

# EXHIBIT 3

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

ANASCAPE, LTD., )  
)  
Plaintiff, )  
) CIVIL ACTION NO.  
) 9:06-CV-00158-RC  
VS. )  
) Hon. Ronald Clark  
MICROSOFT CORP. and )  
NINTENDO OF AMERICA, INC., )  
)  
Defendants. )

VIDEOTAPED ORAL DEPOSITION OF BRAD A.  
ARMSTRONG, produced as a witness at the instance of  
the DEFENDANTS, and duly sworn, was taken in the  
above-styled and numbered cause on the 19th, day of  
April 2007, from 9:54 a.m. to 4:00 p.m., before Dawn  
M. Green, CSR in and for the State of Texas,  
reported by machine shorthand, at Parker, Bunt &  
Ainsworth pursuant to the Federal Rules of Civil  
Procedure.

ELLEN GRAUER COURT REPORTING CO. LLC  
126 East 56th Street, Fifth Floor  
New York, New York  
212-750-6434  
Ref: 83961

1 ARMSTRONG

2 A. Yes.

3 Q. Okay. So you say in -- in -- in Column 2  
4 of the '700, you say for converting up  
5 to -- sorry. "Providing up to six degrees of  
6 freedom in preferred embodiments," flipping  
7 back to the similar text in Column 4 of the  
8 '525, you say "six degree of freedom  
9 controllers." It doesn't say -- the "up to"  
10 language was added in the '700, correct?

11 A. Okay.

12 Q. Am I right?

13 A. It appears so.

14 Q. Okay. Why did you make that change?

15 A. I -- I believe it was just more clear.

16 Q. Okay. Were you attempting to broaden the  
17 specification in any way?

18 A. No.

19 Q. Okay. Were you attempting to broaden the  
20 coverage of the patent in any way?

21 A. No.

22 Q. Did you add the words "up to 6" -- up to"  
23 before six degrees of freedom? Can you  
24 remember anything more specific about why you  
25 added that other than to make it more clear?

1 ARMSTRONG

2 degree of freedom controllers to 3-D graphic  
3 image controllers was a broadening of the  
4 definition of six degree of freedom  
5 controllers?

6 A. I don't think I ever disputed that with  
7 him. I can't remember having done that.

8 Q. Okay. But you believe he was mistaken  
9 when he made that statement?

10 A. Yes.

11 Q. Because you don't think that changing six  
12 degree of freedom controllers, that language to  
13 3-D graphic image controllers, broadens the  
14 definition in any way. You think it keeps it  
15 exactly the same in terms of scope, correct?

16 A. Yes.

17 Q. That's your testimony?

18 A. I think it clarifies, yeah.

19 Q. And it -- and it doesn't broaden it  
20 in --

21 A. It does not broaden the scope.

22 Q. -- any way?

23 Okay. What would happen if it  
24 did broaden the scope, based on your  
25 understanding of patent prosecution practice?