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The Magnavox Company and
9 Sanders Associates, Inc.

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United States District Court for the
Northern District of California

THE MAGNAVOX COMPANY, a Corpora- tion, and SANDERS ASSOCIATES, INC., a Corporation,)	
)	No. C 82 5270 TEH
Plaintiffs,)	
vs.)	REQUEST FOR PRODUCTION TO DEFENDANTS
ACTIVISION, INC., a Corporation,)	
Defendant.)	

REQUEST FOR PRODUCTION TO DEFENDANTS

Plaintiffs, The Magnavox Company and Sanders Associates, Inc., hereby request that defendant produce the documents and things listed by categories below for inspection and copying at 10:00 a.m. on Wednesday, March 30, 1983 at the offices of Pillsbury, Madison & Sutro, 225 Bush Street, San Francisco, California 94120.

1 (7) location of the present depository or
2 depositories of the document;

3 (8) name and address of the present
4 custodian(s) of the document;

5 (9) description of the circumstances under
6 which the document was received or prepared; and

7 (10) location where it was received or
8 prepared.

9 (c) The word "defendant", as used herein, includes
10 the party named as a defendant in this action and responding to
11 this request, any corporation, company or entity which has been
12 or is now owned by or owns the named defendant, in whole or in
13 part, all officers, employees, counsel, agents,
14 representatives, inventors, assignors, independent
15 contractors, principals, and consultants of any such
16 defendant, corporation, company, or entity, together with any
17 party in privity with such defendant, corporation, company, or
18 entity, and other parties controlled by such defendant.

19 (d) The phrase "the patent in suit", as used
20 herein, includes United States Patent Re. 28,507 and its
21 original Patent 3,659,284.

22 (e) The phrase "prior art", as used herein,
23 includes any knowledge or use by others in this country,
24 patenting or description in a printed publication in this or a
25 foreign country, public use or on sale in this country,
26 description in a patent granted on an application for patent by
27 another other than the inventor named in the patent in suit
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1 filed in the United States Patent Office, invention in this
2 country by another other than the inventor named in the patent
3 in suit who had not abandoned, suppressed, or concealed it, and
4 any patenting, publication, act, fact, or occurrence which
5 defendant contends renders the patent in suit or any claim
6 thereof, either when considered by itself or in combination
7 with any other item(s) of prior art, invalid under 35 U.S.C.
8 §§ 102 and/or 103.

9 (f) The term "television game product" as used
10 herein includes (1) television games, (2) any apparatus useful
11 in any one or more modes of operation as a television game, and
12 (3) television game cartridges or cassettes or other devices or
13 accessories for use in combination with such television games
14 or apparatus.

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16 CATEGORIES OF DOCUMENTS AND THINGS REQUESTED

17 1. Copies of all schematic diagrams, circuit
18 diagrams, wiring diagrams and descriptions of the operation of
19 all television game products or television game product models
20 or types made, used, or sold by defendant since August 25,
21 1972.

22 2. Copies of all instruction manuals, assembly
23 manuals and assembly instructions, alignment or service
24 manuals and alignment or service instructions, quality control
25 standards and quality control specifications, set-up manuals
26 and set-up instructions, installation manuals and installation
27 instructions for all television game products or television
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1 game product models or types made, used, or sold by defendant
2 since August 25, 1972.

3 3.(a) Copies of all schematic diagrams, circuit
4 diagrams, wiring diagrams, program listings, and descriptions
5 of the function and/or peration of all television game consoles
6 useful with any television game product or television game
7 product model or type made, used, or sold by defendant since
8 April 25, 1972.

9 (b) Copies of all documents provided or otherwise
10 made available by defendant to its employees or programmers
11 which, in any way, describe the function and/or operation of
12 any television game console, or component thereof, useful with
13 any television game product or television game product model or
14 type made, used, or sold by defendant since April 25, 1972, or
15 the manner of programming such television game product or
16 television game product model or type.

17 4.(a) Copies of all program listings in any
18 language (specifically including, but not limited to, source
19 language programs) for all television game products or
20 television game product models or types made, used, or sold by
21 defendant since August 25, 1972.

22 (b) Copies of all documents which describe, show,
23 or explain the operation of any program, or portion thereof,
24 for all television game products or television game product
25 models or types made, used, or sold by defendant since
26 August 25, 1972.

1 5. Copies of all player or participant instructions
2 for all television game products or television game product
3 models or types made, used, or sold by defendant since August
4 25, 1972.

5 6. Copies of all advertising or promotional
6 materials including, but not limited to, brochures, pamphlets,
7 handouts, fliers, leaflets, mailers, information sheets,
8 advertisements, movies, television tapes, slides, and catalog
9 sheets relating to all television game products or television
10 game product models or types made, used, or sold by defendant
11 since August 25, 1972.

12 7. All documents and things relating to the
13 conception, design, and/or development of all television game
14 products or television game product models or types made, used,
15 or sold by defendant since August 25, 1972.

16 8. All documents which refer or relate to the
17 patent in suit, the subject matter of the patent in suit, the
18 applications for the patent in suit, the validity or
19 enforceability of the patent in suit or any claim or claims
20 thereof, or defendant's consideration of any of the afore-
21 mentioned matters or the offer or offers to defendant of a
22 license under the patent in suit.

23 9. Documents showing by type or model and month
24 the number of television game products sold by defendant.

25 10. Documents showing by type or model and month the
26 dollar value of television game products sold by defendant.

