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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

17 THE MAGNAVOX COMPANY, a corpora-)
tion, and SANDERS ASSOCIATES,)
18 INC., a corporation,)

19 Plaintiffs,)

20 vs.)

21 ACTIVISION, INC., a corporation,)

22 Defendant.)

23 AND RELATED CROSS-ACTION.)
24

No. C 82 5270 CAL

PRETRIAL STATEMENT OF
ACTIVISION, INC. REGARDING
EXHIBITS, SCHEDULES, AND
SUMMARIES
Local Rule 235-7(j)

Pretrial Conference:
December 13, 1984

25

26

PRETRIAL STATEMENT OF ACTIVISION RE
EXHIBITS, SCHEDULES, AND SUMMARIES

MAGNAVOX v. ACTIVISION
Trial Exhibit List

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	06/27/54	William G. Brown Deposition Exs. 5 (pp.1 and 2 only) and 5A.	Brown		
	10/00/54	William G. Brown Deposition Exhibit 4.	Brown		
		Block Diagram of Pool Ball Simulation University of Michigan.	Brown		
	08/12/58	U.S. Patent 2,847,661 (Althouse)			
	10/15/58	Brookhaven Nat'l Lab. Tennis Programming Schematic.	Higinbotham		
	06/04/59	French Patent No. 1,180,470 and Translation (taken from 480 File Wrapper; PX 99B)			

