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Sanders Associates, Inc.

United States District Court For The
Northern District Of California

THE MAGNAVOX COMPANY, a corporation,)	
and SANDERS ASSOCIATES, INC.,)	
a corporation,)	
)	No. C 82 5270 JPV
Plaintiffs,)	
)	PLAINTIFFS' THIRD
v.)	SUPPLEMENTAL RESPONSE TO
)	DEFENDANT'S
)	INTERROGATORIES
ACTIVISION, INC., a corporation,)	
)	
Defendant.)	

Plaintiffs herewith supplement their responses to
defendant's interrogatories 38, 39, 50, 54, 98, 100(e), 108, 119,
126-127, 130-134, and 184-192.

PLAINTIFFS' THIRD
SUPPLEMENTAL RESPONSE TO
DEFENDANT'S INTERROGATORIES

INTERROGATORY NO. 38

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

RESPONSE:

Plaintiff's contend that the manufacture, use, or sale by Activision of the following television game cartridges constitute acts of contributory infringement and inducement to infringe claims 25, 26, 51, 52, 60, 61, and 62 of United States Patent Re. 28,507:

Tennis	Ice Hockey
Boxing	Fishing Derby
Dolphin	Keystone Kapers
Decathlon	Stampede
Grand Prix	Barnstorming
Sky Jinks	Enduro
Pressure Cooker	

INTERROGATORY NO. 39

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

- A. The activities of Activision which constitute infringement;

C. Identify each television game cartridge made, used and/or sold by Activision which constitutes an infringement of the claim either by itself or in combination with a television game console;

RESPONSE:

A. The making, using, selling, and offering for sale of the following Activision television game cartridges:

Tennis	Ice Hockey
Boxing	Fishing Derby
Dolphin	Keystone Kapers
Decathlon	Stampede
Grand Prix	Barnstorming
Sky Jinks	Enduro
Pressure Cooker	

C. Plaintiffs contend that the manufacture, use, and/or sale of the following Activision game cartridges in combination with a television game console and, where appropriate, a television receiver, constitutes an act of infringement of the stated claim of U.S. Patent Re. 28,507:

Claim 25: Tennis, Ice Hockey, Boxing, Fishing Derby, Dolphin, Stampede, Pressure Cooker.

Claim 26: Tennis, Ice Hockey, Boxing, Fishing Derby, Pressure Cooker.

Claim 51: Tennis, Ice Hockey, Boxing, Fishing Derby, Dolphin, Stampede, Pressure Cooker.

Claim 52: Tennis, Ice Hockey, Boxing, Fishing Derby,
Pressure Cooker.

Claim 60: Tennis, Ice Hockey, Boxing, Fishing Derby,
Dolphin, Keystone Kapers, Decathlon, Stampede, Grand
Prix, Barnstorming, Sky Jinks, Enduro, Pressure Cooker.

Claim 61: Tennis, Ice Hockey, Fishing Derby.

Claim 62: Tennis, Ice Hockey.

INTERROGATORY NO. 50

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

RESPONSE

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 combination with a television receiver constitute acts of infringement of the claims of United States Patent Re 28,507 stated in that response. Such consoles of which plaintiffs are presently aware include each of those identified by Activision as being useful with its television game cartridges and are the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, the Coleco Gemini, the combination of the Coleco Colecovision television game console and the Expansion Module 1, the combination of the Atari

Model 5200 and the Model 2600 adapter, the Mattel Intellivision game console, and the Sears Roebuck and Tandy Corporation (Radio Shack) versions of the Mattel console.

INTERROGATORY NO. 54

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

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

RESPONSE:

Prior to the filing of the complaint in this action, plaintiff Magnavox informed Activision of its need for a license under the patent in suit, but Activision continued its acts of infringement without taking such a license up until the time the complaint was filed. The allegations are additionally supported by the facts and circumstances set forth in the deposition of James H. Levy taken on September 16, 1983 in this action and the exhibits marked during that deposition, the facts and circumstances set forth in the deposition of Charles S. Paul taken on February 22, 1982 in this action and the exhibits marked during that deposition, the provisions of the settlement agreement between Atari, Inc., and Activision, Inc., relating to files, documents, and information relating to the patent in suit, the

interrogatory responses of Activision, Inc., executed on April 18, 1983 in this action, the representation of Activision, Inc., by former counsel for Atari, Inc., and the communication between Activision, Inc., and the Magnavox Company concerning U.S. Patent Re. 28,507 prior to the filing of this action.

