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9 Attorneys for Defendant

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

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

15 Plaintiffs, )

16 v. )

17 ACTIVISION, INC., )  
18 a Corporation, )

19 Defendant. )

Civil Action  
C 82 5270 TEH

DEFENDANT'S FIRST SET  
OF INTERROGATORIES TO  
PLAINTIFFS

20 Defendant Activision, Inc. (hereinafter Acti-  
21 vision) propounds the following interrogatories to  
22 plaintiffs, The Magnavox Company (hereinafter Magnavox) and  
23 Sanders Associates, Inc. (hereinafter Sanders), to be  
24 answered by each of said plaintiffs in writing and under  
25 oath in accordance with the provisions of Rule 33 of the  
26 Federal Rules of Civil Procedure. These interrogatories are  
27 intended to be continuing in their effect and to require  
28

*give Williams  
response to  
circled  
interrogatories which  
he didn't feel.*

1 supplementary answers with respect to any and all facts or  
2 documents within their scope which may come into the pos-  
3 session of plaintiffs or their attorneys subsequent to the  
4 answering of these interrogatories.

5  
6 DEFINITIONS

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

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

17 3. "Activision" shall mean defendant Activision,  
18 Inc.

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

1 INTERROGATORY NO. 4

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

- 4 A. The nature of the license or immunity from  
5 suit;
- 6 B. The circumstances under which the license or  
7 immunity was acquired;
- 8 C. The effective dates of the license or immu-  
9 nity from suit;
- 10 D. The terms of the license or immunity from  
11 suit;
- 12 E. Identify all communications relating to the  
13 license or immunity from suit; and
- 14 F. Identify all documents which refer or relate  
15 in any manner to the subject matter of Parts  
16 A through E of this interrogatory.

17  
18 INTERROGATORY NO. 5

19 Has Magnavox and/or Sanders, other than by  
20 license, ever assigned or conveyed to another any part of  
21 its ownership, interest, license or immunity in or under any  
22 of the patents identified in response to INTERROGATORY NO. 1  
23 and/or INTERROGATORY NO. 3? ~~JBA~~

24  
25 INTERROGATORY NO. 6

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

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- A. The nature of the ownership, interest, license or immunity assigned or conveyed;
- B. Identify the person(s) to whom the assignment or conveyance was made;
- C. Identify all persons having knowledge of the assignment or conveyance;
- D. Identify all communications relating to the assignment or conveyance; and
- E. Identify all documents which refer or relate in any way to the subject matter of parts A through D of this interrogatory.

INTERROGATORY NO. 7

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

INTERROGATORY NO. 8

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

- A. Identify the assignment or conveyance terminated;
- B. The manner in which the assignment or conveyance was terminated and the reason(s) for such termination;
- C. The effective date of the termination;

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

8  
9 INTERROGATORY NO. 9 ✓ *would apt 507*

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

14  
15 INTERROGATORY NO. 10 ✓

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

- 19 A. The nature of the license or immunity;  
20 B. Identify the person(s) to whom the license or  
21 immunity was granted;  
22 C. The terms of the license or immunity;  
23 D. The effective dates of the license or immu-  
24 nity;  
25 E. Identify all persons having knowledge of the  
26 license or immunity;  
27 F. Identify all communications relating to the  
28 license or immunity; and

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

INTERROGATORY NO. 11 ✓

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

INTERROGATORY NO. 12 ✓

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

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

INTERROGATORY NO. 13 ✓

Has anyone other than the persons identified in response to INTERROGATORY NO. 6 and INTERROGATORY NO. 10

1 ever expressed any desire or interest in acquiring an  
2 interest in or a license or immunity under any of the  
3 patents identified in response to INTERROGATORY NO. 1 or  
4 INTERROGATORY NO. 3?

5  
6 INTERROGATORY NO. 14 ✓

7 If the answer to INTERROGATORY NO. 13 is other  
8 than an unqualified negative, identify each such occurrence,  
9 including:

- 10 A. The patent(s) in which the interest was  
11 expressed;
- 12 B. Identify the person(s) expressing the inter-  
13 est;
- 14 C. The date(s) when the interest was expressed;
- 15 D. The nature of the rights (e.g., assignment,  
16 license, immunity, etc.) in which the  
17 interest was expressed;
- 18 E. Describe in detail the manner in which the  
19 interest was expressed;
- 20 F. State whether the person(s) expressing the  
21 interest is currently utilizing the subject  
22 matter of the patent(s);
- 23 G. Describe in detail all terms offered by  
24 Magnovox and/or Sanders for the interest,  
25 license or immunity in which interest was  
26 expressed;
- 27 H. State in detail why the person(s) expressing  
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the interest did not acquire the license;  
immunity or interest;

- I. Identify all persons having knowledge of the expression of interest;
- J. Identify all communications relating to the expression of interest; and
- K. Identify all documents which refer or relate in any way to the subject matter of parts A through J of this interrogatory.

INTERROGATORY NO. 15

Identify each person, other than Activision, which has been notified or charged with infringement of any of the patents identified in response to INTERROGATORY NO. 1 and INTERROGATORY NO. 3. *NONE BY SA*

INTERROGATORY NO. 16

For each person identified in response to INTERROGATORY NO. 15:

- A. Identify the patent(s) with respect to which the notice was given or the allegation was made;
- B. State the date upon which the notice was given or the allegation was made;
- C. Describe in detail the circumstances under which the notice was given or the allegation was made;



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- D. Set forth in detail the nature of the notice or allegation;
- E. Describe in detail the response of the person to whom the notice was given or the allegation was made;
- F. Set forth in detail the outcome of the notice or allegation;
- G. Identify all persons having knowledge of the notice or allegation;
- H. Identify all communications relating to the notice or allegation;
- I. Identify all documents which refer or relate in any way to the subject matter of parts A through H of this interrogatory.

INTERROGATORY NO. 17 ✓ JW

Identify each and every lawsuit, other than the present suit, in which any of the patents identified in response to INTERROGATORY NO. 1 and INTERROGATORY NO. 3 has been involved, including the following information for each such suit:

- A. The court and docket number of the action;
- B. The patent(s) involved in the suit;
- C. Identify the parties to the suit;
- D. Describe the nature of the suit;
- E. State the outcome of the suit;
- F. If the validity or enforceability of any of the patent(s) in suit was challenged, set

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forth in detail all of the grounds upon which the challenge was based, including any prior art relied upon;

G. Identify all persons having knowledge of the suit;

H. Identify all communications relating to the suit; and

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

INTERROGATORY NO. 18 JN

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

INTERROGATORY NO. 19 JN

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

INTERROGATORY NO. 20

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

INTERROGATORY NO. 21

Identify all companies which are related in any way

1 to Magnavox, including but not limited to parents, subsidi-  
2 aries and divisions.

