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14 The Magnavox Company and  
15 Sanders Associates, Inc.

16 United States District Court for the  
17 Northern District of California

18 THE MAGNAVOX COMPANY, a Corpora- )  
19 tion, and SANDERS ASSOCIATES, )  
20 INC., a Corporation, )

21 Plaintiffs, )

22 vs. )

23 ACTIVISION, INC., a Corporation, )

24 Defendant. )

No. C 82 5270 TEH

PLAINTIFFS' RESPONSE TO  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES (NOS. 1-125)

25 Plaintiffs herewith respond to defendant's inter-  
26 rogatories 1-125. Plaintiffs object to each of those inter-  
27 rogatories for at least the following reasons:  
28

PLAINTIFFS' RESPONSE TO DEFENDANT'S  
FIRST SET OF INTERROGATORIES (NOS. 1-125)

1           1.    Plaintiffs object to interrogatories 1-125 to  
2 the extent they are deemed to be continuing or require  
3 supplementation beyond the requirements of Rule 26(e),  
4 F.R.Civ.P.

5           2.    Plaintiffs object to the definitions of  
6 "Magnavox" and "Sanders" included in the introduction to  
7 interrogatories 1-125 to the extent those definitions and the  
8 interrogatories making use of them attempt to impose any  
9 obligation on plaintiffs to supply information beyond that  
10 required by the Federal Rules of Civil Procedure.

11           However, in order to advance the progress of this  
12 action and without waiver of any of the within-stated  
13 objections, plaintiffs further respond to defendant's  
14 interrogatories 1-125 in the following. The answers supplied  
15 are based on information obtained from those employees of  
16 plaintiffs believed to have knowledge of the relevant facts.

17           In response to certain of defendant's  
18 interrogatories, plaintiffs will produce for inspection by  
19 defendant the documents from which the requested information  
20 may be derived or ascertained. The documents will be produced  
21 at the location where they are maintained by the plaintiff  
22 producing same in the normal course of its business at a time to  
23 be mutually agreed upon. Where such documents include trade  
24 secret or other confidential or commercial information, the  
25 documents will be produced only after the entry of a suitable  
26 protective order. Where identification is requested of  
27 documents which are immune from discovery on grounds of  
28

1 attorney-client privilege or otherwise, the documents will be  
2 identified at or shortly after the time of production of the  
3 documents being produced.

4  
5  
6 INTERROGATORY NO. 1

7 Identify each and every patent owned in whole or in  
8 part by Magnavox and/or Sanders relating to television games.

9 SANDERS:

10	<u>UNITED STATES:</u>	3,829,095*
11		3,737,566*
12		3,728,480*
13		3,497,829*
14		3,599,221*
15		Re. 28,507 (3,659,284)*
16		3,778,058*
17		Re. 28,598 (3,659,285)*
18		3,921,161*
19		4,034,990*
20		4,194,198*
21		4,107,737
22		4,077,049
23		4,357,014
24		4,355,814
25		4,117,511
26		4,355,805
27		4,342,454

1		4,359,223
2		4,346,407
3	<u>ARGENTINA:</u>	201,824*
4		208,872*
5	<u>AUSTRALIA:</u>	440,524*
6		440,977*
7		429,985*
8		442,967*
9		441,126*
10		478,656*
11	<u>BELGIUM:</u>	739,124*
12		730,002*
13		751,008*
14		754,932*
15		815,628*
16	<u>CANADA:</u>	934,056*
17		948,400*
18		895,028*
19		920,160*
20		993,001*
21		911,484*
22		927,864*
23		999,888*
24		1,010,464*
25		1,111,546*
26		1,111,545
27		
28		



1	<u>FRANCE:</u>	69.07714*
2		69.07715*
3		70.19368*
4		70.29350*
5		74.18382*
6	<u>GREAT BRITAIN:</u>	1,268,821*
7		1,268,822*
8		1,255,224*
9		1,318,051*
10		1,319,410*
11		1,328,223*
12		1,472,480*
13		1,566,337*
14		1,595,852
15		1,601,723
16		2,033,703
17	<u>GREECE:</u>	45,937*
18		67,248*
19		46,582*
20		51,156*
21	<u>HOLLAND:</u>	153,404*
22		154,894*
23		152,422*
24	<u>HONG KONG:</u>	75/1976*
25		483/1977*
26		484/1977*
27		76/1976*
28		

1		77/1976*
2		578/1977*
3		506/1980*
4	<u>INDIA:</u>	136,499*
5	<u>ISRAEL:</u>	31,836*
6		38,735*
7		31,826*
8		33,915*
9		41,011*
10		34,263*
11		44,575*
12	<u>ITALY:</u>	897,269*
13		961,012*
14		893,433*
15		901,545*
16		1,019,625*
17	<u>JAPAN:</u>	765,636*
18		768,992*
19		778,416*
20		852,060*
21		811,493*
22	<u>KOREA:</u>	13,509*
23	<u>MEXICO:</u>	141,144*
24		140,468*
25		141,091*
26	<u>PHILLIPINES:</u>	13,144*
27		
28		

1	<u>SINGAPORE:</u>	380/1975*
2		381/1975*
3		354/1980*
4	<u>SWEDEN:</u>	7800417-3*
5		7800418-1*
6		7800419-9*
7		368,467*
8		364,186*
9		377,889*
10		7415697-7*
11		7407044-2*
12	<u>SWITZERLAND:</u>	512,865*
13		512,864*
14		529,491*
15		534,989*
16		600,718*
17	<u>TAIWAN:</u>	11,669*
18	<u>VENEZUELA:</u>	30,146*
19		39,070*
20		30,171*
21		33,789*
22	<u>WEST GERMANY:</u>	1,951,848*
23		2,017,312*
24		1,913,722*
25		2,030,959*
26		2,426,249*
27		2,714,670*
28		2,800,756

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WEST MALAYSIA:            260/1975\*  
   261/1975\*  
   210/1981\*

MAGNAVOX:

UNITED STATES:            4,006,474  
   4,006,898  
   4,068,847  
   4,111,421  
   3,809,395  
   De. 233,405  
   De. 234,405

Although such patents do not relate to television games, Magnavox and Sanders also own United States Patent 3,135,815 and Canadian Patent 691,432.

INTERROGATORY NO. 2

With regard to each of the patents identified in response to INTERROGATORY NO. 1, state the following:

- A. The nature of the interest owned by Magnavox and/or Sanders in the patent;
- B. The manner in which Magnavox and/or Sanders acquired its interest in the patent;
- C. The dates that Magnavox and/or Sanders held its interest in the patent;
- D. Identify all communications relating to the interest of Magnavox and/or Sanders in the patent; and
- E. Identify all documents which refer or relate in any way to the subject matter of parts A through D of this interrogatory.

1           A. Each of the patents identified in the response  
2 to interrogatory 1 is wholly owned by the identified plaintiff  
3 except that United States Patents 4,357,104, 4,355,814, and  
4 4,355,805 are owned by Sanders jointly with Marvin Glass &  
5 Associates, Inc. and Magnavox and Sanders own United States  
6 Patent 3,135,815 and Canadian Patent 691,432 jointly as  
7 tenants in common.

8           B&C. Each of the patents identified in the response  
9 to interrogatory 1 was acquired by the indicated plaintiff by  
10 assignment from the inventor(s) of the invention thereof at or  
11 about the time of execution and filing of the application  
12 therefor (or, in the case of patents of countries other than  
13 the United States, the time of execution and filing of the  
14 corresponding United States application) except that United  
15 States Patent 3,135,815 and Canadian Patent 691,432 were  
16 acquired by assignment from APF Electronics, Inc. executed on  
17 June 18, 1982.

18           D&C. Plaintiffs object to paragraphs D and C of this  
19 interrogatory as requesting information which is neither  
20 relevant to the subject matter involved in this action nor  
21 reasonably calculated to lead to the discovery of admissible  
22 evidence.

23  
24 INTERROGATORY NO. 3

25           Identify all patents relating to television games  
26 under which Magnavox and/or Sanders have ever been granted a  
license or immunity from suit.

27           Magnavox has been granted a license under the  
28

1 patents identified in the response to interrogatory 1 as owned  
2 by Sanders and marked with an asterisk(\*).

3 Magnavox has been granted licenses under United  
4 States Patents 4,095,791, 4,026,555, and 4,155,095, Canadian  
5 Patent 1,082,351, French Patent 76.07029, and Great Britain  
6 Patent 1,535,999; Magnavox and Sanders have been granted  
7 licenses under United States Patents 4,054,919, 4,045,789, and  
8 4,016,362 and other patents not specifically identified in the  
9 license grant.

10  
11 INTERROGATORY NO. 4

12  
13 With regard to each of the patents identified in  
14 response to INTERROGATORY NO. 3, state the following:

- 15 A. The nature of the license or immunity from  
16 suit;
- 17 B. The circumstances under which the license or  
18 immunity was acquired;
- 19 C. The effective dates of the license or immunity  
20 from suit;
- 21 D. The terms of the license or immunity from suit;
- 22 E. Identify all communications relating to the  
23 license or immunity from suit;
- 24 F. Identify all documents which refer or relate in  
25 any manner to the subject matter of Parts A  
26 through E of this interrogatory.

27 A-C. Magnavox's license under patents owned by  
28 Sanders: Exclusive license with the right to sublicense,  
acquired by negotiation, dated January 27, 1972;

Magnavox license under United States Patent  
4,095,791: fully paid up, royalty free, nonexclusive;

1 acquired as part of settlement of lawsuit with Fairchild Camera  
2 and Instrument Corporation, effective January 1, 1980;

3 Magnavox license under United States Patents  
4 4,026,555 and 4,155,095, Canadian Patent 1,082,351, French  
5 Patent 76.07029, and Great Britain Patent 1,535,999: fully  
6 paid up, nonexclusive; acquired as part of settlement of  
7 lawsuit with Alpex Computer Corporation;

8 Magnavox and Sanders license under United States  
9 Patents 4,054,919, 4,045,789, and 4,016,632, and other patents  
10 not specifically identified in the license grant: fully paid  
11 up, nonexclusive; acquired as part of settlement of lawsuit  
12 with Atari, Inc., effective June 8, 1976.

13  
14 INTERROGATORY NO. 5

15 Has Magnavox and/or Sanders, other than by license,  
16 ever assigned or conveyed to another any part of its ownership,  
17 interest, license or immunity in or under any of the patents  
18 identified in response to INTERROGATORY NO. 1 and/or INTER-  
19 ROGATORY NO. 3?

20 No.

21 INTERROGATORY NO. 6

22 If the answer to INTERROGATORY NO. 5 is other than an  
23 unqualified negative, state the following:

- 24 A. The nature of the ownership, interest, license  
25 or immunity assigned or conveyed;
- 26 B. Identify the person(s) to whom the assignment  
27 or conveyance was made;
- 28 C. Identify all persons having knowledge of the  
assignment or conveyance;

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D. Identify all communications relating to the assignment or conveyance; and

E. Identify all documents which refer or relate in any way to the subject matter of parts A through D of this interrogatory.

No response required.

INTERROGATORY NO. 7

Have any of the assignments or conveyances identified in the response to INTERROGATORY NO. 6 been terminated?

No response required.

INTERROGATORY NO. 8

If the answer to INTERROGATORY NO. 7 is other than an unqualified negative, state the following with respect to each termination:

A. Identify the assignment or conveyance terminated;

B. The manner in which the assignment or conveyance was terminated and the reason(s) for such termination;

C. The effective date of the termination;

D. Identify all persons having knowledge of the termination;

E. Identify all communications relating to the termination; and

F. Identify all documents which refer or relate in any way to parts A through E of this interrogatory.

No response required.

INTERROGATORY NO. 9



1 Has Magnavox and/or Sanders ever granted a license  
2 or immunity to another with respect to any of the patents  
3 identified in response to INTERROGATORY NO. 1 and/or INTER-  
4 ROGATORY NO. 3?

5 Plaintiffs object to this interrogatory to the  
6 extent it seeks information concerning licenses or immunity  
7 grants not including United States Patent Re. 28,507 and  
8 corresponding foreign patents as requesting information which  
9 is neither relevant to the subject matter involved in this  
10 action nor reasonably calculated to lead to the discovery of  
11 admissible evidence and/or premature. Plaintiff Sanders has  
12 granted a license under United States Patent Re. 28,507 and  
13 plaintiff Magnavox has granted sublicenses thereunder.