INTERROGATORY NO. 98

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

- D. Describe in detail the circumstances under which the decision was made;

RESPONSE:

D. The circumstances under which the decision was made to file an application for reissue of U.S. Patent 3,659,284 was made are fully set forth in the declaration which was filed with and as a part of the reissue application.

INTERROGATORY NO. 100

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

- E. Identify any prior art other than the references cited on the face of the reissue patent which was considered the prosecution of the application and determined not to be material to the examination of the application;

RESPONSE:

- E. See plaintiffs' response to defendant's interrogatory 173.

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.

RESPONSE:

This interrogatory has been limited by defendant to discussions occurring prior to the date of issue of U.S. Patent Re. 28,507. No such discussions are known to have occurred other than those identified by Mr. Williams in his deposition referred to in plaintiffs' response to INTERROGATORY NO. 107.

INTERROGATORY NO. 119

Did Magnavox and/or Sanders ever consider reissuance of U.S. Patent 3,728,480 in view of U.S. Patent 2,847,661 (Althouse)?

RESPONSE:

No.

INTERROGATORY NO. 126

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 25 of the

United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A hitting symbol;
- B. Means for generating a hitting symbol;
- C. A hit symbol;
- D. Means for generating a hit symbol;
- E. Coincidence between said hitting symbol and said hit symbol;
- F. Means for ascertaining coincidence between said hitting symbol and said hit symbol;
- G. A distinct motion imparted to said hit symbol upon coincidence; and
- H. Means for imparting a distinct motion to said hit symbol upon coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game

console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Tennis: The player symbols under control of the human players.
Ice Hockey: The player symbols.
Boxing: The boxer symbol under control of the human player.
Fishing Derby: The end of the fishing line symbols.
- B. Tennis, Ice Hockey, Boxing and Fishing Derby:
Essentially the Activision television game cartridge, the joystick, the microprocessor, the peripheral interface adapter, and the television interface adapter.
- C. Tennis: The ball symbol.
Ice Hockey: The puck symbol.
Boxing: The boxer symbol under control of the game.
Fishing Derby: The fish symbols.
- D. Tennis, Ice Hockey, Boxing and Fishing Derby:
Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.
- E. Tennis: The coincidence between the human controlled player symbol and the ball symbol by which the player hits the ball.

Ice Hockey: The coincidence between the player symbol and the puck symbol by which the player intercepts the puck.

Boxing: The coincidence between the human controlled boxer symbol and the game controlled boxer symbol by which the human controlled boxer hits the game controlled boxer.

Fishing Derby: The coincidence between the fishing line symbol and the fish symbols by which the fish are caught.

F. Tennis, Ice Hockey, Boxing and Fishing Derby:

Essentially the Activision television game cartridge, the microprocessor, and perhaps the television interface adapter.

G. Tennis: The motion of the ball symbol following coincidence with the human controlled player symbol.

Ice Hockey: The motion of the puck symbol following coincidence with player symbol.

Boxing: The motion of the game controlled boxer symbol following coincidence with the human controlled boxer symbol.

Fishing Derby: The motion of the fish symbol following coincidence with the fishing line symbol.

- H. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision game television cartridge and the microprocesor.

INTERROGATORY NO. 127

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 26 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A variation in the horizontal position of the hitting symbol;
- B. A variation in the vertical position of the hitting symbol; and
- C. Means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hitting symbol.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Tennis: The player symbols under control of the human player may be moved horizontally. Ice Hockey: The player symbols may be moved horizontally.
- B. Boxing: The boxer symbol under control of the human player may be moved vertically. Fishing Derby: The end of the fishing line symbol may be moved vertically.
- C. Tennis, Ice Hockey, Boxing and Fishing Derby: At least the Activision game cartridge, the joystick, the microprocessor, and the peripheral interface adapter.

