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9 Attorneys for Defendant

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 THE MAGNAVOX COMPANY,
 a Corporation, and
 14 SANDERS ASSOCIATES, INC.,
 a Corporation,

15 Plaintiffs,

16 v.

17 ACTIVISION, INC.,
 18 a Corporation,

19 Defendant.

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)
) Civil Action
) C 82 5270 JPV
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) DEFENDANT'S THIRD SET
) OF INTERROGATORIES TO
) PLAINTIFF (NOS. 183-192)
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 21 Defendant Activision, Inc. (hereinafter Activision)
 22 propounds the following interrogatories to plaintiffs, The
 23 Magnavox Company (hereinafter Magnavox) and Sanders Associates,
 24 Inc. (hereinafter Sanders), to be answered by each of said
 25 plaintiffs in writing and under oath in accordance with the
 26 provisions of Rule 33 of the Federal Rules of Civil Procedure.
 27 These interrogatories are intended to be continuing in their
 28 effect and to require supplementary answers with respect to any

1 and all facts or documents within their scope which may come into
2 the possession of plaintiffs or their attorneys subsequent to the
3 answering of these interrogatories.

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5 DEFINITIONS

6 1. "Magnavox" shall mean plaintiff The Magnavox Company,
7 its subsidiaries and/or related companies, officers, employees,
8 managers, representatives, agents, attorneys and any other persons
9 acting on behalf of The Magnavox Company.

10 2. "Sanders" shall mean plaintiff Sanders Associates,
11 Inc., its subsidiaries and/or related companies, officers,
12 employees, managers, representatives, agents, attorneys and any
13 other persons acting on behalf of Sanders Associates, Inc.

14 3. "Activision" shall mean defendant Activision, Inc.

15 4. "Document" shall mean written, recorded or graphic
16 matter, however produced or reproduced, including, but not limited
17 to letters, correspondence, memoranda, notes, work papers, tapes,
18 data storage media of any type, charts, books, accounting records,
19 drawings, sketches, photographs, bulletins, circulars, advertising,
20 or copies of such documents where originals are not available.
21 Documents should be identified whether or not they are deemed
22 privileged or confidential and whether or not they are in
23 plaintiffs' possession, custody or control.

24 5. "Identify", when used in reference to a document,
25 means to state the type of document (e.g., letter, memorandum,
26 report, etc.), the date, the title or heading of the document, the
27 identity of the addressee(s), the identity of all persons to whom
28 copies of the document were sent, and the present location of the

1 original document (or, if the original is unavailable, of the most
2 legible copy).

3 6. "Identify", when used in reference to a natural
4 person, means to state the full name of the person, the present or
5 last known address and telephone number of the person, and the
6 relationship of the person to plaintiffs, if any.

7 7. "Identify", when used in reference to an entity
8 other than a natural person, means to state the full name of the
9 entity, the nature of the entity (e.g., corporation, partnership,
10 etc.), the present or last known address of the entity, and the
11 full names of the principals of the entity (e.g., officers,
12 partners, etc.).

13 8. "Identify", when used in reference to a
14 communication, means to state the nature (e.g., conversation,
15 written correspondence, etc.) of the communication, the date of
16 the communication, the person or persons present, and the subject
17 matter of the communication.

18 9. "Licensee" shall include sublicenses and all other
19 types of licenses.

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21 INTERROGATORIES

22
23 INTERROGATORY NO. 183

24 Explain what is meant by the term "demonstration program"
25 as used in plaintiffs' responses to Interrogatories Nos. 89 and 91
26 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS.

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1 INTERROGATORY NO. 184

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 25 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.

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1 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF
2 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,
3 the Sears Tele-Game Video Arcade, and the combination of the
4 Colecovision game console and the Expansion Module 1) which
5 plaintiffs contend constitutes an infringement of Claim 44 of the
6 United States Patent Re. 28,507, identify the elements which
7 plaintiffs contend correspond to the following elements of the
8 claim:

- 9 A. A baseball type game;
- 10 B. Apparatus for playing a baseball type game;
- 11 C. A hit spot;
- 12 D. Means for displaying a hit spot;
- 13 E. A hitting spot;
- 14 F. Means for displaying a hitting spot;
- 15 G. An adjustment in the vertical position of said
16 hitting spot;
- 17 H. Means for adjusting the vertical position of said
18 hitting spot;
- 19 I. A serving of the hit spot;
- 20 J. Means for serving said hit spot;
- 21 K. A variation in the vertical position of the hit
22 spot;
- 23 L. Means for varying the vertical position of said hit
24 spot;
- 25 M. Coincidence between said hit and said hitting spot;
- 26 N. A reversal of directions by the hit spot; and
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1 O. Means for denoting coincidence between said hit and
2 said hitting spots whereby said hit spot will
3 reverse directions.
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5 INTERROGATORY NO. 187