14 INTERROGATORY NO. 10

15 If the response to INTERROGATORY NO. 9 is other than  
16 an unqualified negative, identify each such license or  
17 immunity granted:

- 18 A. The nature of the license or immunity;
- 19 B. Identify the person(s) to whom the license or  
20 immunity was granted;
- 21 C. The terms of the license or immunity;
- 22 D. The effective dates of the license or immunity;
- 23 E. Identify all persons having knowledge of the  
24 license or immunity;
- 25 F. Identify all communications relating to the  
26 license or immunity; and
- 27 G. Identify all documents which refer or relate in  
28 any way to the subject matter of parts A  
through F of this interrogatory.

A-D&F. As to such grants including United States  
Patent Re. 28,507 and corresponding foreign patents, the

1 information requested can be derived or ascertained from the  
2 files of plaintiffs relating to the subject licenses which  
3 files will be produced according to the statement made in the  
4 introduction to these interrogatories.

5 E. Those persons having the greatest knowledge  
6 will be identified in the documents referred to in the response  
7 to paragraphs A-D and F of this interrogatory.

8 G. Plaintiffs object to this interrogatory as  
9 being vague and indefinite.

10  
11 INTERROGATORY NO. 11

12 Have any of the licenses or immunities identified in  
13 response to INTERROGATORY NO. 10 been terminated?

14 Yes.

15  
16 INTERROGATORY NO. 12

17 If the answer to INTERROGATORY NO. 11 is other than  
18 an unqualified negative, state the following with respect to  
19 each such termination:

- 20 A. Identify the license or immunity terminated;
- 21 B. The manner in which the license or immunity was  
terminated and the reason(s) for termination;
- 22 C. The effective date of the termination;
- 23 D. Identify all persons having knowledge of the  
24 termination;
- 25 E. Identify all communications relating to the  
26 termination; and
- 27 F. Identify all documents which refer or relate in  
any way to parts A through E of this  
28 interrogatory.

1           A-C&E.     The information requested can be derived  
2 or ascertained from the files of plaintiffs relating to the  
3 subject licenses which files will be produced according to the  
4 statement made in the introduction to these interrogatories.

5           D.     Those persons having the greatest knowledge  
6 will be identified in the documents referred to in the response  
7 to paragraphs A-C and E of this interrogatory.

8           F.     Plaintiffs object to this interrogatory as  
9 being vague and indefinite.

10  
11           INTERROGATORY NO. 13

12                     Has anyone other than the persons identified in  
13 response to INTERROGATORY NO. 6 and INTERROGATORY NO. 10 ever  
14 expressed any desire or interest in acquiring an interest in or  
15 a license or immunity under any of the patents identified in  
16 response to INTERROGATORY NO. 1 or INTERROGATORY NO. 3?

17                     Plaintiffs object to this interrogatory to the  
18 extent it seeks information concerning licenses or immunities  
19 not including United States Patent Re. 28,507 and  
20 corresponding foreign patents as requesting information which  
21 is neither relevant to the subject matter involved in this  
22 action nor reasonably calculated to lead to the discovery of  
23 admissible evidence and/or premature. Others have expressed a  
24 desire or interest in obtaining a license or sublicense under  
25 United States Patent Re. 28,507 or corresponding foreign  
26 patents.  
27  
28

1 INTERROGATORY NO. 14

2 If the answer to INTERROGATORY NO. 13 is other than  
3 an unqualified negative, identify each such occurrence,  
4 including:

- 5 A. The patent(s) in which the interest was  
6 expressed;
- 7 B. Identify the person(s) expressing the inter-  
8 est;
- 9 C. The date(s) when the interest was expressed;
- 10 D. The nature of the rights (e.g., assignment,  
11 license, immunity, etc.) in which the interest  
12 was expressed;
- 13 E. Describe in detail the manner in which the  
14 interest was expressed;
- 15 F. State whether the person(s) expressing the  
16 interest is currently utilizing the subject  
17 matter of the patent(s);
- 18 G. Describe in detail all terms offered by  
19 Magnavox and/or Sanders for the interest,  
20 license or immunity in which interest was  
21 expressed;
- 22 H. State in detail why the person(s) expressing  
23 the interest did not acquire the license,  
24 immunity or interest;
- 25 I. Identify all persons having knowledge of the  
26 expression of interest;
- 27 J. Identify all communications relating to the  
28 expression of interest; and
- K. Identify all documents which refer or relate in  
any way to the subject matter of parts A  
through J of this interrogatory.

A-H&J. The information requested to the extent  
available to plaintiffs can be derived or ascertained from the  
files of plaintiffs relating to the licenses under United  
States Patent Re. 28,507 or corresponding foreign patents  
which files will be produced according to the statement made in  
the introduction to these interrogatories.

1 I. Those persons having the greatest knowledge  
2 will be identified in the documents referred to in the response  
3 to paragraphs A-H and J of this interrogatory.

4 K. Plaintiffs object to this interrogatory as  
5 being vague and indefinite.

6  
7 INTERROGATORY NO. 15

8 Identify each person, other than Activision, which  
9 has been notified or charged with infringement of any of the  
10 patents identified in response to INTERROGATORY NO. 1 and  
11 INTERROGATORY NO. 3.

12 Plaintiffs object to this interrogatory to the  
13 extent it seeks information concerning notification or charges  
14 of infringement not including United States Patent Re. 28,507  
15 or a corresponding foreign patent as requesting information  
16 which is neither relevant to the subject matter involved in  
17 this action nor reasonably calculated to lead to the discovery  
18 of admissible evidence and/or premature. The information  
19 requested as to United States Patent Re. 28,507 and  
20 corresponding foreign patents can be derived or ascertained  
21 from the files of plaintiffs relating to the licenses under  
22 those patents which files will be produced according to the  
23 statement made in the introduction to these interrogatories.

24 INTERROGATORY NO. 16

25 For each person identified in response to INTER-  
26 ROGATORY NO. 15:

27 A. Identify the patent(s) with respect to which  
28 the notice was given or the allegation was  
made;

- 1           A.    The court and docket number of the action;
- 2           B.    The patent(s) involved in the suit;
- 3           C.    Identify the parties to the suit;
- 4           D.    Describe the nature of the suit;
- 5           E.    State the outcome of the suit;
- 6           F.    If the validity or enforceability of any of the  
7           patent(s) in suit was challenged, set forth in  
8           detail all of the grounds upon which the  
            challenge was based, including any prior art  
            relied upon;
- 9           G.    Identify all persons having knowledge of the  
10           suit;
- 11           H.    Identify all communications relating to the  
            suit; and
- 12           I.    Identify all documents which refer or relate in  
13           any way to the subject matter of parts A  
            through H of this interrogatory.

14           Plaintiffs object to this interrogatory to the  
15           extent it seeks information concerning lawsuits not including  
16           United States Patent Re. 28,507 or a corresponding foreign  
17           patent as requesting information which is neither relevant to  
18           the subject matter involved in this action nor reasonably  
19           calculated to lead to the discovery of admissible evidence  
20           and/or premature. The following response is as to lawsuits  
21           including United States Patent Re. 28,507.

22           A-F. Much of the information requested in paragraph  
23           A-F is supplied at paragraph 3 of the Affidavit of Thomas A.  
24           Briody previously filed herein. The remaining information  
25           requested can be derived or ascertained from the pleadings  
26           files of plaintiffs and their counsel relating to the subject  
27           lawsuits which files will be produced according to the  
28           statement made in the introduction to these interrogatories.

1           G.    Those persons having the greatest knowledge  
2 will be identified in the documents referred to in the response  
3 to paragraphs A-D and F of this interrogatory.

4           H.    Plaintiffs object to paragraph H as requesting  
5 information which is neither relevant to the subject matter  
6 involved in this action nor reasonably calculated to lead to  
7 the discovery of admissible evidence, as requesting  
8 identification of a large number of documents which are  
9 obviously subject to valid claim of attorney-client privilege  
10 and/or attorney work product, and as placing plaintiffs under  
11 an undue and unnecessary burden to supply the requested  
12 information.

13           I.    Plaintiffs object to this interrogatory as  
14 being vague and indefinite.

15  
16 INTERROGATORY NO. 18

17           Which of the grounds of invalidity and/or unen-  
18 forceability identified in response to part F of INTERROGATORY  
19 NO. 17 were of the greatest concern to Magnavox and Sanders?

20           No answer required. Further, plaintiffs object to  
21 this interrogatory as requesting information which is neither  
22 relevant to the subject matter involved in this action nor  
23 reasonably calculated to lead to the discovery of admissible  
24 evidence and, to the extent it calls for same, as requesting  
25 information subject to a valid claim of attorney-client  
26 privilege or attorney work product.



1 INTERROGATORY NO. 19

2 State the reasons why each of the grounds of  
3 invalidity and/or unenforceability identified in response to  
4 INTERROGATORY NO. 18 was of concern.

5 No answer required. Further, plaintiffs object to  
6 this interrogatory for the same reasons as were stated in the  
7 response to interrogatory 18.

8 INTERROGATORY NO. 20

9 Is Magnavox registered to do business as a foreign  
10 corporation in the State of California?

11 It is not.

12  
13 INTERROGATORY NO. 21

14 Identify all companies which are related in any way  
15 to Magnavox, including but not limited to parents,  
16 subsidiaries and divisions.

17 Plaintiffs object to this interrogatory as  
18 requesting information which is neither relevant to the  
19 subject matter involved in this action nor reasonably  
20 calculated to lead to the discovery of admissible evidence.  
21 The parent and grandparent companies of Magnavox are North  
22 American Philips Development Corporation and North American  
23 Philips Corporation, respectively. North American Philips  
24 Consumer Electronics Corp. is a cosubsidiary of North American  
25 Philips Development Corporation and its subsidiary N.A.P.  
26 Consumer Electronics Corp. is the corporation having  
27 responsibility for the manufacture and sale of the Odyssey<sup>2</sup>  
28 television game.



1 INTERROGATORY NO. 22

2 Is Sanders registered to do business as a foreign  
3 corporation in the State of California?

4 It is not.

5  
6 INTERROGATORY NO. 23

7 Identify all companies which are related in any way  
8 to Sanders, including but not limited to parents, subsidiaries  
9 and divisions.

10 Plaintiffs object to this interrogatory as  
11 requesting information which is neither relevant to the  
12 subject matter involved in this action nor reasonably  
13 calculated to lead to the discovery of admissible evidence.  
14 Sanders has no parent corporation; no companies related to  
15 Sanders deal in television games.

16  
17 INTERROGATORY NO. 24

18 Does Magnavox and/or Sanders contend that Activision  
19 has ever infringed any of the patents identified in response to  
20 INTERROGATORY NO. 1 and/or INTERROGATORY NO. 3 other than  
21 United States Letters Patent Re. 28,507?

22 Plaintiffs do not contend in this action that  
23 Activision has ever infringed any patent other than United  
24 States Patent Re. 28,507. To the extent this interrogatory  
25 requires any further response, plaintiffs object to it as  
26 requesting information which is neither relevant to the  
27 subject matter involved in this action nor reasonably  
28 calculated to lead to the discovery of admissible evidence.

1 INTERROGATORY NO. 25

2 If the response to INTERROGATORY NO. 24 is other  
3 than an unqualified negative, for each such patent:

- 4 A. Identify the patent and the claims of the  
5 patent which Magnavox and/or Sanders contends  
6 have been infringed;
- 7 B. Set forth in detail the manner in which  
8 Magnavox and/or Sanders contends that the  
9 patent has been infringed;
- 10 C. Identify any product(s) of Activision which  
11 Magnavox and/or Sanders contends constitutes  
12 an infringement of the patent;
- 13 D. Identify all persons having knowledge of the  
14 alleged infringement;
- 15 E. Identify all communications relating to the  
16 alleged infringement; and
- 17 F. Identify all documents which refer or relate in  
18 any way to the subject matter of parts A  
19 through E of this interrogatory.

20 No response required.

21 INTERROGATORY NO. 26

22 Has Magnavox and/or Sanders ever considered charging  
23 Activision with infringement of any of the patents identified  
24 in response to INTERROGATORY NO. 1 and/or INTERROGATORY NO. 3  
25 other than United States Letters Patent Re. 28,507?

26 Plaintiffs object to this interrogatory as  
27 requesting information which is neither relevant to the  
28 subject matter involved in this action nor reasonably  
calculated to lead to the discovery of admissible evidence.

29 INTERROGATORY NO. 27

30 If the answer to INTERROGATORY NO. 26 is other than  
31 an unqualified negative, for each such consideration:

- 1           A.    State the date(s) of the consideration;
- 2           B.    Identify the patent(s) considered;
- 3           C.    Identify the product(s) and/or activities of  
4           Activision considered;
- 5           D.    State whether each of the product(s) and  
6           activities identified in response to part C of  
7           this interrogatory was determined to  
8           constitute an infringement, and set forth in  
9           detail the reason(s) for this determination;
- 10          E.    Identify all persons having knowledge of the  
11          subject matter of parts A through D of this  
12          interrogatory;
- 13          F.    Identify all communications relating to the  
14          subject matter of parts A through E of this  
15          interrogatory; and
- 16          G.    Identify all documents which refer or relate in  
17          any way to the subject matter of parts A  
18          through F of this interrogatory.