INTERROGATORY NO. 130

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 51 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A hitting symbol;
- B. Means for generating a hitting symbol;
- C. A hit symbol;
- D. Means for generating a hit symbol;
- E. Coincidence between said hitting symbol and said hit symbol;
- F. Means for ascertaining coincidence between said hitting symbol and said hit symbol;
- G. A distinct motion imparted to said hit symbol upon coincidence; and
- H. Means for imparting a distinct motion to said hit symbol upon coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

A. Tennis: The player symbols under control of the human players.

Ice Hockey: The player symbols.

Boxing: The boxer symbol under control of the human player.

Fishing Derby: The end of the fishing line symbols.

B. Tennis, Ice Hockey, Boxing and Fishing Derby:
Essentially the Activision television game cartridge, the joystick, the microprocessor, the peripheral interface adapter, and the television interface adapter.

C. Tennis: The ball symbol.

Ice Hockey: The puck symbol.

Boxing: The boxer symbol under control of the game.

Fishing Derby: The fish symbols.

D. Tennis, Ice Hockey, Boxing and Fishing Derby:

Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.

E. Tennis: The coincidence between the human controlled player symbol and the ball symbol by which the player hits the ball.

Ice Hockey: The coincidence between the player symbol and the puck symbol by which the player intercepts the puck.

Boxing: The coincidence between the human controlled boxer symbol and the game controlled boxer symbol by which the human controlled boxer hits the game controlled boxer.

Fishing Derby: The coincidence between the fishing line symbol and the fish symbols by which the fish are caught.

F. Tennis, Ice Hockey, Boxing and Fishing Derby:

Essentially the Activision television game cartridge, the microprocessor, and perhaps the television interface adapter.

G. Tennis: The motion of the ball symbol following coincidence with the human controlled player symbol.

Ice Hockey: The motion of the puck symbol following coincidence with player symbol.

Boxing: The motion of the game controlled boxer symbol following coincidence with the human controlled boxer symbol.

Fishing Derby: The motion of the fish symbol following coincidence with the fishing line symbol.

H. Tennis, Ice Hockey, Boxing and Fishing Derby:
Essentially the Ativision game television cartridge and the microprocessor.

INTERROGATORY NO. 131

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 52 of the

United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A variation in the horizontal position of the hitting symbol;
- B. A variation in the vertical position of the hitting symbol; and
- C. Means for providing horizontal and vertical control signals for varying the horizontal and vertical positions of said hitting symbol.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Tennis: The player symbols under control of the human players may be moved horizontally.
Ice Hockey: The player symbols may be moved horizontally.

Boxing: The boxer symbol under human control may be moved horizontally.

Fishing Derby: The end of the fishing line symbol may be moved horizontally.

B. Tennis: The player symbols under control of the human player may be moved vertically.

Ice Hockey: The player symbols may be moved vertically.

Boxing: The boxer symbol under control of the human player may be moved vertically.

Fishing Derby: The end of the fishing line symbol may be moved vertically.

C. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision game cartridge, the joystick, the microprocessor, and the peripheral interface adapter.

INTERROGATORY NO. 132

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which

plaintiffs contend constitutes an infringement of Claim 60 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A vertical synchronization signal;
- B. A horizontal synchronization signal;
- C. Means for generating vertical and horizontal synchronization signals;
- D. Means responsive to said synchronization signals for deflecting the beam of a cathode ray tube to generate a raster on the screen of the tube;
- E. A first symbol on said screen;
- F. A position for the first symbol which is directly controlled by a player;
- G. Means coupled to said synchronization signal generating means and said cathode ray tube for generating a first symbol on said screen at a position which is directly controlled by a player;
- H. A second symbol on the screen which is movable;
- I. Means coupled to a said synchronization signal generating means and said cathode ray tube for generating a second symbol on said screen which is movable;
- J. A first coincidence between said first symbol and said second symbol;

- K. Means coupled to said first symbol generating means and said second symbol generating means for determining a first coincidence between said first symbol and said second symbol;
- L. A distinct motion imparted to said second symbol in response to said coincidence; and
- M. Means coupled to said coincidence determining means and said second symbol generating means for imparting a distinct motion to said second symbol in response to said coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Tennis, Ice Hockey, Boxing and Fishing Derby: The vertical synchronization signals at the outputs of the television interface adapter and the television game console.

