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MAY 11 1984

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RESPONSE DUE       

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

11 United States District Court For The  
12 Northern District Of California

13 THE MAGNAVOX COMPANY, a corporation, )  
14 and SANDERS ASSOCIATES, INC., )  
15 a corporation, )  
16 Plaintiffs, )  
17 v. )  
18 ACTIVISION, INC., a corporation, )  
19 Defendant. )

No. C 82 5270 JPV

PLAINTIFFS' SUPPLEMENTAL  
RESPONSE TO DEFENDANT'S  
INTERROGATORIES

20 Plaintiffs herewith supplement their responses to  
21 defendant's interrogatories 32-37, 39-41, 53, 65, 76-78, 84-87,  
22 101-116, 126-134, 138, 139, 154, 159-162, and 169-174. This  
23 supplementation is without waiver of any of the objections stated  
24 in plaintiff's initial responses to those interrogatories in  
25 "Plaintiffs' Response To Defendant's First Set of Interrogatories  
26  
27  
28

PLAINTIFFS' SUPPLEMENTAL  
RESPONSE TO DEFENDANT'S  
INTERROGATORIES

1                    RESPONSE:

2                    Yes.

3  
4                    INTERROGATORY NO. 116

5                    If the answer to INTERROGATORY NO. 115 is other than an  
6 unqualified negative, set forth in detail the reason(s) for such  
7 belief.

8  
9                    RESPONSE:

10                    During the prosecution of U.S. Patent 3,659,284,  
11 Examiner Trafton had clearly indicated his knowledge of the  
12 application which resulted in U.S. Patent 3,728,480; such  
13 applications were cited to him during the examination of the  
14 application leading to U.S. Patent 28.507. See plaintiffs  
15 response to at least interrogatories 101-104 and 175.

16  
17                    INTERROGATORY NO. 126

18                    For each combination of the games identified in response  
19 to Interrogatory No. 38 of Defendant's First Set of  
20 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
21 "Tennis" and "Ice Hockey") and the consoles identified in response  
22 to Interrogatory No. 50 of DEFENDANT'S FIRST SET OF  
23 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
24 the Sears Tele-Game Video Arcade, and the combination of the  
25 Colecovision game console and the Expansion Module 1) which  
26 plaintiffs contend constitutes an infringement of Claim 25 of the

1 United States Patent Re. 28,507, identify the elements which  
2 plaintiffs contend correspond to the following elements of the  
3 claim:

- 4 A. A hitting symbol;  
5 B. Means for generating a hitting symbol;  
6 C. A hit symbol;  
7 D. Means for generating a hit symbol;  
8 E. Coincidence between said hitting symbol and said  
9 hit symbol;  
10 F. Means for ascertaining coincidence between said  
11 hitting symbol and said hit symbol;  
12 G. A distinct motion imparted to said hit symbol upon  
13 coincidence; and  
14 H. Means for imparting a distinct motion to said hit  
15 symbol upon coincidence.

16  
17 RESPONSE:

18 Plaintiffs are at this time unable to supply all the  
19 information requested in Interrogatory 126. Plaintiffs have not  
20 completed their discovery as to the television game cartridges  
21 manufactured, used, and/or sold by Activision, and the television  
22 game consoles with which those cartridges are used, and are thus  
23 unable to fully state what contentions they will make at trial as  
24 to the subject matter of this interrogatory. Plaintiffs object to  
25 this interrogatory as premature.

1           However, in order to advance the progress of this  
2 action, plaintiffs further respond to interrogatory 126 as follows  
3 while reserving the right to alter, amend, supplement or change  
4 the response after discovery is completed and prior to trial.  
5 Each response refers to the combination of the indicated  
6 Activision television game cartridge and the Atari VCS Model 2600,  
7 the Sears Tele-Game Video Arcade, the Colecovision game console  
8 with the Coleco Expansion Module 1, or the Coleco Gemini  
9 television game console.

10           A.    Tennis: The player symbols under control of the  
11                   human players.

12                   Ice Hockey: The player symbols.

13                   Boxing: The boxer symbol under control of the  
14                   human player.

15                   Fishing Derby: The end of the fishing line symbols.

16           B.    Tennis, Ice Hockey, Boxing and Fishing Derby: At  
17                   least the Activision television game cartridge, the  
18                   joystick, the microprocessor, the peripheral  
19                   interface adapter, and the television interface  
20                   adapter.

21           C.    Tennis: The ball symbol.

22                   Ice Hockey: The puck symbol.

23                   Boxing: The boxer symbol under control of the  
24                   game.

25                   Fishing Derby: The fish symbols.

1 D. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
2 least the Activision television game cartridge, the  
3 television interface adapter, and the  
4 microprocessor.

5 E. Tennis: The coincidence between the human  
6 controlled player symbol and the ball symbol by  
7 which the player hits the ball.

8 Ice Hockey: The coincidence between the player  
9 symbol and the puck symbol by which the player  
10 intercepts the puck.

11 Boxing: The coincidence between the human  
12 controlled boxer symbol and the game controlled  
13 boxer symbol by which the human controlled boxer  
14 hits the game controlled boxer.

15 Fishing Derby: The coincidence between the fishing  
16 line symbol and the fish symbols by which the fish  
17 are caught.

18 F. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
19 least the Activision television game cartridge, the  
20 microprocessor, and perhaps the television  
21 interface adapter.

22 G. Tennis: The motion of the ball symbol following  
23 coincidence with the human controlled player  
24 symbol.

25 Ice Hockey: The motion of the puck symbol  
26 following coincidence with player symbol.

1 Boxing: The motion of the game controlled boxer  
2 symbol following coincidence with the human  
3 controlled boxer symbol.

4 Fishing Derby: The motion of the fish symbol  
5 following coincidence with the fishing line symbol.

6 H. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
7 least the Activision game television cartridge and  
8 the microprocesor.

9  
10 INTERROGATORY NO. 127

11 For each combination of the games identified in response  
12 to Interrogatory No. 38 of Defendant's First Set of  
13 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
14 "Tennis" and "Ice Hockey") and the consoles identified in response  
15 to Interrogatory No. 50 of Defendant's First Set Of  
16 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
17 the Sears Tele-Game Video Arcade, and the combination of the  
18 Colecovision game console and the Expansion Module 1) which  
19 plaintiffs contend constitutes an infringement of Claim 26 of the  
20 United States Patent Re. 28,507, identify the elements which  
21 plaintiffs contend correspond to the following elements of the  
22 claim:

- 23 A. A variation in the horizontal position of the  
24 hitting symbol;  
25 B. A variation in the vertical position of the hitting  
26 symbol; and

1 C. Means for providing horizontal and vertical control  
2 signals for varying the horizontal and vertical  
3 positions of said hitting symbol.  
4

5 RESPONSE:

6 Plaintiffs are at this time unable to supply all the  
7 information requested in Interrogatory 127. Plaintiffs have not  
8 completed their discovery as to the television game cartridges  
9 manufactured, used, and/or sold by Activision, and the television  
10 game consoles with which those cartridges are used, and are thus  
11 unable to fully state what contentions they will make at trial as  
12 to the subject matter of this interrogatory. Plaintiffs object to  
13 this interrogatory as premature.

14 However, in order to advance the progress of this  
15 action, plaintiffs further respond to interrogatory 127 as follows  
16 while reserving the right to alter, amend, supplement or change  
17 the response after discovery is completed and prior to trial.  
18 Each response refers to the combination of the indicated  
19 Activision television game cartridge and the Atari VCS Model 2600,  
20 the Sears Tele-Game Video Arcade, the Colecovision game console  
21 with the Coleco Expansion Module 1, or the Coleco Gemini  
22 television game console.