3  
4 INTERROGATORY NO. 22

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

7  
8 INTERROGATORY NO. 23

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

12  
13 INTERROGATORY NO. 24 ✓ (SW?)

14 Does Magnavox and/or Sanders contend that Acti-  
15 vision has ever infringed any of the patents identified in  
16 response to INTERROGATORY NO. 1 and/or INTERROGATORY NO. 3  
17 other than United States Letters Patent Re. 28,507?

18  
19 INTERROGATORY NO. 25

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

22 A. Identify the patent and the claims of the  
23 patent which Magnavox and/or Sanders contends  
24 have been infringed;

25 B. Set forth in detail the manner in which  
26 Magnavox and/or Sanders contends that the  
27 patent has been infringed;

28 C. Identify any product(s) of Activision which

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constitute an infringement, and set forth in detail the reason(s) for this determination;

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

INTERROGATORY NO. 28

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

*NO why relevant*

INTERROGATORY NO. 29

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

- A. Identify all claims believed to be infringed:
- B. Set forth in detail the manner in which each of the claims identified in the response to part A of this interrogatory is believed to be infringed;
- C. For each of the claims identified in response to part A of this interrogatory, identify the

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products of Activision which are believed to constitute an infringement, either direct or contributory;

- D. Identify all claims of the patent which are not believed to be infringed by Activision;
- E. Set forth in detail the reasons why each of the claims identified in response to part D of this interrogatory are not infringed;
- 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.

INTERROGATORY NO. 30 ✓

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

INTERROGATORY NO. 31 ✓

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

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

INTERROGATORY NO. 32 ✓

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

INTERROGATORY NO. 33 ✓

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

1 INTERROGATORY NO. 35 ✓

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

5 A. Identify the claim and the patent in which  
6 the claim is found;

7 B. Set forth in detail the reason why the claim  
8 is or was thought to be invalid or  
9 unenforceable;

10 C. Set forth the circumstances under which the  
11 claim was determined to be invalid or  
12 unenforceable;

13 D. Describe any action taken with respect to the  
14 claim once it was determined to be invalid or  
15 unenforceable;

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

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

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

25 INTERROGATORY NO. 36 ✓

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

3  
4 INTERROGATORY NO. 37 ✓

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

8 A. Identify the claim(s) suggested to be invalid  
9 or unenforceable;

10 B. Identify the person(s) suggesting that the  
11 claim was invalid or unenforceable;

12 C. Set forth in detail the grounds upon which  
13 the claim was said to be invalid or  
14 unenforceable;

15 D. Which of the grounds identified in response  
16 to part C of this interrogatory were or are  
17 of the greatest concern to Magnavox and  
18 Sanders?

19 E. State why the grounds identified in response  
20 to part D of this interrogatory are of the  
21 greatest concern;

22 F. Describe in detail the circumstances under  
23 which the suggestion of invalidity or  
24 unenforceability was made;

25 G. Describe in detail any action taken by  
26 Magnavox or Sanders in connection with or as  
27 a result of the suggestion or invalidity or  
28 unenforceability;



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

INTERROGATORY NO. 38 JW

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

INTERROGATORY NO. 39 JW when did we first learn - ask Ralph

For each of the claims identified in response 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;
- B. State when and under what circumstances each of the activities identified in response to part A of this interrogatory came to the attention of Magnavox and/or Sanders;
- C. Identify each television game cartridge made, used and/or sold by Activision which constitutes an infringement of the claim

1 INTERROGATORY NO. 42 JW

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

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9 INTERROGATORY NO. 43 JW

10 If the answer to INTERROGATORY NO. 42 is other  
11 than an unqualified negative, for each such examination or  
12 investigation:

- 13 A. Identify the game cartridge subject to  
14 examination or investigation;
- 15 B. State when, where and by whom the examination  
16 or investigation was made;
- 17 C. Describe in detail the examination or  
18 investigation made;
- 19 D. State the results of the examination or  
20 investigation;
- 21 E. Identify any equipment, instrumentation or  
22 apparatus employed in the examination or  
23 investigation;
- 24 F. Identify all persons having knowledge of the  
25 examination or investigation;
- 26 G. Identify all communications relating to the  
27 examination or investigation; and
- 28 H. Identify all documents which refer or relate

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in any way to the subject matter of parts A through G of this interrogatory.

INTERROGATORY NO. 44 DW

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

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

INTERROGATORY NO. 45 DW

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

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

1 INTERROGATORY NO. 46 JW

2 With regard to each act of contributory infringement  
3 ment identified in response to INTERROGATORY NO. 44:

- 4 A. Identify the direct infringement upon which  
5 the charge of contributory infringement is  
6 based;
- 7 B. State when and where the direct infringement  
8 occurred;
- 9 C. State how the direct infringement came to the  
10 attention of Magnavox and Sanders;
- 11 D. Identify any apparatus employed in the direct  
12 infringement;
- 13 E. Identify all persons having knowledge of the  
14 direct infringement;
- 15 F. Identify all communications relating to the  
16 direct infringement; and
- 17 G. Identify all documents which refer or relate  
18 in any way to the subject matter of parts A  
19 through F of this interrogatory.

20  
21 INTERROGATORY NO. 47 JW

22 With regard to each activity identified in respon-  
23 se to INTERROGATORY NO. 44 as constituting an inducement of  
24 infringement:

- 25 A. Identify the person(s) induced to infringe;
- 26 B. State whether the person(s) induced to  
27 infringe did actually infringe the patent;
- 28 C. If the answer to part B of this interrogatory

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is affirmative, state in detail how the person induced to infringe did in fact infringe the patent;

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

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

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

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

INTERROGATORY NO. 48 JW

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

INTERROGATORY NO. 49 JW

It the answer to INTERROGATORY NO. 48 is other than an unqualified negative:

A. Identify the game cartridge(s) and the

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claim(s) infringed by each such cartridge; and  
B. State specifically where each element of each  
claim identified in response to part A of  
this interrogatory is found in the game  
cartridge(s) infringed thereby.

INTERROGATORY NO. 50 JW

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 there-  
with.

INTERROGATORY NO. 51 JW

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

INTERROGATORY NO. 52 JW

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

INTERROGATORY NO. 53 JW

For each claim identified in response to INTER-  
ROGATORY NO. 52, state specifically where each element of  
the claim is found in the game console and cartridge.