- B. Tennis, Ice Hockey, Boxing and Fishing Derby: The horizontal synchronization signals at the outputs of the television interface adapter and the television game console.
- C. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision television game cartridge, the microprocessor, and the television interface adapter.
- D. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the horizontal and vertical deflection circuitry of the associated television receiver.
- E. Tennis: The player symbols under control of the human player.
Ice Hockey: The player symbols.
Boxing: The boxer symbol under control of the human player.
Fishing Derby: The end of the fishing line symbols.
- F. Tennis, Ice Hockey, Boxing and Fishing Derby: The position of the first symbol.
- G. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision television game cartridge, the joystick, the peripheral interface adapter, the television interface adapter, and the microprocessor.
- H. Tennis: The ball symbol.

Ice Hockey: The puck symbol.

Boxing: The boxer symbol under control of the game.

Fishing Derby: The fish symbols.

I. Tennis, Ice Hockey, Boxing and Fishing Derby:

Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.

J. Tennis: The coincidence between the human controlled player symbol and the ball symbol by which the player hits the ball.

Ice Hockey: The coincidence between the player symbol and the puck symbol by which the player intercepts the puck.

Boxing: The coincidence between the human controlled boxer symbol and the game controlled boxer symbol by which the human controlled boxer hits the game controlled boxer.

Fishing Derby: The coincidence between the fishing line symbol and any of the fish symbols by which the fish are caught.

K. Tennis, Ice Hockey, Boxing and Fishing Derby:

Essentially the Activision television game cartridge, the microprocessor and perhaps the television interface adapter.

- L. Tennis: The motion of the ball symbol following coincidence.
- Ice Hockey: The motion of the puck symbol following coincidence.
- Boxing: The motion of the game controlled boxer symbol following coincidence.
- Fishing Derby: The motion of the fish symbol following coincidence.
- M. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision television game cartridge and the microprocessor.

INTERROGATORY NO. 133

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 61 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A third symbol on the screen of the cathode ray tube;
- B. Player control of the position of the third symbol;
- C. Means coupled to said synchronization signal generating means and said cathode ray tube for generating a third symbol on said screen at a position which is controlled by a player;
- D. A second coincidence between said third symbol and said second symbol;
- E. Means coupled to said third symbol generating means and second symbol generating means for determining a second coincidence between said third symbol and said second symbol;
- F. A first coincidence between said third symbol and said second symbol;
- G. A distinct motion imparted to said second symbol in response to the second coincidence; and
- H. Means coupled to said second and third symbol coincidence determining means and said second symbol generating means for imparting a distinct motion to said second symbol in response to said second coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

A. Tennis: The second player symbol under control of a human player.

Ice Hockey: The second player symbol.

Fishing Derby: The end of the second fishing line symbol.

B. Tennis: The position of the symbol is controlled by the player.

Ice Hockey: The position of the symbol is controlled by the player.

Fishing Derby: The position of the symbol is controlled by the player.

- C. Tennis, Ice Hockey, Boxing and Fishing Derby:
Essentially the Activision television game cartridge, the joystick, the peripheral interface adapter, the television interface adapter, and the microprocessor.
- D. Tennis: The coincidence between the second human controlled player symbol and the ball symbol by which the second player hits the ball.
Ice Hockey: The coincidence between the second player symbol and the puck symbol by which the player intercepts the puck.
Fishing Derby: The coincidence between the second fishing line symbol and any of the fish symbols by which the fish is caught.
- E. Tennis, Ice Hockey, and Fishing Derby: Essentially the Activision television game cartridge, the microprocessor and perhaps the television interface adapter.
- F. The reference to a "first" coincidence between the second and third symbols in the context of Claim 61 is not understood.
- G. Tennis: The motion of the ball symbol following the second coincidence.
Ice Hockey: The motion of the puck symbol following the second coincidence.

