

1 McCUTCHEN, DOYLE, BROWN & ENERSEN
Thomas J. Rosch
2 Robert L. Ebe
Daniel M. Wall
3 Three Embarcadero Center
San Francisco, CA 94111
4 Telephone: (415) 393-2000

5 NEUMAN, WILLIAMS, ANDERSON & OLSON
Theodore W. Anderson
6 James T. Williams
77 West Washington Street
7 Chicago, IL 60602
Telephone: (312) 346-1200

8
9 Attorneys for Plaintiffs
The Magnavox Company and
Sanders Associates, Inc.

10
11 United States District Court For The
12 Northern District Of California

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

20
21 Plaintiffs herewith supplement their responses to
22 defendant's interrogatories 38, 39, 50, 54, 98, 100(e), 108, 119,
23 126-127, 130-134, 138, 139, 184, 185, and 188-192.

24
25
26
27
28

PLAINTIFFS' THIRD
SUPPLEMENTAL RESPONSE TO
DEFENDANT'S INTERROGATORIES

1 INTERROGATORY NO. 38

2 Identify the claims of United States Letters Patent Re.
3 28,507 which Magnavox and Sanders contend have been infringed by
4 Activision.

5
6 RESPONSE:

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

12	Tennis	Ice Hockey
13	Boxing	Fishing Derby
14	Dolphin	Keystone Kapers
15	Decathlon	Stampede
16	Grand Prix	Barnstorming
17	Sky Jinks	Enduro
18	Pressure Cooker	

19 INTERROGATORY NO. 39

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

23 A. The activities of Activision which constitute
24 infringement;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

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

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

6 Claim 61: Tennis, Ice Hockey, Fishing Derby.

7 Claim 62: Tennis, Ice Hockey.
8

9 INTERROGATORY NO. 50

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

14 RESPONSE:

15 The combining of any television game console compatible
16 with any one of the television game cartridges referred to in
17 plaintiffs' response to INTERROGATORY NO. 38 with such a cartridge
18 and the use of that combination with a television receiver
19 constitute acts of infringement of the claims of United States
20 Patent Re. 28,507 stated in that response. Such consoles of
21 which plaintiffs are aware include each of those identified by
22 Activision as being useful with its television game cartridges and
23 are the Atari VCS Model 2600, the Sears Tele-Game Video Arcade,
24 the Coleco Gemini, the combination of the Coleco Colecovision
25 television game console and the Expansion Module 1, the
26 combination of the Atari Model 5200 and the Model 2600 adapter,
27

1 the Mattel Intellivision game console, and the Sears, Roebuck &
2 Co. and Tandy Corporation (Radio Shack) versions of the Mattel
3 console.

4
5 INTERROGATORY NO. 54

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

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

13 RESPONSE:

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

1 interrogatory responses of Activision, Inc., executed on April 18,
2 1983 in this action, the representation of Activision, Inc., by
3 former counsel for Atari, Inc., and the communications between
4 Activision, Inc., and The Magnavox Company concerning U.S. Patent
5 Re. 28,507 prior to the filing of this action.

6
7 INTERROGATORY NO. 98

8 With regard to the decision to reissue U.S. Patent
9 3,659,284:

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

12
13 RESPONSE:

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

18
19 INTERROGATORY NO. 100

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

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

1 RESPONSE:

2 E. See plaintiffs' response to defendant's
3 INTERROGATORY NO. 173.

4
5 INTERROGATORY NO. 108

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

- 8 A. Identification of each person involved in the
9 discussion, including the relationship of each such
10 person to Magnavox and/or Sanders;
11 B. The date and place of the discussion;
12 C. The circumstances under which the discussion was
13 held;
14 D. The substance of the discussion;
15 E. Any action taken by Magnavox and/or Sanders as a
16 result of the discussion;
17 F. Identify all persons having knowledge of the
18 subject matter of parts A through E of this
19 interrogatory;
20 G. Identify all communications relating to the subject
21 matter of parts A through F of this interrogatory;
22 and
23 H. Identify all documents which refer or relate in any
24 way to the subject matter of parts A through G of
25 this interrogatory.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

