

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

ANASCAPE, LTD.

Plaintiff,

v.

MICROSOFT CORPORATION, and
NINTENDO OF AMERICA INC.,

Defendants.

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Hon. Ron Clark

Civil Action No. 9:06-CV-00158-RC

**DEFENDANT AND COUNTERCLAIMANT NINTENDO OF AMERICA INC.'S
NOTICE OF APPEAL**

Notice is hereby given that Defendant and Counterclaimant Nintendo of America Inc. ("Nintendo") in the above-captioned case hereby appeals to the United States Court of Appeals for the Federal Circuit from this Court's Final Judgment entered July 23, 2008 (D.I. 384), granting judgment in favor of the plaintiff, Anascape, Ltd. ("Anascape"), against Nintendo and, among things, permanently enjoining Nintendo (such injunction having been stayed pending appeal), and awarding Anascape damages in the amount of \$21,000,000 plus prejudgment interest in the amount of \$2,082,739.73. Nintendo also appeals from the Order entered July 18, 2008 (D.I. 380), denying Nintendo's motion for judgment as a matter of law or a new trial; all rulings made adverse to Nintendo during the July 18, 2008 hearing on post-trial motions; the Order entered June 26, 2008 (D.I. 354) denying Nintendo's motion for remittitur or a new trial; the decision stated on the record on May 14, 2008 which ruled in favor of Anascape on Nintendo's counterclaim of inequitable conduct; the Order entered March 27, 2008 (D.I. 242) denying Nintendo's motions for summary judgment and the Court's claim construction Orders entered February 4, 2008 (D.I. 186) and January 11, 2008 (D.I. 182). Nintendo also appeals

from all adverse orders, decisions and opinions of the Court in this matter entered prior or subsequent to the entry of the Final Judgment.

Dated: July 29, 2008

Respectfully submitted,

/s/ Lawrence L. Germer

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**Attorneys for Defendant and Counterclaimant
Nintendo of America Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July, 2008, a true and correct copy of the above document was filed with the Eastern District's CM/ECF system, and a copy was forwarded this date to all known attorneys of record.

/s/ Lawrence L. Germer

Lawrence L. Germer