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1 11. All documents relating or referring to any
2 consideration by defendant of the possibility of commencing
3 and the decision of defendant to manufacture or to sell any
4 television game product.

5 12. All documents relating or referring to any
6 consideration by defendant or its customers or potential
7 customers or its suppliers or potential suppliers of any
8 television game or television game product as a product or
9 potential product of defendant and concerning or referring to
10 the specifications of any such television game or television
11 game product, the features to be included within any such
12 television game or television game product, the nature of the
13 games to be played with any such television game or television
14 game product, the manner of play of any such television game or
15 television game product, or the games to be played with any
16 such television game or television game product.

17 13. All documents relating or referring to any
18 consideration by defendant or its customers or potential
19 customers or its suppliers or potential suppliers of the
20 specifications desired of a television game product, of the
21 features desired to be included within a television game
22 product, the nature of the games desirably included within a
23 television game product, the desired manner of play of a
24 television game product, or the games desired to be played with
25 a television game product.

26 14. All documents consisting, relating, or
27 referring to market surveys or market studies concerning
28 television game products.

1 15. All documents and things which support each
2 allegation, contention, reason, ground or basis stated in
3 paragraphs 13 through 19 of defendant's "Affirmative Defenses"
4 included in defendant's "Answer and Counterclaims" that the
5 patent in suit and each of the claims thereof are invalid, void
6 and unenforceable including, without limitation, (a) all items
7 of prior art which defendant presently relies upon in support
8 of the contention that any of claims 25, 26, 44, 45, 51, 52, 60,
9 61 and 62 of the patent in suit is invalid, void, or
10 unenforceable for any reason under 35 U.S.C. §§ 102 or 103 and
11 (b) all items of prior art defendant relied upon in making the
12 pleading of said paragraphs 13 through 19.

13 16. All documents and things which support each
14 allegation, contention, reason, ground or basis stated in
15 paragraph 28 of defendant's "Affirmative Defenses" included in
16 defendant's "Answer and Counterclaims" that defendant has not
17 infringed the patent in suit including, without limitation,
18 (a) all such documents and things which defendant presently
19 relies upon in support of those allegations, contentions,
20 reasons, grounds, or bases with respect to any of claims 25,
21 26, 44, 45, 51, 52, 60, 61 or 62 of the patent in suit and (b)
22 all such documents and things defendant relied upon in making
23 the pleading of said paragraph 28.

24 17. All licenses which defendant has entered into,
25 either as licensor or licensee or otherwise, under patents,
26 copyrights, trade secrets, or any other form of intellectual
27 property, and relating to television games or television game
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1 products and all correspondence or other documents relating
2 to, recording or reporting communications with other parties
3 to such licenses which correspondence or communications relate
4 either to the entry into such license or any actual or proposed
5 modification or termination of such license.

6 18. A sample of each and every television game
7 product or television game product model or type defendant has
8 manufactured and/or sold since August 25, 1972.

9 19. All documents and things which refer to or
10 relate in any manner to the alleged infringement (direct,
11 contributory, and/or induced) by defendant of the patent in
12 suit, or to the charge that defendant or the television games
13 or television game products it manufactures and/or sells
14 infringes in any manner the patent in suit.

15 20. All documents and things which constitute,
16 refer to, or relate in any manner to communications between
17 plaintiffs, or either of them, and defendant, its employees,
18 agents, or counsel, which relate in any manner to the patent in
19 suit, to the television games or television game products
20 manufactured and/or sold by defendant, or to the charge of
21 infringement against defendants.

22 21. All documents and things which refer or relate
23 in any manner to the patent in suit and any relationship or
24 application of the patent in suit to the television games or
25 television game products manufactured and/or sold by
26 defendant.

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1 22. All documents and things which refer or relate
2 in any manner to any consideration by defendant of either the
3 patent in suit or any other patent owned by either of
4 plaintiffs and relating to television games, or to any
5 consideration by defendant of the activities of plaintiffs or
6 either of them to enforce either the patent in suit or any other
7 patent owned by either of plaintiffs and relating to television
8 games against defendant or others.

9 23. All documents and things which constitute,
10 refer or relate in any manner to any communication between
11 defendant and any other party and relating to either the patent
12 in suit or any other patent owned by either of plaintiffs and
13 relating to television games or the activities of plaintiffs or
14 either of them to enforce either the patent in suit or any other
15 patent owned by either of plaintiffs and relating to television
16 games against defendant or others.

17 24. All documents and things which refer or relate
18 in any manner to or evidence in any manner any loss or damage
19 to, or threatened loss or damage to, or injury to the business
20 or property of, or threatened injury to the business or
21 property of defendant as a result of any of the purported acts
22 of plaintiffs or either of them referred to in any of
23 paragraphs 13 through 23 and 37 through 40 of defendant's Third
24 Counterclaim included in defendant's "Answer and
25 Counterclaims."

26 25. All documents and things requested to be
27 identified in plaintiffs' "Interrogatories to Defendant" being
28 served herewith.

REQUEST FOR IDENTIFICATION

Identify any documents or things defendant refuses to produce in response to this request on the grounds that the document is subject to a claim of privilege or attorney work product or constitutes trial preparation materials or is otherwise immune from discovery, and as to each such document state on what ground or grounds defendant refuses to produce that document.

Dated: February 23, 1983

PILLSBURY, MADISON & SUTRO
ROBERT P. TAYLOR

By _____

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