19                No response required.

20                INTERROGATORY NO. 28

21                Do Magnavox and Sanders admit that Activision has  
22                not infringed U.S. Patent 3,728,480?

23                If plaintiffs' motion to dismiss Activision's Second  
24                Counterclaim is granted and Activision's Second Counterclaim  
25                is dismissed with prejudice, neither of plaintiffs will sue  
26                Activision for infringement of either any claim of the original  
27                U.S. Patent No. 3,728,480 or any claim of any reissue of the  
28                U.S. Patent 3,728,480 which claim is identical to any claim  
                  presently in the original patent for any activity of Activision  
                  in relation to its television game cartridges which were on the  
                  market prior to October 25, 1982.

1 To the extent this interrogatory requests any  
2 further response, plaintiffs object to it as requesting  
3 information which is neither relevant to the subject matter  
4 involved in this action nor reasonably calculated to lead to  
5 the discovery of admissible evidence and as being premature.

6  
7 INTERROGATORY NO. 29

8 If the answer to INTERROGATORY NO. 28 is other than  
9 an unqualified affirmative, set forth in detail the basis for  
10 such answer, including the following:

- 11 A. Identify all claims believed to be infringed;
- 12 B. Set forth in detail the manner in which each of  
13 the claims identified in the response to part A  
of this interrogatory is believed to be  
infringed;
- 14 C. For each of the claims identified in response  
15 to part A of this interrogatory, identify the  
16 products of Activision which are believed to  
constitute an infringement, either direct or  
contributory;
- 17 D. Identify all claims of the patent which are not  
18 believed to be infringed by Activision;
- 19 E. Set forth in detail the reasons why each of the  
20 claims identified in response to part D of this  
interrogatory are not infringed;
- 21 F. Identify all persons having knowledge of the  
22 subject matter of parts A through E of this  
interrogatory;
- 23 G. Identify all communications relating to the  
24 subject matter of parts A through F of this  
interrogatory; and
- 25 H. Identify all documents which refer or relate in  
26 any way to the subject matter of parts A  
through G of this interrogatory.

27 No response required. See also the objection stated  
28 in plaintiffs' response to interrogatory 28.

1 INTERROGATORY NO. 30

2 Have any of the claims of any of the patents  
3 identified in response to INTERROGATORY NO. 1 or INTERROGATORY  
4 NO. 3 ever been found to be invalid or unenforceable by a  
5 court?

6 Yes.

7 INTERROGATORY NO. 31

8 If the answer to INTERROGATORY NO. 30 is other than  
9 an unqualified negative, for each claim found to be invalid or  
10 unenforceable:

- 11 A. Identify the claim;
- 12 B. Identify the court and the proceeding in which  
13 the claim was found to be invalid or  
14 unenforceable;
- 15 C. Set forth in detail the nature of the finding of  
16 invalidity or unenforceability, including any  
17 prior art relied upon in such finding;
- 18 D. Identify all persons having knowledge of the  
19 finding of invalidity and/or unenforceability;
- 20 E. Identify all communications relating to the  
21 finding of invalidity or unenforceability; and
- 22 F. Identify all documents which refer or relate in  
23 any way to the subject matter of parts A  
24 through E of this interrogatory.

25 A. Claims 1, 2, 5, 6, 13, 14, 15 and 16 of United  
26 States Patent Re. 28,598. Plaintiffs have no knowledge that  
27 any claims of any of the other patents identified in response  
28 to interrogatory 3 have been found to be invalid or unenforce-  
able by a Court.

B. United States District Court for the Northern  
District of Illinois; Civil Action No. 74 C 1030.

1 C. The finding is set forth at 201 U.S.P.Q. 25.

2 D. The finding was published in a publicly  
3 available reporter series.

4 E. Plaintiffs object to paragraph E of this  
5 interrogatory as requesting information which is neither  
6 relevant to the subject matter involved in this action nor  
7 reasonably calculated to lead to the discovery of admissible  
8 evidence.

9 F. Plaintiffs object to paragraph F of this  
10 interrogatory as being vague and indefinite.

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13 INTERROGATORY NO. 32

14

15 Has Magnavox or Sanders ever made a study with regard  
16 to the validity or enforceability of any of the claims of the  
17 patents identified in response to INTERROGATORY NO. 1 or  
18 INTERROGATORY NO. 3?

19 Plaintiffs object to this interrogatory as  
20 requesting information which is neither relevant to the  
21 subject matter involved in this action nor reasonably  
22 calculated to lead to the discovery of admissible evidence.

23

24

25 INTERROGATORY NO. 33

26

27 If the answer to INTERROGATORY NO. 32 is other than  
28 an unqualified negative, identify each such study, including:

29

A. The patent(s) and claim(s) involved;

30

B. When the study was made;

31

C. Identify all persons participating in the  
32 study;

33

D. Describe the study in detail, including the  
34 outcome of the study;

35

- 1 E. Identify any prior art considered in connection  
2 with the study;
- 3 F. Set forth the circumstances under which the  
4 study was made, including the reason that the  
5 study was made;
- 6 G. Describe any action taken as a result of the  
7 study;
- 8 H. Identify all persons having knowledge of the  
9 study;
- 10 I. Identify all communications relating to the  
11 study; and
- 12 J. Identify all documents which refer or relate in  
13 any way to the subject matter of parts A  
14 through I of this interrogatory.

15 No response required. See also the objection stated  
16 in plaintiffs' response to interrogatory 32.

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20 INTERROGATORY NO. 34

21 Has Magnavox or Sanders ever formed a conclusion  
22 that any of the claims of the patents identified in response to  
23 INTERROGATORY NO. 1 or INTERROGATORY NO. 3 is or might be  
24 invalid or unenforceable for any reason?

25 Plaintiffs object to this interrogatory as  
26 requesting information which is neither relevant to the  
27 subject matter involved in this action nor reasonably  
28 calculated to lead to the discovery of admissible evidence.

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32 INTERROGATORY NO. 35

33 If the answer to INTERROGATORY NO. 34 is other than  
34 an unqualified negative, for each claim thought to be invalid  
35 or unenforceable:

- 36 A. Identify the claim and the patent in which the  
37 claim is found;

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- B. Set forth in detail the reason why the claim is or was thought to be invalid or unenforceable;
- C. Set forth the circumstances under which the claim was determined to be invalid or unenforceable;
- D. Describe any action taken with respect to the claim once it was determined to be invalid or unenforceable;
- E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- F. Identify all communications relating to the subject matter of parts A through E of this interrogatory; and
- G. Identify all documents which refer or relate in any way to the subject matter of parts A through F of this interrogatory.

No response required. See also the objection stated in plaintiffs' response to interrogatory 34.

INTERROGATORY NO. 36

Has anyone ever suggested to Magnavox or Sanders that any of the claims of the patents identified in response to INTERROGATORY NO. 1 and INTERROGATORY NO. 3 might be invalid or unenforceable?

Plaintiffs object to this interrogatory as requesting information which is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 37

If the answer to INTERROGATORY NO. 36 is other than an unqualified negative, identify each suggestion of invalidity or unenforceability, including the following:



- 1           A. Identify the claim(s) suggested to be invalid
- 2           or unenforceable;
- 3           B. Identify the person(s) suggesting that the
- 4           claim was invalid or unenforceable;
- 5           C. Set forth in detail the grounds upon which the
- 6           claim was said to be invalid or unenforceable;
- 7           D. Which of the grounds identified in response to
- 8           part C of this interrogatory were or are of the
- 9           greatest concern to Magnavox and Sanders?
- 10          E. State why the grounds identified in response to
- 11          part D of this interrogatory are of the
- 12          greatest concern;
- 13          F. Describe in detail the circumstances under
- 14          which the suggestion of invalidity or
- 15          unenforceability was made;
- 16          G. Describe in detail any action taken by Magnavox
- 17          or Sanders in connection with or as a result of
- 18          the suggestion or invalidity or unenforce-
- 19          ability;
- 20          H. Identify all persons having knowledge of the
- 21          subject matter of parts A through G of this
- 22          interrogatory;
- 23          I. Identify all communications relating to the
- 24          subject matter of parts A through H of this
- 25          interrogatory; and
- 26          J. Identify all documents which refer or relate in
- 27          any way to the subject matter of parts A
- 28          through I of this interrogatory.

20           No response required. See also the objection stated  
21 in plaintiffs' response to interrogatory 36.

23           INTERROGATORY NO. 38

24                   Identify the claims of United States Letters Patent  
25 Re. 28,507 which Magnavox and Sanders contend have been  
26 infringed by Activision.

27                   Plaintiffs are at this time unable to fully state  
28 what contentions they will make at trial as to the subject

1 matter of Interrogatories 38 and 39 and those other  
2 interrogatories which reference this response. These  
3 interrogatories seek information as to plaintiffs' contentions  
4 with regard to infringement of the patent in suit. Plaintiffs  
5 have not completed their discovery as to the television game  
6 products manufactured, used, and/or sold by Activision, so  
7 they have been unable to fully formulate their contentions as  
8 to infringement. Plaintiffs hereinafter state their  
9 contentions as they are presently best able to determine them  
10 in light of the information presently available to them; they  
11 specifically reserve the right to alter these contentions when  
12 more complete information becomes available. To the extent  
13 either of interrogatories 38 and 39 presently requires any  
14 further response than that given hereinafter, plaintiffs  
15 object to the interrogatory as premature.

16 As presently advised, plaintiffs contend that the  
17 manufacture, use, or sale by Activision of the "Fishing Derby",  
18 "Boxing", "Tennis" and "Ice Hockey" television game cartridges  
19 constitute acts of contributory infringement and inducement to  
20 infringe at least claims 25, 26, 44, 45, 51, 52, 60, 61, and 62  
21 of United States Patent Re. 28,507.

22  
23 INTERROGATORY NO. 39

24 For each of the claims identified in response to  
25 INTERROGATORY NO. 38, set forth in detail the manner in which  
26 the claim has been infringed by Activision, including:

- 27 A. The activities of Activision which constitute  
28 infringement;

- 1 B. State when and under what circumstances each of  
2 the activities identified in response to part A  
3 of this interrogatory came to the attention of  
4 Magnavox and/or Sanders;
- 5 C. Identify each television game cartridge made,  
6 used and/or sold by Activision which  
7 constitutes an infringement of the claim either  
8 by itself or in combination with a television  
9 game console;
- 10 D. For each of the game cartridges identified in  
11 response to part C of this interrogatory, state  
12 precisely where each element of the claim is  
13 found in the cartridge or cartridge/ console  
14 combination;
- 15 E. Identify all persons having knowledge of the  
16 subject matter of parts A through D of this  
17 interrogatory;
- 18 F. Identify all communications relating to the  
19 subject matter of parts A through E of this  
20 interrogatory; and
- 21 G. Identify all documents which refer or relate in  
22 any way to the subject matter of parts A  
23 through F of this interrogatory.

24 See the response to interrogatory 38.

25 A. The making, using, selling, and offering for  
26 sale of the television game cartridges referred to in the  
27 response to interrogatory 38.

28 B. As presently advised, personnel of plaintiffs  
associated with the prosecution of this action first became  
aware of such activities in early 1981. Other personnel of  
plaintiffs may have had earlier knowledge.

C. See the response to interrogatory 38.

D. Plaintiffs are unable to respond to paragraph D  
of this interrogatory at this time. See the response to  
interrogatory 38.

1 E. The principal persons having knowledge of the  
2 subject matter of paragraph B are plaintiffs' counsel.

3 F. The information requested can be derived or  
4 ascertained from the files of plaintiff Magnavox relating to  
5 the negotiations with Activision which file will be produced  
6 according to the statement made in the introduction to these  
7 interrogatories.

8 G. Plaintiffs object to this interrogatory as  
9 being vague and indefinite.

10  
11 INTERROGATORY NO. 40

12 Referring to the Activision video game cartridge  
13 catalog attached to these interrogatories as Exhibit A,  
14 identify each of the games described therein which does not  
15 infringe any of the claims of United States Letters Patent Re.  
28,507.

16 Plaintiffs object to this interrogatory as  
17 requesting information which is neither relevant to the  
18 subject matter involved in this action nor reasonably  
19 calculated to lead to the discovery of admissible evidence.  
20 Plaintiffs also object to this interrogatory as premature. See  
21 the response to interrogatory 38.

