1 2 3 4 5 6 7 8 9	Mailing Address P.O. Box 7880 San Francisco, CA 94120 Telephone: (415) 983-1000	AR 1 1983 IAM L. WHITTAKER C. U.S. DISTRICT COURT IN DISTRICT OF CALIFORNIA
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12	United States District Court	for the
13	Northern District of Calif	fornia
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15	THE MAGNAVOX COMPANY, a corporation,) and SANDERS ASSOCIATES, INC., a)	No. C 82 5270 TEH
16 17	corporation,) Plaintiffs,)	REPLY TO SECOND
18	vs.)	COUNTERCLAIM
19	ACTIVISION, INC., a corporation,	
20	Defendant.	
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23		
24	Plaintiffs, THE MAGNAVOX COMPAN	NY and SANDERS
25	ASSOCIATES, INC., reply to the Second counterclaim of	
26	defendant, Activision, Inc., in the following, the numbered	
27	paragraphs hereof corresponding to the numbered paragraphs of	
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that counterclaim. Plaintiffs repeat and incorporate herein by reference their replies to paragraphs 13 through 28 of the "Answer and Counterclaims", those replies appearing in plaintiffs' "Reply to First and Third Counterclaims".

5 30. The allegations of paragraph 30 of the Second 6 Counterclaim are admitted except that plaintiffs deny that the 7 Second Counterclaim states a claim upon which relief can be 8 granted and deny that this Court has jurisdiction over the 9 subject matter of the Second Counterclaim.

10 31. Plaintiffs admit that in certain previous 11 litigations of U.S. Patent Re. 28,507 wherein the Complaint was 12 filed prior to June 27, 1977, plaintiffs have also asserted 13 infringement of U.S. Patent 3,728,480, but plaintiffs deny 14 that in all previous litigations of U.S. Patent Re. 28,507 15 wherein the Complaint was filed prior to June 27, 1977 16 plaintiffs have also asserted infringement of U.S. Patent 17 3,728,480, deny that in any previous litigation of U.S. Patent 18 Re. 28,507 wherein the Complaint was filed after June 27, 1977 19 plaintiffs have also asserted infringement of U.S. Patent 20 3,728,480, and otherwise deny each and every allegation of Ž1 paragraph 31 of the Second Counterclaim.

32. Plaintiffs admit that some licenses they have granted under U.S. Patent Re. 28,507 also include a license under U.S. Patent 3,728,480, but plaintiffs otherwise deny each and every allegation of paragraph 32 of the Second Counterclaim.

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REPLY TO SECOND COUNTERCLAIM

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1 33. Plaintiffs admit that some claims of U.S. 2 Patent 3,728,480 are broader in some respects than the 3 claims of U.S. Patent Re. 28,507 insofar as they relate to 4 home television games as opposed to coin operated television games and that U.S. Patent 3,728,480 has already been 5 6 characterized by one judge as being the "pioneer" patent in the art; plaintiffs otherwise deny each and every allegation 7 8 of paragraph 33 of the Second Counterclaim.

9 34. Plaintiffs deny each and every allegation of10 paragraph 34 of the Second Counterclaim.

11 35. Plaintiffs deny each and every allegation of 12 paragraph 35 of the Second Counterclaim, and plaintiffs 13 repeat, reallege, and incorporate herein by reference their 14 replies to paragraphs 13 through 19 of the defendant's 15 Answer with respect to U.S. Patent 3,728,480, which replies 16 appear in paragraph 27 of plaintiffs' "Reply to First and 17 Third Counterclaims."

18 36. Plaintiffs deny each and every allegation of19 paragraph 36 of the Second Counterclaim.

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Žl Wherefore, plaintiffs pray as follows:

That defendant's Second Counterclaim be
dismissed.

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-3- REPLY TO SECOND COUNTERCLAIM

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2	2. That plaintiffs be awarded the relief prayed
3	for in their complaint herein.
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5	Dated: March 1, 1983.
6	PILLSBURY, MADISON & SUTRO ROBERT P. TAYLOR
7	(no)
8	By Shop
9	Attorneys for Plaintiffs The Magnavox Company and
10	Sanders Associates, Inc.
11	225 Bush Street Mailing Address P.O. Box 7880
12	San Francisco, CA 94120
13	Of Counsel:
14	NEUMAN, WILLIAMS, ANDERSON & OLSON THEODORE W. ANDERSON
15	JAMES T. WILLIAMS 77 West Washington Street
16	Chicago, IL 60602
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l	CERTIFICATE OF SERVICE BY MAIL
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3	United States District Court
4	Northern District of California
5	
6	I, the undersigned, hereby declare this 1st day of
7	March, 1983, at San Francisco, California, under penalty of
8	perjury, that the following statements are true and correct:
9	1. My business address is 225 Bush Street, San
10	Francisco, California 94104. My mailing address is P.O. Box
11	7880, San Francisco, CA 94120. I am employed in the City
12	and County of San Francisco, over the age of eighteen years,
13	and I am not a party to the cause entitled upon the document
14	hereinafter referred to.
15	2. I served a copy of the annexed Reply to
16	Second Counterclaim upon each of the following named attorneys
17	in said action by depositing on March 1, 1983, a true copy
18	thereof in the United States mail at San Francisco, California,
19	said copy being then and there enclosed in a sealed envelope
20	with the proper postage thereon prepaid.
Žl	3. Said envelope was addressed as follows:
22	Wilson, Sonsini, Goodrich and Rosati Harry B. Bremond
23	Michael A. Ladra Two Palo Alto Square
24	Palo Alto, California 94304
25	Alla apara the Site a
2 6	English and the state of the st
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l	CERTIFICATE OF SERVICE BY HAND
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3	United States District Court
4	Northern District of California
5	
6	I, the undersigned, hereby declare this 1st day of
7	March, 1983, at San Francisco, California, under penalty of
8	perjury, that the following statements are true and correct:
9	1. My business address is 225 Bush Street, San
10	Francisco, California 94104. My mailing address is P.O. Box
11	7880, San Francisco, CA 94120. I am employed in the City
12	and County of San Francisco, over the age of eighteen years,
13	and I am not a party to the cause entitled upon the document
14	hereinafter referred to.
15	2. I served a copy of the annexed Reply to
16	Second Counterclaim upon each of the following named attorneys
17	in said action by delivering on March 1, 1983, a true copy
18	thereof by hand, said copy being then and there enclosed in
19	a sealed envelope.
20	3. Said envelope was delivered to the following
Žl	address:
22	Flehr, Hohbach, Test, Albritton & Herbert Aldo J. Test
23	Thomas O. Herbert Edward S. Wright
24	Suite 3400, Four Embarcadero Center San Francisco, CA 94111
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26	Marthe Fry mart
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