

COPY

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9 Attorneys for Plaintiffs  
The Magnavox Company and  
10 Sanders Associates, Inc.

11  
12 UNITED STATES DISTRICT COURT FOR THE  
13 NORTHERN DISTRICT OF CALIFORNIA

14 THE MAGNAVOX COMPANY, a corporation,  
15 and SANDERS ASSOCIATES, INC.,  
16 a corporation,

17 Plaintiffs,

18 v.

19 ACTIVISION, INC., a corporation,

20 Defendant.

ORIGINAL  
FILED

APR 10 1985

WILLIAM L. WHITTAKER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*MJ*

No. C 82 5270 CAL

NOTICE OF APPLICATION  
TO CONTINUE TRIAL  
DATE \_\_\_\_\_

21 PLEASE TAKE NOTICE that on April 12, 1985 at 9:30 A.M.,  
22 or as soon thereafter as this matter may be heard, plaintiffs will  
23 seek an order from this Court pursuant to Local Rule 250-1 to

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25 / / /

NOTICE OF APPLICATION TO  
CONTINUE TRIAL DATE

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1 continue for nine days until May 1, 1985 the trial date in this  
2 action. Plaintiffs seek this order on the ground that its expert  
3 witness, and one of its principal witnesses, Dr. William B.  
4 Ribbens, is not available to testify until after May 1, 1985.  
5 Dr. Ribbens is a professor at the University of Michigan, Ann  
6 Arbor, Michigan; his commitments at the University in connection  
7 with the end of the spring term require that he be present in Ann  
8 Arbor through April 30. Plaintiffs have not previously troubled  
9 the Court with this motion because of their belief that they had  
10 reached an understanding to settle this action with the defendant,  
11 Activision, Inc. Recent events now cause plaintiffs to believe  
12 that this case will not be settled. Thus, plaintiffs file this  
13 motion to ensure that a principal witness will be available for  
14 trial.

15 A memorandum in support of this motion, an accompanying  
16 Declaration of James T. Williams, and a proposed order are being  
17 filed herewith.

18

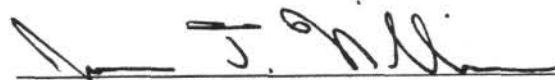
19 April 9, 1985

Respectfully submitted,

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22

  
\_\_\_\_\_  
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Attorneys for The Magnavox Company  
and Sanders Associates, Inc.

1 CERTIFICATE OF SERVICE BY MAIL

2 I, MARY A. BULLER, hereby certify under penalty of  
3 perjury that:

4 I am employed in the County of San Francisco, California.  
5 I am over the age of eighteen years and not a party to the within  
6 cause. My business address is Three Embarcadero Center, 28th Floor,  
7 San Francisco, California 94111.

8 On April 10, 1985, I served a copy of

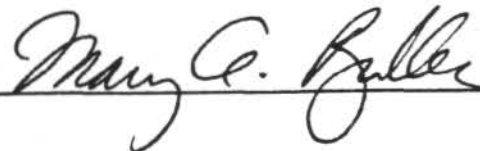
9 NOTICE OF APPLICATION TO CONTINUE TRIAL DATE;  
10 MEMORANDUM IN SUPPORT OF PLAINTIFFS' APPLICATION  
11 TO CONTINUE TRIAL DATE; DECLARATION OF JAMES T.  
12 WILLIAMS; AND (PROPOSED) ORDER TO CONTINUE TRIAL

13 upon the following named persons by causing envelopes to be  
14 addressed as follows, a copy of the document described above to be  
15 enclosed and sealed in them, and to have the envelopes deposited in  
16 the United States mail, with postage thereon fully prepaid, at San  
17 Francisco, California.

18 Martin R. Glick  
19 H. Joseph Escher III  
20 Marla J. Miller  
21 Howard, Rice, Nemerovski,  
22 Canady, Robertson & Falk  
23 Three Embarcadero Center, 7th Fl.  
24 San Francisco, CA 94111

Aldo J. Test  
Thomas O. Herbert  
Edward S. Wright  
Scott Hover-Smoot  
Flehr, Hohbach, Test,  
Albritton & Herbert  
Four Embarcadero Center,  
Suite 3400  
San Francisco, CA 94111

25 Executed on April 10, 1985 at San Francisco,  
26 California.

  
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