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

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

THE MAGNAVOX COMPANY,)	
a Corporation, and)	
SANDERS ASSOCIATES, INC.,)	Civil Action No.
a Corporation,)	C-82-5270-CAL
)	
Plaintiffs,)	
)	
v.)	
)	[PROPOSED] AMENDED
ACTIVISION, INC.,)	JUDGMENT
a Corporation,)	
)	
)	
Defendant.)	

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)	
ACTIVISION, INC.,)	
a Corporation,)	
)	
)	
Defendant.)	

AMENDED JUDGMENT

1
2 The issues in this action, other than damages, having
3 been tried before this court sitting without a jury, and the court
4 having considered the evidence introduced by the parties, having
5 heard the arguments presented on their behalf, having duly
6 considered the issues and the authorities, and having entered its
7 Findings of Fact and Conclusions of Law,

8 IT IS HEREBY ORDERED, ADJUDGED and DECREED:

9 1. The court has jurisdiction over the parties and the
10 subject matter of the action.

11 2. Plaintiff Sanders Associates, Inc. is the owner of
12 the entire right, title and interest in and to United States
13 Letters Patent Re. 28,507 entitled "Television Gaming Apparatus"
14 asserted against the defendant in this action, and has been the
15 owner thereof since the date of issuance.

16 3. Plaintiff The Magnavox Company is the exclusive
17 licensee, with the right to grant sublicenses, under Letters
18 Patent Re. 28,507.

19 4. Plaintiffs have the right to sue for and collect
20 damages for past infringement of Letters Patent Re. 28,507 and
21 have possessed such right continuously since the issuance of
22 Letters Patent Re. 28,507.

23 5. The defendant has not sustained its burden of
24 proving that any of the asserted claims of Letters Patent Re.
25 28,507 are invalid.

26 6. The defendant has contributed to the infringement
27 of, and has induced infringement of, the claims of Letters Patent
28 Re. 28,507 stated in the following table by the manufacture and

1 sale within the United States of the stated television game
2 cartridges, and the defendant has directly infringed the stated
3 claims of Letters Patent Re. 28,507 by the use and display of the
4 stated television game cartridges:
5

6	<u>Cartridges</u>	<u>Claims</u>
7	Tennis	25, 26, 51, 52, 60, 61, 62
	Ice Hockey	25, 26, 51, 52, 60, 61, 62
8	Boxing	25, 26, 51, 52, 60
	Fishing Derby	25, 26, 51, 52, 60, 61
9	Stampede	25, 51, 60
	Pressure Cooker	25, 26, 51, 52, 60
10	Grand Prix	60
	Barnstorming	60
11	Sky Jink	60
	Enduro	60
12	Decathlon	60

13 7. The defendant did not willfully infringe the
14 Letters Patent Re. 28,507 and proceeded at all relevant times in
15 the good faith belief that its cartridges did not infringe the
16 patent.

17 8. Plaintiffs Sanders Associates, Inc. and The
18 Magnavox Company are entitled to recover from defendant the
19 damages which they have sustained by reason of the manufacture,
20 use and sale of infringing cartridges, the damages to be no less
21 than a reasonable royalty.

22 9. The defendant, Activision, Inc., its officers,
23 employees, agents, successors, assigns, servants, and all persons
24 in active concert and participation with it or controlled by it,
25 shall be and hereby are permanently enjoined and restrained from
26 and after the date hereof and until April 25, 1989 from
27 infringing, contributorily infringing, or inducing the
28 infringement of United States Letters Patent Re. 28,507 and from

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manufacturing, using, or selling its Tennis, Ice Hockey, Boxing, Fishing Derby, Stampede, Pressure Cooker, Grand Prix, Barnstorming, Sky Jinks, Enduro and Decathlon television game cartridges.

10. The First and Third Counterclaims of the defendant against plaintiffs are dismissed with prejudice.

11. This judgment is final except for the accounting and award of damages.

Dated: _____

CHARLES A. LEGGE
UNITED STATES DISTRICT JUDGE

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SANDERS ASSOCIATES, INC.,)	Civil Action No.
a Corporation,)	C-82-5270-CAL
)	
Plaintiffs,)	
)	[PROPOSED] ORDER
v.)	MODIFYING THE ORDER RE
)	FURTHER PROCEEDINGS AND
ACTIVISION, INC.,)	DIRECTING THE ENTRY OF A
a Corporation,)	NEW AMENDED JUDGMENT
)	
)	
Defendant.)	

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Plaintiffs,)	
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ORDER MODIFYING THE ORDER RE FURTHER
PROCEEDINGS AND DIRECTING THE ENTRY OF A
NEW AMENDED JUDGMENT

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This matter came on regularly for hearing on April 25, 1985, the parties appearing through their respective attorneys of record. Based on the written and oral arguments presented, and for good cause shown,

IT IS ORDERED as follows:

1. Plaintiffs' Motion for Reconsideration of the Order re Further Proceedings of March 13, 1986 and Amendment of the Judgment is granted.

2. Upon reconsideration, the Order of March 13, 1986 is modified by deleting paragraph 3 thereof and the following paragraph is entered in its place and stead:

Section 154 of the Patent Laws, Title 35 U.S. Code provides that "Every patent shall contain a short title of the invention and a grant to the patentee ... of the right to exclude others from making, using or selling the invention throughout the United States ...". Therefore, no sufficient cause having been shown for denying injunctive relief, plaintiffs' request is granted.

3. Pursuant to the foregoing, an AMENDED JUDGMENT, in the form attached hereto, is being entered as of this date.

Dated: _____

CHARLES A. LEGGE
UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE BY HAND

I, Mary A. Buller hereby certify under penalty of perjury that:

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within cause. My business address is 3 Embarcadero Center, 27th Floor, San Francisco, California, 94111.

On March 28, 1986 I served a copy of

PROPOSED AMENDED JUDGMENT; PROPOSED ORDER
MODIFYING THE ORDER RE FURTHER
PROCEEDINGS AND DIRECTING THE ENTRY OF A
NEW AMENDED JUDGMENT; and Cover Letter

upon the following named persons by causing an envelope to be addressed as follows, a copy of the document described above to be enclosed and sealed in it, and to have the envelope delivered by hand to:

Martin R. Glick
H. Joseph Escher, III
Marla J. Miller
HOWARD, RICE, NEMEROVSKI, CANADY,
ROBERTSON & FALK
Three Embarcadero Center, 7th Fl.
San Francisco, California 94111

Executed on March 28, 1986 at San Francisco, California.

Mary A. Buller