23 A. Tennis: The player symbols under control of the  
24 human player may be moved horizontally.

25 Ice Hockey: The player symbols may be moved  
26 horizontally.  
27

1 Boxing: The boxer symbol under human control may  
2 be moved horizontally.

3 Fishing Derby: The end of the fishing line symbols  
4 may be moved horizontally.

5 B. Tennis: The player symbols under control of the  
6 human player may be moved vertically.

7 Ice Hockey: The player symbols may be moved  
8 vertically.

9 Boxing: The boxer symbol under control of the  
10 human player may be moved vertically.

11 Fishing Derby: The end of the fishing line symbol  
12 may be moved vertically.

13 C. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
14 least the Activision game cartridge, the joystick,  
15 the microprocessor, and the peripheral interface  
16 adapter.

17  
18 INTERROGATORY NO. 128

19 For each combination of the games identified in response  
20 to Interrogatory No. 38 of Defendant's First Set of  
21 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
22 "Tennis" and "Ice Hockey") and the consoles identified in response  
23 to Interrogatory No. 50 of Defendant's First Set Of  
24 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
25 the Sears Tele-Game Video Arcade, and the combination of the  
26 Colecovision game console and the Expansion Module 1) which



1                    RESPONSE:

2                    Plaintiffs are at this time unable to supply the  
3 information requested in interrogatory 129. Plaintiffs have not  
4 completed their discovery as to the television game cartridges  
5 manufactured, used, and/or sold by Activision, and the television  
6 game consoles with which those cartridges are used, and are thus  
7 unable to respond to this interrogatory. Plaintiffs object to  
8 this interrogatory as premature.  
9

10                   INTERROGATORY NO. 130

11                   For each combination of the games identified in response  
12 to Interrogatory No. 38 of Defendant's First Set of  
13 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
14 "Tennis" and "Ice Hockey") and the consoles identified in response  
15 to Interrogatory No. 50 of Defendant's First Set Of  
16 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
17 the Sears Tele-Game Video Arcade, and the combination of the  
18 Colecovision game console and the Expansion Module 1) which  
19 plaintiffs contend constitutes an infringement of Claim 51 of the  
20 United States Patent Re. 28,507, identify the elements which  
21 plaintiffs contend correspond to the following elements of the  
22 claim:

- 23                   A.    A hitting symbol;  
24                   B.    Means for generating a hitting symbol;  
25                   C.    A hit symbol;  
26                   D.    Means for generating a hit symbol;

- 1 E. Coincidence between said hitting symbol and said  
2 hit symbol;
- 3 F. Means for ascertaining coincidence between said  
4 hitting symbol and said hit symbol;
- 5 G. A distinct motion imparted to said hit symbol upon  
6 coincidence; and
- 7 H. Means for imparting a distinct motion to said hit  
8 symbol upon coincidence.
- 9

10 RESPONSE:

11 Plaintiffs are at this time unable to supply all the  
12 information requested in interrogatory 130. Plaintiffs have not  
13 completed their discovery as to the television game cartridges  
14 manufactured, used, and/or sold by Activision, and the television  
15 game consoles with which those cartridges are used, and are thus  
16 unable to fully state what contentions they will make at trial as  
17 to the subject matter of this interrogatory. Plaintiffs object to  
18 this interrogatory as premature.

19 However, in order to advance the progress of this  
20 action, plaintiffs further respond to interrogatory 130 as follows  
21 while reserving the right to alter, amend, supplement or change  
22 the response after discovery is completed and prior to trial.  
23 Each response refers to the combination of the indicated  
24 Activision television game cartridge and the Atari VCS Model 2600,

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1 the Sears Tele-Game Video Arcade, the ColecoVision game console  
2 with the Coleco Expansion Module 1, or the Coleco Gemini  
3 television game console.

4 A. Tennis: The player symbols under control of the  
5 human players.

6 Ice Hockey: The player symbols.

7 Boxing: The boxer symbol under control of the  
8 human player.

9 Fishing Derby: The end of the fishing line  
10 symbols.

11 B. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
12 least the Activision television game cartridge, the  
13 joystick, the microprocessor, the peripheral  
14 interface adapter, and the television interface  
15 adapter.

16 C. Tennis: The ball symbol.

17 Ice Hockey: The puck symbol.

18 Boxing: The boxer symbol under control of the  
19 game.

20 Fishing Derby: The fish symbols.

21 D. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
22 least the Activision television game cartridge, the  
23 television interface adapter, and the  
24 microprocessor.

1 E. Tennis: The coincidence between the human  
2 controlled player symbol and the ball symbol by  
3 which the player hits the ball.

4 Ice Hockey: The coincidence between the player  
5 symbol and the puck symbol by which the player  
6 intercepts the puck.

7 Boxing: The coincidence between the human  
8 controlled boxer symbol and the game controlled  
9 boxer symbol by which the human controlled boxer  
10 hits the game controlled boxer.

11 Fishing Derby: The coincidence between the fishing  
12 line symbol and the fish symbols by which the fish  
13 are caught.

14 F. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
15 least the Activision television game cartridge, the  
16 microprocessor, and perhaps the television  
17 interface adapter.

18 G. Tennis: The motion of the ball symbol following  
19 coincidence with the human controlled player  
20 symbol.

21 Ice Hockey: The motion of the puck symbol  
22 following coincidence with player symbol.

23 Boxing: The motion of the game controlled boxer  
24 symbol following coincidence with the human  
25 controlled boxer symbol.

1 Fishing Derby: The motion of the fish symbol  
2 following coincidence with the fishing line symbol.

3 H. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
4 least the Ativision game television cartridge and  
5 the microprocesor.  
6

7 INTERROGATORY NO. 131

8 For each combination of the games identified in response  
9 to Interrogatory No. 38 of Defendant's First Set of  
10 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
11 "Tennis" and "Ice Hockey") and the consoles identified in response  
12 to Interrogatory No. 50 of Defendant's First Set Of  
13 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
14 the Sears Tele-Game Video Arcade, and the combination of the  
15 Colecovision game console and the Expansion Module 1) which  
16 plaintiffs contend constitutes an infringement of Claim 52 of the  
17 United States Patent Re. 28,507, identify the elements which  
18 plaintiffs contend correspond to the following elements of the  
19 claim:

- 20 A. A variation in the horizontal position of the  
21 hitting symbol;  
22 B. A variation in the vertical position of the hitting  
23 symbol; and  
24 C. Means for providing horizontal and vertical control  
25 signals for varying the horizontal and vertical  
26 positions of said hitting symbol.  
27

1                                   RESPONSE:

2                   Plaintiffs are at this time unable to supply all the  
3 information requested in Interrogatory 131. Plaintiffs have not  
4 completed their discovery as to the television game cartridges  
5 manufactured, used, and/or sold by Activision, and the television  
6 game consoles with which those cartridges are used, and are thus  
7 unable to fully state what contentions they will make at trial as  
8 to the subject matter of this interrogatory. Plaintiffs object to  
9 this interrogatory as premature.

10                   However, in order to advance the progress of this  
11 action, plaintiffs further respond to Interrogatory 131 as follows  
12 while reserving the right to alter, amend, supplement or change  
13 the response after discovery is completed and prior to trial.  
14 Each response refers to the combination of the indicated  
15 Activision television game cartridge and the Atari VCS Model 2600,  
16 the Sears Tele-Game Video Arcade, the Colecovision game console  
17 with the Coleco Expansion Module 1, or the Coleco Gemini  
18 television game console.

