700 patent file history, March 11, 2003 Amendment at 23-24.</i> | See all intrinsic evidence for "3-D graphics controller" and “image controller” above<br><br>’525 patent, Figs. 1-4, 7, 10, 21; Abstract; Col. 4, lines 24-27; Col. 4, lines 50-67; Col. 5, lines 1-14; Col. 6, lines 58-64; Col. 7, lines 4-30; Col. 8, lines 49-59; Col. 11, lines 19-34; Col. 11, lines 49-63; Col. 12, lines 44-58; Col. 13, lines 8-46; Col. 14, line 14 – Col. 15, line 21; Col. 24, lines 9-36.<br><br>’700 patent:<br><br>In addition to the specific references below, see all references for “movable on at least two axes,” as well as all corresponding sections in ’700 patent specification.<br><br>’700 patent, Figs. 1-4, 7, 10, 21; Col. 2, lines 18-36; Col. 4, lines 29-34; Col. 5, lines 44-54; Col. 8, lines 15-30; Col. 8, lines 45-67; Col. 9, lines 40-54; Col. 10, lines 4-42; Col. 11, line 10 – Col. 12, line 17; Col. 21, lines 7-34.<br><br>’828 patent file history, Original Application (Paper 1), |

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| CLAIM TERM, PHRASE, OR CLAUSE | ANASCAPE'S PROPOSED CONSTRUCTION | MICROSOFT'S AND NINTENDO'S PROPOSED CONSTRUCTION  |
|-------------------------------|----------------------------------|---|
|                               |                                  | <p>Figs. 1-2, 9, e.g., pgs. 14-15, 19-21; Applicant's June 3, 1994 Amendment (Paper 6), e.g., pgs. 3-4, 12, 14-15; Applicant's January 11, 1996 Response to Final Office Action (Paper 22), e.g., pgs. 36, 43-44.</p> <p>'891 patent file history, Original Application (Paper 1), Figs. 2-3, 7, e.g., pgs. 3-6, 11-12, 14, 27 (Claim 9); March 5, 1996 Request for Reconsideration (Paper 8), e.g., pg. 3.</p> |



## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 4: “flexible membrane sheet”

| CLAIM TERM, PHRASE, OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION  |
|--|--|---|
| flexible membrane sheet<br><i>'525 patent: Claims 1, 5, 12, 19</i><br><i>'700 patent: Claims 1, 3, 5, 6, 9, 26</i> | a flexible sheet that includes sensors and/or circuitry  | A flexible sheet which includes sensors and conductive traces.  |
|  | <i>See, e.g., '525 patent at Abstract, 1:14-8:62, 12:5-58, 19:19-20:17, 21:33-27:52, 28:38-32:45 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58.</i> | See all other intrinsic evidence identified herein<br><br><i>'525 patent, Title of Invention; Abstract; Figures 1-50; Col. 2, lines 16-41; Col. 2, lines 61-66 – Col. 3, line 7; Col. 3, lines 26-29; Col. 5, lines 34-39; Col. 5, line 44 – Col. 6, line 3; Col. 6, lines 20-49; Col. 7, line 50 - Col. 8, line 24; Col. 8, lines 44-48; Col. 12, lines 12-14; Col. 19, lines 11-18. Col. 20, lines 8-17; Col. 22, line 35 – Col. 23, line 10; Col. 24, lines 46-56; Col. 25, lines 11-26; Col. 26, lines 11-29; Col. 26, lines 43-59; Col. 28, lines 38-57.</i><br><br><i>'700 patent, Col. 3, lines 4-9; Col. 3, lines 32-40; Col. 3, line 61 – Col. 4, line 19; Col. 4, lines 34-54; Col. 16, lines 9-16.</i><br><br><i>'700 patent file history, Applicant’s December 4, 2003 Information Disclosure Statement (Paper 13), e.g., pgs. 3, 6-8; Examiner’s December 17, 2002 Notice of Allowability (Paper 8), e.g., pg. 2.</i><br><br>See all corresponding sections in '700 specification. |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 5: “at least one sheet”

| CLAIM TERM, PHRASE, OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION   |
|--|--|--|
| at least one sheet<br><i>'525 patent: Claims 1, 5, 12, 19</i>                    | one or more circuit boards, flexible membrane sheets, or rigid membrane support structures connected together  | at least one flexible membrane sheet   |
| at least one sheet<br><i>'700 patent: Claims 1, 3, 5, 6, 8, 9, 10, 20 and 26</i> | <i>See '525 patent, “at least one sheet,” above.</i>   | Microsoft’s Proposed Construction <sup>3</sup><br>at least one flexible membrane sheet   |
|  | <i>See, e.g., '525 patent at Abstract, 1:14-8:62, 12:5-58, 19:19-20:17, 21:33-27:52, 28:38-32:45 and accompanying figures (and corresponding disclosure in the '700 patent); '525 patent file history, July 7, 1998 Response at 8; '700 patent at Abstract, 1:22-5:58.</i> | <i>See all intrinsic evidence for “flexible membrane sheet,” above.</i><br>See all other intrinsic evidence identified herein.<br><i>'525 patent, Figs. 1-50; Col. 19, lines 11-18.</i><br><i>'525 patent file history, July 31, 2000 Interview Summary (Paper 14), Continuation Sheet; All Remarks in August 4, 2000 "CPA in Response to Outstanding Office Action of 3/13/00 (Paper 17); August 29, 2000 Office Action (Paper 20), e.g., pg. 6; Amendment dated 9/7/00 (Paper 21).</i> |

<sup>3</sup> Nintendo has not proposed a construction for this phrase in the '700 patent.

