United States Court of Appeals for the Nederal Circuit

THE MAGNAVOX COMPANY, ET AL.,

NO. 86-852

Plaintiffs-Appellees

vs.

ACTIVISION, INC.,

Defendant-Appellant

Judgment

ON APPEAL from the U.S. DISTRICT COURT OF CALIFORNIA, NORTHERN DISTRICT IN CASE NO(S). C-82-5270-CAL

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED: DISMISSED.

ENTERED BY ORDER OF THE COURT

DATED_April 24, 1986

FRANCIS X. GINDHART, CLERK

ISSUED AS A MANDATE: May 16, 1986

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MARTIN R. GLICK*
             H. JOSEPH ESCHER III
            MARLA J. MILLER
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               ROBERTSON & FALK
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            Attorneys for Defendant-Appellant
            Activision, Inc.
         10
                               UNITED STATES COURT OF APPEALS
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                                    FOR THE FEDERAL CIRCUIT
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NEMEROVSKI
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ROBERTSON
            THE MAGNAVOX COMPANY, a corpora-
                                                      No. 86-1263
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             tion, and SANDERS ASSOCIATES,
A Professional Corporation
             INC., a corporation,
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                       Plaintiffs-Appellees,
                                                       STATEMENT OF ISSUES
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                                                       ON APPEAL
                  VS.
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                                                       Fed. R. App. P. 10(b)
            ACTIVISION, INC., a corporation,
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                       Defendant-Appellant.
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                       Appellant Activision, Inc. sets forth the issues it
         22 | intends to present on appeal:
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                       1. Whether the District Court erred in holding that
            Activision did not sustain its burden of proving that any of
            claims 25, 26, 51, 52 or 60-61 of U.S. Patent Re. 28,507 ("the
             '507 patent") is invalid for obviousness under 35 U.S.C. Section
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- 2. Whether the District Court erred in construing the scope of claim 60 of the '507 patent;
- 3. Whether the District Court erred in construing the scope of claims 25, 26, 51, 52, 60 and 61 of the '507 patent with respect to Activision video games Fishing Derby and Stampede;
- 4. Whether the District Court erred in finding infringement by Activision of the '507 patent with respect to the claims at issue:
- 5. Whether the District Court erred by misapplying the standards of 35 U.S.C. Section 112 to the "means plus function" claims at issue;
- 6. Whether the District Court erred in its application of the doctrines of equivalents and reverse equivalents to the claims at issue;
- 7. Whether the District Court erred in finding contributory infringement in the sale of interchangeable Activision video game cartridges for use with master consoles manufactured

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HOWARD RICE **NEMEROVSKI** CANADY ROBERTSON

& FALK 14 A Professional Corporation

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RICE **NEMEROVSKI** and sold by other companies under licenses previously granted by Plaintiffs.

-DATED: May 22, 1986.

MARTIN R. GLICK* H. JOSEPH ESCHER III MARLA J. MILLER HOWARD, RICE, NEMEROVSKI, CANADY, ROBERTSON & FALK A Professional Corporation

MARTIN R. GLICK Attorneys for Defendant-Appellant ACTIVISION, INC.

*Counsel of Record

DECLARATION OF SERVICE

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, 7th Floor, San Francisco, CA 94111.

On May 22, 1986, I served the attached STATEMENT OF ISSUES ON APPEAL (Fed. R. App. P. 10(b)) by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid and depositing said envelope in a United States Mail Box in San Francisco, California, addressed as follows:

Theodore W. Anderson, Esq. Neuman, Williams, Anderson & Gibson 77 W. Washington Street Chicago, IL 60602

I declare under penalty of perjury that the foregoing is true and correct and was executed at San Francisco, California, on May 22, 1986.

Judy Scott

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