19                   A.   Tennis: The player symbols under control of the  
20 human players may be moved horizontally.

21                   Ice Hockey: The player symbols may be moved  
22 horizontally.

23                   Boxing: The boxer symbol under human control may  
24 be moved horizontally.

25                   Fishing Derby: The end of the fishing line symbol  
26 may be moved horizontally.

1 B. Tennis: The player symbols under control of the  
2 human player may be moved vertically.

3 Ice Hockey: The player symbols may be moved  
4 vertically.

5 Boxing: The boxer symbol under control of the  
6 human player may be moved vertically.

7 Fishing Derby: The end of the fishing line symbol  
8 may be moved vertically.

9 C. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
10 least the Activision game cartridge, the joystick,  
11 the microprocessor, and the peripheral interface  
12 adapter.

13  
14 INTERROGATORY NO. 132

15 For each combination of the games identified in response  
16 to Interrogatory No. 38 of Defendant's First Set of  
17 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
18 "Tennis" and "Ice Hockey") and the consoles identified in response  
19 to Interrogatory No. 50 of Defendant's First Set Of  
20 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
21 the Sears Tele-Game Video Arcade, and the combination of the  
22 Colecovision game console and the Expansion Module 1) which  
23 plaintiffs contend constitutes an infringement of Claim 60 of the  
24 United States Patent Re. 28,507, identify the elements which  
25 plaintiffs contend correspond to the following elements of the  
26 claim:

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- A. A vertical synchronization signal;
- B. A horizontal synchronization signal;
- C. Means for generating vertical and horizontal synchronization signals;
- D. Means responsive to said synchronization signals for deflecting the beam of a cathode ray tube to generate a raster on the screen of the tube;
- E. A first symbol on said screen;
- F. A position for the first symbol which is directly controlled by a player;
- G. Means coupled to said synchronization signal generating means and said cathode ray tube for generating a first symbol on said screen at a position which is directly controlled by a player;
- H. A second symbol on the screen which is movable;
- I. Means coupled to a said synchronization signal generating means and said cathode ray tube for generating a second symbol on said screen which is movable;
- J. A first coincidence between said first symbol and said second symbol;
- K. Means couple to said first symbol generating means and said second symbol generating means for determining a first coincidence between said first symbol and said second symbol;



- 1 L. A distinct motion imparted to said second symbol in  
2 response to said coincidence; and  
3 M. Means coupled to said coincidence determining means  
4 and said second symbol generating means for  
5 imparting a distinct motion to said second symbol  
6 in response to said coincidence.  
7

8 RESPONSE:

9 Plaintiffs are at this time unable to supply all the  
10 information requested in Interrogatory 132. Plaintiffs have not  
11 completed their discovery as to the television game cartridges  
12 manufactured, used, and/or sold by Activision, and the television  
13 game consoles with which those cartridges are used, and are thus  
14 unable to fully state what contentions they will make at trial as  
15 to the subject matter of this interrogatory. Plaintiffs object to  
16 this interrogatory as premature.

17 However, in order to advance the progress of this  
18 action, plaintiffs further respond to Interrogatory 132 as follows  
19 while reserving the right to alter, amend, supplement or change  
20 the response after discovery is completed and prior to trial.  
21 Each response refers to the combination of the indicated  
22 Activision television game cartridge and the Atari VCS Model 2600,  
23 the Sears Tele-Game Video Arcade, the Colecovision game console  
24 with the Coleco Expansion Module 1, or the Coleco Gemini  
25 television game console.  
26  
27

- 1 A. Tennis, Ice Hockey, Boxing and Fishing Derby: The  
2 vertical synchronization signals at the outputs of  
3 the television interface adapter and the television  
4 game console.
- 5 B. Tennis, Ice Hockey, Boxing and Fishing Derby: The  
6 horizontal synchronization signals at the outputs  
7 of the television interface adapter and the  
8 television game console.
- 9 C. Tennis, Ice Hockey, Boxing and Fishing Derby: The  
10 Activision television game cartridge, the  
11 microprocessor, and the television interface  
12 adapter.
- 13 D. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
14 least the horizontal and vertical deflection  
15 circuitry of the associated television receiver.
- 16 E. Tennis: The player symbols under control of the  
17 human player.  
18 Ice Hockey: The player symbols.  
19 Boxing: The boxer symbol under control of the  
20 human player.  
21 Fishing Derby: The end of the fishing line  
22 symbols.
- 23 F. Tennis, Ice Hockey, Boxing and Fishing Derby: The  
24 position of the first symbol.
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1 G. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
2 least the Activision television game cartridge, the  
3 joystick, the peripheral interface adapter, the  
4 television interface adapter, and the  
5 microprocessor.

6 H. Tennis: The ball symbol.

7 Ice Hockey: The puck symbol.

8 Boxing: The boxer symbol under control of the  
9 game.

10 Fishing Derby: The fish symbols.

11 I. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
12 least the Activision television game cartridge, the  
13 television interface adapter, and the  
14 microprocessor.

15 J. Tennis: The coincidence between the human  
16 controlled player symbol and the ball symbol by  
17 which the player hits the ball.

18 Ice Hockey: The coincidence between the player  
19 symbol and the puck symbol by which the player  
20 intercepts the puck.

21 Boxing: The coincidence between the human  
22 controlled boxer symbol and the game controlled  
23 boxer symbol by which the human controlled boxer  
24 hits the game controlled boxer.

1 Fishing Derby: The coincidence between the fishing  
2 line symbol and any of the fish symbols by which  
3 the fish are caught.

4 K. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
5 least the Activision television game cartridge, the  
6 microprocessor and perhaps the television interface  
7 adapter.

8 L. Tennis: The motion of the ball symbol following  
9 coincidence.

10 Ice Hockey: The motion of the puck symbol  
11 following coincidence.

12 Boxing: The motion of the game controlled boxer  
13 symbol following coincidence.

14 Fishing Derby: The motion of the fish symbol  
15 following coincidence.

16 M. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
17 least the Activision television game cartridge and  
18 the microprocessor.

19  
20 INTERROGATORY NO. 133

21 For each combination of the games identified in response  
22 to Interrogatory No. 38 of Defendant's First Set of  
23 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
24 "Tennis" and "Ice Hockey") and the consoles identified in response  
25 to Interrogatory No. 50 of Defendant's First Set Of  
26 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,

1 the Sears Tele-Game Video Arcade, and the combination of the  
2 Colecovision game console and the Expansion Module 1) which  
3 plaintiffs contend constitutes an infringement of Claim 61 of the  
4 United States Patent Re. 28,507, identify the elements which  
5 plaintiffs contend correspond to the following elements of the  
6 claim:

- 7 A. A third symbol on the screen of the cathode ray  
8 tube;
- 9 B. Player control of the position of the third symbol;
- 10 C. Means coupled to said synchronization signal  
11 generating means and said cathode ray tube for  
12 generating a third symbol on said screen at a  
13 position which is controlled by a player;
- 14 D. A second coincidence between said third symbol and  
15 said second symbol;
- 16 E. Means coupled to said third symbol generating means  
17 and second symbol generating means for determining  
18 a second coincidence between said third symbol and  
19 said second symbol;
- 20 F. A first coincidence between said third symbol and  
21 said second symbol;
- 22 G. A distinct motion imparted to said second symbol in  
23 response to the second coincidence; and
- 24  
25  
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1 H. Means coupled to said second and third symbol  
2 coincidence determining means and said second  
3 symbol generating means for imparting a distinct  
4 motion to said second symbol in response to said  
5 second coincidence.