- 4 A. A hitting symbol;
5 B. Means for generating a hitting symbol;
6 C. A hit symbol;
7 D. Means for generating a hit symbol;
8 E. Coincidence between said hitting symbol and said
9 hit symbol;
10 F. Means for ascertaining coincidence between said
11 hitting symbol and said hit symbol;
12 G. A distinct motion imparted to said hit symbol upon
13 coincidence; and
14 H. Means for imparting a distinct motion to said hit
15 symbol upon coincidence.

16
17 RESPONSE:

18 Plaintiffs' responses to this interrogatory are based on
19 their present knowledge and understanding of the Activision
20 television game cartridges and the television game consoles and
21 adapters referred to. Each response refers to the combination of
22 the indicated Activision television game cartridge and the Atari
23 VCS Model 2600 television game console, the Sears Tele-Game Video
24 Arcade television game console, the Colecovision television game
25
26
27
28

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

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

6 Ice Hockey: The player symbols.

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

9 Fishing Derby: The end of the fishing line symbols.

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

15 C. Tennis: The ball symbol.

16 Ice Hockey: The puck symbol.

17 Boxing: The boxer symbol under control of the
18 game.

19 Fishing Derby: The fish symbols.

20 D. Tennis, Ice Hockey, Boxing and Fishing Derby:
21 Essentially the Activision television game
22 cartridge, the television interface adapter, and
23 the microprocessor.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

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

3 H. Tennis, Ice Hockey, Boxing and Fishing Derby:
4 Essentially the Activision television game
5 cartridge and the microprocessor.
6

7 INTERROGATORY NO. 127

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

- 20 A. A variation in the horizontal position of the
21 hitting symbol;
22 B. A variation in the vertical position of the hitting
23 symbol; and
24 C. Means for providing horizontal and vertical control
25 signals for varying the horizontal and vertical
26 positions of said hitting symbol.

1 RESPONSE:

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

12 A. Tennis: The player symbols under control of the
13 human players may be moved horizontally.

14 Ice Hockey: The player symbols may be moved
15 horizontally.

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

18 Fishing Derby: The end of the fishing line symbols
19 may be moved vertically.

20 C. Tennis, Ice Hockey, Boxing and Fishing Derby: At
21 least the Activision game cartridge, the joystick,
22 the microprocessor, and the peripheral interface
23 adapter.

1 INTERROGATORY NO. 130

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

- 14 A. A hitting symbol;
- 15 B. Means for generating a hitting symbol;
- 16 C. A hit symbol;
- 17 D. Means for generating a hit symbol;
- 18 E. Coincidence between said hitting symbol and said
19 hit symbol;
- 20 F. Means for ascertaining coincidence between said
21 hitting symbol and said hit symbol;
- 22 G. A distinct motion imparted to said hit symbol upon
23 coincidence; and
- 24 H. Means for imparting a distinct motion to said hit
25 symbol upon coincidence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1 G. Tennis: The motion of the ball symbol following
2 coincidence with the human controlled player
3 symbol.
4 Ice Hockey: The motion of the puck symbol
5 following coincidence with player symbol.
6 Boxing: The motion of the game controlled boxer
7 symbol following coincidence with the human
8 controlled boxer symbol.
9 Fishing Derby: The motion of the fish symbol
10 following coincidence with the fishing line symbol.
11 H. Tennis, Ice Hockey, Boxing and Fishing Derby:
12 Essentially the Activision television game
13 cartridge and the microprocessor.
14

15 INTERROGATORY NO. 131

16 For each combination of the games identified in response
17 to Interrogatory No. 38 of Defendant's First Set of
18 Interrogatories to Plaintiffs (namely, "Fishing Derby", "Boxing",
19 "Tennis" and "Ice Hockey") and the consoles identified in response
20 to Interrogatory No. 50 of Defendant's First Set Of
21 Interrogatories To Plaintiffs (namely, the Atari VCS Model 2600,
22 the Sears Tele-Game Video Arcade, and the combination of the
23 Colecovision game console and the Expansion Module 1) which
24 plaintiffs contend constitutes an infringement of Claim 52 of the
25
26
27
28

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

- 4 A. A variation in the horizontal position of the
5 hitting symbol;
- 6 B. A variation in the vertical position of the hitting
7 symbol; and
- 8 C. Means for providing horizontal and vertical control
9 signals for varying the horizontal and vertical
10 positions of said hitting symbol.

