

Interstate 40 and Straw Plains Pike P.O. Box 6950 Knoxville, TN 37914 Tel. (615) 521-4326

PATENT DEPARTMENT

June 6, 1984



A.S

Mr. Louis Etlinger, Esq.
Sanders Associates, Inc.
Daniel Webster Highway, South
Nashua, NH 03061

RE: Magnavox v Activision

Dear Lou,

Enclosed is Plaintiffs' Second Supplemental Response to Defendant's Interrogatories in the Activision case which have been executed by Tom Hafner as an officer of Magnavox. Jim Williams has requested that I forward the Response to you for execution by Sanders and requests that you return the original to him for filing.

Very truly yours,

Charles E. Quarton
Patent Counsel

CEQ/dkl

Enclosure

cc: James Williams, Esq.

NEUMAN, WILLIAMS, ANDERSON & OLSON

77 WEST WASHINGTON STREET

CHICAGO, ILLINOIS 60602

COPY

LB
↗

RS
Please
review



LOOKS OK TO MO June 1, 1984
RIS
6/7/84

Charles E. Quarton, Esquire
N.A.P. Consumer Electronics Corp.
Interstate 40 and Straw Plains Pike
P. O. Box 6950
Knoxville, Tennessee 37914

Re: Magnavox v. Activision

Dear Chuck:

As we discussed on the telephone earlier today, enclosed is Plaintiffs' Second Supplemental Response To Defendant's Interrogatories in the Activision case. Kindly have them executed by Tom Hafner on behalf of Magnavox and forward them on to Lou Etlinger for execution by Sanders. We are requesting Lou to return the original to us so that we can see that it is appropriately filed with the Court in San Francisco.

Very truly yours,

NEUMAN, WILLIAMS, ANDERSON & OLSON

By Jim Lee
James T. Williams

JTW:de
Enclosure

- cc: T. A. Briody - w/o encl.
- A. Tamoshunas - w/encl.
- L. Etlinger - w/encl. ←
- T. W. Anderson - w/o encl.

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5 NEUMAN, WILLIAMS, ANDERSON & OLSON
Theodore W. Anderson
6 James T. Williams
77 West Washington Street
7 Chicago, IL 60602
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8
9 Attorneys for Plaintiffs
The Magnavox Company and
Sanders Associates, Inc.

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

12
13 THE MAGNAVOX COMPANY, a corporation,)
and SANDERS ASSOCIATES, INC.,)
14 a corporation,) No. C 82 5270 JPV
15 Plaintiffs,)
16 v.) PLAINTIFFS' SECOND
17) SUPPLEMENTAL RESPONSE TO
18) TO DEFENDANT'S
ACTIVISION, INC., a corporation,) INTERROGATORIES
19 Defendant.)

20 Plaintiffs herewith supplement their responses to
21 defendant's interrogatories 33, 35, 37, 77, 78, 104, 109-112, 128,
22 129, 138-152 and 154.

23
24 INTERROGATORY NO. 33

25 If the answer to INTERROGATORY NO. 32 is other than an
26 unqualified negative, identify each such study, including:
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PLAINTIFFS' SECOND
SUPPLEMENTAL RESPONSE TO
DEFENDANT'S INTERROGATORIES

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- A. The patent(s) and claims(s) involved;
- B. When the study was made;
- C. Identify all persons participating in the study;
- D. Describe the study in detail, including the outcome of the study;
- E. Identify any prior art considered in connection with the study;
- F. Set forth the circumstances under which the study was made, including the reason that the study was made;
- G. Describe any action taken as a result of the study;
- H. Identify all persons having knowledge of the study;
- I. Identify all communications relating to the study; and
- J. Identify all documents which refer or relate in any way to the subject matter of parts A through I of this interrogatory.

RESPONSE:

I. and J.

1. Letter; May 11, 1977; Thomas F. Rooney of Bacon and Thomas to James T. Williams; re U. S. patent 3,135,815; attorney-client privilege and attorney work product.

