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Deborah Weissman, Esq.
Law Clerk
Judge Legge's Chambers
U.S. District Court
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

Re: Magnavox v. Activision
Case No.: C-82-5270 CAL

Dear Ms. Weissman:

I enclose a revised proposed order in connection with Activision's Motion for Stay of Accounting Pending Appeal and a revised proposed Judgment. The revised proposed order reflects that the motion for stay was heard on February 5, 1986 rather than February 28, 1986; the revised proposed Judgment reflects Judge Legge's statement at the Status Conference regarding the entry of formal conclusions of law.

I will appreciate it if you would substitute these revised documents for the ones we filed earlier. Thank you for your help.

Sincerely yours,

Marla Miller

MARLA J. MILLER
Attorneys for
ACTIVISION, INC.

MJM:cal
Encl.

cc: Robert L. Ebe, Esq. (by hand)
Theodore W. Anderson, Esq.

Received
TWA
3-3-86

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*ADMITTED IN NEW YORK STATE

February 27, 1986

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE MAGNAVOX COMPANY, a corpora-)	No. C 82 5270 CAL
tion, and SANDERS ASSOCIATES,)	
INC., a corporation,)	ORDER STAYING ACCOUNTING
)	<u>PENDING APPEAL</u>
Plaintiffs,)	
)	
vs.)	
)	
ACTIVISION, INC., a corporation,)	
)	
Defendant.)	
)	
<hr/>)	
AND RELATED CROSS-ACTION.)	
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This matter came on for hearing on February 5, 1986, the parties appearing through their respective attorneys of record. Based on the written and oral arguments presented, and for good cause shown,

IT IS HEREBY ORDERED that

1. Activision, Inc.'s Motion for Stay of Accounting Pending Appeal is granted. This action is stayed pending the

1 outcome of Activision's interlocutory appeal to the Court of
2 Appeals for the Federal Circuit, provided that Activision shall
3 post a bond in the amount of \$ _____.

4 Dated: _____, 1986

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7 CHARLES A. LEGGE
8 U.S. DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE MAGANAVOX COMPANY, a corpora-)	No. C 82 5270 CAL
tion, and SANDERS ASSOCIATES,)	
INC., a corporation,)	
)	
Plaintiffs,)	JUDGMENT
)	<u>(EXCEPT FOR ACCOUNTING)</u>
ACTIVISION, INC. a corporation,)	
)	
Defendant.)	
)	
<hr/>)	
AND RELATED CROSS-ACTION)	
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22 The issues in this case, other than damages, were tried
23 to this Court sitting without a jury and were submitted. The
24 court has reviewed all of the exhibits admitted into evidence,
25 and has heard and reviewed the testimony of the witnesses.
26 On December 27, 1985 the Court made and entered Findings of Fact,

1 and on _____, 1986 the Court made and entered Conclusions
2 of Law. The Findings of Fact and Conclusions of Law are the basis
3 of this Judgment.

4 It is hereby adjudged that:

5 1. Activision, Inc. ("Activision") has not sustained
6 its burden of proving that any of claims 25, 26, 51, 52, or 60-62
7 of U.S. Patent Re. 28,507 ("the '507 patent") is invalid.

8 2. Activision has contributed to the infringement,
9 and induced infringement, of the '507 patent by the manufacture
10 and sale of its Tennis, Ice Hockey, Boxing, Fishing Derby,
11 Stampede, Pressure Cooker, Grand Prix, Barnstorming, Sky Jinks,
12 Enduro, and Decathlon television game cartridges.

13 3. Activision has directly infringed the '507 patent
14 by use and display of those television game cartridges.

15 4. Activision did not willfully infringe the '507
16 patent and proceeded at all relevant times in the good faith
17 belief that its products did not infringe any applicable patent.

18 5. This Judgment is final except for an accounting.

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20 DATED: _____, 1986

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23 _____
24 CHARLES A. LEGGE
25 U.S. DISTRICT COURT JUDGE
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