1 INTERROGATORY NO. 54 JW

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

6 A. Willful; and

7 B. With full knowledge of United States Letters  
8 Patent Re. 28,507.

9  
10 INTERROGATORY NO. 55 JW

11 Identify all persons having knowledge of the  
12 subject matter of INTERROGATORY NO. 54.

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14 INTERROGATORY NO. 56 JW

15 Identify all communications relating to the  
16 subject matter of INTERROGATORY NO. 54.

17  
18 INTERROGATORY NO. 57 JW

19 Identify all documents which refer or relate in  
20 any way to the subject matter of INTERROGATORIES NOS. 54, 55  
21 and 56.

22  
23 INTERROGATORY NO. 58 JW

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

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- A. The model number or designation of each such game;
- B. The date(s) each such game was manufactured;
- C. The number of each such game manufactured;
- D. The number of each such game sold;
- E. Identify the claim(s) of the patent which covers each such game;
- 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.

INTERROGATORY NO. 59 Jw

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

- A. Set forth each statutory notice ever placed on such game, as alleged in Paragraph 12 of the Complaint;
- B. State the number of games on which each notice set forth in response to part A of this interrogatory appeared;



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- C. State the date(s) that each notice identified response to part A of this interrogatory was placed on the game;
- D. State the number of games, if any, on which the statutory notice did not appear;
- E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- F. Identify all communications relating to the subject matter of parts A through E of this interrogatory; and
- G. Identify all documents which refer or relate in any way to the subject matter of parts A through F of this interrogatory.

INTERROGATORY NO. 60 JW

Referring to Paragraph 12 of the Complaint:

- A. Set forth in detail what Magnavox and Sanders contend constitutes receipt by defendant of notice of United States Letters Patent Re. 28,507;
- B. Identify all persons having knowledge of the subject matter of part A of this interrogatory;

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- C. Identify all communications relating to parts A and B of this interrogatory; and
- D. Identify all documents which refer or relate in any way to the subject matter of parts A through C of this interrogatory.

INTERROGATORY NO. 61 ✓

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

INTERROGATORY NO. 62

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

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

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

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

7  
8 INTERROGATORY NO. 63 )W

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

11 A. Identify the television game patents owned by  
12 Sanders which Magnavox has attempted to  
13 license;

14 B. Identify each party to whom Magnavox has  
15 attempted to license each of the patents  
16 identified in response to part A of this  
17 interrogatory;

18 C. State when and where each such attempt was  
19 made;

20 D. Set forth the reaction of each party or  
21 person to whom Magnavox attempted to license  
22 the patents;

23 E. Identify any licenses resulting from such  
24 attempts;

25 F. Identify all persons having knowledge of the  
26 subject matter of parts A through E of this  
27 interrogatory;

28 G. Identify all communications relating to the

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subject matter of parts A through F of this interrogatory;

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

INTERROGATORY NO. 64 JW

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

INTERROGATORY NO. 65 JW

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

INTERROGATORY NO. 66

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

INTERROGATORY NO. 67 ✓

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

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- A. Set forth in detail the basis upon which the contention is made;
- B. State whether Magnavox or Sanders has ever made a study or investigation to determine whether there has been a commercial success;
- C. If the answer to part B of this interrogatory is affirmative, describe each study or investigation in detail, including the date(s) of the study or investigation, a description of the study or investigation, and the identification of all persons participating in the study or investigation;
- D. Identify all persons having knowledge of the subject matter of parts A through C of this interrogatory;
- E. Identify all communications relating to the subject matter of parts A through D of this interrogatory; and
- F. Identify all documents which refer or relate in any way to the subject matter of parts A through E of this interrogatory.

INTERROGATORY NO. 68


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

1 INTERROGATORY NO. 69

2 If the answer to INTERROGATORY NO. 68 is other than  
3 an unqualified negative:

- 4 A. Describe in detail each such need;
- 5 B. State how the existence of each such need was  
6 determined by Magnavox and Sanders;
- 7 C. Identify all persons having knowledge of the  
8 subject matter of parts A and B of this  
9 interrogatory;
- 10 D. Identify all communications relating to the  
11 subject matter of parts A through C of this  
12 interrogatory; and
- 13 E. Identify all documents which refer or relate  
14 in any way to the subject matter of parts A  
15 through D of this interrogatory.

16  
17 INTERROGATORY NO. 70

18 Do Magnavox and Sanders contend that others have  
19 failed to solve the problem or problems solved by the  
20 subject matter claimed in United States Letters Patent Re.  
21 28,507? 

22  
23 INTERROGATORY NO. 71

24 If the answer to INTERROGATORY NO. 70 is other  
25 than an unqualified negative:

- 26 A. Identify each problem solved by the subject  
27 matter of United States Letters Patent Re.  
28 28,507;

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- B. Identify each person attempting to solve each such problem prior to the conception of the invention claimed in the patent;
- C. Describe in detail each solution attempted by others to each such problem;
- D. Describe in detail the manner in which each such prior attempt failed;
- E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- F. Identify all communications relating to the subject matter of parts A through E of this interrogatory; and
- G. Identify all documents which refer or relate in any way to the subject matter of parts A through F of this interrogatory.

INTERROGATORY NO. 72      J W

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

INTERROGATORY NO. 73

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

- A. Identify each person other than the parties to this action who has ever made, used or

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sold a game embodying the subject matter of the patent;

- B. Describe in detail each such game;
- C. State when each such game was made, used and/or sold;
- D. Which, if any, of the persons identified in response to part A of this interrogatory were licensed or granted immunity under the patent?
- E. Has notice of the patent been placed on all of the games made, used and/or sold by the persons identified in response to part D of this interrogatory?
- F. If the answer to part E of this interrogatory is negative, identify each game on which notice of the patent has not been placed;
- G. Which, if any, of the games identified in response to part A of this interrogatory were made, used or sold without license or immunity under the patent?
- H. What, if any, action has been taken by Magnavox and Sanders with regard to each game identified in response to part G of this interrogatory?
- I. Identify all persons having knowledge of the subject matter of parts A through H of this interrogatory;
- J. Identify all communications relating to the



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subject matter of parts A through I of this  
interrogatory; and  
K. Identify all documents which refer or relate  
in any way to the subject matter of parts A  
through J of this interrogatory.

INTERROGATORY NO. 74

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

- A. U.S. Patent 3,728,480 (Baer);
- B. J. M. Gratz, SPACEWAR! REAL-TIME CAPABILITY  
OF THE PDP-1, Decus Proceedings, 1962, pages  
37-39;
- C. The Spacewar game played at Massachusetts  
Institute of Technology in 1962, as described  
in the Decus publication identified in part B  
of this interrogatory;
- D. The battling spaceship game which James T.  
Williams observed being played on a PDP-1  
computer at Stanford University in the  
1960's;
- E. The tennis game developed at Brookhaven  
National Laboratory about 1958 by Willy  
Higinbothom, utilizing an analog computer and  
a cathode ray tube;
- F. U.S. Patent 3,135,815 (Spiegel); and
- G. U.S. Patent 2,847,661 (Althouse).