Fishing Derby: The motion of the fish symbol following the second coincidence.

- H. Tennis, Ice Hockey and Fishing Derby: Essentially the Activision television game cartridge and the microprocessor.

INTERROGATORY NO. 134

For each combination of the games identified in response to Interrogatory No. 38 of Defendant's First Set of Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey") and the consoles identified in response to Interrogatory No. 50 of Defendant's First Set Of Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 62 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

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

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

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Tennis: The motion of the ball symbol after it is hit by one player symbol and in the absence of being hit by the other player symbol.

Ice Hockey: The motion of the puck symbol after it is shot by one player symbol and in the absence of being intercepted by the other player symbol.

B. Tennis and Ice Hockey: The coincidence referred to in plaintiffs' response to part J of INTERROGATORY NO. 132.

C. Tennis and Ice Hockey: The coincidence referred to in plaintiffs' response to part D of INTERROGATORY NO. 133.

D. Tennis and Ice Hockey: Essentially the Activision television game cartridge and the microprocess.

INTERROGATORY NO. 138

Identify all portions of the subject matter described in U.S. Patent 3,728,480 which Magnavox and Sanders contend are not prior art with regard to United States Patent Re. 28,507.

RESPONSE

Circuits as described at column 7, line 15 - column 8, liine 21 of U.S. Patent 3,728,480 were built and used with a color television receiver by the inventor thereof prior to the commencement of reasonable diligence toward reduction to practice of the claimed subject matter of U.S. Patent Re. 28,507.

INTERROGATORY NO. 139

For each portion of the subject matter of U.S. Patent 3,728,480 identified in response to INTERROGATORY NO. 138:

A. Set forth in detail the basis of the contention that the portion of the subject matter is not prior art;

B. Identify all persons having knowledge of the respective dates of invention of that portion of the subject matter and the subject matter of United States Letters Patent Re. 28,507; and

C. Identify all documents which refer or relate in any way to the subject matter of this interrogatory, including all documents which support the contention that the portion of the subject matter is not prior art with regard to United States Letters Patent Re. 28,507.

RESPONSE

No response required in view of the response to interrogatory 138.

INTERROGATORY NO. 184

For each combination, if any, of the television game products identified in Schedule 1 to the Notice to Take Deposition dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers", "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks", "Enduro" and "Pressure Cooker") and the consoles identified in response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 25 of the

United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A hitting symbol;
- B. Means for generating a hitting symbol;
- C. A hit symbol;
- D. Means for generating a hit symbol;
- E. Coincidence between said hitting symbol and said hit symbol;
- F. Means for ascertaining coincidence between said hitting symbol and said hit symbol;
- G. A distinct motion imparted to said hit symbol upon coincidence; and
- H. Means for imparting a distinct motion to said hit symbol upon coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game

console with the Model 2600 adapter, except that responses specific to the Mattel version of a television game cartridge refers to the combination of that cartridge with the Mattel Intellivision television game console or the Sears, Roebuck and Co., or Tandy Corporation (Radio Shack) versions of the Mattel console.

- A. Dolphin: The dolphin symbol after the dolphin has caught a seagull.
Pressure Cooker: The "Short-Order Sam" symbol.
Stampede: The horse and rider symbol.
Stampede (Mattel): The horse and rider symbol.
- B. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the joystick, the microprocessor, the peripheral interface, adapter, and the television interface adapter.
Stampede (Mattel): Essentially the Activision television game cartridge, the hand controller, and portions of the television game console.
- C. Dolphin: The squid symbol after the dolphin has caught a seagull.
Pressure Cooker: The condiment symbols.
Stampede: The cattle symbols.
Stampede (Mattel): The cattle symbols.
- D. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.