6  
7 RESPONSE:

8 Plaintiffs are at this time unable to supply all the  
9 information requested in Interrogatory 132. Plaintiffs have not  
10 completed their discovery as to the television game cartridges  
11 manufactured, used, and/or sold by Activision, and the television  
12 game consoles with which those cartridges are used, and are thus  
13 unable to fully state what contentions they will make at trial as  
14 to the subject matter of this interrogatory. Plaintiffs object  
15 this interrogatory as premature.

16 However, in order to advance the progress of this  
17 action, plaintiffs further respond to Interrogatory 133 as follows  
18 while reserving the right to alter, amend, supplement or change  
19 the response after discovery is completed and prior to trial.  
20 Each response refers to the combination of the indicated  
21 Activision television game cartridge and the Atari VCS Model 2600,  
22 the Sears Tele-Game Video Arcade, the Colecovision game console  
23 with the Coleco Expansion Module 1, or the Coleco Gemini  
24 television game console.

25 A. Tennis: The second player symbol under control of  
26 a human player.

1 Ice Hockey: The second player symbol.

2 Fishing Derby: The end of the second fishing line  
3 symbol.

4 B. Tennis: The position of the symbol is controlled  
5 by the player.

6 Ice Hockey: The position of the symbol is  
7 controlled by the player.

8 Fishing Derby: The position of the symbol is  
9 controlled by the player.

10 C. Tennis, Ice Hockey, Boxing and Fishing Derby: At  
11 least the Activision television game cartridge, the  
12 joystick, the peripheral interface adapter, the  
13 television interface adapter, and the  
14 microprocesor.

15 D. Tennis: The coincidence between the second human  
16 controlled player symbol and the ball symbol by  
17 which the second player hits the ball.

18 Ice Hockey: The coincidence between the second  
19 player symbol and the puck symbol by which the  
20 player intercepts the puck.

21 Fishing Derby: The coincidence between the second  
22 fishing line symbol and any of the fish symbols by  
23 which the fish is caught.

1 E. Tennis, Ice Hockey, and Fishing Derby: At least  
2 the Activision television game cartridge, the  
3 microprocessor and perhaps the television interface  
4 adapter.

5 F. The reference to a "first" coincidence between the  
6 second and third symbols in the context of Claim 61  
7 is not understood.

8 G. Tennis: The motion of the ball symbol following  
9 the second coincidence.

10 Ice Hockey: The motion of the puck symbol  
11 following the second coincidence.

12 Fishing Derby: The motion of the fish symbol  
13 following the second coincidence.

14 H. Tennis, Ice Hockey and Fishing Derby: At least the  
15 Activision television game cartridge and the  
16 microprocessor.

17  
18 INTERROGATORY NO. 134

19 For each combination of the games identified in response  
20 to Interrogatory No. 38 of Defendant's First Set of  
21 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",  
22 "Tennis" and "Ice Hockey") and the consoles identified in response  
23 to Interrogatory No. 50 of Defendant's First Set Of  
24 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,  
25 the Sears Tele-Game Video Arcade, and the combination of the  
26 Colecovision game console and the Expansion Module 1) which



1 plaintiffs contend constitutes an infringement of Claim 62 of the  
2 United States Patent Re. 28,507, identify the elements which  
3 plaintiffs contend correspond to the following elements of the  
4 claim:

- 5 A. A traveling of the second symbol across the screen  
6 from one side of the raster to another in the  
7 absence of an occurrence of coincidence between  
8 said second symbol and said first or third symbol  
9 after coincidence of said second symbol with said  
10 third or first symbol;  
11 B. A first coincidence of said second symbol with said  
12 third or first symbol;  
13 C. A second coincidence between said second symbol and  
14 said first or third symbol; and  
15 D. Means for causing said second symbol to travel  
16 across said screen from one side of said raster to  
17 another side of said raster in the absence of an  
18 occurrence of coincidence between said second  
19 symbol and said first or third symbol after  
20 coincidence of said second symbol with said third  
21 or first symbol.

22  
23 RESPONSE:

24 Plaintiffs are at this time unable to supply all the  
25 information requested in Interrogatory 134. Plaintiffs have not  
26 completed their discovery as to the television game cartridges

1 manufactured, used, and/or sold by Activision, and the television  
2 game consoles with which those cartridges are used, and are thus  
3 unable to fully state what contentions they will make at trial as  
4 to the subject matter of this interrogatory. Plaintiffs object to  
5 this interrogatory as premature.

6 However, in order to advance the progress of this  
7 action, plaintiffs further respond to Interrogatory 132 as follows  
8 while reserving the right to alter, amend, supplement or change  
9 the response after discovery is completed and prior to trial.  
10 Each response refers to the combination of the indicated  
11 Activision television game cartridge and the Atari VCS Model 2600,  
12 the Sears Tele-Game Video Arcade, the Colecovision game console  
13 with the Coleco Expansion Module 1, or the Coleco Gemini  
14 television game console.

15 A. Tennis: The motion of the ball symbol after it is  
16 hit by one player symbol and in the absence of  
17 being hit by the other player symbol.

18 Ice Hockey: The motion of the puck symbol after it  
19 is shot by one player symbol and in the absence of  
20 being intercepted by the other player symbol.

21 B. Tennis and Ice Hockey: The coincidence referred to  
22 in plaintiffs' response to part J of Interrogatory  
23 132.

24 C. Tennis and Ice Hockey: The coincidence referred to  
25 in plaintiffs' response to part D of Interrogatory  
26 133.

1 D. Tennis and Ice Hockey: At least the Activision  
2 television game cartridge and the microprocess.  
3

4 INTERROGATORY NO. 138

5 Identify all portions of the subject matter described in  
6 U.S. Patent 3,728,480 which Magnavox and Sanders contend are not  
7 prior art with regard to United States Patent Re. 28,507.  
8

9 RESPONSE:

10 This interrogatory has been limited by defendant to the  
11 portions of U.S. Patent 3,728,480 enumerated in this response.  
12 Circuits as described at column 4, lines 16-21; column 6, lines  
13 7-22 and 45-58; column 9, line 39 - column 10, line 15; column 12,  
14 lines 23-26, 44-48, and 57-60; Claims 13-23; Claims 26-30, and  
15 Claim 41 of U.S. Patent 3,728,480 were built and used with a color  
16 television receiver by the inventor thereof prior to the  
17 commencement of reasonable diligence toward reduction to practice  
18 of the claimed subject matter of U.S. Patent Re. 28.507.  
19

20 INTERROGATORY NO. 139

21 For each portion of the subject matter of U.S. Patent  
22 3,728,480 identified in response to Interrogatory No. 138:

23 A. Set forth in detail the basis of the contention  
24 that the portion of the subject matter is not prior art;  
25  
26  
27

1 (d) Identify all documents which refer or relate in any way  
2 to the consideration of the prior art and/or the  
3 determination that it was not material.  
4

5 RESPONSE:

6 No response required.

7 May 8, 1984, 1984

8 Thomas M. DeGuer  
The Magnavox Company

9 Subscribed and sworn to before me  
10 this 8th day of May, 1984,  
11 in Knox County.

12 Barbara Erickson  
Notary Public

13 My Commission Expires: June 23, 1986

14 May 9, 1984, 1984

15 James E. Sanders  
Sanders Associates, Inc.

16 Subscribed and sworn to before me  
17 this 9th day of May, 1984,  
18 in Nashua, New Hampshire.

19 Armed M. Curran  
Notary Public

20 My Commission Expires: March 3, 1987

21 The foregoing objections and contentions are asserted or  
22 stated on behalf of plaintiffs by:

23 Theodore W. Anderson

24 Theodore W. Anderson  
James T. Williams  
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and Sanders Associates, Inc.  
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9 Attorneys for Plaintiffs  
9 The Magnavox Company and  
10 Sanders Associates, Inc.