1 INTERROGATORY NO. 75

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

5  
6 INTERROGATORY NO. 76

7 For each of the claims identified in response to  
8 INTERROGATORY NO. 38, set forth in detail the manner in  
9 which Magnavox and Sanders contend that the claim defines  
10 patentable subject matter over the references and other  
11 prior art identified in INTERROGATORY NO. 74.

12  
13 INTERROGATORY NO. 77

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

18  
19 INTERROGATORY NO. 78

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

23  
24 INTERROGATORY NO. 79 ✓

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

28

1 INTERROGATORY NO. 80

2 For each of the foreign patents and patent appli-  
3 cations identified in response to INTERROGATORY NO. 79:

4 A. Identify all persons who have participated in  
5 any way in the preparation, filing, examina-  
6 tion, or prosecution of each application,  
7 including the role of such person in connec-  
8 tion with the application;

9 B. Identify all references or other prior art  
10 cited in connection with each application;

11 C. Identify all communications relating to the  
12 application;

13 D. Identify all documents which refer or relate  
14 in any way to the application.

15  
16 INTERROGATORY NO. 81

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

20  
21 INTERROGATORY NO. 82

22 Do Magnavox and Sanders deny that U.S. Patent  
23 3,728,480 teaches means for ascertaining coincidence between  
24 two symbols displayed upon the screen of a television  
25 receiver? *no*

26  
27 INTERROGATORY NO. 83

28 If the answer to INTERROGATORY NO. 82 is other

1 than an unqualified negative, explain in detail why U.S.  
2 Patent 3,728,480 does not teach such means.

3  
4 INTERROGATORY NO. 84

5 Do Magnavox and Sanders consider the disappearance  
6 of a symbol from the screen of a television receiver to  
7 constitute imparting a distinct motion to the symbol within  
8 the meaning of Claim 51 of United States Letters Patent Re.  
9 28,507? ?

10  
11 INTERROGATORY NO. 85

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

15  
16 INTERROGATORY NO. 86

17 Do Magnavox and Sanders consider a change in the  
18 color of a symbol on the screen of a television receiver to  
19 constitute imparting a distinct motion to the symbol within  
20 the meaning of Claim 51 of United States Letters Patent Re.  
21 28,507? ?

22  
23 INTERROGATORY NO. 87

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

1 INTERROGATORY NO. 88

2 Do Magnavox and Sanders deny that the Spacewar  
3 game described in the Decus publication identified in  
4 INTERROGATORY NO. 74 includes means for ascertaining  
5 coincidence between two symbols and means for imparting a  
6 distinct motion to one of the symbols upon coincidence?  
7 ?

8 INTERROGATORY NO. 89

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

12  
13 INTERROGATORY NO. 90 ✓ JW

14 Do Magnavox and Sanders contend that there is any  
15 difference between the apparatus defined by Claim 51 of  
16 United States Letters Patent Re. 28,507 and the apparatus  
17 disclosed in the Decus publication identified in INTER-  
18 ROGATORY NO. 74 other than the substitution of a television  
19 receiver for another type of cathode ray tube display?  
20

21 INTERROGATORY NO. 91

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

25  
26 INTERROGATORY NO. 92 JW

27 Do Magnagox and Sanders deny that the Higinbothom  
28

1 tennis game identified in INTERROGATORY NO. 74 included  
2 means for ascertaining coincidence between two symbols and  
3 means for imparting a distinct motion to one of those  
4 symbols upon coincidence?

5  
6 INTERROGATORY NO. 93

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

10  
11 INTERROGATORY NO. 94 JW

12 Do Magnavox and Sanders deny that U.S. Patent  
13 3,135,815 discloses means for detecting coincidence between  
14 two symbols displayed upon the screen of a television  
15 receiver?

16  
17 INTERROGATORY NO. 95

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

21  
22 INTERROGATORY NO. 96

23 Do Magnavox and Sanders now disagree in any way  
24 with the following statement made by William T. Rusch on  
25 page 2 of the Declaration signed by him and dated April 22,  
26 1974 in support of the application which led to United  
27 States Letters Patent Re. 28,507:

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

INTERROGATORY NO. 97

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

INTERROGATORY NO. 98

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

- A. State when the decision was made;
- B. Identify each person who participated in the decision and the role of each such person;
- C. Identify the person(s) who originally suggested reissuing the patent;
- D. Describe in detail the circumstances under which the decision was made;
- E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;

1 F. Identify all communications relating to the  
2 decision to reissue the patent; and

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

6  
7 INTERROGATORY NO. 99 ✓

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

10 A. Identify each person who was consulted or  
11 participated in any way in the preparation  
12 and/or filing of the application, and  
13 identify the role of each such person;

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

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

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

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



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

INTERROGATORY NO. 100

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

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

B. Did anyone acting on behalf of Magnavox and/or Sanders ever have any interview, either by telephone or in person, discussion or other communication of any type whatsoever with any Examiner or other person in the Patent Office in connection with the application, which interview, conversation or communication is not reflected in the written file wrapper of the application?

C. If the answer to part B of this interrogatory is other than an unqualified negative, identify each such interview, conversation or communication fully, including:

(1) Identification of each person who participated in the interview, conversation and/or communication;

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- (2) The date and place of the interview, conversation or communication;
  - (3) The nature of the interview, conversation or communication; and
  - (4) The full substance of the interview, conversation or communication;
- D. Identify any prior art or other information known at the time to any of the persons identified in response to part A of this interrogatory which might have been material to the examination of the application and which was not called to the attention of the Patent Office;
- 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;
- 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.

1 INTERROGATORY NO. 101 ✓

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

8  
9 INTERROGATORY NO. 102 ✓

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

- 13 A. The date of the disclosure;
- 14 B. The form in which the disclosure was made;
- 15 C. Identification of the person(s) who made the  
16 disclosure;
- 17 D. Identification of the Examiner(s) to whom the  
18 disclosure was made;
- 19 E. The full substance of the disclosure;
- 20 F. Identify all persons having knowledge of the  
21 subject matter of parts A through E of this  
22 interrogatory;
- 23 G. Identify all communications relating to the  
24 subject matter of parts A through F of this  
25 interrogatory; and
- 26 H. Identify all documents which refer or relate  
27 in any way to the subject matter of parts A  
28 through G of this interrogatory.