1 14. Draft patent claims; undated but believed to have
2 been prepared by Richard I. Seligman between April 1, 1977 and
3 June 1, 1977; attorney work product and attorney-client privilege.

4 15. Multiple sets of draft patent claims; undated but
5 believed to have been prepared and/or revised by Richard I.
6 Seligman and James T. Williams between April 1, 1977 and June 27,
7 1977; attorney work product and attorney-client privilege.

8 16. Meeting notes; May 18, 1977; notes of Richard I.
9 Seligman of meeting also attended by Louis Etlinger and Robert
10 Cesari; re proposed reissue application; attorney work product and
11 attorney-client privilege.

12 17. Handwritten work notes; May 17, 1977; prepared by
13 Richard I. Seligman; re proposed reissue application; attorney
14 work product and attorney-client privilege.

15 18. Four pages of handwritten work notes; undated but
16 believed to have been prepared by Richard I. Seligman between
17 April 1, 1977 and June 27, 1977; re proposed reissue application;
18 attorney work product and attorney-client privilege.

19 19. Memorandum; May 2, 1977; Richard I. Seligman to
20 Ralph H. Baer; re Spiegel U.S. and German patents; attorney-client
21 communications.

22 20. Other telephone conferences between plaintiffs'
23 counsel relating to the study may have occurred.

1 INTERROGATORY NO. 35

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

- 5 A. Identify the claim and the patent in which the
6 claim is found;
- 7 B. Set forth in detail the reason why the claim is or
8 was thought to be invalid or unenforceable;
- 9 C. Set forth the circumstances under which the claim
10 was determined to be invalid or unenforceable;
- 11 D. Describe any action taken with respect to the claim
12 once it was determined to be invalid or unenforce-
13 able;
- 14 E. Identify all persons having knowledge of the
15 subject matter of parts A through D of this inter-
16 rogatory;
- 17 F. Identify all communications relating to the subject
18 matter of parts A through E of this interrogatory;
19 and
- 20 G. Identify all documents which refer or relate in any
21 way to the subject matter of parts A through F of
22 this interrogatory.

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1 RESPONSE:

2 F. and G. See the response to interrogatory 33.
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4 INTERROGATORY NO. 37

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

- 8 A. Identify the claim(s) suggested to be invalid or
9 unenforceable;
- 10 B. Identify the person(s) suggesting that the claim
11 was invalid or unenforceable;
- 12 C. Set forth in detail the grounds upon which the
13 claim was said to be invalid or unenforceable;
- 14 D. Which of the grounds identified in response to part
15 C of this interrogatory were or are of the greatest
16 concern;
- 17 E. State why the grounds identified in response to
18 part D of this interrogatory are of the greatest
19 concern;
- 20 F. Describe in detail the circumstances under which
21 the suggestion of invalidity or unenforceability
22 was made;
- 23 G. Describe in detail any action taken by Magnavox or
24 Sanders in connection with or as a result of the
25 suggestion or invalidity or unenforceability;
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- 1 H. Identify all persons having knowledge of the
2 subject matter of parts A through G of this inter-
3 rogatory;
- 4 I. Identify all person having knowledge of the subject
5 matter of parts A through H of this interrogatory;
6 and
- 7 J. Identify all documents which refer or relate in any
8 way to the subject matter of parts A through I of
9 this interrogatory.

10
11 RESPONSE:

12 Interrogatory 37 has been limited by defendants to U.S.
13 Patents 3,728,480, 3,659,284, and Re. 28,507.

14 Various parties to the prior civil actions relating to
15 U.S. patents 3,728,480, 3,659,284, and Re. 28.507 have set forth
16 their contentions relating to validity or enforceability of the
17 claims of those patents in the papers filed in those actions.
18 Copies of the papers filed by those parties and presently believed
19 by plaintiffs to set forth such contentions are attached to these
20 interrogatory responses. Those papers state the information
21 requested in paragraphs A-C of this interrogatory as to such
22 charges. The action taken by Magnavox and Sanders as a result of
23 the contentions contained therein included the continued
24 prosecution of the civil actions and defense of the patents to

1 trial or settlement. Plaintiffs' counsel are the individuals
2 associated with plaintiffs having the greatest knowledge of the
3 subject matter of this interrogatory.