1-37328  
PLEHR, HOHSACH, TEST  
ALBRITTON & HERBERT  
DOCKETED

APR 25 1984

BY YLA  
RESPONSE DUE           

11 United States District Court For The  
12 Northern District Of California

13 THE MAGNAVOX COMPANY, a corporation, )  
14 and SANDERS ASSOCIATES, INC., )  
14 a corporation, )  
15 Plaintiffs, )  
16 v. )  
17 ACTIVISION, INC., a corporation, )  
18 Defendant. )

No. C 82 5270 TEH

PLAINTIFF'S RESPONSE  
TO DEFENDANT'S THIRD  
SET OF INTERROGATORIES  
(NOS. 183-192)

19  
20 Plaintiffs herewith respond to defendant's  
21 interrogatories 183-192. Plaintiffs object to each of those  
22 interrogatories for at least the following reasons:

23 1. Plaintiffs object to interrogatories 183-192 to the  
24 extent they are deemed to be continuing or require supplementation  
25 beyond the requirements of Rule 26(e), F.R.Civ.P.  
26  
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PLAINTIFFS' RESPONSE TO  
DEFENDANT'S THIRD SET OF  
INTERROGATORIES (NOS. 183-192)



1 "Enduro" and "Pressure Cooker") and the consoles identified in  
2 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
3 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
4 the Sears Tele-Game Video Arcade, and the combination of the  
5 Colecovision game console and the Expansion Module 1) which  
6 plaintiffs contend constitutes an infringement of Claim 25 of the  
7 United States Patent Re. 28,507, identify the elements which  
8 plaintiffs contend correspond to the following elements of the  
9 claim:

- 10 A. A hitting symbol;  
11 B. Means for generating a hitting symbol;  
12 C. A hit symbol;  
13 D. Means for generating a hit symbol;  
14 E. Coincidence between said hitting symbol and said  
15 hit symbol;  
16 F. Means for ascertaining coincidence between said  
17 hitting symbol and said hit symbol;  
18 G. A distinct motion imparted to said hit symbol upon  
19 coincidence; and  
20 H. Means for imparting a distinct motion to said hit  
21 symbol upon coincidence.

22  
23 RESPONSE:

24 Plaintiffs are at this time unable to supply all the  
25 information requested in Interrogatory 184. Plaintiffs have not  
26 completed their discovery as to the television game cartridges



1 manufactured, used, and/or sold by Activision, and the television  
2 game consoles with which those cartridges are used, and are thus  
3 unable to fully state what contentions they will make at trial as  
4 to the subject matter of this interrogatory. Plaintiffs object  
5 this interrogatory as premature.

6           However, in order to advance the progress of this  
7 action, plaintiffs further respond to interrogatory 184 as follows  
8 while reserving the right to alter, amend, supplement or change  
9 the response after discovery is completed and prior to trial.  
10 Each response refers to the combination of the indicated  
11 Activision television game cartridge and the Atari VCS Model 2600,  
12 the Sears Tele-Game Video Arcade, the Colecovision game console  
13 with the Coleco Expansion Module 1, or the Coleco Gemini  
14 television game console, except where the Mattel version is  
15 indicated in which case the response refers to the combination of  
16 the indicated Activision television game cartridge and the Mattel  
17 Intellelevision or the Sears Tele-Game Super Video Arcade television  
18 game console.

19           A.   Dolphin: The dolphin symbol after the dolphin has  
20 caught a seagull.

21                   Pressure Cooker: The "Short-Order Sam" symbol.

22                   Stampede: The horse and rider symbol.

23                   Stampede (Mattel): The horse and rider symbol.

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- B. Dolphin, Pressure Cooker and Stampede: At least the Activision television game cartridge, the joystick, the microprocessor, the peripheral interface, adapter, and the television interface adapter.
- Stampede (Mattel): The Activision game cartridge, the hand controller, and portions of the television game console.
- C. Dolphin: The squid symbol after the dolphin has caught a seagull.
- Pressure Cooker: The condiment symbols.
- Stampede: The cattle symbols.
- Stampede (Mattel): The cattle symbols.
- D. Dolphin, Pressure Cooker and Stampede: At least the Activision television game cartridge, the television interface adapter, and the microprocessor.
- Stampede (Mattel): The Activision television game cartridge and portions of the television game console.
- E. Dolphin: The coincidence between the squid symbol and the dolphin symbol after the dolphin has caught a seagull by which the dolphin catches the squid.
- Pressure Cooker: The coincidence between the "Short-Order Sam" symbol and the condiment symbols by which "Short-Order Sam" catches or rejects the condiments.

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Stampede: The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

Stampede (Mattel): The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

F. Dolphin, Pressure Cooker and Stampede: At least the Activision television game cartridge, the microprocessor, and perhaps the television interface adapter.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

G. Dolphin: The motion of the squid symbol after coincidence with the dolphin symbol.

Pressure Cooker: The motion of the condiment symbols after coincidence with the "Short-Order Sam" symbol.

Stampede: The motion of the cattle symbols after coincidence with the horse and rider symbol.

Stampede (Mattel): The motion of the cattle symbols after coincidence with the horse and rider symbol.

H. Dolphin, Pressure Cooker and Stampede: At least the Ativision game television cartridge and the microprocesor.

1 Stampede (Mattel): The Activision television game  
2 cartridge and portions of the television game  
3 console.  
4

5 INTERROGATORY NO. 185

6 For each combination, if any, of the television game  
7 products identified in Schedule 1 to the Notice to Take Deposition  
8 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
9 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
10 "Enduro" and "Pressure Cooker") and the consoles identified in  
11 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
12 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
13 the Sears Tele-Game Video Arcade, and the combination of the  
14 Colecovision game console and the Expansion Module 1) which  
15 plaintiffs contend constitutes an infringement of Claim 26 of the  
16 United States Patent Re. 28,507, identify the elements which  
17 plaintiffs contend correspond to the following elements of the  
18 claim:

- 19 A. A variation in the horizontal position of the  
20 hitting symbol;
- 21 B. A variation in the vertical position of the hitting  
22 symbol; and
- 23 C. Means for providing horizontal and vertical control  
24 signal for varying the horizontal and vertical  
25 positions of said hitting symbol.  
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1                    RESPONSE:

2                    Plaintiffs are at this time unable to supply all the  
3 information requested in Interrogatory 185. Plaintiffs have not  
4 completed their discovery as to the television game cartridges  
5 manufactured, used, and/or sold by Activision, and the television  
6 game consoles with which those cartridges are used, and are thus  
7 unable to fully state what contentions they will make at trial as  
8 to the subject matter of this interrogatory. Plaintiffs object  
9 this interrogatory as premature.

10                   However, in order to advance the progress of this  
11 action, plaintiffs further respond to interrogatory 185 as follows  
12 while reserving the right to alter, amend, supplement or change  
13 the response after discovery is completed and prior to trial.  
14 Each response refers to the combination of the indicated  
15 Activision television game cartridge and the Atari VCS Model 2600,  
16 the Sears Tele-Game Video Arcade, the Colecovision game console  
17 with the Coleco Expansion Module 1, or the Coleco Gemini  
18 television game console, except where the Mattel version is  
19 indicated in which case the response refers to the combination of  
20 the indicated Activision television game cartridge and the Mattel  
21 Intellelevision or the Sears Tele-Game Super Video Arcade television  
22 game console.

