

NEUMAN, WILLIAMS, ANDERSON & OLSON

77 WEST WASHINGTON STREET

CHICAGO, ILLINOIS 60602

ALS

COPY



September 21, 1984

Algy Tamoshunas, Esquire
North American Philips Corporation
580 White Plains Road
Tarrytown, New York 10591

*Toed Williams
OK Sep 21, 1984
+S*

Re: Magnavox v. Activision

Dear Algy:

We have received from Marty Glick's office proposed stipulations regarding a covenant not to sue Activision for infringement of the '480 patent, and dismissal of Activision's second counterclaim. Copies are enclosed.

The dismissal stipulation appears appropriate to us. However, we have some concerns about the wording of the '480 non-assertion stipulation. We do not believe that the stipulation should cover all activities of any assignees of Activision, and that the last sentence concerning any reissue of the '480 should be clarified. We would prefer to alter the wording of the non-assertion stipulation to be as follows:

Plaintiffs, the Magnavox Company and Sanders Associates, Inc., each covenant that they will not bring any action or seek any relief whatsoever against Activision, Inc., its successors, agents, or assigns based on the ground(s) that the manufacture, use, sale, offer for sale, or any distribution of any product(s) of Activision, anywhere in the world in the past, present, or in the future, infringes, or contributes to or induces the infringement of U.S. Patent 3,728,480. The

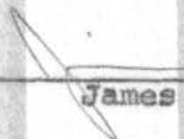
Algy Tamoshunas, Esq.
North American Philips Corporation
September 21, 1984
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stipulation and covenant shall not apply to any reissue of U.S. Patent 3,728,480, except to the extent the claimed subject matter of such reissue patent is identical to the claimed subject matter of U.S. Patent 3,728,480.

We will await proposing any such language to Glick until we hear from you and Lou.

Very truly yours,

NEUMAN, WILLIAMS, ANDERSON & OLSON

By 
James T. Williams

JTW:de
Enclosures

cc: T. A. Briody, Esq. - w/encls.
L. Etlinger, Esq. - w/encls.
T. W. Anderson, Esq. - w/o encls.

1 MARTIN R. GLICK
2 H. JOSEPH ESCHER III
3 MARLA J. MILLER
4 HOWARD, RICE, NEMEROVSKI, CANADY,
5 ROBERTSON & FALK
6 A Professional Corporation
7 Three Embarcadero Center, 7th Floor
8 San Francisco, California 94111
9 Telephone: 415/434-1600

6 ALDO J. TEST
7 THOMAS O. HERBERT
8 EDWARD S. WRIGHT
9 SCOTT HOVER-SMOOT
10 FLEHR, HOHBACH, TEST,
11 ALBRITTON & HERBERT
12 Four Embarcadero Center, Suite 3400
13 San Francisco, California 94111
14 Telephone: 415/781-1989

11 Attorneys for Defendant
12 Activision, Inc.

HOWARD
RICE
NEMEROVSKI
CANADY
ROBERTSON
& FALK

Professional Corporation

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

16 THE MAGNAVOX COMPANY, a corpora-)
17 tion, and SANDERS ASSOCIATES,)
18 INC., a corporation,)
19 Plaintiffs,)
20 vs.)
21 ACTIVISION, INC., a corporation,)
22 Defendant.)

No. C 82 5270 JPV

STIPULATION REGARDING
COVENANT NOT TO SUE FOR
ALLEGED INFRINGEMENT OF
U.S. PATENT 3,728,480

23 The undersigned parties to this action, by and
24 through their attorneys of record, hereby stipulate as follows:

25 Plaintiffs The Magnavox Company and Sanders Associates,
26 and the successors, agents, assigns or parent corporation of
STIPULATION REGARDING COVENANT NOT TO SUE FOR ALLEGED INFRINGEMENT
OF U.S. PATENT 3,728,480

1 each, covenant that they will not bring any action or seek any
2 relief whatsoever against Activision, Inc., its successors, agents
3 or assigns ("Activision") based on the ground(s) that the
4 manufacture, use, sale, offer for sale, or any distribution of any
5 or all product(s) by Activision, anywhere in the world in the past,
6 present, or in the future infringes, or contributes to or induces
7 the infringement of U.S. Patent 3,728,480. Except as to
8 identical subject matter, this Stipulation shall not apply to the
9 reissue of U.S. Patent 3,728,480, if any.

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11 DATED: September __, 1984

NEUMAN, WILLIAMS, ANDERSON
& OLSON

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By _____
JAMES T. WILLIAMS

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

17 DATED: September 20, 1984

HOWARD, RICE, NEMEROVSKI, CANADY,
ROBERTSON & FALK

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By 
MARTIN R. GLICK

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Attorneys for Defendant
Activision, Inc.

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STIPULATION REGARDING COVENANT NOT TO SUE FOR ALLEGED INFRINGEMENT
OF U.S. PATENT 3,728,480

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