4 An additional assertion of invalidity of claims of U.S.
5 patents 3,728,480 and Re. 28,507 was made by RCA Corporation on
6 the basis of a computer demonstration of a pool game during
7 negotiations between RCA Corporation and Magnavox. Magnavox
8 continued to pursue its infringement charge against RCA
9 Corporation and eventually settled the matter. The computer pool
10 demonstration was disclosed by Magnavox to the defendants in the
11 action for infringement of U.S. patent Re. 28,507 then pending in
12 the Northern District of Illinois, No. 74 C 1030. Thomas A.
13 Briody and William J. Streeter are the individuals associated with
14 either plaintiff having the greatest knowledge of the assertion by
15 RCA Corporation.

16
17 INTERROGATORY NO. 77

18 Identify all documents in the possession, custody or
19 control of Magnavox and/or Sanders which refer or relate in any
20 manner to the references and prior art identified in INTERROGATORY
21 NO. 74.

22
23 RESPONSE:

24 Interrogatory 77 has been limited by defendants to
25 documents reflecting searches, opinions, discussions or
26 evaluations of the references referred to as prior art.

1 Plaintiffs are presently unaware of any such documents other than
2 those identified in plaintiffs response to interrogatory 33 and
3 the decisions in The Magnavox Co. v. Chicago Dynamic Industries,
4 201 U.S.P.Q. 25 (N.D.Ill. 1977) and The Magnavox Co. v. Mattel,
5 Inc., 216 U.S.P.Q. 28 (N.D.Ill. 1982).

6
7 INTERROGATORY NO. 78

8 Identify all persons employed by either Sanders or
9 Magnavox who have knowledge of any of the references or other
10 prior art identified in Interrogatory 74.

11
12 RESPONSE:

13 Interrogatory 78 has been limited by defendant to
14 knowledge of the inventors of U.S. patents 3,728,480, 3,659,284,
15 and Re. 28,507, the attorneys or agents who prepared or prosecuted
16 the applications for those patents, and other individuals
17 substantially involved in the preparation or prosecution of the
18 application for those patents who were associated with the
19 inventor, the assignee, or with anyone to whom there was an
20 obligation to assign the application. Louis Etlinger, Richard I.
21 Seligman, Ralph H. Baer, William T. Rusch, Theodore W. Anderson
22 and James T. Williams, all have some knowledge of one or more of
23 the references or other purported prior art identified in
24 interrogatory 74.

1 INTERROGATORY NO. 104

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

- 4 A. The date of the indication;
5 B. The nature of the indication;
6 C. Identification of the Examiner who made the indica-
7 tion;
8 D. Identification of the person(s) to whom the indica-
9 tion was made;
10 E. The full substance of the indication;
11 F. Identify all persons having knowledge of the
12 subject matter of parts A through E of this inter-
13 rogatory;
14 G. Identify all communications relating to the subject
15 matter of parts A through F of this interrogatory;
16 and
17 H. Identify all documents which refer or relate in any
18 way to the subject matter of parts A through G of
19 this interrogatory.

20
21 RESPONSE:

22 F.(a) File history indication: no response required.
23 (b) Equipment demonstration: Examiner Trafton,
24 Richard I. Seligman, Ralph Baer and Louis Etlinger.

1 G. (a) File history indication: plaintiffs presently
2 have no knowledge of any such communication other than the file
3 history itself.

4 (b) Equipment demonstration: plaintiffs presently
5 have no knowledge of any such communication other than those that
6 occurred at the demonstration.

7 H. (a) File history indication: the file history
8 itself.

9 (b) Equipment demonstration: plaintiffs presently
10 have no knowledge of any such documents.