23                   A.    Pressure Cooker: The "Short-Order Sam" symbol may  
24                                     be moved horizontally.

25                   B.    Pressure Cooker: The "Short-Order Sam" symbol may  
26                                     be moved vertically.

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C. Pressure Cooker: At least the Activision game cartridge, the joystick, the microprocessor, and the peripheral interface adapter.

INTERROGATORY NO. 186

For each combination, if any, of the television game products identified in Schedule 1 to the Notice to Take Deposition dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers", "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks", "Enduro" and "Pressure Cooker") and the consoles identified in response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 44 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A baseball game;
- B. Apparatus for playing a baseball type game;
- C. A hit spot;
- D. Means for displaying a hit spot;
- E. A hitting spot;
- F. Means for displaying a hitting spot;
- G. An adjustment in the vertical position of said hitting spot;

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- H. Means for adjusting the vertical position of said hitting spot;
- I. A serving of the hit spot;
- J. Means for serving said hit spot;
- K. A variation in the vertical position of the hit spot;
- L. Means for varying the vertical position of said hit spot;
- M. Coincidence between said hit and said hitting spot;
- N. A reversal of directions by the hit spot; and
- O. Means for denoting coincidence between said hit and said hitting spots whereby said hit spot will reverse directions.

RESPONSE:

Plaintiffs are at this time unable to supply the information requested in interrogatory 186. Plaintiffs have not completed their discovery as to the television game cartridges manufactured, used, and/or sold by Activision, and the television game consoles with which those cartridges are used, and are thus unable to respond to this interrogatory. Plaintiffs object this interrogatory as premature.

1 INTERROGATORY NO. 187

2 For each combination, if any, of the television game  
3 products identified in Schedule 1 to the Notice to Take Deposition  
4 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
5 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
6 "Enduro" and "Pressure Cooker") and the consoles identified in  
7 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
8 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
9 the Sears Tele-Game Video Arcade, and the combination of the  
10 Colecovision game console and the Expansion Module 1) which  
11 plaintiffs contend constitutes an infringement of Claim 45 of the  
12 United States Patent Re. 28,507, identify the elements which  
13 plaintiffs contend correspond to the following elements of the  
14 claim:

- 15 A. A hockey type game;  
16 B. Apparatus for playing a hockey type game;  
17 C. A first hitting spot;  
18 D. Means for displaying a first hitting spot;  
19 E. A second hitting spot;  
20 F. Means for displaying a second hitting spot;  
21 G. A hit spot;  
22 H. Means for displaying a hit spot;  
23 I. Control of the position of the first hitting spot;  
24 J. Control of the position of the second hitting spot;  
25 K. Means for controlling the position of said first  
26 and second hitting spots;



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- L. Controlling of the position of the hit spot;
- M. Means for controlling the position of said hit spot;
- N. Coincidence between the first hitting spot and the hit spot;
- O. Coincidence between the second hitting spot and the hit spot;
- P. Means for ascertaining coincidence between either of said hitting spots and said hit spot;
- Q. A distinct motion imparted to said hit spot upon coincidence; and
- R. Means for imparting a distinct motion to said hit spot upon coincidence.

RESPONSE:

Plaintiffs are at this time unable to supply the information requested in interrogatory 187. Plaintiffs have not completed their discovery as to the television game cartridges manufactured, used, and/or sold by Activision, and the television game consoles with which those cartridges are used, and are thus unable to respond to this interrogatory. Plaintiffs object this interrogatory as premature.

1 INTERROGATORY NO. 188

2 For each combination, if any, of the television game  
3 products identified in Schedule 1 to the Notice to Take Deposition  
4 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
5 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
6 "Enduro" and "Pressure Cooker") and the consoles identified in  
7 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
8 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
9 the Sears Tele-Game Video Arcade, and the combination of the  
10 Colecovision game console and the Expansion Module 1) which  
11 plaintiffs contend constitutes an infringement of Claim 51 of the  
12 United States Patent Re. 28,507, identify the elements which  
13 plaintiffs contend correspond to the following elements of the  
14 claim:

- 15 A. A hitting symbol;
- 16 B. Means for generating a hitting symbol;
- 17 C. A hit symbol;
- 18 D. Means for generating a hit symbol;
- 19 E. Coincidence between said hitting symbol and said  
20 hit symbol;
- 21 F. Means for ascertaining coincidence between said  
22 hitting symbol and said hit symbol;
- 23 G. A distinct motion imparted to said hit symbol upon  
24 coincidence; and
- 25 H. Means for imparting a distinct motion to said hit  
26 symbol upon coincidence.

1                    RESPONSE:

2                    Plaintiffs are at this time unable to supply all the  
3 information requested in interrogatory 188. Plaintiffs have not  
4 completed their discovery as to the television game cartridges  
5 manufactured, used, and/or sold by Activision, and the television  
6 game consoles with which those cartridges are used, and are thus  
7 unable to fully state what contentions they will make at trial as  
8 to the subject matter of this interrogatory. Plaintiffs object  
9 this interrogatory as premature.

10                   However, in order to advance the progress of this  
11 action, plaintiffs further respond to interrogatory 188 as follows  
12 while reserving the right to alter, amend, supplement or change  
13 the response after discovery is completed and prior to trial.  
14 Each response refers to the combination of the indicated  
15 Activision television game cartridge and the Atari VCS Model 2600,  
16 the Sears Tele-Game Video Arcade, the Colecovision game console  
17 with the Coleco Expansion Module 1, or the Coleco Gemini  
18 television game console, except where the Mattel version is  
19 indicated in which case the response refers to the combination of  
20 the indicated Activision television game cartridge and the Mattel  
21 Intellelevision or the Sears Tele-Game Super Video Arcade television  
22 game console.

23                   A.    Dolphin:    The dolphin symbol after the dolphin has  
24                                      caught a seagull.

25                   Pressure Cooker:    The "Short-Order Sam" symbol.

26                   Stampede:    The horse and rider symbol.

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Stampede (Mattel): The horse and rider symbol.

B. Dolphin, Pressure Cooker and Stampede: At least the  
Activision television game cartridge, the joystick,  
the microprocessor, the peripheral interface,  
adapter, and the television interface adapter.

Stampede (Mattel): The Activision game cartridge, the  
hand controller, and portions of the television  
game console.

C. Dolphin: The squid symbol after the dolphin has caught  
a seagull.

Pressure Cooker: The condiment symbols.

Stampede: The cattle symbols.

Stampede (Mattel): The cattle symbols.

D. Dolphin, Pressure Cooker and Stampede: At least the  
Activision television game cartridge, the  
television interface adapter, and the  
microprocessor.

Stampede (Mattel): The Activision television game  
cartridge and portions of the television game  
console.

E. Dolphin: The coincidence between the squid symbol and  
the dolphin symbol after the dolphin has caught a  
seagull by which the dolphin catches the squid.

1 Pressure Cooker: The coincidence between the "Short-  
2 Order Sam" symbol and the condiment symbols by  
3 which "Short-Order Sam" catches or rejects the  
4 condiments.

5 Stampede: The coincidence between the horse and rider  
6 symbol and the cattle symbols by which the cattle  
7 are herded.

8 Stampede (Mattel): The coincidence between the horse and  
9 rider symbol and the cattle symbols by which the  
10 cattle are herded.

11 F. Dolphin, Pressure Cooker and Stampede: At least the  
12 Activision television game cartridge, the  
13 microprocessor, and perhaps the television  
14 interface adapter.