22  
23 INTERROGATORY NO. 41

24 For each of the games identified in response to  
25 INTERROGATORY NO. 40, state the reasons why the game does not  
infringe the patent.

26 Plaintiffs object to this interrogatory as  
27 requesting information which is neither relevant to the

28

1 subject matter involved in this action nor reasonably  
2 calculated to lead to the discovery of admissible evidence.  
3 Plaintiffs also object to this interrogatory as premature. See  
4 the response to interrogatory 38.

5  
6 INTERROGATORY NO. 42

7  
8 Has Magnavox or Sanders ever made an examination or  
9 investigation of any of the game cartridges identified in the  
10 catalog attached as Exhibit A to determine whether the  
11 cartridge constitutes an infringement of United States Letters  
12 Patent Re. 28,507 either by itself or when used in combination  
13 with a television game console?

14 Counsel for plaintiffs made an examination or  
15 investigation of certain of the television game cartridges  
16 identified in the catalog attached as Exhibit A to the  
17 interrogatories prior to the filing of this action.

18  
19 INTERROGATORY NO. 43

20 If the answer to INTERROGATORY NO. 42 is other than  
21 an unqualified negative, for each such examination or  
22 investigation:

- 23 A. Identify the game cartridge subject to exami-  
24 nation or investigation;
- 25 B. State when, where and by whom the examination  
26 or investigation was made;
- 27 C. Describe in detail the examination or investi-  
28 gation made;
- D. State the results of the examination or  
investigation;
- E. Identify any equipment, instrumentation or  
apparatus employed in the examination or  
investigation;
- F. Identify all persons having knowledge of the  
examination or investigation;

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- G. Identify all communications relating to the examination or investigation; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

Plaintiffs object to this interrogatory as requesting information which is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence, and as requesting information which is subject to valid claims of attorney-client privilege and attorney work product.

INTERROGATORY NO. 44

Referring to Paragraph 10 of the Complaint, identify the specific activities of Activision with respect to television game cartridges which Magnavox and Sanders contend constitutes each of the following:

- A. Infringement of United States Letters Patent Re. 28,507;
- B. Active inducement of infringement of United States Letters Patent Re. 28,507; and
- C. Acts of contributory infringement of United States Letters Patent Re. 28,507.

See the response to interrogatory 38.

A. Use of the television game cartridges referred to in the response to interrogatory 38 with a television game console and a television receiver.

B. The advertising for sale, promotion, and sale of the television game cartridges referred to in the response to interrogatory 38 and associated packaging and instructional materials.

1           C.    The manufacture and/or sale of the television  
2 game cartridges referred to in the response to  
3 interrogatory 38.

4  
5 INTERROGATORY NO. 45

6           For each of the activities identified in response to  
7 INTERROGATORY NO. 44, state the following:

- 8           A.    The date(s) and place of the activity;
- 9           B.    The manner in which the activity came to the  
10 attention of Magnavox and Sanders;
- 11           C.    Identify all persons having knowledge relating  
12 to the activity;
- 13           D.    Identify all communications relating to the  
14 activity; and
- 15           E.    Identify all documents which refer or relate in  
16 any way to the subject matter of parts A  
17 through D of this interrogatory.

18           A.    Activision has been carrying out such  
19 activities since at least 1980, and it is believed the  
20 activities have been carried out by Activision or on behalf of  
21 Activision throughout the United States.

22           B.    Certain of the activities of Activision were  
23 brought to the attention of Magnavox by representatives of  
24 Atari, Inc. Those personnel of plaintiffs associated with the  
25 prosecution of this action are presently unable to document any  
26 prior knowledge of those activities. Other personnel of  
27 plaintiffs may have had earlier knowledge of these activities.

28           C.    Those persons having the greatest knowledge  
will be identified in the documents referred to in the response  
to paragraph D of this interrogatory.



1           B.     Substantially continuously since at least 1980  
2 throughout the United States.

3           C.     See the reponse to interrogatory 45.

4           D.     The Activision cartridges referred to in the  
5 response to interrogatory 38, the television game consoles  
6 with which they are intended and designed to operate (i.e., the  
7 Atari VCS Model 2600, the Sears Tele-Games Video Arcade and  
8 compatible systems such as the combination of the Coleco  
9 Colecovision television game console and the Expansion  
10 Module 1), and a television receiver.

11           E&F. It is virtually impossible to identify all the  
12 persons or all the communications referred to in paragraphs E  
13 and F of this interrogatory.

14           G.     Plaintiffs object to paragraph G of this  
15 interrogatory as vague and indefinite.

16  
17 INTERROGATORY NO. 47

18           With regard to each activity identified in response  
19 to INTERROGATORY NO. 44 as constituting an inducement of  
infringement:

20           A.     Identify the person(s) induced to infringe;

21           B.     State whether the person(s) induced to infringe  
22 did actually infringe the patent;

23           C.     If the answer to part B of this interrogatory  
24 is affirmative, state in detail how the person  
induced to infringe did in fact infringe the  
patent;

25           D.     Identify any apparatus employed in infringing  
26 the patent by the person(s) induced to  
infringe;

27           E.     Identify all persons having knowledge of the  
28 subject matter of parts A through D of this  
interrogatory;



1 F. Identify all communications relating to the  
2 subject matter of parts A through E of this  
interrogatory; and

3 G. Identify all documents which refer or relate in  
4 any way to the subject matter of parts A  
through F of this interrogatory.

5 See the response to interrogatory 38.

6 A. The persons who place one of the television  
7 game cartridges referred to in the response to  
8 interrogatory 38 into a television game console and use that  
9 combination with a television receiver.

10 B. They did.

11 C. By carrying out the activities referred to in  
12 plaintiffs' response to paragraph A of this interrogatory.

13 D-G. The Activision cartridges referred to in the  
14 response to interrogatory 38, the television game consoles  
15 with which they are intended and designed to operate (i.e., the  
16 Atari VCS Model 2600, the Sears Tele-Games Video Arcade and  
17 compatible systems such as the combination of the Coleco  
18 Colecovision television game console and the Expansion  
19 Module 1), and a television receiver.

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21

INTERROGATORY NO. 48

22

23 Do Magnavox and Sanders contend that any of the game  
24 cartridges identified in the catalog attached as Exhibit A  
25 constitutes, by itself, an infringement of any of the claims of  
United States Letters Patent Re. 28,507 or any of the other  
patents identified in response to INTERROGATORY NO. 1 or  
INTERROGATORY NO. 3?

26

27 Plaintiffs object to this interrogatory as being  
vague and indefinite; only people, not things, are capable of

28

1 infringing patents. Plaintiffs also object to this  
2 interrogatory to the extent it requests information concerning  
3 patents other than United States Patent Re. 28,507 as  
4 requesting information which is neither relevant to the  
5 subject matter of this action nor reasonably calculated to lead  
6 to the discovery of admissible evidence and as being premature.  
7 See also plaintiffs' response to interrogatory 38.

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10 INTERROGATORY NO. 49

11 If the answer to INTERROGATORY NO. 48 is other than  
12 an unqualified negative:

- 13 A. Identify the game cartridge(s) and the claim(s)  
14 infringed by each such cartridge; and  
15 B. State specifically where each element of each  
16 claim identified in response to part A of this  
17 interrogatory is found in the game cartridge(s)  
18 infringed thereby.

19 No response required.

20  
21  
22 INTERROGATORY NO. 50

23 Identify each television game console which Magnavox  
24 and Sanders contend constitutes an infringement of United  
25 States Letters Patent Re. 28,507 when one of Activision's game  
26 cartridges is used in combination therewith.

27 Plaintiffs object to this interrogatory as being  
28 vague and indefinite; only people, not things, are capable of  
infringing a patent. The combining of any television game  
console compatible with any one of the television game  
cartridges referred to in plaintiffs' response to  
interrogatory 38 with such a cartridge and the use of that

1 combination with a television receiver constitute acts of  
2 infringement of the claims of United States Patent Re. 28,507  
3 stated in that response. Such consoles of which plaintiffs are  
4 presently aware are the Atari VCS Model 2600, the Sears Tele-  
5 Game Video Arcade, and the combination of the Coleco  
6 Colecovision television game console and the Expansion  
7 Module 1. See plaintiffs' response to interrogatory 38.

8  
9  
10 INTERROGATORY NO. 51

11 For each television game console identified in  
12 response to INTERROGATORY NO. 50, identify the Activision game  
13 cartridge(s) which result in infringement.

14 See plaintiffs' responses to interrogatories 50 and  
15 38.

16 INTERROGATORY NO. 52

17 For each television game console identified in  
18 response to INTERROGATORY NO. 50 and each game cartridge  
19 identified in response to INTERROGATORY NO. 51, identify the  
20 claim(s) infringed by the combination.

21 See plaintiffs' responses to interrogatories 50 and  
22 38.

23 INTERROGATORY NO. 53

24 For each claim identified in response to  
25 INTERROGATORY NO. 52, state specifically where each element of  
26 the claim is found in the game console and cartridge.

27 See plaintiffs' response to interrogatory 38.  
28

1 INTERROGATORY NO. 54

2 Referring to Paragraph 11 of the Complaint, set  
3 forth in detail the basis for the allegations that the alleged  
4 infringements, inducements to infringe and contributory  
5 infringements were:

- 6 A. Willful; and
- 7 B. With full knowledge of United States Letters  
8 Patent Re. 28,507.

9 Plaintiffs are presently unable to state all the  
10 acts, facts, and circumstances which support the referenced  
11 allegations because they have not yet completed their  
12 discovery of defendant as to that matter. However, prior to  
13 the filing of the complaint in this action, plaintiff Magnavox  
14 informed Activision of its need for a license under the patent  
15 in suit, but Activision continued its acts of infringement  
16 without taking such a license up until the time the complaint  
17 was filed.

18 INTERROGATORY NO. 55

19 Identify all persons having knowledge of the subject  
20 matter of INTERROGATORY NO. 54.

21 Those persons having the greatest knowledge will be  
22 identified in the documents referred to in plaintiffs'  
23 response to interrogatory 56.

24 INTERROGATORY NO. 56

25 Identify all communications relating to the subject  
26 matter of INTERROGATORY NO. 54.

27 The information requested can be derived or  
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1 ascertained from the files of plaintiff Magnavox relating to  
2 the negotiations with Activision, which files will be produced  
3 according to the statement made in the introduction to these  
4 interrogatories.

5  
6 INTERROGATORY NO. 57

7 Identify all documents which refer or relate in any  
8 way to the subject matter of INTERROGATORIES NOS. 54, 55 and  
9 56.

10 Plaintiffs object to this interrogatory as being  
11 vague and indefinite.

12  
13 INTERROGATORY NO. 58

14 Referring to paragraph XII of the Complaint,  
15 identify each and every television game manufactured or sold by  
16 Magnavox under United States Letters Patent Re. 28,507,  
including:

- 17 A. The model number or designation of each such  
game;
- 18 B. The date(s) each such game was manufactured:
- 19 C. The number of each such game manufactured;
- 20 D. The number of each such game sold;
- 21 E. Identify the claim(s) of the patent which  
22 covers each such game;
- 23 F. Identify all persons having knowledge of the  
24 subject matter of parts A through E of this  
interrogatory;
- 25 G. Identify all communications relating to the  
26 subject matter of parts A through F of this  
interrogatory; and
- 27 H. Identify all documents which refer or relate in  
28 any way to the subject matter of parts A through  
G of this interrogatory.

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A&B.

<u>MODEL</u>	<u>YEAR</u>
1TL 200 Odyssey	1972-75
YF 7010 Odyssey 100	1975
YF 7015 Odyssey 200	1975
BG 7500 Odyssey 300	1976
BG 7516 Odyssey 400	1976
BG 7520 Odyssey 500	1976
BG 7510 Odyssey 2000	1977
BH 7514 Odyssey 3000	1976
BH 7511 Odyssey 4000	1977
BJ 7600 Odyssey <sup>2</sup> (with variations)	1978-83
BG 4305 Television with built-in game	1976
PH 7704 Wonder Wizard Bulls Eye	1977
PH 7705 Wonder Wizard Sharp Shooter	1977
Game cartridges for use with BJ 7600 (with variations)	1978-83

C&D. Plaintiffs object to paragraphs C and D of this interrogatory as requesting information which is a trade secret or otherwise constitutes confidential commercial information; plaintiffs will supply the requested information under the terms of a protective order.

E. At least claims 25, 26, 44, 45, 51, 52, 60, 61 and 62.

1 F&G. Plaintiffs object to paragraphs F and G of this  
2 interrogatory as requesting information which is neither  
3 relevant to the subject matter involved in this action nor  
4 reasonably calculated to lead to the discovery of admissible  
5 evidence, and as placing plaintiffs under an undue and  
6 unnecessary burden to supply the requested information.