11
12 INTERROGATORY NO. 109

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

15
16 RESPONSE:

17 No specific disclosure of Mr. Williams' personal
18 recollection was made. The "Spacewar" demonstration was disclosed
19 to the Patent and Trademark Office by Sanders Associates in
20 connection with the application for reissue of U.S. patents
21 3,728,480 and 3,829,095.

22
23 INTERROGATORY NO. 110

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

- 1 A. Identification of the person(s) in the Patent
2 Office to whom the disclosure was made;
- 3 B. The relationship, if any, of each person identified
4 in response to part A of this interrogatory to the
5 examination of the application which led to Reissue
6 Patent 28,507;
- 7 C. The date of the disclosure;
- 8 D. The manner in which the disclosure was made;
- 9 E. Identify all persons having knowledge of the
10 subject matter of parts A through D of this inter-
11 rogatory;
- 12 F. Identify all communications relating to the subject
13 matter of parts A through E of this interrogatory;
14 and
- 15 G. Identify all documents which refer or relate in any
16 way to the subject matter of parts A through F of
17 this interrogatory.
- 18

19 RESPONSE:

20 No response required.

21

22 INTERROGATORY NO. 111

23 Did anyone acting on behalf of Magnavox or Sanders,
24 other than James T. Williams, ever disclose to the Patent Office
25 the spaceship game observed by James T. Williams at Stanford
26 University?

1 RESPONSE:

2 No specific disclosure of Mr. Williams' personal
3 recollection was made. The "Spacewar" demonstration was disclosed
4 to the Patent and Trademark Office by Sanders Associates in
5 connection with the application for reissue of U.S. patents
6 3,728,480 and 3,829,095.

7
8 INTERROGATORY NO. 112

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

- 11 A. Identification of the person(s) making the
12 disclosure;
- 13 B. Identification of the person(s) in the Patent
14 Office to whom the disclosure was made;
- 15 C. The relationship, if any, to Magnavox and/or
16 Sanders of each person identified in response to
17 part B of this interrogatory;
- 18 D. The date of the disclosure;
- 19 E. The manner in which the disclosure was made;
- 20 F. Identify all persons having knowledge of the
21 subject matter of parts A through F of this inter-
22 rogatory; and
- 23 G. Identify all documents which refer or relate in any
24 way to the subject matter of parts A through G of
25 this interrogatory.

1 RESPONSE:

2 No response required.

3
4 INTERROGATORY NO. 128

5 For each combination of the games identified in response
6 to Interrogatory No. 38 of Defendant's First Set of Interroga-
7 tories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis"
8 and "Ice Hockey") and the consoles identified in response to
9 Interrogatory No. 50 of Defendant's First Set Of Interrogatories
10 To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-
11 Game Video Arcade, and the combination of the Colecovision game
12 console and the Expansion Module 1) which plaintiffs contend
13 constitutes an infringement of Claim 44 of the United States
14 Patent Re. 28,507, identify the elements which plaintiffs contend
15 correspond to the following elements of the claim:

- 16 A. A baseball game;
- 17 B. Apparatus for playing a baseball type game;
- 18 C. A hit spot;
- 19 D. Means for displaying a hit spot;
- 20 E. A hitting spot;
- 21 F. Means for displaying a hitting spot;
- 22 G. An adjustment in the vertical position of said
23 hitting spot;
- 24 H. Means for adjusting the vertical position of said
25 hitting spot;
- 26 I. A serving of the hit spot;

- 1 J. Means for serving said hit spot;
2 K. A variation in the vertical position of the hit
3 spot;
4 L. Means for varying the vertical position of said hit
5 spot;
6 M. Coincidence between said hit and said hitting spot;
7 N. A reversal of directions by the hit spot; and
8 O. Means for denoting coincidence between said hit and
9 said hitting spots whereby said hit spot will
10 reverse directions.
11