15 Stampede (Mattel): The Activision television game  
16 cartridge and portions of the television game  
17 console.

18 G. Dolphin: The motion of the squid symbol after  
19 coincidence with the dolphin symbol.

20 Pressure Cooker: The motion of the condiment symbols  
21 after coincidence with the "Short-Order Sam"  
22 symbol.

23 Stampede: The motion of the cattle symbols after  
24 coincidence with the horse and rider symbol.

25 Stampede (Mattel): The motion of the cattle symbols  
26 after coincidence with the horse and rider symbol.

1 H. Dolphin, Pressure Cooker and Stampede: At least the  
2 Activision television game cartridge and the  
3 microprocesor.

4 Stampede (Mattel): The Activision television game  
5 cartridge and portions of the television game  
6 console.

7  
8 INTERROGATORY NO. 189

9 For each combination, if any, of the television game  
10 products identified in Schedule 1 to the Notice to Take Deposition  
11 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
12 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
13 "Enduro" and "Pressure Cooker") and the consoles identified in  
14 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
15 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
16 the Sears Tele-Game Video Arcade, and the combination of the  
17 Colecovision game console and the Expansion Module 1) which  
18 plaintiffs contend constitutes an infringement of Claim 52 of the  
19 United States Patent Re. 28,507, identify the elements which  
20 plaintiffs contend correspond to the following elements of the  
21 claim:

- 22 A. A variation in the horizontal position of the  
23 hitting symbol;
- 24 B. A variation in the vertical position of the hitting  
25 symbol; and
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C. Means for providing horizontal and vertical control signal for varying the horizontal and vertical positions of said hitting symbol.

RESPONSE:

Plaintiffs are at this time unable to supply all the information requested in Interrogatory 189. Plaintiffs have not completed their discovery as to the television game cartridges manufactured, used, and/or sold by Activision, and the television game consoles with which those cartridges are used, and are thus unable to fully state what contentions they will make at trial as to the subject matter of this interrogatory. Plaintiffs object this interrogatory as premature.

However, in order to advance the progress of this action, plaintiffs further respond to interrogatory 189 as follows while reserving the right to alter, amend, supplement or change the response after discovery is completed and prior to trial. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, the Colecovision game console with the Coleco Expansion Module 1, or the Coleco Gemini television game console, except where the Mattel version is indicated in which case the response refers to the combination of the indicated Activision television game cartridge and the Mattel Intellelevision or the Sears Tele-Game Super Video Arcade television game console.

- 1           A.    Pressure Cooker:  The "Short-Order Sam" symbol may  
2                    be moved horizontally.  
3           B.    Pressure Cooker:  The "Short-Order Sam" symbol may  
4                    be moved vertically.  
5           C.    Pressure Cooker:  At least the Activision game  
6                    cartridge, the joystick, the microprocessor, and  
7                    the peripheral interface adapter.

8  
9   INTERROGATORY NO. 190

10                   For each combination, if any, of the television game  
11 products identified in Schedule 1 to the Notice to Take Deposition  
12 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
13 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
14 "Enduro" and "Pressure Cooker") and the consoles identified in  
15 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
16 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
17 the Sears Tele-Game Video Arcade, and the combination of the  
18 Colecovision game console and the Expansion Module 1) which  
19 plaintiffs contend constitutes an infringement of Claim 60 of the  
20 United States Patent Re. 28,507, identify the elements which  
21 plaintiffs contend correspond to the following elements of the  
22 claim:

- 23           A.    A vertical synchronization signal;  
24           B.    A horizontal synchronization signal;  
25           C.    Means for generating vertical and horizontal  
26                    synchronization signals;



- 1 D. Means responsive to said synchronization signals  
2 for deflecting the beam of a cathode ray tube to  
3 generate a raster on the screen of the tube;
- 4 E. A first symbol on said screen;
- 5 F. A position for the first symbol which is directly  
6 controlled by a player;
- 7 G. Means coupled to said synchronization signal  
8 generating means and said cathode ray tube for  
9 generating a first symbol on said screen at a  
10 position which is directly controlled by a player;
- 11 H. A second symbol on the screen which is movable;
- 12 I. Means coupled to a said synchronization signal  
13 generating means and said cathode ray tube for  
14 generating a second symbol on said screen which is  
15 movable;
- 16 J. A first coincidence between said first symbol and  
17 said second symbol;
- 18 K. Means couple to said first symbol generating means  
19 and said second symbol generating means for  
20 determining a first coincidence between said first  
21 symbol and said second symbol;
- 22 L. A distinct motion imparted to said second symbol in  
23 response to said coincidence; and
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1 M. Means coupled to said coincidence determining means  
2 and said second symbol generating means for  
3 imparting a distinct motion to said second symbol  
4 in response to said coincidence.  
5

6 RESPONSE:

7 Plaintiffs are at this time unable to supply all the  
8 information requested in Interrogatory 190. Plaintiffs have not  
9 completed their discovery as to the television game cartridges  
10 manufactured, used, and/or sold by Activision, and the television  
11 game consoles with which those cartridges are used, and are thus  
12 unable to fully state what contentions they will make at trial as  
13 to the subject matter of this interrogatory. Plaintiffs object  
14 this interrogatory as premature.

15 . However, in order to advance the progress of this  
16 action, plaintiffs further respond to interrogatory 190 as follows  
17 while reserving the right to alter, amend, supplement or change  
18 the response after discovery is completed and prior to trial.  
19 Each response refers to the combination of the indicated  
20 Activision television game cartridge and the Atari VCS Model 2600,  
21 the Sears Tele-Game Video Arcade, the Colecovision game console  
22 with the Coleco Expansion Module 1, or the Coleco Gemini  
23 television game console, except where the Mattel version is  
24 indicated in which case the response refers to the combination of  
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1 the indicated Activision television game cartridge and the Mattel  
2 Intellelevision or the Sears Tele-Game Super Video Arcade television  
3 game console.

4 A. Dolphin, Keystone Kapers, Decathalon, Stampede,  
5 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
6 The vertical synchronization signals at the outputs of the  
7 television interface adapter and the television game console.

8 Stampede (Mattel): At least the vertical  
9 synchronization signal at the output of the television game  
10 console.

11 B. Dolphin, Keystone Kapers, Decathalon, Stampede,  
12 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
13 The horizontal synchronization signals at the outputs of the  
14 television interface adapter and the television game console.

15 Stampede (Mattel): At least the horizontal  
16 synchronization signal at the output of the television game  
17 console.

18 C. Dolphin, Keystone Kapers, Decathalon, Stampede,  
19 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
20 The Activision television game cartridge, the microprocessor, and  
21 the television interface adapter.

22 Stampede (Mattel): The Activision television game  
23 cartridge and at least portions of the television game console.

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1 D. Dolphin, Keystone Kapers, Decathalon, Stampede,  
2 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
3 At least the horizontal and vertical deflection circuitry of the  
4 associated television receiver.

5 Stampede (Mattel): At least the horizontal and vertical  
6 deflection circuitry of the associated television receiver.