1 INTERROGATORY NO. 103

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

9  
10 INTERROGATORY NO. 104

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

- 14           A. The date of the indication;  
15           B. The nature of the indication;  
16           C. Identification of the Examiner who made the  
17 indication;  
18           D. Identification of the person(s) to whom the  
19 indication was made;  
20           E. The full substance of the indication;  
21           F. Identify all persons having knowledge of the  
22 subject matter of parts A through E of this  
23 interrogatory;  
24           G. Identify all communications relating to the  
25 subject matter of parts A through F of this  
26 interrogatory; and  
27           H. Identify all documents which refer or relate  
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in any way to the subject matter of parts A through G of this interrogatory.

INTERROGATORY NO. 105 JW

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

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

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

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

7  
8 INTERROGATORY NO. 109 JW

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

12  
13 INTERROGATORY NO. 110

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

17 A. Identification of the person(s) in the Patent  
18 Office to whom the disclosure was made;

19 B. The relationship, if any, of each person  
20 identified in response to part A of this  
21 interrogatory to the examination of the  
22 application which led to Reissue Patent  
23 28,507;

24 C. The date of the disclosure;

25 D. The manner in which the disclosure was made;

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

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

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

7  
8 INTERROGATORY NO. 111 JW

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

13  
14 INTERROGATORY NO. 112

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

- 18 A. Identification of the person(s) making the  
19 disclosure;
- 20 B. Identification of the person(s) in the Patent  
21 Office to whom the disclosure was made;
- 22 C. The relationship, if any, to Magnavox and/or  
23 Sanders of each person identified in response  
24 to part B of this interrogatory;
- 25 D. The date of the disclosure;
- 26 E. The manner in which the disclosure was made;
- 27 F. Identify all persons having knowledge of the  
28

1 subject matter of parts A through E of this  
2 interrogatory;

3 G. Identify all communications relating to the  
4 subject matter of parts A through F of this  
5 interrogatory; and

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

9  
10 INTERROGATORY NO. 113 J V

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

16  
17 INTERROGATORY NO. 114

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

21 A. Identification of the Examiner giving the  
22 indication;

23 B. Identification of the person(s) to whom the  
24 indication was given;

25 C. The date(s) of the indication;

26 D. The manner in which the indication was given;

27 E. The substance of the indication;

28 F. Identify all persons having knowledge of the



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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.

INTERROGATORY NO. 115 } W

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

INTERROGATORY NO. 116

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

INTERROGATORY NO. 117 ✓

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

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

*Handwritten signature*

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

23  
24 INTERROGATORY NO. 118

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

- 27 A. Identify all persons who participated in or  
28

1 were consulted in connection with the deci-  
2 sion to reissue the patent;

3 B. Identify all discussions which took place in  
4 connection with the decision to reissue the  
5 patent, including:

6 (1) Identification of all persons  
7 participating in each such discussion;

8 (2) The date and place of each such  
9 discussion;

10 (3) The substance of each discussion;

11 (4) Describe any action taken as a result of  
12 each such discussion;

13 C. Identify all prior art considered in connec-  
14 tion with the decision to reissue the patent;

15 D. Identify all persons who participated in or  
16 were consulted in connection with the  
17 preparation and filing of the application;

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

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

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

1           INTERROGATORY NO. 119

2                         Did Magnavox and/or Sanders ever consider reissu-  
3           ance of U.S. Patent 3,728,480 in view of U.S. Patent  
4           2,847,661 (Althouse)?

5  
6           INTERROGATORY NO. 120

7                         If the answer to INTERROGATORY NO. 119 is other  
8           than an unqualified negative, identify each such considera-  
9           tion, including:

- 10                        A.    Identification of each person who partici-  
11                        pated in or was consulted in connection with  
12                        such consideration;
- 13                        B.    The circumstances under which the considera-  
14                        tion was made;
- 15                        C.    The date and place of each such considera-  
16                        tion;
- 17                        D.    Set forth in detail the substance of what was  
18                        considered;
- 19                        E.    State in detail why an application for  
20                        reissue was not filed on the basis of  
21                        Althouse;
- 22                        F.    Identify all persons having knowledge of the  
23                        subject matter of parts A through E of this  
24                        interrogatory;
- 25                        G.    Identify all communications relating to the  
26                        subject matter of parts A through F of this  
27                        interrogatory; and
- 28                        H.    Identify all documents which refer or relate

1 in any way to the subject matter of parts A  
2 through G of this interrogatory.  
3

4 INTERROGATORY NO. 121

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

- 8 A. Describe in detail the circumstances under  
9 which both the Spiegel patent and its German  
10 counterpart came to the attention of Magnavox  
11 and Sanders;
- 12 B. Identify the person(s) who first became aware  
13 of the patent or the German counterpart;
- 14 C. Identify all persons who subsequently became  
15 aware of the patent and/or its German  
16 counterpart;
- 17 D. The date(s) when Magnavox and Sanders first  
18 became aware of the patent and the German  
19 counterpart;
- 20 E. Describe in detail any action taken by  
21 Magnavox and/or Sanders when they became  
22 aware of the Spiegel patent or the German  
23 counterpart;
- 24 F. Identify all persons having knowledge of the  
25 subject matter of parts A through E of this  
26 interrogatory;
- 27 G. Identify all communications relating to the  
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subject matter of parts A through E 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.

INTERROGATORY NO. 122

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

*Waw? plant*

INTERROGATORY NO. 123

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

INTERROGATORY NO. 124

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

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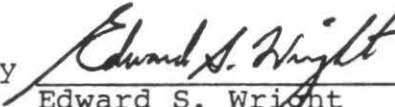
*Waw?*

1 INTERROGATORY NO. 125

2 Identify each document not otherwise identified in  
3 the response to the foregoing interrogatories which was  
4 relied upon in the preparation of said responses.  
5