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 6: “said at least one sheet comprises a flexible membrane sheet connected . . .”

| CLAIM TERM, PHRASE, OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S PROPOSED CONSTRUCTION  |
|---|---|--|
| <p>said at least one sheet comprises a flexible membrane sheet connected to a [rigid circuit board] [second sheet]</p> <p><i>'525 patent: Claims 1, 5, 19</i></p> <p>a circuit board sheet connected to a flexible membrane sheet</p> <p><i>'700 patent: Claims 1, 3, 5, 6, 9, 26</i></p> | <p><i>See construction of “flexible membrane sheet” and “at least one sheet.” No further construction is necessary.</i></p> | <p>The flexible membrane sheet (see “flexible membrane sheet,” above) is attached to a [rigid circuit board][rigid circuit board or flexible membrane sheet] by electrically conductive traces (e.g., a membrane “tail”) which structurally and electrically connect the flexible membrane sheet to the [rigid circuit board][rigid circuit board or flexible membrane sheet].</p> |
|   |   | <p>See “flexible membrane sheet,” above.</p> <p>See all other intrinsic evidence identified herein.</p> <p><i>'525 patent, Col. 26, lines 43-50.</i></p> <p><i>'700 patent, Figs. 20-31; Col. 23, lines 42-49.</i></p>   |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 7: “[the sensors are] connected [to] [by] at least one sheet...”

| CLAIM TERM, PHRASE,<br>OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S PROPOSED CONSTRUCTION  |
|--|---|--|
| <p>[the sensors are] connected [to] [by] at least one sheet...</p> <p><i>’700 patent: Claims 1, 3, 5, 6, 8, 9, 10, 20, 26</i></p> <p>at least one sheet...connecting...to the sensors</p> <p><i>’525 patent: Claims 1, 5, and 12</i></p> | <p><i>See ’525 patent, “at least one sheet,” above. No further construction is necessary.</i></p> | <p>The at least one sheet is the flexible membrane sheet (see “at least one sheet,” “flexible membrane sheet,” above). The electrically conductive circuit traces on the flexible membrane sheet contact the sensors of both the six degree of freedom (“6DOF”) hand operated single input member (see “3-D graphics controller,” above) and the buttons.</p>  |
|  |   | <p>See “at least one sheet,” above.</p> <p>See “flexible membrane sheet,” above.</p> <p>See “3-D graphics controller,” above.</p> <p><i>’525 patent, Col. 19, lines 11-18.</i></p> <p><i>’525 patent file history, Original Application (Paper 1), Fig. 18; July 31, 2000 Interview Summary (Paper 14), Continuation Sheet; August 29, 2000 Office Action (Paper 20), e.g., pg. 6.</i></p> <p><i>’700 patent file history, December 17, 2002 Notice of Allowability (Paper 8), e.g., pgs. 5-6.</i></p> |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM 8: “ . . . electrically conductive traces . . . ”

| CLAIM TERM, PHRASE, OR CLAUSE  | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTIONS  |
|--|---|--|
| <p>[electrically conductive traces located on said at least one sheet]; [said at least one sheet includes electrically conductive traces, said traces engaging the sensors]</p> <p><i>’525 patent: Claims 1, 5</i></p> | <p><i>electrically conductive traces</i>: fixed-place electrical conductors on or within a circuit board or flexible membrane</p> <p><i>See construction of “at least one sheet.” No further construction is necessary.</i></p> | <p><b><i>Microsoft’s Proposed Construction:</i></b></p> <p>Electrically conductive circuit traces on the at least one sheet (see “at least one sheet,” above) contact the sensors of both the six degree of freedom (“6 DOF”) hand operable, single input member and the finger depressible buttons.</p> <p>-----</p> <p><b><i>Nintendo’s Proposed Construction:</i></b></p> <p><b>electrically conductive traces, said traces engaging the sensors:</b> conductive ink traces, said conductive ink traces contacting the sensors on the sheet</p> |
|  | <p><i>See, e.g., ’525 patent at Abstract, 1:14-8:62, 12:5-58, 21:33-55, 28:38-32:45 and accompanying figures.</i></p>   | <p>See all intrinsic evidence for “flexible membrane sheet” and “at least one sheet” above.</p> <p><i>’525 patent, Figs. 18 and 29; Col. 2, lines 16-42; Col. 2, lines 48-60; Col. 2 line 61 to Col. 3, line 7; Col. 5, lines 14-24; Col. 5, lines 26-42; Col. 5, line 62 to Col. 6, line 8; Col. 6, lines 9-49.</i></p> <p><i>’525 patent file history, July 31, 2000 Interview Summary (Paper 14), Continuation Sheet; August 29, 2000 Office Action (Paper 20), e.g., pg. 6; Amendment dated 9/7/00 (Paper 21).</i></p>                         |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 9: “tactile feedback means for providing vibration”