12 RESPONSE:

13 Based upon the information presently available to
14 plaintiffs concerning the television game cartridges manufactured,
15 used, and/or sold by Activision, and the television game consoles
16 with which those cartridges are used, and as presently advised,
17 plaintiffs do not contend that any of the combinations referred to
18 in this interrogatory constitutes an infringement of claim 44 of
19 U.S. patent Re. 28,507
20

21 INTERROGATORY NO. 129

22 For each combination of the games identified in response
23 to Interrogatory No. 38 of Defendant's First Set of Interroga-
24 tories to Plaintiffs (namely, "Fishing Derby", "Boxing", "Tennis"
25 and "Ice Hockey") and the consoles identified in response to
26 Interrogatory No. 50 of Defendant's First Set Of Interrogatories
27

1 To Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-
2 Game Video Arcade, and the combination of the Colecovision game
3 console and the Expansion Module 1) which plaintiffs contend
4 constitutes an infringement of Claim 45 of the United States
5 Patent Re. 28,507, identify the elements which plaintiffs contend
6 correspond to the following elements of the claim:

- 7 A. A hockey type game;
- 8 B. Apparatus for playing a hockey type game;
- 9 C. A first hitting spot;
- 10 D. Means for displaying a first hitting spot;
- 11 E. A second hitting spot;
- 12 F. Means for displaying a second hitting spot;
- 13 G. [Omitted]
- 14 H. A hit spot;
- 15 I. Means for displaying a hit spot;
- 16 J. Control of the position of the first hitting spot;
- 17 K. Control of the position of the second hitting spot;
- 18 L. Means for controlling the position of said first
19 and second hitting spots;
- 20 M. Controlling of the position of the hit spot;
- 21 N. Means for controlling the position of said hit
22 spot;
- 23 O. Coincidence between the first hitting spot and the
24 hit spot;
- 25 P. Coincidence between the second hitting spot and the
26 hit spot;

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- Q. Means for ascertaining coincidence between either of said hitting spots and said hit spot;
- R. A distinct motion imparted to said hit spot upon coincidence; and
- S. Means for imparting a distinct motion to said hit spot upon coincidence.

RESPONSE:

Based upon the information presently available to plaintiffs concerning the television game cartridges manufactured, used, and/or sold by Activision, and the television game consoles with which those cartridges are used, and as presently advised, plaintiffs do not contend that any of the combinations referred to in this interrogatory constitutes an infringement of claim 45 of U.S. patent Re. 28,507

INTERROGATORY NO. 138

Identify all portions of the subject matter described in U.S. Patent 3,728,480 which Magnavox and Sanders contend are not prior art with regard to United States Patent Re. 28,507.

RESPONSE:

This interrogatory has been limited by defendant to the portions of U.S. Patent 3,728,480 enumerated in this response. Circuits as described at column 4, lines 16-21; column 6, lines 7-22 and 45-58; column 8, lines 33-54; column 9, lines 39 - column

1 10, line 15; column 12, lines 23-26, 44-48, and 57-60; Claims 13-
2 23; Claims 26-30, and Claim 41 of U.S. Patent 3,728,480 were built
3 and used with a color television receiver by the inventor thereof
4 prior to the commencement of reasonable diligence toward reduction
5 to practice of the claimed subject matter of U.S. Patent Re.
6 28,507.

7
8 INTERROGATORY NO. 139

9 For each portion of the subject matter of U.S. Patent
10 3,728,480 identified in response to Interrogatory No. 138:

11 A. Set forth in detail the basis of the contention
12 that the portion of the subject matter is not prior art;

13 B. Identify all persons having knowledge of the
14 respective dates of invention of that portion of the subject
15 matter and the subject matter of United States Letters Patent
16 Re. 28,507; and

17 C. Identify all documents which refer or relate in any
18 way to the subject matter of this interrogatory, including
19 all documents which support the contention that the portion
20 of the subject matter is not prior art with regard to United
21 States Letters Patent Re. 28,507.