11
12 RESPONSE:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

C. Tennis, Ice Hockey, Boxing and Fishing Derby: Essentially the Activision television 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

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

- 5 A. A vertical synchronization signal;
- 6 B. A horizontal synchronization signal;
- 7 C. Means for generating vertical and horizontal
8 synchronization signals;
- 9 D. Means responsive to said synchronization signals
10 for deflecting the beam of a cathode ray tube to
11 generate a raster on the screen of the tube;
- 12 E. A first symbol on said screen;
- 13 F. A position for the first symbol which is directly
14 controlled by a player;
- 15 G. Means coupled to said synchronization signal
16 generating means and said cathode ray tube for
17 generating a first symbol on said screen at a
18 position which is directly controlled by a player;
- 19 H. A second symbol on the screen which is movable;
- 20 I. Means coupled to a said synchronization signal
21 generating means and said cathode ray tube for
22 generating a second symbol on said screen which is
23 movable;
- 24 J. A first coincidence between said first symbol and
25 said second symbol;

- 1 K. Means coupled to said first symbol generating means
2 and said second symbol generating means for
3 determining a first coincidence between said first
4 symbol and said second symbol;
5 L. A distinct motion imparted to said second symbol in
6 response to said coincidence; and
7 M. Means coupled to said coincidence determining means
8 and said second symbol generating means for
9 imparting a distinct motion to said second symbol
10 in response to said coincidence.

11
12 RESPONSE:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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 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.
- 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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.

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

3 H. Tennis, Ice Hockey and Fishing Derby: Essentially
4 the Activision television game cartridge and the
5 microprocessor.
6

7 INTERROGATORY NO. 134

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

20 A. A traveling of the second symbol across the screen
21 from one side of the raster to another in the
22 absence of an occurrence of coincidence between
23 said second symbol and said first or third symbol
24 after coincidence of said second symbol with said
25 third or first symbol;
26

- 1 B. A first coincidence of said second symbol with said
2 third or first symbol;
- 3 C. A second coincidence between said second symbol and
4 said first or third symbol; and
- 5 D. Means for causing said second symbol to travel
6 across said screen from one side of said raster to
7 another side of said raster in the absence of an
8 occurrence of coincidence between said second
9 symbol and said first or third symbol after
10 coincidence of said second symbol with said third
11 or first symbol.

12

13 RESPONSE:

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 microprocessor.

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, line 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.

1 INTERROGATORY NO. 139

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

- 4 A. Set forth in detail the basis of the contention
5 that the portion of the subject matter is not prior
6 art;
- 7 B. Identify all persons having knowledge of the
8 respective dates of invention of that portion of
9 the subject matter and the subject matter of United
10 States Letters Patent Re. 28,507; and
- 11 C. Identify all documents which refer or relate in any
12 way to the subject matter of this interrogatory,
13 including all documents which support the
14 contention that the portion of the subject matter
15 is not prior art with regard to United States
16 Letters Patent Re. 28,507.