7 H. Plaintiffs object to paragraph H of this inter-  
8 rogatory as being vague and indefinite.

9  
10 INTERROGATORY NO. 59

11 For each game identified in response to  
12 INTERROGATORY NO. 58:

- 13 A. Set forth each statutory notice ever placed on  
14 such game, as alleged in Paragraph 12 of the  
Complaint;
- 15 B. State the number of games on which each notice  
16 set forth in response to part A of this  
interrogatory appeared;
- 17 C. State the date(s) that each notice identified  
18 response to part A of this interrogatory was  
placed on the game;
- 19 D. State the number of games, if any, on which the  
20 statutory notice did not appear;
- 21 E. Identify all persons having knowledge of the  
22 subject matter of parts A through D of this  
interrogatory;
- 23 F. Identify all communications relating to the  
24 subject matter of parts A through E of this  
interrogatory; and
- 25 G. Identify all documents which refer or relate in  
26 any way to the subject matter of parts A through  
F of this interrogatory.

27 A&C. The information requested can be derived or  
28 ascertained from the drawings of plaintiff Magnavox for the

1 parts containing the subject notice which drawings will be  
2 produced according to the statement made in the introduction to  
3 these interrogatories.

4 B&D. Plaintiffs object to paragraphs B and D of this  
5 interrogatory as requesting information which is a trade  
6 secret or otherwise constitutes confidential commercial  
7 information; plaintiffs will supply the requested information  
8 under the terms of a suitable protective order.

9 E. F. Eugene Simerly is believed to have such  
10 knowledge.

11 F. The information requested can be derived or  
12 ascertained from the files of plaintiff Magnavox relating to  
13 the subject notice which files will be produced according to  
14 the statement made in the introduction to these  
15 interrogatories.

16 G. Plaintiffs object to paragraph G of this  
17 interrogatory as being vague and indefinite.

18  
19 INTERROGATORY NO. 60

20 Referring to Paragraph 12 of the Complaint:

- 21 A. Set forth in detail what Magnavox and Sanders  
22 contend constitutes receipt by defendant of  
23 notice of United States Letters Patent Re.  
24 28,507;
- 25 B. Identify all persons having knowledge of the  
26 subject matter of part A of this interrogatory;
- 27 C. Identify all communications relating to parts A  
28 and B of this interrogatory; and
- D. Identify all documents which refer or relate in  
any way to the subject matter of parts A through  
C of this interrogatory.



1           A.    At least the correspondence and communications  
2 between Magnavox and Activision which occurred prior to the  
3 filing of the complaint in this action.

4           B.    Those persons having the greatest knowledge  
5 will be identified in the documents referred to in the response  
6 to paragraph C of this interrogatory.

7           C.    The information requested can be derived or  
8 ascertained from the file of plaintiff Magnavox relating to  
9 negotiations with Activision which file will be produced  
10 according to the statement made in the introduction to these  
11 interrogatories.

12           D.    Plaintiffs object to this interrogatory as  
13 being vague and indefinite.

14  
15 INTERROGATORY NO. 61

16           Have any of the patents identified in response to  
17 INTERROGATORY NO. 1 or INTERROGATORY NO. 3, or any part  
18 thereof, ever been disclaimed or dedicated to the public?

19           Except for the claims of United States Patent Re.  
20 28,598 referred to in the response to interrogatory 31, which  
21 were also disclaimed, plaintiffs have no knowledge of any such  
22 disclaimer or dedication.

23  
24  
25 INTERROGATORY NO. 62

26           If the answer to INTERROGATORY NO. 61 is other than  
27 an unqualified negative, for each such dedication or  
28 disclaimer:

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- A. Identify the patent or part thereof disclaimed or dedicated;
- B. Set forth in detail the circumstances under which the disclaimer or dedication was made;
- C. State why the disclaimer or dedication was made, including all matters considered in connection with the disclaimer or dedication, and the identity of all persons involved in the decision to make the disclaimer or dedication;
- D. Identify all persons having knowledge of the subject matter of parts A through C of this interrogatory;
- E. Identify all communications relating to the subject matter of parts A through D of this interrogatory; and
- F. Identify all documents which refer or relate in any way to the subject matter of parts A through E of this interrogatory.

No response required.

INTERROGATORY NO. 63

Referring to Paragraph 27(b) of plaintiffs' Reply to First and Third Counterclaims:

- A. Identify the television game patents owned by Sanders which Magnavox has attempted to license;
- B. Identify each party to whom Magnavox has attempted to license each of the patents identified in response to part A of this interrogatory;
- C. State when and where each such attempt was made;
- D. Set forth the reaction of each party or person to whom Magnavox attempted to license the patents;
- E. Identify any licenses resulting from such attempts;

- 1 F. Identify all persons having knowledge of the  
2 subject matter of parts A through E of this  
interrogatory;
- 3 G. Identify all communications relating to the  
4 subject matter of parts A through F of this  
interrogatory;
- 5 H. Identify all documents which refer or relate in  
6 any way to the subject matter of parts A through  
G of this interrogatory.
- 7 A. Those patents marked with an asterisk (\*) in  
8 plaintiffs' response to interrogatory 1.

9

10 B-E&G. The information requested can be derived  
11 or ascertained from the files of Magnavox relating to the  
12 subject licensing attempts which files will be produced  
13 according to the statement made in the introduction to these  
14 interrogatories.

15 F. Those persons having the greatest knowledge  
16 will be identified in the documents referred to in the response  
17 to paragraphs B-E and G of this interrogatory.

18 H. Plaintiffs object to paragraph H of this  
19 interrogatory as being vague and indefinite.

20

21

22 INTERROGATORY NO. 64

23 Do Magnavox and Sanders contend that any of the  
24 claims of the patents identified in response to INTERROGATORY  
25 NO. 1 or INTERROGATORY NO. 3 are infringed by the use of an  
Activision game cartridge in combination with a television  
game console manufactured by a third party licensed under said  
patent(s)?

26 Plaintiffs do not contend in this action that the use  
27 of any Activision television game cartridge infringes any

28

1 patent other than United States Patent Re. 28,507. To the  
2 extent this interrogatory requires any further response,  
3 plaintiffs object to it as requesting information which is  
4 neither relevant to the subject matter involved in this action  
5 nor reasonably calculated to lead to the discovery of  
6 admissible evidence. As to United States Patent Re. 28,507,  
7 see plaintiffs' responses to interrogatories 38, 39, 44, 46, 47  
8 and 50.

9  
10 INTERROGATORY NO. 65

11 If the answer to INTERROGATORY NO. 64 is other than  
12 an unqualified negative, set forth in detail the manner in  
13 which the use of the cartridge in the licensed console  
constitutes an infringement.

14 No response required.

15  
16 INTERROGATORY NO. 66

17 Do Magnavox and Sanders contend that the subject  
18 matter claimed in United States Letters Patent Re. 28,507  
19 constitutes a commercial success?

20 Yes.

21  
22 INTERROGATORY NO. 67

23 If the answer to INTERROGATORY NO. 66 is other than  
24 an unqualified negative:

- 25 A. Set forth in detail the basis upon which the  
contention is made;
- 26 B. State whether Magnavox or Sanders has ever made  
27 a study or investigation to determine whether  
there has been a commercial success;

- 1 C. If the answer to part B of this interrogatory is  
2 affirmative, describe each study or  
3 investigation in detail, including the date(s)  
4 of the study or investigation, a description of  
5 the study or investigation, and the  
6 identification of all persons participating in  
7 the study or investigation;
- 8 D. Identify all persons having knowledge of the  
9 subject matter of parts A through C of this  
10 interrogatory;
- 11 E. Identify all communications relating to the  
12 subject matter of parts A through D of this  
13 interrogatory; and
- 14 F. Identify all documents which refer or relate in  
15 any way to the subject matter of parts A through  
16 E of this interrogatory.
- 17 A. The sales by Magnavox, the Magnavox sublicenses  
18 under United States Patent Re. 28,507 and corresponding  
19 foreign patents, and others of television games incorporating  
20 the invention of that patent, and the royalty income which  
21 plaintiffs have received from those sublicenses.
- 22 B. No such study or investigation was necessary or  
23 made.
- 24 C. No response required.
- 25 D. Those personnel of plaintiffs having the  
26 greatest knowledge will be identified in the documents  
27 referred to in the response to paragraph E of this  
28 interrogatory.
- E. The information requested can be derived or  
ascertained from the files of plaintiffs relating to licenses  
under United States Patent Re. 28,507 and royalty income  
therefrom, which files will be produced according to the  
statement made in the introduction to these interrogatories.

1 F. Plaintiffs object to paragraph F of this  
2 interrogatory as being vague and indefinite.

3  
4  
5 INTERROGATORY NO. 68

6 Do Magnavox and Sanders contend the subject matter  
7 claimed in United States Letters Patent Re. 28,507 satisfied a  
8 long-felt but unsolved need?

9  
10 Yes.

11  
12 INTERROGATORY NO. 69

13 If the answer to INTERROGATORY NO. 68 is other than  
14 an unqualified negative:

- 15 A. Describe in detail each such need;  
16 B. State how the existence of each such need was  
17 determined by Magnavox and Sanders;  
18 C. Identify all persons having knowledge of the  
19 subject matter of parts A and B of this  
20 interrogatory;  
21 D. Identify all communications relating to the  
22 subject matter of parts A through C of this  
23 interrogatory; and  
24 E. Identify all documents which refer or relate in  
25 any way to the subject matter of parts A through  
26 D of this interrogatory.

27 A. A game which could be played on a television  
28 receiver which would be sufficiently interactive to maintain  
the interest of players to give viability to the concept of  
providing an alternative use for a television receiver for game  
or entertainment purposes.

B. The need was evident to personnel of Sanders.

1 C. The persons having the greatest knowledge are  
2 Ralph H. Baer and William T. Rusch, employees of Sanders.

3 D. The information requested can be derived or  
4 ascertained from the files of Sanders relating to the  
5 development of television games which files will be produced  
6 according to the statement made in the introduction to these  
7 interrogatories.

8 E. Plaintiffs object to paragraph E of this  
9 interrogatory as being vague and indefinite.

10  
11 INTERROGATORY NO. 70

12 Do Magnavox and Sanders contend that others have  
13 failed to solve the problem or problems solved by the subject  
14 matter claimed in United States Letters Patent Re. 28,507?

15 Magnavox and Sanders contend that no others arrived  
16 at the highly desirable solution which William T. Rusch  
17 invented prior to his invention thereof.

18  
19 INTERROGATORY NO. 71

20 If the answer to INTERROGATORY NO. 70 is other than  
21 an unqualified negative:

- 22 A. Identify each problem solved by the subject  
23 matter of United States Letters Patent Re.  
24 28,507;
- 25 B. Identify each person attempting to solve each  
26 such problem prior to the conception of the  
27 invention claimed in the patent;
- 28 C. Describe in detail each solution attempted by  
others to each such problem;
- D. Describe in detail the manner in which each  
such prior attempt failed;

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E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;

F. Identify all communications relating to the subject matter of parts A through E of this interrogatory; and

G. Identify all documents which refer or relate in any way to the subject matter of parts A through F of this interrogatory.

A. The development of a game which could be played on a television receiver which would be sufficiently interactive to maintain the interest of the players and give viability to the concept of providing an alternative use for a television receiver for game or entertainment purposes.

B. Plaintiffs at present know of none other than personnel of Sanders who were working in the development of television games prior to the conception of the invention claimed in the patent. At least Ralph H. Baer and William Harrison were such persons.

C,D,&F. The information requested can be derived or ascertained from the files of plaintiff Sanders relating to the development of television games which files will be produced according to the statement made in the introduction to these interrogatories.

E. Those persons having the greatest knowledge will be identified in the documents referred to in the response to paragraphs A-D and F of this interrogatory.

G. Plaintiffs object to paragraph G of this interrogatory as being vague and indefinite.



1 INTERROGATORY NO. 72

2 Has the subject matter of United States Letters  
3 Patent Re. 28,507 ever been made, used or sold by anyone other  
4 than the parties to this action?