22
23 RESPONSE:

24 No response required in view of the response to
25 interrogatory 138.

1 INTERROGATORY NO. 140

2 With regard to the invention of means for denoting
3 coincidence when a dot generated by one dot generator is located
4 in the same position on a television screen as a dot generated by
5 another dot generator, as claimed in Claim 13 of U.S. Patent
6 3,728,480:

- 7 A. What is the earliest date for each of the follow-
8 ing:
9 (1) Conception;
10 (2) Actual reduction to practice; and
11 (3) Diligence toward reduction to practice;
- 12 B. Describe in detail the events which constitute the
13 conception, reduction to practice and diligence on
14 which the dates set forth in response to Parts
15 A(1)-A(3) of this interrogatory are based;
- 16 C. Identify all persons who participated in each of
17 the events described in response to Part B of this
18 interrogatory, including the role of each such
19 person;
- 20 D. Identify the first person(s) to suggest the inven-
21 tion, state the date the invention was first
22 suggested, and identify the person(s) to whom the
23 invention was suggested;
- 24 E. Identify all persons to whom the invention was
25 disclosed prior to May 27, 1969 and the date and
26 place of each such disclosure;

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- 1 F. Identify all persons who had knowledge of the
2 invention prior to May 27, 1969 and the date each
3 such person learned of the invention;
- 4 G. Identify all prototypes, laboratory models, bread-
5 board circuits and other physical embodiments of
6 the invention made prior to May 27, 1969, including
7 the following:
- 8 (1) A concise description of each;
9 (2) The date(s) each was made;
10 (3) The person(s) who constructed each;
11 (4) All persons having access to each prior to May
12 27, 1969; and
13 (5) The present location and condition of each.
- 14 H. Identify all persons not otherwise identified in
15 response to this interrogatory who have knowledge
16 of the subject matter of any of Parts A through G
17 of this interrogatory, and indicate the subject
18 matter of which each such person has knowledge; and
- 19 I. Identify all documents which refer or relate in any
20 way to the subject matter of this interrogatory.

21
22 RESPONSE:

23 The earliest written record relating to the work done on
24 television games by employees of plaintiff Sanders Associates of
25 which plaintiffs are presently aware that shows or refers to any
26 means for denoting coincidence between a dot generated by one dot

1 generator is located in the same position on a television screen
2 as a dot generated by another dot generator are a page of
3 handwritten notes dated May 23, 1967 (Sanders Deposition Exhibit
4 23, page 23) and prepared by William Harrison under the direction
5 and at the suggestion of Ralph H. Baer, and laboratory notebook
6 entries dated May 24, 1967 (Sanders Deposition Exhibit 16, pages
7 44 and 45) made by William Harrison under the direction and at the
8 suggestion of Ralph H. Baer. Additional drawings showing such
9 circuitry and references to such circuitry are dated June 14, 1967
10 (Sanders Deposition Exhibit 23, page 81) July 18, 1967, (Sanders
11 Deposition Exhibit 16, page 78) September 12, 1967 (Sanders
12 Deposition Exhibit 16, page 89, Sanders Deposition Exhibit 9,
13 pages 89 and 90), each of which was prepared by William Harrison
14 under the direction and at the suggestion of Ralph H. Baer. The
15 suggestion for such circuitry was made by Ralph H. Baer in
16 approximately May 1967. Apparatus including such circuitry
17 (Sanders Deposition Exhibit 28) was first constructed during the
18 period May - June 1967.