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	08/00/63	MX v. Mattel: DX-AT14 - Russell deposition Exh. 26, Spacewar article	Kotok Russell		
	06/02/64	U.S. Patent 3,135,815 (Spiegel)			
		NASA Ex. CF (Lawrence). Manual for 1964 System.	Lawrence Smith VanArtsdalen		
		NASA Ex. CH (Lawrence). Manual for 1967 System, Vol. I	Lawrence Smith VanArtsdalen		
		NASA Ex. CI (Lawrence). Manual for 1967 System, Vol. II	Lawrence Smith VanArtsdalen		
		NASA Ex. CS (Lawrence). Nov., 1967 Article from <u>Electronic Engineer</u> entitled "Computer Generator's Visual Display", pp.16-18	Lawrence Smith VanArtsdalen		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		NASA Ex. DA (Smith). History of NASA-ESG.	Lawrence Smith VanArtsdalen		
	03/00/69	NASA Ex. DB (Schumacker). "Digitally Computed Images for Visual Simulation" by R.S. Rougelot.	Lawrence Smith VanArtsdalen		
		NASA Ex. DM (Smith). Smith personal log	Smith		
		NASA Ex. BX (Lawrence). Photo of ground plane. (Photo I.D. #S64-39143)	Lawrence Smith VanArtsdalen		
		NASA Ex. CL (Lawrence). Photo of Tank Game. (Photo I.D. #S68-22973)	Lawrence Smith VanArtsdalen		
		NASA Ex. CM (Lawrence). Photo of Tank Game. (Photo I.D. #S68-22975)	Lawrence Smith VanArtsdalen		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		NASA Ex. DG (Smith). Movie--Tracer Tank	Lawrence Smith VanArtsdalen		
		NASA Film Roll #S71-155. Footage of NASA Scene Generator.	Lawrence Smith VanArtsdalen		
		NASA Film Roll # S71-132. Footage of NASA Scene Generator.	Lawrence Smith VanArtsdalen		
	06/08/67	NASA Film Roll # S68-388. Footage of NASA Scene Generator.	Lawrence Smith VanArtsdalen		
		NASA Film Roll # S68-387. Footage of NASA Scene Generator.	Lawrence Smith VanArtsdalen		
	05/31/68	NASA Film Roll # S68-386 $\frac{1}{2}$. Footage of NASA Scene Generator.	Lawrence Smith VanArtsdalen		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	09/01/66	Magnavox v. Mattel: PX 12a - typewritten version of pages 2 through 6 of PX 12: Disclosure of back-up data for television games by R. H. Baer.	Baer		
	10/28/66	Magnavox v. Mattel: PX 16 - Sanders Laboratory Notebook No. 4224 of W.T. Rusch (S/ADX 17, CDIPX 58, MDX 24).	Baer		
	03/03/67	Mullarky Depo. Ex. 1: "Pool, source listing" for contract with IDI.	Mullarky		
	05/02/67	Magnavox v. Mattel: PX 13: file of television game development documents maintained by W. L. Harrison labeled "NFGAA TVG", 231 pages (S/ADX 23, CDIPX 65, MDX 22). (pp. cover page, 67, 75.)	Baer		
	05/10/67	Magnavox v. Mattel: PX:12 - file by R. H. Baer labeled "TV Game Data in Chronological Order" (pp. 38, 39, 40, 51-70, 113)	Baer		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		RCA (Teger) Depo. Ex. 10: Photograph taken at the time of Open House: IDI display console and light pen with pooltable displayed and pooltable game in progress.	Teger		
	02/02/68	MX v. Mattel: DX-BB39 - Sanders in-house patent application file for the '507 patent. (MDX-124). (pp. 1-27)	Baer		
	04/05/68	RCA Doc: memo to Wargo from E. James authorizing Karl Kummel's - photographer for BBC to take photographs of "poolgame".	Teger		
		Teger Depo. Ex. 9, BBC film of RCA Pool Game.	Teger		
	04/00/69	Russell Depo. Ex. 3: Brochure entitled "Space War"; pp.1-2.	Kotok Russell		
	05/22/70	Great Britain Letters Patent No. 1,319,410.	Baer Rusch		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	05/22/70	Great Britain Letters Patent No. 1,318,051.	Baer Rusch		
	03/24/71	File of television game developments maintained by R. H. Baer labeled "Magnavox License Support"; material taken by Baer to Magnavox to help them build Odyssey (S/ADX 20, CDIPX 73, PDX 37). (Cover page, pp. 20-4, 5, 6, 7, 11, 100, 101, 102).	Baer		
		Baer's "TVG Negotiations" file. [pp. 21-1, 21-52, 21-87, 21-93, 21-95, 21-98, 21-106, 21-107].	Baer		
	04/25/72	U.S. Patent 3,659,284	Baer Rusch		
	04/25/72	File wrapper 3,659,284	Baer Rusch		
	04/25/72	U.S. Patent 3,659,285.	Baer		
		File wrapper 3,659,285.	Baer		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	08/18/72	MX v. Mattel: DX-BA2 - Memo to Sanders, Jr. from Etlinger: Progress report on t.v. gaming device - Odyssey.	Baer		
	04/17/73	U.S. Patent 3,728,480	Baer		
	04/17/73	File wrapper S.N. 697,798 ['480 parent, abandoned]	Baer		
	04/17/73	File wrapper 3,728,480	Baer		
	08/05/75	U.S. Patent Re. 28,507	Baer Rusch		
	08/05/75	File wrapper Re. 28,507	Baer Rusch		
	10/28/75	U.S. Patent Re. 28,598.	Baer Harrison Rusch		
		File wrapper Re. 28,598.	Baer Harrison Rusch		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	00/00/76	MX-Odyssey Business Plan. Chart of Magnavox Odyssey Sales Trend.	Discovery		
	01/18/76	MX v. Mattel: AT10 - Russell deposition Exh. 9 - computer program for the game Spacewar.	Kotok Russell		
	04/01/76	Coleco license agreement with Magnavox and Sanders and Supplement.	Discovery		
	06/08/76	Atari settlement, license, and cross-license agreements with Magnavox and Sanders	Discovery		
	01/04/77	Cover memorandum to all Magnavox authorized service centers from R. Yeranico with attached copy of letter directed to all Magnavox dealers.	Discovery		
		Settlement Agreement between Seeburg Industries and Magnavox.	Discovery		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	04/14/81	Letter to E. Goodman from James Levy.	Levy		
	00/00/82	Bernstein Research by Sanford C. Bernstein & Co., Inc., Survey of video game industry.	Lehrburg Lopez		
	00/00/82	1982 Video Game Cartridge Ownership and Usage Study (J. Walter Thompson USA).	Lehrburg Lopez		
		Manual of Classification, U.S. Patent Office.			
	06/16/82	APF - Magnavox Settlement Agreement (Mayer Ex. D).	Discovery Mayer		
	12/00/82	"Video Game Marketing Monitor Study" Marylander Marketing Research, Inc.	Lehrburg Lopez		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
	00/00/83	1983 Market Definition Study (J. Walter Thompson USA).	Lehrburg Lopez		
	01/24/83	Mattel license agreement with Magnavox and Sanders	Discovery		
	06/09/83	Activision Prospectus.	Levy		
	11/18/83	<u>Atari v. JS&A Group, Inc.</u> (U.S.D.C. N.D. Ill.) Verified Complaint for Copyright Infringement, Patent Infringement, Unfair Competition, and Misappropriation.			
		1980-1984 Directories of International Consumer Electronic Shows.	Lehrburg Lopez		
		1980-84 Activision television, radio and other media advertising copy and displays.	Lehrburg Lopez		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		1982-84 Sears, Roebuck & Co. television, radio and other media advertising copy and displays, including catalogues.	Lehrburg Lopez		
		1980-84 Retailing and Consumer publications relating to use of Activision and other independent manufacturers of software cartridges with Magnavox licensed master console.	Lehrburg Lopez		
		Photographs of typical store displays of home video equipment and accessories.	Lehrburg Lopez		
		List of Activision video game cartridges and disks.	Lehrburg Levy Lopez		
	10/25/84	Stipulation Regarding Covenant Not to Sue for Alleged Infringement of U.S. Patent 3,728,480.			