5 Yes.

6 INTERROGATORY NO. 73

7 If the answer to INTERROGATORY NO. 72 is other than  
8 an unqualified negative:

- 9 A. Identify each person other than the parties to  
10 this action who has ever made, used or sold a  
11 game embodying the subject matter of the  
12 patent;
- 13 B. Describe in detail each such game;
- 14 C. State when each such game was made, used and/or  
15 sold;
- 16 D. Which, if any, of the persons identified in  
17 response to part A of this interrogatory were  
18 licensed or granted immunity under the patent?
- 19 E. Has notice of the patent been placed on all of  
20 the games made, used and/or sold by the persons  
21 identified in response to part D of this  
22 interrogatory?
- 23 F. If the answer to part E of this interrogatory is  
24 negative, identify each game on which notice of  
25 the patent has not been placed;
- 26 G. Which, if any, of the games identified in  
27 response to part A of this interrogatory were  
28 made, used or sold without license or immunity  
under the patent?
- 29 H. What, if any, action has been taken by Magnavox  
and Sanders with regard to each game identified  
in response to part G of this interrogatory?
- 30 I. Identify all persons having knowledge of the  
subject matter of parts A through H of this  
interrogatory;
- 31 J. Identify all communications relating to the  
subject matter of parts A through I of this  
interrogatory; and

1 K. Identify all documents which refer or relate in  
2 any way to the subject matter of parts A through  
3 J of this interrogatory.

4 A. Magnavox, its sublicensees under United States  
5 Patent Re. 28,507 and others including Activision. Because the  
6 subject matter involved is a consumer product, it is virtually  
7 impossible for plaintiffs to identify each person who has used  
8 or sold a game embodying the subject matter of that patent.

9 B-H&J. The information requested and available  
10 to plaintiffs can be derived or ascertained from the files of  
11 plaintiffs relating to licenses under United States Patent Re.  
12 28,507 and, in some cases, documents produced during  
13 litigation describing such games, which files and documents  
14 will be produced according to the statement made in the  
15 introduction to these interrogatories.

16 I. Those persons having the greatest knowledge  
17 will be identified in the documents referred to in the response  
18 to paragraphs B-H and J of this interrogatory.

19 K. Plaintiffs object to paragraph K of this  
20 interrogatory as being vague and indefinite.

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22

INTERROGATORY NO. 74

23

24 Do Magnavox and Sanders deny that any of the  
25 following constitute prior art with regard to United States  
26 Letters Patent Re. 28,507:

27

28 A. U.S. Patent 3,728,480 (Baer);

29

30 B. J. M. Gratz, SPACEWAR! REAL-TIME CAPABILITY OF  
31 THE PDP-1, Decus Proceedings, 1962, pages 37-  
32 39;

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34 C. The Spacewar game played at Massachusetts  
35 Institute of Technology in 1962, as described

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in the Decus publication identified in part B of this interrogatory;

- D. The battling spaceship game which James T. Williams observed being played on a PDP-1 computer at Stanford University in the 1960's;
- E. The tennis game developed at Brookhaven National Laboratory about 1958 by Willy Higinbothom, utilizing an analog computer and a cathode ray tube;
- F. U.S. Patent 3,135,815 (Spiegel); and
- G. U.S. Patent 2,847,661 (Althouse).
- A. Yes.
- B. Yes.
- C. Yes.
- D. Yes.
- E. Yes.
- F. No.
- G. No.

INTERROGATORY NO. 75

If the answer to any part of INTERROGATORY NO. 74 is other than an unqualified negative, set forth in detail the reason(s) for the answer given to such part.

A. The application for U.S. Patent 3,728,480 was filed after the invention of United States Patent Re. 28,507 was conceived and reduced to practice by William T. Rusch. Plaintiffs do not deny that at least portions of the subject matter described in U.S. Patent 3,728,480 are prior art with regard to United States Patent Re. 28,507.

B. That article contains an inadequate disclosure of the device or apparatus purportedly described therein to constitute prior art.

1 C. Plaintiffs are unable to determine what is  
2 meant by the term "[t]he Spacewar game" and thus are unable to  
3 determine with specificity what game is referred to;  
4 plaintiffs do not deny that certain games known as "Spacewar"  
5 were played at Massachusetts Institute of Technology in the  
6 early 1960's.

7 D. There is inadequate information available  
8 concerning any such game to determine that it constitutes prior  
9 art or to cause it to be considered as prior art.

10 E. Plaintiffs are unable to determine what is  
11 meant by the term "[t]he tennis game".

12 F. No response required.

13 G. No response required.

14  
15 INTERROGATORY NO. 76

16  
17 For each of the claims identified in response to  
18 INTERROGATORY NO. 38, set forth in detail the manner in which  
19 Magnavox and Sanders contend that the claim defines patentable  
20 subject matter over the references and other prior art  
21 identified in INTERROGATORY NO. 74.

22 Plaintiffs object to this interrogatory as being  
23 premature. It requests information concerning plaintiffs'  
24 ultimate contentions on the prior art and this case is in the  
25 very beginning stages of discovery. Responses to this  
26 interrogatory shall be deferred until the case approaches  
27 readiness for trial. Moreover, it is the burden of defendant  
28 to demonstrate how the prior art upon which it relies applies  
to the relevant claims of the patent in suit, and plaintiffs  
may then refute that demonstration. Defendant has as yet made

1 no such demonstration in this action. Further, as shown by  
2 plaintiffs' response to interrogatory 75, many of the items  
3 referred to in interrogatory 74 are inadequately identified to  
4 permit plaintiffs to respond to this interrogatory 76.

5  
6 INTERROGATORY NO. 77

7  
8 Identify all documents in the possession, custody or  
9 control of Magnavox and/or Sanders which refer or relate in any  
manner to the references and prior art identified in  
INTERROGATORY NO. 74.

10 Plaintiffs object to this interrogatory as being  
11 vague and indefinite and, to the extent it is understood, as  
12 requesting information which is neither relevant to the  
13 subject matter involved in this action nor reasonably  
14 calculated to lead to the discovery of admissible evidence.

15  
16 INTERROGATORY NO. 78

17  
18 Identify all persons employed by either Sanders or  
19 Magnavox who have knowledge of any of the references or other  
prior art identified in INTERROGATORY NO. 74.

20 Plaintiffs object to this interrogatory as  
21 requesting information which is neither relevant to the  
22 subject matter involved in this action nor reasonably  
23 calculated to lead to the discovery of admissible evidence.

24  
25 INTERROGATORY NO. 79

26 Identify all foreign patents and patent applications  
27 corresponding to United States Letters Patent Re. 28,507  
and/or United States Letters Patent No. 3,659,284.

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	<u>COUNTRY</u>	<u>PATENT NUMBER</u>
1		
2	1 - Canada	920,160
3	2 - Australia	442,967
4	3 - Belgium	751,008
5	4 - Great Britain	1,318,051
6	5 - France	7019368
7	6 - Holland	152,422
8	7 - Germany	2,017,312
9	8 - Israel	33,915
10	9 - Italy	893,433
11	10 - Japan	778,416
12	11 - Sweden	364,186
13	12 - Switzerland	529,491
14	13 - Mexico	140,468
15	14 - Argentina	208,872
16	15 - Greece	46,582
17	16 - Venezuela	30,171
18	17 - Hong Kong	484/1977
19	18 - Israel	41,011
20	19 - Great Britain	1,319,410
21	20 - Japan	852,060
22	21 - Singapore	380/1975
23	22 - West Malaysia	260 of 1975
24	23 - Hong Kong	76 of 1976
25	24 - Greece	51,156
26	25 - Canada	993,001
27		
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4 INTERROGATORY NO. 805 For each of the foreign patents and patent  
6 applications identified in response to INTERROGATORY NO. 79:7 A. Identify all persons who have participated in  
8 any way in the preparation, filing,  
9 examination, or prosecution of each  
10 application, including the role of such person  
11 in connection with the application;12 B. Identify all references or other prior art  
13 cited in connection with each application;14 C. Identify all communications relating to the  
15 application;16 D. Identify all documents which refer or relate in  
17 any way to the application.18 A. As to each of those foreign patents and patent  
19 applications:20 Richard I. Seligman  
21 Assistant Patent Counsel  
22 Sanders Associates, Inc.  
23 Primary responsibility for Sanders24 Louis Etlinger  
25 Director Patents and Licensing  
26 Sanders Associates, Inc.  
27 Supervisory responsibility for Sanders28 Ralph H. Baer  
Sanders Associates, Inc.  
Technical assistance upon requestThe following patent law firms also represented Sanders in the  
prosecution of the patent applications in their respective  
countries:Gowling & Henderson  
160 Elgin Street  
Box 466, Station A  
Ottawa, Canada KIN853

1 Spruson & Ferguson  
2 60 Margaret Street  
3 Sydney, N.S.W., Australia  
4  
5 Bureau Vander Haeghen  
6 63, Avenue de la Tolson d'Or  
7 Bruxelles 6, Belgium  
8  
9 Baron and Warren  
10 18 South End  
11 Kensington  
12 London, W8, 5BU, England  
13  
14 Office Bletry  
15 2, Boulevard de Strasbourg  
16 Paris, France  
17  
18 John A. Sakellarides  
19 6, Heraklitou Street  
20 Athens 136 Greece  
21  
22 Nederlandsch Octrooibureau  
23 Jon de Wittlaan 15  
24 Der Haag, Holland  
25  
26 Wilkinson and Grist  
27 Wheelock House  
28 12th Floor  
Pedder Street  
Hong Kong  
Cohen, Zedek and Spisbach  
29 29 Bezalel Street  
30 P. O. Box 33516  
31 Tel Aviv, Israel  
32  
33 Racheli and Flammenghi  
34 CH 6900 Lugano  
35 Switzerland  
36 (Italian application also)  
37  
38 Tashiro Patent Bureau  
39 Tokyo Tatemono Building  
40 9-9, Yaesu 1-Chome, Chuo-ku  
41 Tokyo 103, Japan  
42  
43 Bufete Sepulveda, S.C.  
44 Plaza Comesmex - Piso 9  
45 Blvd. M. Avila Camacho Num-1  
46 Mexico 10, D.F.  
47  
48 L. A. Groth and Company  
49 A.B. Patentbyra  
50 Vootmannagatan 43  
51 S-113 25 Stockholm  
52 Sweden



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Bolet & Terrero  
Edeficio Venezuela  
Apartado 852  
Caradas, Venezuela

Donaldson & Burkinshaw  
Mercantile Bank Chambers  
Singapore 1

Dipl. Ing. Klaus Behn  
Dipl. Phys. Robert Munzhuber  
8 Munchen 22  
Widenmayerstrasse 6,  
West Germany

Juan Muchall and Cia  
Av De Mayo 560-8°P  
1380 Buenos Aires  
Argentina

B. The stated references and prior art were cited  
in connection with the corresponding applications listed  
above:

1. U.S. Patent Nos. 2,455,992; 2,847,661
2. A television game of cricket
3. None
4. None
5. U.K. Patent 633,424; U.S. Patent 2,784,247
6. U.K. Patent 633,424; U.S. Patents 2,784,247  
and 3,122,607; French Patent 1,358,474;  
U.S. Application 69.04775
7. Publication "Funk und Ton", 1954, No. 4, pages 179-186
8. None
9. None
10. Publication "OKI DENKI GIHO", Vol. 34, No. 1,  
Pp. 80-82
11. Swedish patent application 3520/69
12. None

- 1 13. None  
2 14. None  
3 15. None  
4 16. None  
5 17. None  
6 18. None  
7 19. None  
8 20. None  
9 21. None  
10 22. None  
11 23. None  
12 24. None  
13 25. None  
14 26. None

15 INTERROGATORY NO. 81

16  
17 When did each of the references or other prior art  
18 identified in INTERROGATORY NO. 74 first come to the attention  
19 of Magnavox and Sanders?

20 Except as to item E listed in interrogatory 74,  
21 plaintiffs object to this interrogatory as requesting  
22 information which is neither relevant to the subject matter  
23 involved in this action nor reasonably calculated to lead to  
24 the discovery of admissible evidence. Items A-D, or prior art  
25 references at least as relevant as those items, were considered  
26 by United States District Court Judge John F. Grady in  
27 arriving at his conclusion that United States Patent Re. 28,507  
28 is valid over the prior art. The Magnavox Co., et al. v.  
Chicago Dynamics Industries, Inc., et al., 201 U.S.P.Q. 25

1 (N.D.Ill. 1977). Items A-D and F, or prior art references at  
2 least as relevant as those items, were also considered by  
3 United States District Court Judge George N. Leighton in  
4 reaching a similar conclusion. The Magnavox Co., et al. v.  
5 Mattel, Inc., et al., 216 U.S.P.Q. 28 (N.D.Ill. 1982). Item G  
6 was a reference cited in the prosecution of United States  
7 Patent Re. 28,507 before the United States Patent and Trademark  
8 Office. Thus the time at which these items first came to the  
9 attention of either plaintiff can have no bearing on this  
10 action. Item E first came to the attention of Magnavox and  
11 Sanders after August 5, 1975.

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INTERROGATORY NO. 82

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Do Magnavox and Sanders deny that U.S. Patent 3,728,480 teaches means for ascertaining coincidence between two symbols displayed upon the screen of a television receiver?