19

20 INTERROGATORY NO. 141

21 With regard to the invention of means for ascertaining
22 coincidence between a hitting symbol and a hit symbol as claimed
23 in Claim 25 of United States Letters Patent Re. 28,507:

24 A. What is the earliest date for each of the
25 following:

26 (1) Conception;

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- (2) Actual reduction to practice; and
- (3) Diligence toward reduction to practice;
- B. Describe in detail the events which constitute the conception, reduction to practice and diligence on which the dates set forth in response to Parts A(1)-A(3) of this interrogatory are based;
- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;

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- (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

RESPONSE:

The earliest written record relating to the work done on television games by employees of plaintiff Sanders Associates of which plaintiffs are presently aware that shows or refers to any means for ascertaining coincidence between a hitting symbol and a hit symbol are a memorandum dated May 10, 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit 9, pages 44-50), laboratory notebook entries dated September 25, 1967 through January, 1968 (Sanders Deposition Exhibits 17-19) made by William T. Rusch, and pages of handwritten notes and drawings dated in October, 1967 through January, 1968 and prepared by William Harrison at the suggestion of William T. Rusch. Additional drawings showing such circuitry are dated December 22, 1967 (Sanders Deposition Exhibit 23, pages 160-163) and were prepared by William Harrison at the

1 suggestion of William T. Rusch. The suggestion for such circuitry
2 was made by William T. Rusch in approximately May, 1967.
3 Apparatus including such circuitry (Sanders Deposition Exhibit 30)
4 was first constructed during the period October - December 1967;
5 other apparatus, including such circuitry was constructed
6 subsequently.

7 INTERROGATORY NO. 142

8 With regard to the invention of means for imparting a
9 distinct motion to the hit symbol upon coincidence, as claimed in
10 Claim 25 of United States Letters Patent Re. 28,507:

11 A. What is the earliest date for each of the
12 following:

13 (1) Conception;

14 (2) Actual reduction to practice; and

15 (3) Diligence toward reduction to practice;

16 B. Describe in detail the events which constitute the
17 conception, reduction to practice and diligence on
18 which the dates set forth in response to Parts
19 A(1)-A(3) of this interrogatory are based;

20 C. Identify all persons who participated in each of
21 the events described in response to Part B of this
22 interrogatory, including the role of each such
23 person;

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- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and

1 I. Identify all documents which refer or relate in any
2 way to the subject matter of this interrogatory.
3

4 RESPONSE:

5 The earliest written record relating to the work done on
6 television games by employees of plaintiff Sanders Associates of
7 which plaintiffs are presently aware that shows or refers to any
8 means for imparting a distinct motion to the hit symbol upon
9 coincidence are a memorandum dated May 10, 1967 to R. Baer from W.
10 Rusch (Sanders Deposition Exhibit 9, pages 44-50), laboratory
11 methods entries dated September 25, 1967 through January, 1968
12 (Sanders Deposition Exhibits 17-19) made by William T. Rusch, and
13 pages of handwritten notes and drawings dated in October, 1967
14 through January, 1968 and prepared by William Harrison at the
15 suggestion of William T. Rusch. Additional drawings showing such
16 circuitry are dated December 22, 1967 (Sanders Deposition Exhibit
17 23, pages 160-163) and were prepared by William Harrison at the
18 suggestion of William T. Rusch. The suggestion for such circuitry
19 was made by William T. Rusch in approximately May, 1967.
20 Apparatus including such circuitry (Sanders Deposition Exhibit 30)
21 was first constructed during the period October - December 1967;
22 other apparatus, including such circuitry was constructed
23 subsequently.

24 INTERROGATORY NO. 143
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1 With regard to the invention of means for denoting
2 coincidence between hit and hitting spots, as claimed in Claim 44
3 of United States Letters Patent Re. 28,507:

4 A. What is the earliest date for each of the
5 following:

6 (1) Conception;

7 (2) Actual reduction to practice; and

8 (3) Diligence toward reduction to practice;

9 B. Describe in detail the events which constitute the
10 conception, reduction to practice and diligence on
11 which the dates set forth in response to Parts
12 A(1)-A(3) of this interrogatory are based;

13 C. Identify all persons who participated in each of
14 the events described in response to Part B of this
15 interrogatory, including the role of each such
16 person;

17 D. Identify the first person(s) to suggest the inven-
18 tion, state the date the invention was first
19 suggested, and identify the person(s) to whom the
20 invention was suggested;