17
18 RESPONSE:

19 No response required in view of the response to
20 INTERROGATORY NO. 138.

21
22 INTERROGATORY NO. 184

23 For each combination, if any, of the television game
24 products identified in Schedule 1 to the Notice to Take Deposition
25 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",
26 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",

1 "Enduro" and "Pressure Cooker") and the consoles identified in
2 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF
3 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,
4 the Sears Tele-Game Video Arcade, and the combination of the
5 Colecovision game console and the Expansion Module 1) which
6 plaintiffs contend constitutes an infringement of Claim 25 of the
7 United States Patent Re. 28,507, identify the elements which
8 plaintiffs contend correspond to the following elements of the
9 claim:

- 10 A. A hitting symbol;
- 11 B. Means for generating a hitting symbol;
- 12 C. A hit symbol;
- 13 D. Means for generating a hit symbol;
- 14 E. Coincidence between said hitting symbol and said
15 hit symbol;
- 16 F. Means for ascertaining coincidence between said
17 hitting symbol and said hit symbol;
- 18 G. A distinct motion imparted to said hit symbol upon
19 coincidence; and
- 20 H. Means for imparting a distinct motion to said hit
21 symbol upon coincidence.

22
23 RESPONSE:

24 Plaintiffs' responses to this interrogatory are based on
25 their present knowledge and understanding of the Activision
26 television game cartridges and the television game consoles and

1 adapters referred to. Each response refers to the combination of
2 the indicated Activision television game cartridge and the Atari
3 VCS Model 2600 television game console, the Sears Tele-Game Video
4 Arcade television game console, the Colecovision television game
5 console with the Coleco Expansion Module 1, the Coleco Gemini
6 television game console, or the Atari Model 5200 television game
7 console with the Model 2600 adapter, except that responses
8 specific to the Mattel version of a television game cartridge
9 refer to the combination of that cartridge with the Mattel
10 Intellivision television game console or the Sears, Roebuck & Co.,
11 or Tandy Corporation (Radio Shack) versions of the Mattel console.

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

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

15 Stampede: The horse and rider symbol.

16 Stampede (Mattel): The horse and rider symbol.

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

21 Stampede (Mattel): Essentially the Activision
22 television game cartridge, the hand controller, and
23 portions of the television game console.

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

26 Pressure Cooker: The condiment symbols.

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1 G. Dolphin: The motion of the squid symbol after
2 coincidence with the dolphin symbol.
3 Pressure Cooker: The motion of the condiment symbols
4 after coincidence with the "Short-Order Sam" symbol.
5 Stampede: The motion of the cattle symbols after
6 coincidence with the horse and rider symbol.
7 Stampede (Mattel): The motion of the cattle symbols
8 after coincidence with the horse and rider symbol.
9 H. Dolphin, Pressure Cooker and Stampede: Essentially the
10 Activision television game cartridge and the micro-
11 processor.
12 Stampede (Mattel): The Activision television game
13 cartridge and portions of the television game console.
14

15 INTERROGATORY NO. 185

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

1 C. Pressure Cooker: Essentially the Activision game
2 cartridge, the joystick, the microprocessor, and
3 the peripheral interface adapter.
4

5 INTERROGATORY NO. 188

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

- 19 A. A hitting symbol;
- 20 B. Means for generating a hitting symbol;
- 21 C. A hit symbol;
- 22 D. Means for generating a hit symbol;
- 23 E. Coincidence between said hitting symbol and said
24 hit symbol;
- 25 F. Means for ascertaining coincidence between said
26 hitting symbol and said hit symbol;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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 refer to the combination of that cartridge with the Mattel Intellivision television game console or the Sears, Roebuck & 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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.

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

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

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

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

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

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

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

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

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

22
23 INTERROGATORY NO. 189

24 For each combination, if any, of the television game
25 products identified in Schedule 1 to the Notice to Take Deposition
26 dated March 2, 1984 (namely, "Dolphin", "Keystone Kapers",

1 "Decathlon", "Stampede", "Gran Prix", "Barnstorming", "Sky Jinks",
2 "Enduro" and "Pressure Cooker") and the consoles identified in
3 response to INTERROGATORY NO. 50 of DEFENDANT'S FIRST SET OF
4 INTERROGATORIES TO PLAINTIFFS (namely, the Atari VCS Model 2600,
5 the Sears Tele-Game Video Arcade, and the combination of the
6 Colecovision game console and the Expansion Module 1) which
7 plaintiffs contend constitutes an infringement of Claim 52 of the
8 United States Patent Re. 28,507, identify the elements which
9 plaintiffs contend correspond to the following elements of the
10 claim:

- 11 A. A variation in the horizontal position of the
12 hitting symbol;
13 B. A variation in the vertical position of the hitting
14 symbol; and
15 C. Means for providing horizontal and vertical control
16 signal for varying the horizontal and vertical
17 positions of said hitting symbol.
18

19 RESPONSE:

20 Plaintiffs' responses to this interrogatory are based on
21 their present knowledge and understanding of the Activision
22 television game cartridges and the television game consoles and
23 adapters referred to. Each response refers to the combination of
24 the indicated Activision television game cartridge and the Atari
25 VCS Model 2600 television game console, the Sears Tele-Game Video
26 Arcade television game console, the Colecovision television game
27

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

4 A. Pressure Cooker: The "Short-Order Sam" symbol may
5 be moved horizontally.

6 B. Pressure Cooker: The "Short-Order Sam" symbol may
7 be moved vertically.

8 C. Pressure Cooker: Essentially the Activision game
9 cartridge, the joystick, the microprocessor, and
10 the peripheral interface adapter.

11
12 INTERROGATORY NO. 190

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

26 A. A vertical synchronization signal;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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

1 M. Means coupled to said coincidence determining means
2 and said second symbol generating means for
3 imparting a distinct motion to said second symbol
4 in response to said coincidence.
5

6 RESPONSE:

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

21 A. Dolphin, Keystone Kapers, Decathlon, Stampede, Gran
22 Prix, Barnstorming, Sky Jinks, Enduro, and Pressure
23 Cooker: The vertical synchronization signals at the
24 outputs of the television interface adapter and the
25 television game console.
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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 position of the dolphin symbol.
- Keystone Kapers: The position of the "Officer Kelly" symbol.
- Decathlon: The position of the hurdler symbol.
- Stampede: The position of the horse and rider symbol.
- Gran Prix: The position of the player controlled car symbol.
- Barnstorming: The position of the airplane symbol.
- Sky Jinks: The position of the airplane symbol.
- Enduro: The position of the player controlled car symbol.
- Pressure Cooker: The position of the "Short-Order Sam" symbol.
- Stampede (Mattel): The position of the horse and rider symbol.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 television 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

September 7, 1984 Thomas M. Hagan
The Magnavox Company

1 Subscribed and sworn to before me
2 this 7 day of September 1984,
3 in Knox County, Tennessee

4
5 Barbara Sulfin
6 Notary Public

7 My Commission Expires: June 23, 1986

8 September 6, 1984 Louis J. Sanders
9 Sanders Associates, Inc.

10 Subscribed and sworn to before me
11 this 6th day of SEPTEMBER, 1984,
12 in NASHUA, HILLSBOROUGH CO., N.H.

13 Karen S. McFarley
14 Notary Public

15 My Commission Expires: 2/8/89

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

18 Theodore W. Anderson
19 James T. Williams
20 NEUMAN, WILLIAMS, ANDERSON & OLSON
21 Attorneys for The Magnavox Company
22 and Sanders Associates, Inc.
23 77 West Washington Street
24 Chicago, Illinois 60602
25 (312) 346-1200

CERTIFICATE OF SERVICE

I hereby certify that copies of PLAINTIFFS' THIRD SUPPLEMENTAL RESPONSE TO DEFENDANT'S INTERROGATORIES were forwarded by Federal Express Courier Service on September 10, 1984 to the following:

Thomas O. Herbert, Esq.
Flehr, Hohback, Test,
Albritton & Herbert
Suite 3400
Four Embarcadero Center
San Francisco, California 94111

Martin R. Glick, Esq.
Howard, Rice, Nemerovski, Canady
Robertson & Falk
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, California 94111



A handwritten signature in cursive script, appearing to read "Martin R. Glick", is written over a horizontal line.