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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 HOWARD
17 RICE
18 NEMEROVSKI
19 CANADY
20 ROBERTSON
21 & FALK

A Professional Corporation

22 THE MAGNAVOX COMPANY, a corpora-)
23 tion, and SANDERS ASSOCIATES,)
24 INC., a corporation,)

No. C 82 5270 CAL

NOTICE OF APPEAL

25 Plaintiffs,)

26 vs.)

27 ACTIVISION, INC., a corporation,)

28 Defendant.)

29 AND RELATED CROSS-ACTION.)
30

31 Notice is hereby given that Defendant and Counterclaimant
32 Activision, Inc. hereby appeals to the United States Court of
33 Appeals for the Federal Circuit, pursuant to 28 U.S.C. Section
34 1292(c)(2) from the District Court's Judgment dated and entered
35 March 13, 1986, finding Plaintiffs and Counterdefendants' United
36 States Patent Re. 28,507 valid and infringed, which judgment is

1 final except for an accounting.

2 By Order dated May 6, 1986, a copy of which is attached,
3 the District Court entered an order disposing of Plaintiffs'
4 Motion for Amendment of Judgment.

5 DATED: May 12, 1986

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10 By M. R. Glick
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Counterclaimant Activision, Inc.

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9 Counterclaimant Activision, Inc.

FILED

MAY 6 1986

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

272

ENTERED IN CIVIL DOCKET 5-6 1986

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 HOWARD
13 RICE
14 NEMEROVSKI
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16 ROBERTSON
17 & FALK
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13 THE MAGNAVOX COMPANY, a corpora-)
14 tion, and SANDERS ASSOCIATES,)
15 INC., a corporation,)

15 Plaintiffs,)

16 vs.)

17 ACTIVISION, INC., a corporation,)

18 Defendant.)

19 AND RELATED CROSS-ACTION.)
20

No. C 82 5270 CAL

ORDER RE MAGNAVOX' MOTION
FOR RECONSIDERATION OF ORDER
RE FURTHER PROCEEDINGS AND
DENYING MOTION FOR AMENDMENT
OF JUDGMENT

21 Magnavox' Motion for Reconsideration of the Order Re
22 Further Proceedings of March 13, 1986 and Amendment of the Judgment
23 came on regularly for hearing on April 25, 1986, the parties appearing
24 through their attorneys of record. The Court having considered the
25 written and oral arguments submitted by the parties, and the oral
26 argument presented by the parties on the issue of injunctive relief

COPIES MAILED TO
FEDERAL BUREAU OF INVESTIGATION

1 on February 5, 1986, hereby finds and orders as follows:

2 1. The Court's Order Re Further Proceedings dated
3 March 13, 1986 shall be amended at Paragraph 3 to delete the final
4 sentence. Paragraph 3 of the Order Re Further Proceedings shall
5 thus be amended to read:

6 "Plaintiffs' request that injunctive relief be
7 included in the Judgment is denied. The issue of
8 injunctive relief was not squarely raised at
9 trial and the present record does not support the
10 necessity or appropriateness of injunctive relief."

11 2. Magnavox' Motion for Amendment of Judgment is denied.

12 3. This action is final except for the accounting and
13 award of damages.

14 DATED: May 6, 1986

HOWARD
RICE
NEMEROVSKI
CANADY
ROBERTSON
& FALK

A Professional Corporation

Charles A. Legge
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE BY HAND DELIVERY

I declare that I am employed in the County of San Francisco, California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is Three Embarcadero Center, Seventh Floor, San Francisco, California 94111.

On May 12, 1986, I caused to be hand served the following documents:

NOTICE OF APPEAL

on the following parties:

Robert L. Ebe, Esq.
McCutchen, Doyle, et al.
3 Embarcadero Center, 28th Fl.
San Francisco, CA 94111

I declare under penalty of perjury that the foregoing is true and correct and was executed at San Francisco, California on May 12, 1986.



CHERYL LEGER

HOWARD
RICE
NEMEROVSKI
CANADY
ROBERTSON
& FALK

A Professional Corporation