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INTERROGATORY NO. 83

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If the answer to INTERROGATORY NO. 82 is other than an unqualified negative, explain in detail why U.S. Patent 3,728,480 does not teach such means.

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No response required.

INTERROGATORY NO. 84

Do Magnavox and Sanders consider the disappearance of a symbol from the screen of a television receiver to constitute imparting a distinct motion to the symbol within the meaning of Claim 51 of United States Letters Patent Re. 28,507?

Plaintiffs object to interrogatories 84 and 86 as requesting information which is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Whether any particular television game comes within the language of any claim or claim element of United States Patent Re. 28,507 must be considered within the total context of the game. It is not possible to make such a determination with knowledge of only one particular aspect of the game; any such determination that might be made would be virtually meaningless.

INTERROGATORY NO. 85

If the answer to INTERROGATORY NO. 84 is other than an unqualified affirmative, state fully the reason(s) for such answer.

No response required.

INTERROGATORY NO. 86

Do Magnavox and Sanders consider a change in the color of a symbol on the screen of a television receiver to constitute imparting a distinct motion to the symbol within the meaning of Claim 51 of United States Letters Patent Re. 28,507?

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See the response to interrogatory 84.

INTERROGATORY NO. 87

If the answer to INTERROGATORY NO. 86 is other than an unqualified affirmative, explain fully the reason(s) for such answer.

No response required.

INTERROGATORY NO. 88

Do Magnavox and Sanders deny that the Spacewar game described in the Decus publication identified in INTERROGATORY NO. 74 includes means for ascertaining coincidence between two symbols and means for imparting a distinct motion to one of the symbols upon coincidence?

Yes.

INTERROGATORY NO. 89

If the answer to INTERROGATORY NO. 88 is other than an unqualified negative, explain fully the reason(s) for such answer.

The Decus publication does not include a sufficient description of any device or apparatus to make it possible to determine whether the demonstration program it purports to describe in combination with the apparatus upon which it was to be used included any such means.

INTERROGATORY NO. 90

Do Magnavox and Sanders contend that there is any difference between the apparatus defined by Claim 51 of United States Letters Patent Re. 28,507 and the apparatus disclosed in the Decus publication identified in INTERROGATORY NO. 74 other than the substitution of a television receiver for another type of cathode ray tube display?

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Yes.

INTERROGATORY NO. 91

If the answer to INTERROGATORY NO. 90 is other than an unqualified negative, set forth in detail any additional differences believed to exist.

Magnavox and Sanders contend that the Decus publication fails to disclose any apparatus, so it is impossible to answer this interrogatory. See the responses to interrogatories 75 and 89. Further, plaintiffs object to this interrogatory as premature; see the response to interrogatory 76. However, it is also clear that the demonstration program it purports to describe and the apparatus upon which it was to be used did not have a hit symbol or a hitting symbol, so it also could not have had any means for generating a hit symbol, any means for generating a hitting symbol, any means for ascertaining coincidence between a hit symbol and a hitting symbol, or any means for imparting a distinct motion to the hit symbol upon such coincidence.

INTERROGATORY NO. 92

Do Magnavox and Sanders deny that the Higinbothom tennis game identified in INTERROGATORY NO. 74 included means for ascertaining coincidence between two symbols and means for imparting a distinct motion to one of those symbols upon coincidence?

Plaintiffs object to this interrogatory as being vague and indefinite; as stated in the response to interrogatory 75, plaintiffs have no way of knowing what "the

1 Higinbotham tennis game identified in interrogatory 74 is."  
2 However, the only apparatus of which plaintiffs are aware that  
3 might respond to such a description simply did not include any  
4 apparatus for generating any symbol representing any racquet  
5 or paddle.

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8 INTERROGATORY NO. 93

9 If the answer to INTERROGATORY NO. 92 is other than  
10 an unqualified negative, explain the reason(s) for such answer  
11 in detail.

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13 No answer required.

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16 INTERROGATORY NO. 94

17 Do Magnavox and Sanders deny that U.S. Patent  
18 3,135,815 discloses means for detecting coincidence between  
19 two symbols displayed upon the screen of a television receiver?

20 Yes.

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23 INTERROGATORY NO. 95

24 If the answer to INTERROGATORY NO. 94 is other than  
25 an unqualified negative, explain in detail the reason(s) for  
26 such answer.

27 That patent neither discloses nor shows any  
28 apparatus whatever for detecting coincidence between two  
symbols.

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31 INTERROGATORY NO. 96

32 Do Magnavox and Sanders now disagree in any way with  
33 the following statement made by William T. Rusch on page 2 of  
34 the Declaration signed by him and dated April 22, 1974 in

1 support of the application which led to United States Letters  
2 Patent Re. 28,507:

3 "... that in the context of my invention and in the  
4 context of the description thereof in said Letters  
5 Patent 3,649,284 I have always understood and  
6 believed 'television receiver' and 'standard  
7 television receiver' to mean any cathode ray tube  
8 display incorporating circuitry for a raster type  
9 scan ... ."

10 Plaintiffs presently have no reason to disagree with  
11 any statement made in the subject Declaration when taken in the  
12 context of the entire Declaration at the time it was signed by  
13 Mr. Rusch.

14 INTERROGATORY NO. 97

15 If the answer to INTERROGATORY NO. 96 is other than  
16 an unqualified negative, identify any such disagreement, and  
17 explain in detail why the quoted statement is not accurate.

18 No response required.

19 INTERROGATORY NO. 98

20 With regard to the decision to reissue U.S. Patent  
21 3,659,284:

- 22 A. State when the decision was made;
- 23 B. Identify each person who participated in the  
24 decision and the role of each such person;
- 25 C. Identify the person(s) who originally  
26 suggested reissuing the patent;
- 27 D. Describe in detail the circumstances under  
28 which the decision was made;
- E. Identify all persons having knowledge of the  
subject matter of parts A through D of this  
interrogatory;
- F. Identify all communications relating to the  
decision to reissue the patent; and



1 G. Identify all documents which refer or relate in  
2 any way to the subject matter of parts A  
3 through F of this interrogatory.

4 A. Shortly prior to April 25, 1974.

5 B. The decision was made by Louis Etlinger; he was  
6 advised by other counsel for Sanders.

7 C. The discussion of the possibility of reissuing  
8 the patent was initialed by counsel for Sanders.

9 D. Plaintiffs object to paragraph D of this  
10 interrogatory as vague and indefinite; it is impossible to  
11 ascertain the nature or scope of the information being  
12 requested.

13 E. Louis Etlinger and counsel for Sanders are the  
14 primary persons having such knowledge.

15 F. The information requested may be ascertained or  
16 determined from the files of plaintiffs relating to the reissue  
17 application. Plaintiffs will produce those files in accord  
18 with the introductory notes to these responses.

19 G. Plaintiffs object to paragraph G of this  
20 interrogatory as being vague and indefinite.

21 INTERROGATORY NO. 99

22 With regard to the preparation and filing of the  
23 application to reissue U.S. Patent 3,659,284:

24 A. Identify each person who was consulted or  
25 participated in any way in the preparation  
26 and/or filing of the application, and identify  
27 the role of each such person;

28 B. Identify any prior art which was considered in  
connection with the preparation and/or filing  
of the reissue application;

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C. Identify any prior art or other information known at the time to any of the persons identified in response to part A of this interrogatory which might have been material to the examination of the application but was not disclosed to the Patent Office;

D. Identify all persons having knowledge of the subject matter of parts A through C of this interrogatory;

E. Identify all communications relating to the subject matter of parts A through D of this interrogatory; and

F. Identify all documents which refer or relate in any way to the subject matter of parts A through E of this interrogatory.

A. Counsel for Sanders.

B. The prior art cited to the Patent and Trademark Office during the course of prosecution of that application.

C. None.

D. Counsel for Sanders are the primary persons having such knowledge.

E. The information requested may be ascertained or determined from the files of plaintiffs relating to the reissue application. Plaintiffs will produce those files in accord with the introductory notes to these responses.

F. Plaintiffs object to paragraph G of this interrogatory as being vague and indefinite.

INTERROGATORY NO. 100

With regard to the examination and prosecution of the application on which Reissue Patent 28,507 issued:

A. Identify each person who participated in or was consulted in connection with the examination and prosecution of the application;

- 1 B. Did anyone acting on behalf of Magnavox and/or  
2 Sanders ever have any interview, either by  
3 telephone or in person, discussion or other  
4 communication of any type whatsoever with any  
5 Examiner or other person in the Patent Office  
6 in connection with the application, which  
7 interview, conversation or communication is  
8 not reflected in the written file wrapper of  
9 the application?
- 6 C. If the answer to part B of this interrogatory  
7 is other than an unqualified negative, identify  
8 each such interview, conversation or  
9 communication fully, including:
- 10 (1) Identification of each person who  
11 participated in the interview,  
12 conversation and/or communication;
- 13 (2) The date and place of the interview,  
14 conversation or communication;
- 15 (3) The nature of the interview, conversation  
16 or communication; and
- 17 (4) The full substance of the interview,  
18 conversation or communication;
- 15 D. Identify any prior art or other information  
16 known at the time to any of the persons  
17 identified in response to part A of this  
18 interrogatory which might have been material to  
19 the examination of the application and which  
20 was not called to the attention of the Patent  
21 Office;
- 19 E. Identify any prior art other than the  
20 references cited on the face of the reissue  
21 patent which was considered the prosecution of  
22 the application and determined not to be  
23 material to the examination of the application;
- 22 F. Identify all persons having knowledge of the  
23 subject matter of parts A through E of this  
24 interrogatory;
- 24 G. Identify all communications relating to the  
25 subject matter of parts A through F of this  
26 interrogatory; and
- 26 H. Identify all documents which refer or relate in  
27 any way to the subject matter of parts A  
28 through G of this interrogatory.

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A. Counsel for Sanders.

B. No such interview or discussion of a substantive nature was had while the application was pending. Inquiries concerning the status of the application may have been made while it was pending. Counsel for Sanders did discuss the possibility of filing such a reissue application with a patent examiner shortly prior to the filing of the application.

C(1) Richard I. Seligman, James T. Williams, and Examiner David L. Trafton participated in the conversation.

C(2) About April 23, 1974; United States Patent and Trademark Office.

C(3)&(4) The conversation centered around the background of the reissue application and the objects to be achieved by filing it.

D. None.

E. Plaintiffs object to this interrogatory as vague and indefinite.

F. Counsel for Sanders are the principal persons having such knowledge.

G. Louis Etlinger and counsel for Sanders are the primary persons having such knowledge.

H. Plaintiffs object to paragraph H of this interrogatory as being vague and indefinite.

1 INTERROGATORY NO. 101

2 During the examination and prosecution of the  
3 application which led to Reissue Patent 28,507, did anyone  
4 acting on behalf of Magnavox or Sanders ever disclose the  
5 existence of U.S. Patent 3,728,480 and its teaching of  
6 coincidence to Examiner Trafton or any other Examiner involved  
7 in the examination of this application?

8 Plaintiffs object to interrogatories 101-104 as  
9 requesting information which is neither relevant to the  
10 subject matter involved in this action nor reasonably  
11 calculated to lead to the discovery of admissible evidence.  
12 The subject matter disclosed in United States Patent 3,728,480  
13 was considered by both United States District Court  
14 Judge John F. Grady in arriving at his conclusion that United  
15 States Patent Re. 28,507 is valid over the prior art, The  
16 Magnavox Co., et al. v. Chicago Dynamics Industries, Inc., et  
17 al., 201 U.S.P.Q. 25 (N.D.Ill. 1977), and by United States  
18 District Court Judge George N. Leighton in reaching a similar  
19 conclusion, The Magnavox Co., et al. v. Mattel, Inc., et al.,  
20 216 U.S.P.Q. 28 (N.D.Ill. 1982). The applications for United  
21 States Patent 3,728,480 were cited nine times in the  
22 application for United States Patent Re. 28,507. Moreover,  
23 United States Patent 3,728,480 itself is not prior art to the  
24 invention of the patent here in suit. Any facts relating to the  
25 disclosure or lack thereof to the Patent and Trademark Office  
26 are simply of no possible relevance to this action.

26 INTERROGATORY NO. 102

27 If the answer to INTERROGATORY NO. 101 is other than  
28 an unqualified negative, identify each such disclosure,  
including:

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- A. The date of the disclosure;
- B. The form in which the disclosure was made;
- C. Identification of the person(s) who made the disclosure;
- D. Identification of the Examiner(s) to whom the disclosure was made;
- E. The full substance of the disclosure;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 101.

INTERROGATORY NO. 103

During the examination and prosecution of the application which led to Reissue Patent 28,507, did Examiner Trafton or any other Examiner who participated in the examination of the application ever indicate to Magnavox or Sanders or anyone acting on their behalf that he was aware of U.S. Patent 3,728,480 and/or the teaching of coincidence in that patent?