Stampede (Mattel): Essentially the Activision television game cartridge and portions of the television game console.

E. Dolphin: The coincidence between the squid symbol and the dolphin symbol after the dolphin has caught a seagull by which the dolphin catches the squid.

Pressure Cooker: The coincidence between the "Short-Order Sam" symbol and the condiment symbols by which "Short-Order Sam" catches or rejects the condiments.

Stampede: The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

Stampede (Mattel): The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

F. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the micro-processor, and perhaps the television interface adapter.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

G. Dolphin: The motion of the squid symbol after coincidence with the dolphin symbol.

Pressure Cooker: The motion of the condiment symbols after coincidence with the "Short-Order Sam" symbol.

Stampede: The motion of the cattle symbols after coincidence with the horse and rider symbol.

Stampede (Mattel): The motion of the cattle symbols after coincidence with the horse and rider symbol.

H. Dolphin, Pressure Cooker and Stampede: Essentially the Activision game television cartridge and the micro-processor.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

INTERROGATORY NO. 185

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

- A. A variation in the horizontal position of the hitting symbol;
- B. A variation in the vertical position of the hitting symbol; and

- C. Means for providing horizontal and vertical control signal for varying the horizontal and vertical positions of said hitting symbol.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Pressure Cooker: The "Short-Order Sam" symbol may be moved horizontally.
- B. Pressure Cooker: The "Short-Order Sam" symbol may be moved vertically.
- C. Pressure Cooker: Essentially the Activision game cartridge, the joystick, the microprocessor, and the peripheral interface adapter.

INTERROGATORY NO. 188

For each combination, if any, of the television game products identified in Schedule 1 to the Notice to Take Deposition dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers", "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks", "Enduro" and "Pressure Cooker") and the consoles identified in response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 51 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A hitting symbol;
- B. Means for generating a hitting symbol;
- C. A hit symbol;
- D. Means for generating a hit symbol;
- E. Coincidence between said hitting symbol and said hit symbol;
- F. Means for ascertaining coincidence between said hitting symbol and said hit symbol;
- G. A distinct motion imparted to said hit symbol upon coincidence; and
- H. Means for imparting a distinct motion to said hit symbol upon coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter, except that responses specific to the Mattel version of a television game cartridge refers to the combination of that cartridge with the Mattel Intellivision television game console or the Sears, Roebuck and Co., or Tandy Corporation (Radio Shack) versions of the Mattel console.

A. Dolphin: The dolphin symbol after the dolphin has caught a seagull.

Pressure Cooker: The "Short-Order Sam" symbol.

Stampede: The horse and rider symbol.

Stampede (Mattel): The horse and rider symbol.

B. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the joystick, the microprocessor, the peripheral interface, adapter, and the television interface adapter.

Stampede (Mattel): The Activision game cartridge, the hand controller, and portions of the television game console.

- C. Dolphin: The squid symbol after the dolphin has caught a seagull.

Pressure Cooker: The condiment symbols.

Stampede: The cattle symbols.

Stampede (Mattel): The cattle symbols.

- D. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

- E. Dolphin: The coincidence between the squid symbol and the dolphin symbol after the dolphin has caught a seagull by which the dolphin catches the squid.

Pressure Cooker: The coincidence between the "Short-Order Sam" symbol and the condiment symbols by which "Short-Order Sam" catches or rejects the condiments.

Stampede: The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

Stampede (Mattel): The coincidence between the horse and rider symbol and the cattle symbols by which the cattle are herded.