7 E. Dolphin: The dolphin symbol.

8 Keystone Kapers: The "Officer Kelly" symbol.

9 Decathalon: The hurdeler symbol.

10 Stampede: The horse and rider symbol.

11 Gran Prix: The player controlled car symbol.

12 Barnstorming: The airplane symbol.

13 Sky Jinks: The airplane symbol.

14 Enduro: The player controlled car symbol.

15 Pressure Cooker: The "Short-Order Sam" symbol.

16 Stampede (Mattel): The horse and rider symbol.

17 F. Dolphin: The dolphin symbol.

18 Keystone Kapers: The "Officer Kelly" symbol.

19 Decathalon: The hurdeler symbol.

20 Stampede: The horse and rider symbol.

21 Gran Prix: The player controlled car symbol.

22 Barnstorming: The airplane symbol.

23 Sky Jinks: The airplane symbol.

24 Enduro: The player controlled car symbol.

25 Pressure Cooker: The "Short-Order Sam" symbol.

26 Stampede (Mattel): The horse and rider symbol.

1           G.   Dolphin, Keystone Kapers, Decathalon, Stampede,  
2 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
3 At least the Activision television game cartridge, the joystick,  
4 the peripheral interface adapter, the television interface  
5 adapter, and the microprocessor.

6                   Stampede (Mattel): The Activision game cartridge  
7 and at least portions of the television game console.

8           H.   Dolphin: The squid symbol.

9                   Keystone Kapers: The beachball symbol.

10                   Decathalon: The hurdle symbols.

11                   Stampede: The cattle symbols.

12                   Gran Prix: The game controlled car and bridge  
13 symbols.

14                   Barnstorming: The barn, windmill and goose  
15 symbols.

16                   Sky Jinks: The pylon, tree and balloon symbols.

17                   Enduro: The game controlled car symbols.

18                   Pressure Cooker: The condiment symbols.

19                   Stampede (Mattel): The cattle symbols.

20           I.   Dolphin, Keystone Kapers, Decathalon, Stampede,  
21 Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
22 At least the Activision television game cartridge, the television  
23 interface adapter, and the microprocessor.

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1 J. Dolphin: The coincidence between the dolphin  
2 symbol and the squid symbol after the dolphin  
3 has caught a seagull by which the dolphin  
4 catches the squid.

5 Keystone Kapers: The coincidence between the  
6 "Officer Kelly" symbol and the beachball  
7 symbol.

8 Decathalon: The coincidence between the hurdeler  
9 symbol and any of the hurdle symbols.

10 Stampede: The coincidence between the horse and  
11 rider symbol and any of the cattle symbols by  
12 which the cattle are herded.

13 Gran Prix: The coincidence between the player  
14 controlled car symbol and any of the game  
15 controlled car symbols or the and bridge  
16 symbols.

17 Barnstorming: The coincidence between the airplane  
18 symbol and any of the barn, windmill and goose  
19 symbols.

20 Sky Jinks: The coincidence between the airplane  
21 symbol and any of the pylon, tree and balloon  
22 symbols.

23 Enduro: The coincidence between the player  
24 controlled car and any of the game controlled  
25 car symbols.

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Pressure Cooker: The coincidence between the "Short-Order Sam" symbol and any of the condiment symbols by which "Short-Order Sam" catches or rejects the condiments.

Stampede (Mattel): The coincidence between the horse and rider symbol and any of the cattle symbols during herding.

K. Dolphin, Keystone Kapers, Decathalon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: At least the Activision television game cartridge, the microprocessor and perhaps the television interface adapter.

Stampede (Mattel): At least the Activision television game cartridge and portions of the television game console.

L. Dolphin: The motion of the squid symbol following coincidence.

Keystone Kapers: The motion of the beachball symbol following coincidence.

Decathalon: The motion of the hurdle symbol following coincidence.

Stampede: The motion of the cattle symbol following coincidence.

Gran Prix: The motion of the game controlled car symbol following coincidence.

Barnstorming: The motion of the barn, windmill or goose symbol following coincidence.

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Sky Jinks: The motion of the pylon, tree or  
balloon symbol following coincidence.

Enduro: The motion of the game controlled car  
symbol following coincidence.

Pressure Cooker: The motion of the condiment  
symbol following coincidence.

Stampede (Mattel): The motion of the cattle symbol  
following coincidence.

M. Dolphin, Keystone Kapers, Decathlon, Stampede,  
Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker:  
At least the Activision television game cartridge and the  
microprocessor.

Stampede (Mattel): At least the Activision  
television game cartridge and portions of the television game  
console.

INTERROGATORY NO. 191

For each combination, if any, of the television game  
products identified in Schedule 1 to the Notice to Take Deposition  
dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
"Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
"Enduro" and "Pressure Cooker") and the consoles identified in  
response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
the Sears Tele-Game Video Arcade, and the combination of the  
Colecovision game console and the Expansion Module 1) which





1                    RESPONSE:

2                    Plaintiffs are at this time unable to supply all the  
3 information requested in Interrogatory 191. Plaintiffs have not  
4 completed their discovery as to the television game cartridges  
5 manufactured, used, and/or sold by Activision, and the television  
6 game consoles with which those cartridges are used, and are thus  
7 unable to fully state what contentions they will make at trial as  
8 to the subject matter of this interrogatory. Plaintiffs object  
9 this interrogatory as premature.

10  
11                    INTERROGATORY NO. 192

12                    For each combination, if any, of the television game  
13 products identified in Schedule 1 to the Notice to Take Deposition  
14 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",  
15 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",  
16 "Enduro" and "Pressure Cooker") and the consoles identified in  
17 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF  
18 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,  
19 the Sears Tele-Game Video Arcade, and the combination of the  
20 Colecovision game console and the Expansion Module 1) which  
21 plaintiffs contend constitutes an infringement of Claim 62 of the  
22 United States Patent Re. 28,507, identify the elements which  
23 plaintiffs contend correspond to the following elements of the  
24 claim:

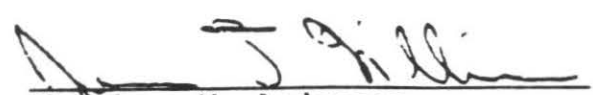
- 1           A. A traveling of the second symbol across the screen  
2           from one side of the raster to another in the  
3           absence of an occurrence of coincidence between  
4           said second symbol and said first or third symbol  
5           after coincidence of said second symbol with said  
6           third or first symbol;  
7           B. A first coincidence of said second symbol with said  
8           third or first symbol;  
9           C. A second coincidence between said second symbol an  
10          said first or third symbol; and  
11          D. Means for causing said second symbol to travel  
12          across said screen from one side of said raster to  
13          another side of said raster in the absence of an  
14          occurrence of coincidence between said ssecond  
15          symbol and said first or third symbol after  
16          coincidence of said second symbol with said third  
17          or first symbol.

18  
19           RESPONSE:

20           Plaintiffs are at this time unable to supply all the  
21           information requested in Interrogatory 192. Plaintiffs have not  
22           completed their discovery as to the television game cartridges  
23           manufactured, used, and/or sold by Activision, and the television  
24           game consoles with which those cartridges are used, and are thus

1 unable to fully state what contentions they will make at trial as  
2 to the subject matter of this interrogatory. Plaintiffs object  
3 this interrogatory as premature.  
4

5 The foregoing objections and contentions are asserted or  
6 stated on behalf of plaintiffs by:

7  
8 

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James T. Williams  
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CERTIFICATE OF MAILING

1  
2 I hereby certify that copies of Plaintiffs' Response To  
3 Defendant's Third Set Of Interrogatories (Nos. 183-192) are being  
4 forwarded Federal Express courier service in envelopes to the  
5 following:

6 Thomas O. Herbert, Esq.  
7 Flehr, Hohbach, Test,  
8 Albritton & Herbert  
9 Suite 3400  
Four Embarcadero Center  
San Francisco, California 94111

10 and

11 Michael A. Ladra, Esq.  
12 Wilson, Sonsini, Goodrich & Rosati  
13 Two Palo Alto Square  
Palo Alto, California 94304

14 on April 24, 1984.

15  
16 James T. Williams  
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