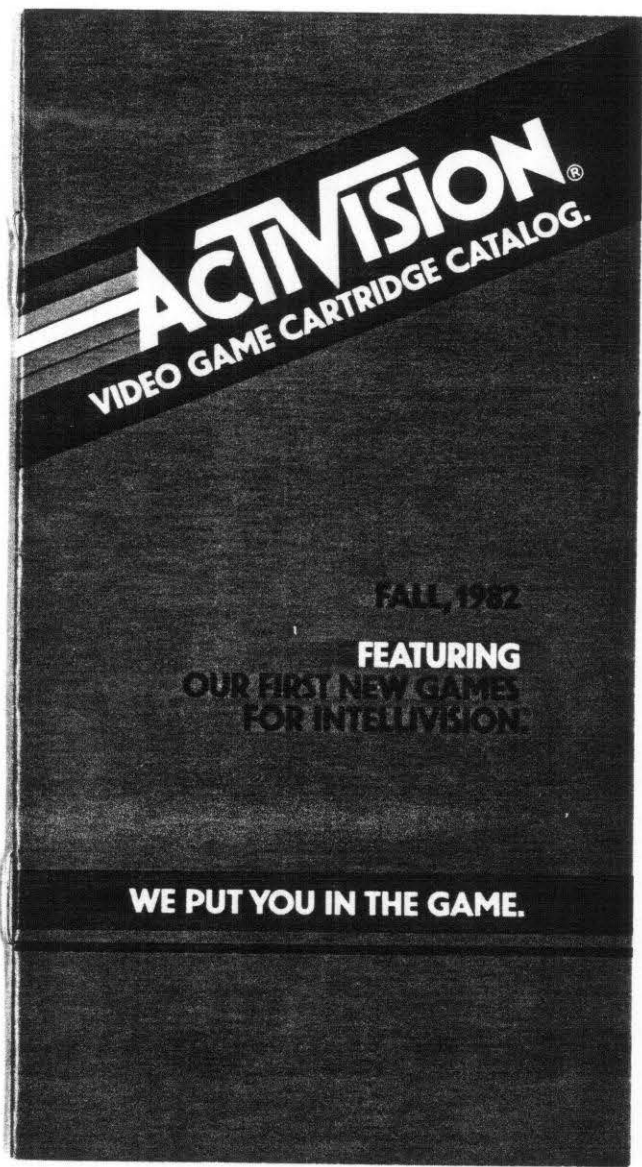
6 FLEHR, HOHBACH, TEST,  
7 ALBRITTON & HERBERT

8  
9 By

  
Edward S. Wright  
Attorneys for Defendant

10  
11 Date: DECEMBER 17, 1982

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# THE ACTIVISION® ADVENTURE

The moment you insert an Activision® video game into your Atari® Video Computer System™ or your Sears Tele-Games® Video Arcade™ you will embark on adventure that will leave other home video games far behind.

You will experience a world that totally encompasses your mind and senses. A world of incredibly involving Sports games, Strategy games and Action games.

And coming this Christmas you'll experience another new Activision game that is so amazingly realistic, you'll actually believe—we put you in the game.

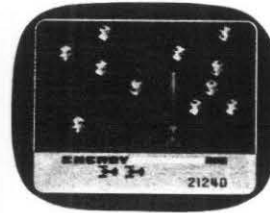


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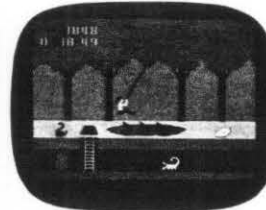
Coming,  
October 1982



Designed by Steve Cartwright. This game is a space nightmare! Imagine, if you can, fighting off multiple waves of the strangest objects ever to defy the laws of gravity. And there's no rest. Celestial dice, spinning bow-ties, furious flying widgets and even hostile hamburgers. If it's not one "thing" it's another. And they can drop round after round of deadly disintegrators. You'd better hope you and your courage are wide awake when you play MegaMania™ by Activision®.



Coming,  
September 1982

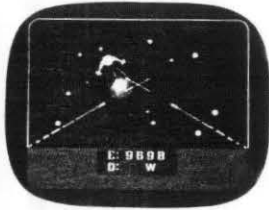


Designed by David Crane. Seek out the lost treasures of an Ancient Civilization hidden deep within the forbidding jungle. Swing through trees, jump over bottomless pits and journey through underground passageways and avoid the perils of the jungle—crocodiles and cobras, scorpions and quicksand. All to find the gold—in Pitfall!™ by Activision®.

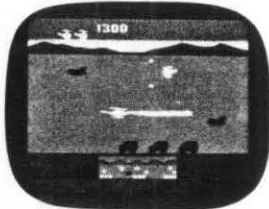
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**ACTION GAMES**

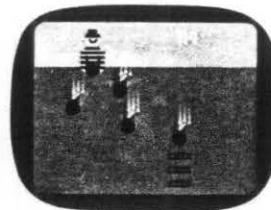


Designed by Alan Miller. You're in the cockpit of a mighty intergalactic spacecraft. Your mission: Defend your starbases against attacking enemy starfighters. Galactic charts pinpoint enemy targets. Meteor showers slow your attack. And enemy particle cannons can quickly send you limping home to your orbiting starbase for repairs. Computer readouts reveal energy levels, ship damage and more. Without a doubt, Starmaster™ by Activision® is one of the most thrilling video game experiences of the year!



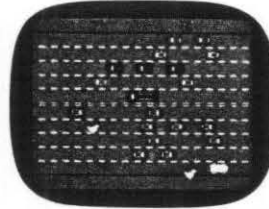
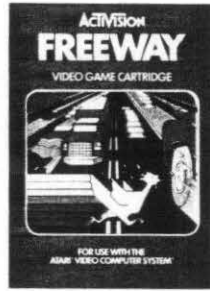
Designed by Bob Whitehead. You're flying escort for a truck convoy of medical supplies. Suddenly, enemy aircraft show up on your long-range scanner. Quickly, you whip your chopper around 180°, blanketing the sky with laser rockets. The enemy maneuvers brilliantly and responds with multi-warhead missiles. Chopper Command™ by Activision® could easily be the most demanding video battle ever conceived!

**ACTION GAMES**



Designed by Larry Kaplan. It looks very simple. You have three buckets of water. The cute little guy up on the wall has a whole bunch of bombs. He tosses the bombs, and you catch them. Like we said, "Very simple." P.S. Before you know it, bombs are falling at a rate of 13 per second! Is the hand really quicker than the eye? Try Kaboom!™ by Activision® and find out.

**1982 Arcade Alley Award Winner, Best Audio and Visual Effects.**



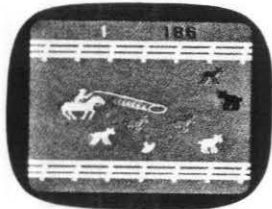
Designed by David Crane. You see, there's this chicken. And he decides he wants to cross the road. Familiar story, right? Except, this time the road is a freeway, and it's rush hour! Your task is to guide the poor chicken to the other side of the freeway. Get the picture? And if you get the game, you'll agree there's never been anything like Freeway™ by Activision®

**Honorable Mention, 1982 Arcade Alley Awards: Most Innovative Game.**

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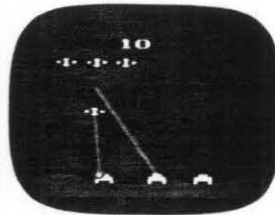
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**ACTION GAMES**



Designed by Bob Whitehead. Ready for a little round-up? With Stampede™ by Activision® you'll have to ride fast and rope even faster. Those little dogies seem to be everywhere, and they're all worth points. But, be careful! Your ol' horse can get a little edgy, especially when you take your eyes off the trail. Head out West for hours of fun with Stampede!