- F. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge, the micro-processor, and perhaps the television interface adapter.
- Stampede (Mattel): The Activision television game cartridge and portions of the television game console.
- G. Dolphin: The motion of the squid symbol after coincidence with the dolphin symbol.
- Pressure Cooker: The motion of the condiment symbols after coincidence with the "Short-Order Sam" symbol.
- Stampede: The motion of the cattle symbols after coincidence with the horse and rider symbol.
- Stampede (Mattel): The motion of the cattle symbols after coincidence with the horse and rider symbol.
- H. Dolphin, Pressure Cooker and Stampede: Essentially the Activision television game cartridge and the micro-processor.
- Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

INTERROGATORY NO. 189

For each combination, if any, of the television game products identified in Schedule 1 to the Notice to Take Deposition dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers", "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks", "Enduro" and "Pressure Cooker") and the consoles identified in response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF

INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 52 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A variation in the horizontal position of the hitting symbol;
- B. A variation in the vertical position of the hitting symbol; and
- C. Means for providing horizontal and vertical control signal for varying the horizontal and vertical positions of said hitting symbol.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter.

- A. Pressure Cooker: The "Short-Order Sam" symbol may be moved horizontally.
- B. Pressure Cooker: The "Short-Order Sam" symbol may be moved vertically.
- C. Pressure Cooker: Essentially the Activision game cartridge, the joystick, the microprocessor, and the peripheral interface adapter.

INTERROGATORY NO. 190

For each combination, if any, of the television game products identified in Schedule 1 to the Notice to Take Deposition dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers", "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks", "Enduro" and "Pressure Cooker") and the consoles identified in response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600, the Sears Tele-Game Video Arcade, and the combination of the Colecovision game console and the Expansion Module 1) which plaintiffs contend constitutes an infringement of Claim 60 of the United States Patent Re. 28,507, identify the elements which plaintiffs contend correspond to the following elements of the claim:

- A. A vertical synchronization signal;
- B. A horizontal synchronization signal;
- C. Means for generating vertical and horizontal synchronization signals;

- D. Means responsive to said synchronization signals for deflecting the beam of a cathode ray tube to generate a raster on the screen of the tube;
- E. A first symbol on said screen;
- F. A position for the first symbol which is directly controlled by a player;
- G. Means coupled to said synchronization signal generating means and said cathode ray tube for generating a first symbol on said screen at a position which is directly controlled by a player;
- H. A second symbol on the screen which is movable;
- I. Means coupled to a said synchronization signal generating means and said cathode ray tube for generating a second symbol on said screen which is movable;
- J. A first coincidence between said first symbol and said second symbol;
- K. Means coupled to said first symbol generating means and said second symbol generating means for determining a first coincidence between said first symbol and said second symbol;
- L. A distinct motion imparted to said second symbol in response to said coincidence; and

M. Means coupled to said coincidence determining means and said second symbol generating means for imparting a distinct motion to said second symbol in response to said coincidence.

RESPONSE:

Plaintiffs' responses to this interrogatory are based on their present knowledge and understanding of the Activision television game cartridges and the television game consoles and adapters referred to. Each response refers to the combination of the indicated Activision television game cartridge and the Atari VCS Model 2600 television game console, the Sears Tele-Game Video Arcade television game console, the Colecovision television game console with the Coleco Expansion Module 1, the Coleco Gemini television game console, or the Atari Model 5200 television game console with the Model 2600 adapter, except that responses specific to the Mattel version of a television game cartridge refers to the combination of that cartridge with the Mattel Intellivision television game console or the Sears, Roebuck and Co., or Tandy Corporation (Radio Shack) versions of the Mattel console.

A. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: The vertical synchronization signals at the outputs of the television interface adapter and the television game console.

Stampede (Mattel): Essentially the vertical synchronization signal at the output of the television game console.

- B. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: The horizontal synchronization signals at the outputs of the television interface adapter and the television game console.

Stampede (Mattel): Essentially the horizontal synchronization signal at the output of the television game console.

- C. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the Activision television game cartridge, the microprocessor, and the television interface adapter.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

- D. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the horizontal and vertical deflection circuitry of the associated television receiver.

Stampede (Mattel): Essentially the horizontal and vertical deflection circuitry of the associated television receiver.

