

1 PILLSBURY, MADISON & SUTRO  
2 ROBERT P. TAYLOR  
225 Bush Street  
3 Mailing Address P.O. Box 7880  
San Francisco, CA 94120  
Telephone: (415) 983-1000  
4  
5 NEUMAN, WILLIAMS, ANDERSON & OLSON  
THEODORE W. ANDERSON  
6 JAMES T. WILLIAMS  
77 West Washington Street  
Chicago, IL 60602  
7 Telephone: (312) 346-1200

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FILED  
MAR 1 1983  
WILLIAM L. WHITTAKER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

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United States District Court for the  
Northern District of California

THE MAGNAVOX COMPANY, a corporation,  
and SANDERS ASSOCIATES, INC., a  
corporation,  
Plaintiffs,  
vs.  
ACTIVISION, INC., a corporation,  
Defendant.

No. C 82 5270 TEH  
REPLY TO SECOND  
COUNTERCLAIM

Plaintiffs, THE MAGNAVOX COMPANY and SANDERS  
ASSOCIATES, INC., reply to the Second counterclaim of  
defendant, Activision, Inc., in the following, the numbered  
paragraphs hereof corresponding to the numbered paragraphs of  
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1 that counterclaim. Plaintiffs repeat and incorporate herein  
2 by reference their replies to paragraphs 13 through 28 of the  
3 "Answer and Counterclaims", those replies appearing in  
4 plaintiffs' "Reply to First and Third Counterclaims".

5 30. The allegations of paragraph 30 of the Second  
6 Counterclaim are admitted except that plaintiffs deny that the  
7 Second Counterclaim states a claim upon which relief can be  
8 granted and deny that this Court has jurisdiction over the  
9 subject matter of the Second Counterclaim.

10 31. Plaintiffs admit that in certain previous  
11 litigations of U.S. Patent Re. 28,507 wherein the Complaint was  
12 filed prior to June 27, 1977, plaintiffs have also asserted  
13 infringement of U.S. Patent 3,728,480, but plaintiffs deny  
14 that in all previous litigations of U.S. Patent Re. 28,507  
15 wherein the Complaint was filed prior to June 27, 1977  
16 plaintiffs have also asserted infringement of U.S. Patent  
17 3,728,480, deny that in any previous litigation of U.S. Patent  
18 Re. 28,507 wherein the Complaint was filed after June 27, 1977  
19 plaintiffs have also asserted infringement of U.S. Patent  
20 3,728,480, and otherwise deny each and every allegation of  
21 paragraph 31 of the Second Counterclaim.

22 32. Plaintiffs admit that some licenses they have  
23 granted under U.S. Patent Re. 28,507 also include a license  
24 under U.S. Patent 3,728,480, but plaintiffs otherwise deny  
25 each and every allegation of paragraph 32 of the Second  
26 Counterclaim.

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1           33. Plaintiffs admit that some claims of U.S.  
2 Patent 3,728,480 are broader in some respects than the  
3 claims of U.S. Patent Re. 28,507 insofar as they relate to  
4 home television games as opposed to coin operated television  
5 games and that U.S. Patent 3,728,480 has already been  
6 characterized by one judge as being the "pioneer" patent in  
7 the art; plaintiffs otherwise deny each and every allegation  
8 of paragraph 33 of the Second Counterclaim.

9           34. Plaintiffs deny each and every allegation of  
10 paragraph 34 of the Second Counterclaim.

11           35. Plaintiffs deny each and every allegation of  
12 paragraph 35 of the Second Counterclaim, and plaintiffs  
13 repeat, reallege, and incorporate herein by reference their  
14 replies to paragraphs 13 through 19 of the defendant's  
15 Answer with respect to U.S. Patent 3,728,480, which replies  
16 appear in paragraph 27 of plaintiffs' "Reply to First and  
17 Third Counterclaims."

18           36. Plaintiffs deny each and every allegation of  
19 paragraph 36 of the Second Counterclaim.

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21           W h e r e f o r e, plaintiffs pray as follows:

22           1. That defendant's Second Counterclaim be  
23 dismissed.

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