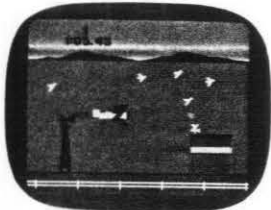
**ACTION GAMES**



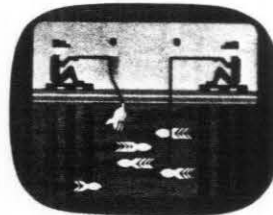
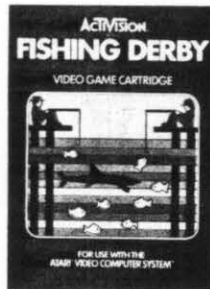
Designed by David Crane. Presenting a space shoot-out the likes of which you've never seen or heard before. As Commander of a fleet of intergalactic spacecraft, you come upon some very unfriendly alien types. Get them before they get you and you're awarded points. Brilliant colors and startling sound effects make Laser Blast™ an all-time space video classic.

**Honorable Mention, 1982 Arcade Alley Awards: Best Science Fiction Game.**

**SPORTS CHALLENGES**



Designed by Steve Cartwright. Fasten your seatbelts! This flight is going to be very rough and lots of fun. It's Barnstorming™ by Activision®. A brilliant achievement in realistic video game graphics by Activision's newest designer, Steve Cartwright. Fly a biplane through barns, over windmills, and through flocks of geese. Here's where state-of-the-art game design meets seat-of-the-pants aviation.



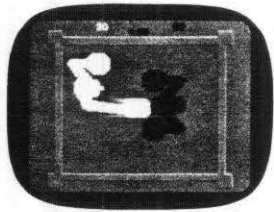
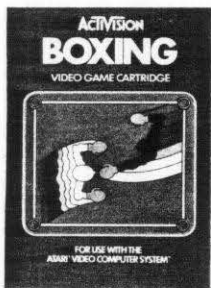
**1981 Arcade Alley Award Winner, Best Audio and Visual Effects.**

Designed by David Crane. A relaxing afternoon at the ol' fishing hole? Not quite. The bay's full of beautiful sunfish alright, and all you have to do is land 'em faster than your opponent. But there's just one small hitch. Watch out for that shark! His voracious appetite makes Fishing Derby® by Activision® a constant challenge.

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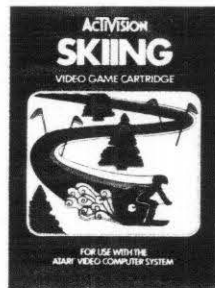
**SPORTS CHALLENGES**



Designed by Bob Whitehead. At the sound of the bell, come out swinging. Go toe to toe with the Activision® computer or a friend. It's fast and furious action that's sure to leave you exhausted. But, be careful! Don't get pinned to the ropes. Knock-outs are part of the action, too!

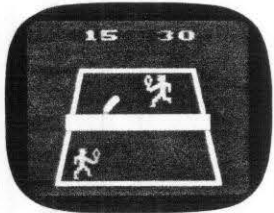
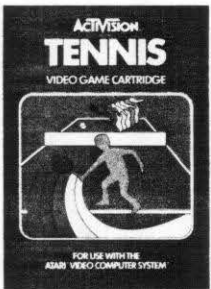
**Honorable Mention, 1981 Arcade Alley Awards: Best Head-to-Head, Best Sports, Most Innovative Game.**

**SPORTS CHALLENGES**



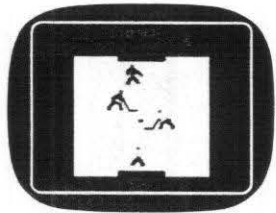
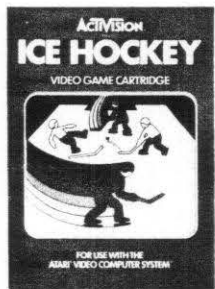
Designed by Bob Whitehead. Challenge yourself to a wide variety of high-speed downhill or slalom runs. Trees and moguls rush by as you race through the courses. Designed for everyone from novice to pro. Why, even if you hate snow, you'll love the fun of Skiing by Activision!®

**1981 Arcade Alley Award Winner, Best Solitaire Game.**



Designed by Alan Miller. Never wait for a court again. Tennis by Activision® offers all the challenge and excitement of tennis right on your own TV. Charging players can rush the net, lay back and play the baseline, or roam the court. It's tennis action so remarkably real, the ball's even got a shadow! Loads of fun for all game fans.

**1982 Arcade Alley Award Winner, Best Competitive Game. Honorable Mention: Best Sports Game 1982.**

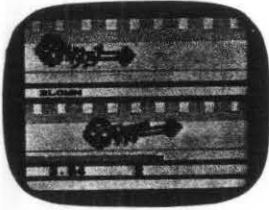


Designed by Alan Miller. Face off! Fight for the puck. Skate down ice past the defender for a slap-shot. Then, hurry back on defense as your opponent's goalie makes a remarkable save and a long pass to his forward. Here's fantastic head-to-head competition right at your fingertips. So real, it'll knock you off your skates!

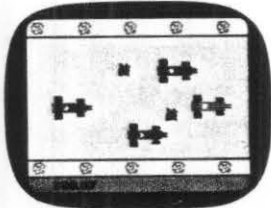
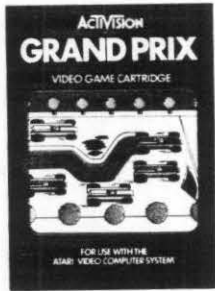
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**SPORTS CHALLENGES**

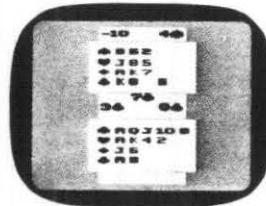
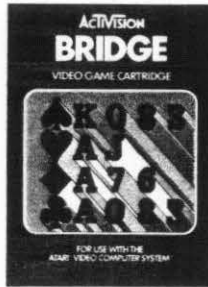


Designed by David Crane. Watch the countdown, shift gears, pop the clutch and burn rubber! You can rev your engine, but be careful not to blow it. True-to-life sound effects and gruelling competition bring all the action of the dragstrip right into your living room!