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		Atari 2600 Master Console.			
		Packaged WICO Command Control (Joystick).			
		Activision game cartridge and instruction manual for Fishing Derby	Crane		
		Activision game cartridge and instruction manual for Stampede	Crane Whitehead		
		Activision game cartridge and instruction manual for Barnstorming	Crane Cartwright		
		Activision game cartridge and instruction manual for Grand Prix	Crane		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		Activision game cartridge and instruction manual for Sky Jinks	Crane Whitehead		
		Activision game cartridge and instruction manual for Keystone Kapers	Crane Kitchen		
		Activision game cartridge and instruction manual for Dolphin	Crane Hubbard		
		Activision game cartridge and instruction manual for Enduro	Crane Miller		
		Activision game cartridge and instruction manual for Decathlon	Crane		
		Activision Skiing Game Cartridge and instruction manual.	Nelson		

<u>Exhibit No.</u>	<u>Date</u>	<u>Description</u>	<u>ID Witness</u>	<u>Date I.D.</u>	<u>Date Adm.</u>
		Computer Program for Activision game Keystone Kapers.	Crane Kitchen		
		Computer Program for Activision game Grand Prix.	Crane		
		Current list of Activision Games.	Levy		
		Charts by Experts. Charts will describe the technology involved in the patent in suit, the prior art, and Activision video games.	Experts		

1 DATED: December 3, 1984.

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10 Counterclaimant Activision, Inc.

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120384/1-355900Cg

1 PROOF OF SERVICE

2 I, MARIE SPIEGL, declare as follows:

3 1. I am a resident of the City and County of San
4 Francisco, over the age of eighteen years and not a party to the
5 within action. My business address is Three Embarcadero Center,
6 Suite 700, San Francisco, California.

7 2. On December 3, 1984 I served the following document:
8 PRETRIAL STATEMENT OF ACTIVISION, INC. REGARDING EXHIBITS,
9 SCHEDULES, AND SUMMARIES as follows:

10 By FEDERAL EXPRESS, a true and correct copy in a sealed
11 envelope addressed as follows:

12 James T. Williams, Esq.
13 NEUMAN, WILLIAMS, ANDERSON & OLSON
14 77 W. Washington Street
Chicago, IL 60602

15 By HAND DELIVERY, by causing a true and correct copy to
16 be personally delivered addressed as follows:

17 Robert L. Ebe, Esq.
18 McCUTCHEN, DOYLE, BROWN & ENERSEN
19 3 Embarcadero Center
Twenty-eighth Floor
San Francisco, CA 94111

20 I declare under penalty of perjury that the foregoing
21 is true and correct.

22 Executed this 3rd day of December 1984 at San Francisco,
23 California.

24
25 
26 MARIE SPIEGL

HOWARD
RICE
NEMEROVSKI
CANADY
ROBERTSON
& FALK

A Professional Corporation