United States District Court,
E.D. Texas, Lufkin Division.

ANASCAPE, LTD,
Plaintiff.
v.
MICROSOFT CORP., and Nintendo of America, Inc,
Defendant.

Civil Action No. 9:06-CV-158

Feb. 4, 2008.

Douglas A. Cawley, Anthony Matthew Garza, Christopher Thor Bovenkamp, Jamie Mozola Shouse, Jason Dodd Cassady, Steven Chase Callahan, Theodore Stevenson, III, McKool Smith, Dallas, TX, Luke Fleming McLeroy, Ericsson Inc., Plano, TX, Samuel Franklin Baxter, McKool Smith, Marshall, TX, Charles Ainsworth, Robert Christopher Bunt, Robert M. Parker, Parker Bunt & Ainsworth, Tyler, TX, for Plaintiff.

J. Christopher Carraway, Derrick W. Toddy, Jared S. Goff, John D. Vandenberg, Joseph T. Jakubek, Richard David McLeod, Stephen J. Joncus, Klarquist Sparkman LLP, Portland, OR, Clayton Edward Dark, Jr., Attorney at Law, Lufkin, TX, J. Thad Heartfield, The Heartfield Law Firm, Lawrence Louis Germer, Charles W. Goehringer, Jr., Germer Gertz, Beaumont, TX, Stephen P. McGrath, Microsoft Corporation, Redmond, WA, James S. Blank, Kaye Scholer, Robert J. Gunther, Jr., Wilmer Cutler Pickering Hale & Dorr, New York, NY, Joseph S. Presta, Robert W. Faris, Nixon & Vanderhye PC, Arlington, VA, for Defendant.

ORDER ON AGREED CLAIM TERMS

RON CLARK**, District Judge.**

Plaintiff Anascape, Ltd. ("Anascape") filed suit against Defendants Microsoft Corporation ("Microsoft") and Nintendo of America, Inc. ("Nintendo") and Microsoft claiming infringement of U.S. Patent Nos. 6,222,525 ("the '525 patent") and 6,906,700 ("the '700 patent"). FN1 These patents will be collectively known as the Microsoft & Nintendo-Accused Patents.

FN1. Anascape also filed suit against Microsoft and Nintendo alleging infringement of U.S. Patent Nos. 6,344,791 ("the '791 patent"), 6,352,205 ("the '205 patent"), and 6,563,415 ("the '415 patent"). On February 23, 2007, the court granted stay pending reexamination before the U.S. Patent and Trademark Office ("PTO") as to the '791, '205 and '415 patents.

The court conducted a *Markman* hearing on September 19, 2007 to assist the court in interpreting the meaning of the claim terms of the Microsoft & Nintendo-Accused Patents in dispute. The definitions agreed

upon comport with the meaning of the terms as they are used in the claims, the specification, the prosecution history, and any applicable extrinsic evidence. Therefore, these terms will be defined as follows:

I. Claim Terms

1. "[electromechanical tactile feedback structure providing vibration] [active tactile feedback structure]." Used in '700 patent, Claims 26, 32 and 33.
means: "electro-mechanical structure that provides vibration to the user."

2. "active tactile feedback vibration." Used in '700 patent, Claims 1, 2 and 12. means: "vibration created by an electro-mechanical structure."

II. Conclusion

The jury shall be instructed in accordance with the court's interpretations of the disputed claim terms in the '525 and '700 patents.

So **ORDERED.**

E.D.Tex.,2008.
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