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 45 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 hockey type game;
20 B. Apparatus for playing a hockey type game;
21 C. A first hitting spot;
22 D. Means for displaying a first hitting spot;
23 E. A second hitting spot;
24 F. Means for displaying a second hitting spot;
25 G. A hit spot;
26 H. Means for displaying a hit spot;
27 I. Control of the position of the first hitting spot;
28 J. Control of the position of the second hitting spot;

- 1 K. Means for controlling the position of said first
2 and second hitting spots;
3 L. Controlling of the position of the hit spot;
4 M. Means for controlling the position of said hit
5 spot;
6 N. Coincidence between the first hitting spot and the
7 hit spot;
8 O. Coincidence between the second hitting spot and the
9 hit spot;
10 P. Means for ascertaining coincidence between either
11 of said hitting spots and said hit spot;
12 Q. A distinct motion imparted to said hit spot upon
13 coincidence; and
14 R. Means for imparting a distinct motion to said hit
15 spot upon coincidence.
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18 INTERROGATORY NO. 188

19 For each combination, if any, of the television game
20 products identified in Schedule 1 to the Notice to Take Deposition
21 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",
22 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",
23 "Enduro" and "Pressure Cooker") and the consoles identified in
24 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF
25 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,
26 the Sears Tele-Game Video Arcade, and the combination of the
27 Colecovision game console and the Expansion Module 1) which
28 plaintiffs contend constitutes an infringement of Claim 51 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 the hit symbol upon
13 coincidence; and
14 H. Means for imparting a distinct motion to said hit
15 symbol upon coincidence.
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18 INTERROGATORY NO. 189

19 For each combination, if any, of the television game
20 products identified in Schedule 1 to the Notice to Take Deposition
21 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",
22 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",
23 "Enduro" and "Pressure Cooker") and the consoles identified in
24 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF
25 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,
26 the Sears Tele-Game Video Arcade, and the combination of the
27 Colecovision game console and the Expansion Module 1) which
28 plaintiffs contend constitutes an infringement of Claim 52 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 variation in the horizontal position of the
5 hitting symbol;
6 B. A variation in the vertical position of the hitting
7 symbol; and
8 C. Means for providing horizontal and vertical control
9 signals for varying the horizontal and vertical
10 positions of said hitting symbol.

11 INTERROGATORY NO. 190

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 60 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:

- 25 A. A vertical synchronization signal;
26 B. A horizontal synchronization signal;

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- 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 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 coupled 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;
- L. A distinct motion imparted to said second symbol in response to said coincidence; and

- 1 E. Means coupled to said third symbol generating means
2 and second symbol generating means for determining
3 a second coincidence between said third symbol and
4 said second symbol;
- 5 F. A first coincidence between said third symbol and
6 said second symbol;
- 7 G. A distinct motion imparted to said second symbol in
8 response to the second coincidence; and
- 9 H. Means coupled to said second and third symbol
10 coincidence determining means and said second
11 symbol generating means for imparting a distinct
12 motion to said second symbol in response to said
13 second coincidence.

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15 INTERROGATORY NO. 192

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

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- A. A traveling of the second symbol across the screen from one side of the raster to another in the absence of an occurrence of coincidence between said second symbol and said first or third symbol after coincidence of said second symbol with said third or first symbol;
- B. A first coincidence of said second symbol with said third or first symbol;
- C. A second coincidence between said second symbol and said first or third symbol; and
- D. Means for causing said second symbol to travel across said screen from one side of said raster to another side of said raster in the absence of an occurrence of coincidence between said second symbol and said first or third symbol after coincidence of said second symbol with said third or first symbol.

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

Date: March 22, 1984

By *Edward S. Wright*
Edward S. Wright
Attorneys for Defendant

CERTIFICATE OF SERVICE

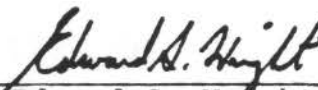
1 I hereby certify that the foregoing DEFENDANT'S THIRD
2 SET OF INTERROGATORIES TO PLAINTIFFS (NOS. 183-192) is being
3 served upon plaintiffs by mailing a copy of the same, by first
4 class mail, postage prepaid, to:

5 Robert P. Taylor, Esq.
6 Pillsbury, Madison & Sutro
7 225 Bush Street
8 P. O. Box 7880
9 San Francisco, CA 94120

10 Neuman, Williams, Anderson & Olson
11 Theodore W. Anderson, Esq.
12 James T. Williams, Esq.
13 77 West Washington Street
14 Chicago, IL 60602

15 this 22nd day of March, 1984.

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Edward S. Wright
One of the Attorneys for Defendant