See plaintiffs' response to interrogatory 101.

INTERROGATORY NO. 104

If the answer to INTERROGATORY NO. 103 is other than an unqualified negative, identify each such indication, including:

- A. The date of the indication;
- B. The nature of the indication;

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- C. Identification of the Examiner who made the indication;
- D. Identification of the person(s) to whom the indication was made;
- E. The full substance of the indication;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 101.

INTERROGATORY NO. 105

Describe the spaceship game observed at Stanford University by James T. Williams, now one of the attorneys of record for plaintiffs, including the following:

- A. A detailed description of the game and the manner in which it was played;
- B. A description of the apparatus with which the game was played;
- C. The date(s) the game was observed by Mr. Williams;
- D. The circumstances under which the game was observed;
- E. Identification of all persons who were present when Mr. Williams observed the game;
- F. Identification of all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and



1 H. Identify all documents which refer or relate in  
2 any way to the subject matter of parts A  
through G of this interrogatory.

3 Plaintiffs object to interrogatories 105-116 as  
4 requesting information which is neither relevant to the  
5 subject matter involved in this action nor reasonably  
6 calculated to lead to the discovery of admissible evidence. A  
7 Space War demonstration was considered by both United States  
8 District Court Judge John F. Grady in arriving at his  
9 conclusion that United States Patent Re. 28,507 is valid over  
10 the prior art, The Magnavox Co., et al. v. Chicago Dynamics  
11 Industries, Inc., et al., 201 U.S.P.Q. 25 (N.D.Ill. 1977), and  
12 by United States District Court Judge George N. Leighton in  
13 reaching a similar conclusion, The Magnavox Co., et al. v.  
14 Mattel, Inc., et al., 216 U.S.P.Q. 28 (N.D.Ill. 1982). That  
15 game is at least as relevant as the Spaceship game referred to  
16 in this interrogatory. Any facts relating to the disclosure or  
17 lack thereof to the Patent and Trademark Office are simply of  
18 no possible relevance to this action.

19

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INTERROGATORY NO. 106

21

22 Set forth in detail any differences between the  
spaceship game observed at Stanford University by Mr. Williams  
23 and the Spacewar game described in the Decus publication  
identified in INTERROGATORY NO. 74.

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See plaintiffs' response to interrogatory 105.

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INTERROGATORY NO. 107

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28 Has James T. Williams ever discussed the spaceship  
game which he observed at Stanford University with any other  
person?



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See plaintiffs' response to interrogatory 105.

INTERROGATORY NO. 108

If the answer to INTERROGATORY NO. 107 is other than an unqualified negative, identify each such discussion, including:

- A. Identification of each person involved in the discussion, including the relationship of each such person to Magnavox and/or Sanders;
- B. The date and place of the discussion;
- C. The circumstances under which the discussion was held;
- D. The substance of the discussion;
- E. Any action taken by Magnavox and/or Sanders as a result of the discussion;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 105.

INTERROGATORY NO. 109

Did James T. Williams ever disclose to the Patent Office the spaceship game which he observed at Stanford University?

See plaintiffs' response to interrogatory 105.

1 INTERROGATORY NO. 110

2 If the answer to INTERROGATORY NO. 109 is other than  
3 an unqualified negative, identify each such disclosure,  
including:

- 4 A. Identification of the person(s) in the Patent  
5 Office to whom the disclosure was made;
- 6 B. The relationship, if any, of each person  
7 identified in response to part A of this  
interrogatory to the examination of the  
8 application which led to Reissue Patent 28,507;
- 9 C. The date of the disclosure;
- 10 D. The manner in which the disclosure was made;
- 11 E. Identify all persons having knowledge of the  
subject matter of parts A through D of this  
interrogatory;
- 12 F. Identify all communications relating to the  
13 subject matter of parts A through E of this  
interrogatory; and
- 14 G. Identify all documents which refer or relate in  
15 any way to the subject matter of parts A  
through F of this interrogatory.

16 See plaintiffs' response to interrogatory 105.

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18 INTERROGATORY NO. 111

19 Did anyone acting on behalf of Magnavox or Sanders,  
20 other than James T. Williams, ever disclose to the Patent  
21 Office the spaceship game observed by James T. Williams at  
Stanford University?

22 See plaintiffs' response to interrogatory 105.

23  
24 INTERROGATORY NO. 112

25 If the answer to INTERROGATORY NO. 111 is other than  
26 an unqualified negative, identify each such disclosure,  
including:

- 27 A. Identification of the person(s) making the  
28 disclosure;

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- B. Identification of the person(s) in the Patent Office to whom the disclosure was made;
- C. The relationship, if any, to Magnavox and/or Sanders of each person identified in response to part B of this interrogatory;
- D. The date of the disclosure;
- E. The manner in which the disclosure was made;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 105.

INTERROGATORY NO. 113

During the examination and prosecution of the application leading to Reissue Patent 28,507, did Examiner Trafton or any other Examiner ever indicate to Magnavox or Sanders that he was aware of the spaceship game which James T. Williams had observed at Stanford University?

See plaintiffs' response to interrogatory 105.

INTERROGATORY NO. 114

If the answer to INTERROGATORY NO. 113 is other than an unqualified negative, identify each such indication, including:

- A. Identification of the Examiner giving the indication;
- B. Identification of the person(s) to whom the indication was given;
- C. The date(s) of the indication;

- 1 D. The manner in which the indication was given;  
2 E. The substance of the indication;  
3 F. Identify all persons having knowledge of the  
4 subject matter of parts A through E of this  
interrogatory;  
5 G. Identify all communications relating to the  
6 subject matter of parts A through F of this  
interrogatory; and  
7 H. Identify all documents which refer or relate in  
8 any way to the subject matter of parts A  
through G of this interrogatory.

9 See plaintiffs' response to interrogatory 105.

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INTERROGATORY NO. 115

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13 Does Magnavox and/or Sanders have any reason to  
14 believe that during the examination of the application leading  
to Reissue Patent 28,507 Examiner Trafton or any other Examiner  
15 participating in the examination was aware of either U.S.  
Patent 3,728,480 or the spaceship game which James T. Williams  
had observed at Stanford University?

16 See plaintiffs' response to interrogatory 105.

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INTERROGATORY NO. 116

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20 If the answer to INTERROGATORY NO. 117 is other than  
an unqualified negative, set forth in detail the reason(s) for  
21 such belief.

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22 See plaintiffs' response to interrogatory 105.

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INTERROGATORY NO. 117

24

25 With regard to the reissuance of U.S. Patent  
3,728,480:

26

27 A. When was reissuance of the patent first  
considered by Magnavox and/or Sanders?

27

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- 1 B. Identify each person who participated in or was  
2 consulted in connection with the first  
3 consideration of reissuing the patent;  
4  
5 C. Set forth the circumstances under which  
6 reissuance of the patent was considered;  
7  
8 D. Identify all prior art considered in connection  
9 with the first consideration of reissuing the  
10 patent;  
11  
12 E. If an application for reissuance of the patent  
13 was not filed at the time reissuance was first  
14 considered, set forth in detail the reason(s)  
15 that such an application was not filed;  
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17 F. Identify all persons having knowledge of the  
18 subject matter of parts A through E of this  
19 interrogatory;  
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21 G. Identify all communications relating to the  
22 subject matter of parts A through F of this  
23 interrogatory; and  
24  
25 H. Identify all documents which refer or relate in  
26 any way to the subject matter of parts A  
27 through G of this interrogatory.

28  
29 Plaintiffs object to these interrogatories 117-123  
30 as requesting information which is neither relevant to the  
31 subject matter involved in this action nor reasonably  
32 calculated to lead to the discovery of admissible evidence, and  
33 as being premature.

34  
35 INTERROGATORY NO. 118

36 With regard to the preparation and filing of the  
37 application for reissue of U.S. Patent 3,728,480:

- 38 A. Identify all persons who participated in or  
39 were consulted in connection with the decision  
40 to reissue the patent;  
41  
42 B. Identify all discussions which took place in  
43 connection with the decision to reissue the  
44 patent, including:

- 1 (1) Identification of all persons
- 2 participating in each such discussion;
- 3 (2) The date and place of each such
- 4 discussion;
- 5 (3) The substance of each discussion;
- 6 (4) Describe any action taken as a result of
- 7 each such discussion;
- 8 C. Identify all prior art considered in connection
- 9 with the decision to reissue the patent;
- 10 D. Identify all persons who participated in or
- 11 were consulted in connection with the
- 12 preparation and filing of the application;
- 13 E. Identify all persons having knowledge of the
- 14 subject matter of parts A through D of this
- 15 interrogatory;
- 16 F. Identify all communications relating to the
- 17 subject matter of parts A through E of this
- 18 interrogatory; and
- 19 G. Identify all documents which refer or relate in
- 20 any way to the subject matter of parts A
- 21 through F of this interrogatory.

22 See plaintiffs' response to interrogatory 101.

23  
24 INTERROGATORY NO. 119

25 Did Magnavox and/or Sanders ever consider reissuance

26 of U.S. Patent 3,728,480 in view of U.S. Patent 2,847,661

27 (Althouse)?

28 See plaintiffs' response to interrogatory 101.

29  
30 INTERROGATORY NO. 120

31 If the answer to INTERROGATORY NO. 119 is other than

32 an unqualified negative, identify each such consideration,

33 including:

- 34 A. Identification of each person who participated
- 35 in or was consulted in connection with such
- 36 consideration;

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- B. The circumstances under which the consideration was made;
- C. The date and place of each such consideration;
- D. Set forth in detail the substance of what was considered;
- E. State in detail why an application for reissue was not filed on the basis of Althouse;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 101.

INTERROGATORY NO. 121

Set forth in detail the manner in which U.S. Patent 3,135,815 (Spiegel) and its German counterpart first came to the attention of Magnavox and Sanders, including:

- A. Describe in detail the circumstances under which both the Spiegel patent and its German counterpart came to the attention of Magnavox and Sanders;
- B. Identify the person(s) who first became aware of the patent or the German counterpart;
- C. Identify all persons who subsequently became aware of the patent and/or its German counterpart;
- D. The date(s) when Magnavox and Sanders first became aware of the patent and the German counterpart;
- E. Describe in detail any action taken by Magnavox and/or Sanders when they became aware of the Spiegel patent or the German counterpart;

- 1 F. Identify all persons having knowledge of the  
2 subject matter of parts A through E of this  
interrogatory;
- 3 G. Identify all communications relating to the  
4 subject matter of parts A through E of this  
interrogatory; and
- 5 H. Identify all documents which refer or relate in  
6 any way to the subject matter of parts A  
through G of this interrogatory.

7 See plaintiffs' response to interrogatory 101.

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10 INTERROGATORY NO. 122

11 Do Magnavox and Sanders consider Spiegel patent  
12 3,135,815 to be more pertinent than Althouse patent 3,847,661  
to the subject matter of the claims of U.S. Patent 3,728,480?

13 See plaintiffs' response to interrogatory 101.

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15 INTERROGATORY NO. 123

16 If the answer to INTERROGATORY NO. 122 is other than  
17 an unqualified negative, identify each element found in  
18 Spiegel but not in Althouse which Magnavox and Sanders  
considered to be pertinent to the subject matter claimed in  
U.S. Patent 3,728,480.

19 See plaintiffs' response to interrogatory 101.

20  
21 INTERROGATORY NO. 124

22 Identify each person who supplied any information  
23 for the responses to the foregoing interrogatories, and as to  
24 each such person, identify by number those interrogatories for  
which he/she supplied information.

25 Plaintiffs object to these interrogatories 124 and  
26 125 as requesting information which is neither relevant to the  
27 subject matter involved in this action nor reasonably

28



1 calculated to lead to the discovery of admissible evidence, and  
2 as placing plaintiffs under an undue and unnecessary burden to  
3 supply the requested information.

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6 INTERROGATORY NO. 125

7 Identify each document not otherwise identified in  
8 the response to the foregoing interrogatories which was relied  
9 upon in the preparation of said responses.

10 See plaintiffs' response to interrogatory 124.

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\_\_\_\_\_, 1983 \_\_\_\_\_  
The Magnavox Company

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 1983,  
in \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_


\_\_\_\_\_, 1983 \_\_\_\_\_  
Sanders Associates, Inc.

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 1983,  
in \_\_\_\_\_.

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Notary Public  
My Commission Expires: \_\_\_\_\_

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

  
\_\_\_\_\_  
Theodore W. Anderson  
James T. Williams

Neuman, Williams, Anderson & Olson  
Attorneys for The Magnavox Company  
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