- E. Dolphin: The dolphin symbol.
Keystone Kapers: The "Officer Kelly" symbol.
Decathlon: The hurdler symbol.
Stampede: The horse and rider symbol.
Gran Prix: The player controlled car symbol.
Barnstorming: The airplane symbol.
Sky Jinks: The airplane symbol.
Enduro: The player controlled car symbol.
Pressure Cooker: The "Short-Order Sam" symbol.
Stampede (Mattel): The horse and rider symbol.
- F. Dolphin: The dolphin symbol.
Keystone Kapers: The "Officer Kelly" symbol.
Decathlon: The hurdler symbol.
Stampede: The horse and rider symbol.
Gran Prix: The player controlled car symbol.
Barnstorming: The airplane symbol.
Sky Jinks: The airplane symbol.
Enduro: The player controlled car symbol.
Pressure Cooker: The "Short-Order Sam" symbol.
Stampede (Mattel): The horse and rider symbol.
- G. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the Activision television game cartridge, the joystick, the peripheral interface adapter, the television interface adapter, and the microprocessor.

Stampede (Mattel): The Activision game cartridge and portions of the television game console.

H. Dolphin: The squid symbol.

Keystone Kapers: The beachball symbol.

Decathlon: The hurdle symbols.

Stampede: The cattle symbols.

Gran Prix: The game controlled car and bridge symbols.

Barnstorming: The barn, windmill and goose symbols.

Sky Jinks: The pylon, tree and balloon symbols.

Enduro: The game controlled car symbols.

Pressure Cooker: The condiment symbols.

Stampede (Mattel): The cattle symbols.

I. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the Activision television game cartridge, the television interface adapter, and the microprocessor.

J. Dolphin: The coincidence between the dolphin symbol and the squid symbol after the dolphin has caught a seagull by which the dolphin catches the squid.

Keystone Kapers: The coincidence between the "Officer Kelly" symbol and the beachball symbol.

Decathlon: The coincidence between the hurdler symbol and any of the hurdle symbols.

Stampede: The coincidence between the horse and rider symbol and any of the cattle symbols by which the cattle are herded.

Gran Prix: The coincidence between the player controlled car symbol and any of the game controlled car symbols or the bridge symbols.

Barnstorming: The coincidence between the airplane symbol and any of the barn, windmill and goose symbols.

Sky Jinks: The coincidence between the airplane symbol and any of the pylon, tree and balloon symbols.

Enduro: The coincidence between the player controlled car and any of the game controlled car symbols.

Pressure Cooker: The coincidence between the "Short-Order Sam" symbol and any of the condiment symbols by which "Short-Order Sam" catches or rejects the condiments.

Stampede (Mattel): The coincidence between the horse and rider symbol and any of the cattle symbols during herding.

- K. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the Activision television game cartridge, the microprocessor and perhaps the television interface adapter.
- Stampede (Mattel): The Activision television game cartridge and portions of the television game console.
- L. Dolphin: The motion of the squid symbol following coincidence.
- Keystone Kapers: The motion of the beachball symbol following coincidence.
- Decathlon: The motion of the hurdle symbol following coincidence.
- Stampede: The motion of the cattle symbol following coincidence.
- Gran Prix: The motion of the game controlled car symbol following coincidence.
- Barnstorming: The motion of the barn, windmill or goose symbol following coincidence.
- Sky Jinks: The motion of the pylon, tree or balloon symbol following coincidence.
- Enduro: The motion of the game controlled car symbol following coincidence.
- Pressure Cooker: The motion of the condiment symbol following coincidence.

Stampede (Mattel): The motion of the cattle symbol following coincidence.

M. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran Prix, Barnstorming, Sky Jinks, Enduro, and Pressure Cooker: Essentially the Activision television game cartridge and the microprocessor.

Stampede (Mattel): The Activision television game cartridge and portions of the television game console.

_____, 1984 _____

The Magnavox Company

Subscribed and sworn to before me
this ___ day of _____, 1984,
in _____.

Notary Public

My Commission Expires: _____

_____, 1984 _____

Sanders Associates, Inc.

Subscribed and sworn to before me
this ___ day of _____, 1984,
in _____.

Notary Public

My Commission Expires: _____

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

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