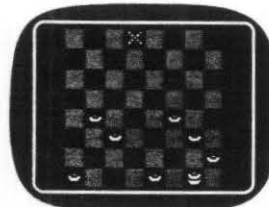
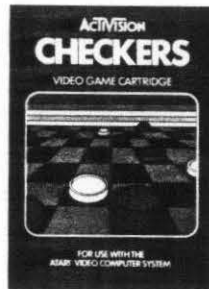


Designed by David Crane. You've always had a secret fantasy about driving in the big race? Well, here's your very own Grand Prix.™ You'll steer a course around other drivers, ease by oil slicks, zoom across bridges, with time your foremost enemy. Plus all the sound and fury of the real thing. Gentlemen, start your engines.

**STRATEGY GAMES**



Designed by Larry Kaplan. Presenting the ultimate solitaire bridge game! Bridge by Activision® deals hundreds of millions of hands at random and provides a computer partner who bids by the rules. After you've established a contract, the computer plays as your opponents. It's a great way to sharpen your skills. Never be without a bridge game again. It's heaven!



Designed by Alan Miller. Remember good ol' checkers? Well, Checkers Activision-style is a whole new challenge. There are three different skill levels to choose from. Warm up with novice, and then, when you're feeling brave, tackle the tougher levels. Your computer opponent plots the results of each of his available moves and then picks the one that's toughest on you. You'll find the Activision® computer a more-than-worthy opponent.

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# INTRODUCING ACTIVISION® FOR INTELLIVISION.®

The extraordinary playability, originality, sound effects and graphics of Activision® video game cartridges are now available for Intellivision.® Pitfall!™, our new jungle adventure game, and Stampede™, our classic western round-up, start the series. And there are plenty more on the way! All great fun. All exciting. All by Activision.

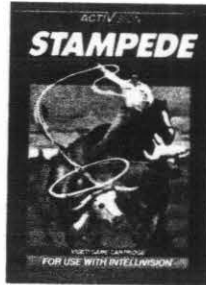
Also for use with the Sears Tele-Games® Super Video Arcade.™

Tele-Games® and Super Video Arcade™ are trademarks of Sears, Roebuck & Co. Mattel Electronics® and Intellivision® are registered trademarks of Mattel Inc.

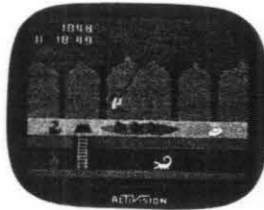
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New Activision Video Games



Designed by Bob Whitehead. Yahoo! Stampede™ by Activision® is bringing some kind of fun to Intellivision® owners. And some kind of challenge. The object of this tricky little game is to lasso as many stampeding calves as possible. Practice by yourself, or challenge a friend. But, hang on to your hat, keep your eyes on the trail, and round 'em up!



Designed by David Crane. Danger lurks at every turn as Pitfall!™ by Activision brings a jungle no-man's land to life for Intellivision® owners. Jump into the shoes of Pitfall Harry as he leads you on an incredible adventure in search of lost treasures. You'll race against time, through a maze of jungle scenes, fighting off one deadly peril after another.

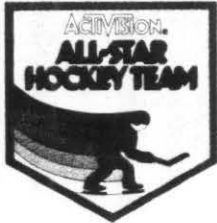
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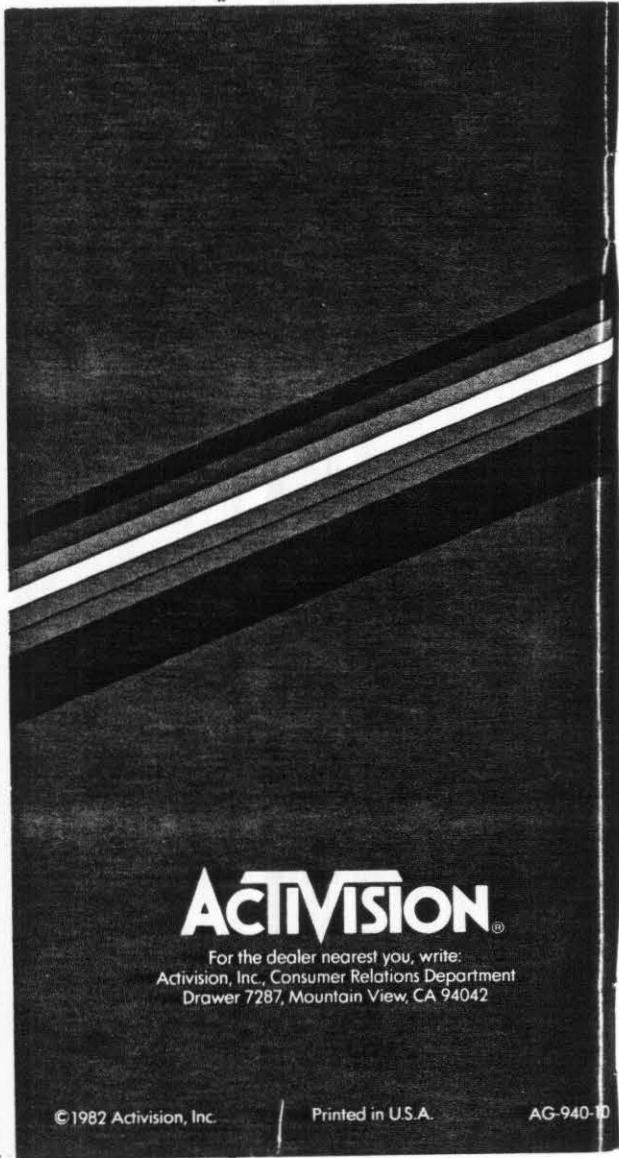
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EXHIBIT A



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I hereby certify that the foregoing DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFFS is being served upon plaintiffs by delivering a copy of the same to

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Neuman, Williams, Anderson & Olson  
Theodore W. Anderson, Esq.  
James T. Williams, Esq.  
77 West Washington Street  
Chicago, Illinois 60602

this 17th day of December, 1982.



Edward S. Wright  
One of the Attorneys for Defendant

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It is requested that the documents be produced at 9 a.m. on Monday, January 17, 1983, at the offices of FLEHR, HOHBACH, TEST, ALBRITTON & HERBERT, Four Embarcadero Center, Suite 3400, San Francisco, California 94111-4187. At such time and place, attorneys for defendant Activision, Inc. will inspect such documents and make copies of pertinent ones thereof. In the event that some or all of the documents cannot be reproduced at the offices of FLEHR, HOHBACH, TEST, ALBRITTON & HERBERT, such documents shall be removed to a local commercial copying firm for the purpose of copying the same.

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

DATE: DECEMBER 17, 1982

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Theodore W. Anderson, Esq.  
James T. Williams, Esq.  
77 West Washington Street  
Chicago, Illinois 60602

this 17th day of December, 1982.

  
\_\_\_\_\_  
Edward S. Wright  
One of the Attorneys for Defendant