| CLAIM TERM, PHRASE, OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S PROPOSED CONSTRUCTION   |
|---|--|---|
| <p>tactile feedback means for providing vibration</p> <p><i>'700 patent: Claim 3, 4, 19, 25</i></p> | <p><i>This term is not governed by 35 U.S.C. §112(6) and should be construed as:</i></p> <p>a motor and offset weight or a dome-cap providing mechanical vibration</p> <p><i>However, should the Court decide that the term “tactile feedback means for providing vibration” is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>a motor and offset weight or a dome-cap and equivalents thereof</p> | <p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: Providing electro-mechanically created vibration to the user.</p> <p>Structure: Motor having a shaft with an offset weight, and equivalents thereof</p>  |
|   | <p><i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26,30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i></p>          | <p><i>'700 patent, Abstract; Col. 2, lines 1-6; Col. 5, lines 12-29; Col. 20, lines 45-47; Col. 10, line 65 –Col. 11, line 9; Col. 17, lines 16-39; Col. 19, line 58 – Col. 20, line 5; Col. 21, lines 35-44; Col. 25, lines 10-15; Col. 25, lines 32-36; Col. 26, lines 4-25; Col. 27, lines 31-38; Col. 37, line 55 – Col. 38, line 13.</i></p> <p><i>'700 patent file history, Applicant’s June 4, 2003 Amendment (Paper 12), e.g., pgs. 5-22; Applicant’s December 4, 2003 Information Disclosure Statement (Paper 13), e.g., p. 9.</i></p> |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 10: “tactile feedback vibration in the controller”

| CLAIM TERM, PHRASE, OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION   | MICROSOFT’S PROPOSED CONSTRUCTION   |
|---|--|---|
| tactile feedback vibration in the controller<br><i>'700 patent: Claim 6, 7, 9, 11</i> | a motor and offset weight or a dome-cap providing mechanical vibration   | Vibration created by an electro-mechanical structure.   |
|   | <i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26,30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i> | '700 patent, Abstract; Col. 2, lines 1-6; Col. 5, lines 12-29; Col. 20, lines 45-47; Col. 10, line 65 –Col. 11, line 9; Col. 17, lines 16-39; Col. 19, line 58 – Col. 20, line 5; Col. 21, lines 35-44; Col. 25, lines 10-15; Col. 25, lines 32-36; Col. 26, lines 4-25; Col. 27, lines 31-38; Col. 37, lines 55 – Col. 38, line 13.<br><br>'700 patent file history, Applicant’s June 4, 2003 Amendment (Paper 12), e.g., pgs. 5-22; Applicant’s December 4, 2003 Information Disclosure Statement (Paper 13), e.g., p. 9. |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 11: “detectable by the user”

| CLAIM TERM, PHRASE, OR CLAUSE   | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S PROPOSED CONSTRUCTION |
|---|---|-----------------------------------|
| detectable by the user<br><i>'700 patent: Claims 1, 3, 6, 9, 12, 15, 19, 26</i> | <i>No construction is necessary. However, should the Court construe this term:</i><br>transmitted to the user's hand  | Indefinite.                       |
|   | <i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26, 30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i> |                                   |



## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 12: “navigating a viewpoint”

| CLAIM TERM, PHRASE, OR CLAUSE                               | ANASCAPE’S PROPOSED CONSTRUCTION  | MICROSOFT’S AND NINTENDO’S PROPOSED CONSTRUCTION   |
|---|---|--|
| navigating a viewpoint<br><i>'700 patent: Claims 19, 26</i> | <i>No construction is necessary. However, should the Court construe this term:</i><br>controlling the user’s point of view in 3-D graphics  | Positioning and orienting a user’s view, as opposed to controlling an object.  |
|   | <i>See, e.g., '525 patent at Abstract, 1:14-8:62 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; March 11, 2003 Amendment at 23-24; Oct. 25, 2002 Amendment at 10-11.</i> | <i>'700 patent, Col. 1, lines 61-67; Col. 2, lines 11-19; Claim 19, Col. 37, lines 15-36; Claim 26, Col. 37, line 55 – Col. 38, line 13.</i> |

## EXHIBIT 2 – MICROSOFT & NINTENDO PATENTS

### DISPUTED TERM GROUP 13: “economical combination of elements”

| CLAIM TERM, PHRASE,<br>OR CLAUSE                                   | ANASCAPE’S PROPOSED CONSTRUCTION     | MICROSOFT’S PROPOSED CONSTRUCTION |
|--|--------------------------------------|-----------------------------------|
| economical combination of elements<br><i>'700 patent: Claim 32</i> | <i>No construction is necessary.</i> | Indefinite                        |