21 E. Identify all persons to whom the invention was
22 disclosed prior to May 27, 1969 and the date and
23 place of each such disclosure;

24 F. Identify all persons who had knowledge of the
25 invention prior to May 27, 1969 and the date each
26 such person learned of the invention;

- 1 G. Identify all prototypes, laboratory models, bread-
2 board circuits and other physical embodiments of
3 the invention made prior to May 27, 1969, including
4 the following:
5 (1) A concise description of each;
6 (2) The date(s) each was made;
7 (3) The person(s) who constructed each;
8 (4) All persons having access to each prior to May
9 27, 1969; and
10 (5) The present location and condition of each.
11 H. Identify all persons not otherwise identified in
12 response to this interrogatory who have knowledge
13 of the subject matter of any of Parts A through G
14 of this interrogatory, and indicate the subject
15 matter of which each such person has knowledge; and
16 I. Identify all documents which refer or relate in any
17 way to the subject matter of this interrogatory.
18

19 RESPONSE:

20 The earliest written record relating to the work done on
21 television games by employees of plaintiff Sanders Associates of
22 which plaintiffs are presently aware that shows or refers to any
23 means for denoting coincidence between hit and hitting spots are a
24 memorandum dated May 10, 1967 to R. Baer from W. Rusch (Sanders
25 Deposition Exhibit 9, pages 44-50), laboratory methods entries
26 dated September 25, 1967 through January, 1968 (Sanders Deposition
27

1 Exhibits 17-19) made by William T. Rusch, and pages of handwritten
2 notes and drawings dated in October, 1967 through January, 1968
3 and prepared by William Harrison at the suggestion of William T.
4 Rusch. Additional drawings showing such circuitry are dated
5 December 22, 1967 (Sanders Deposition Exhibit 23, pages 160-163)
6 and were prepared by William Harrison at the suggestion of William
7 T. Rusch. The suggestion for such circuitry was made by William
8 T. Rusch in approximately May, 1967. Apparatus including such
9 circuitry (Sanders Deposition Exhibit 30) was first constructed
10 during the period October - December 1967; other apparatus,
11 including such circuitry was constructed subsequently.
12

13 INTERROGATORY NO. 144

14 With regard to the invention of the concept of the hit
15 spot reversing direction, as claimed in Claim 44 of United States
16 Letters Patent Re. 28,507:

17 A. What is the earliest date for each of the
18 following:

- 19 (1) Conception;
20 (2) Actual reduction to practice; and
21 (3) Diligence toward reduction to practice;

22 B. Describe in detail the events which constitute the
23 conception, reduction to practice and diligence on
24 which the dates set forth in response to Parts
25 A(1)-A(3) of this interrogatory are based;
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- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to may 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.

- 1 H. Identify all persons not otherwise identified in
2 response to this interrogatory who have knowledge
3 of the subject matter of any of Parts A through G
4 of this interrogatory, and indicate the subject
5 matter of which each such person has knowledge; and
6 I. Identify all documents which refer or relate in any
7 way to the subject matter of this interrogatory.

8
9 RESPONSE:

10 The earliest written record relating to the work done on
11 television games by employees of plaintiff Sanders Associates of
12 which plaintiffs are presently aware that shows or refers to any
13 means for reversing the direction of a hit spot are a memorandum
14 dated May 10, 1967 to R. Baer from W. Rusch (Sanders Deposition
15 Exhibit 9, pages 44-50), laboratory methods entries dated
16 September 25, 1967 through January, 1968 (Sanders Deposition
17 Exhibits 17-19) made by William T. Rusch, and pages of handwritten
18 notes and drawings dated in October, 1967 through January, 1968
19 and prepared by William Harrison at the suggestion of William T.
20 Rusch. Additional drawings showing such circuitry are dated
21 December 22, 1967 (Sanders Deposition Exhibit 23, pages 160-163)
22 and were prepared by William Harrison at the suggestion of William
23 T. Rusch. The suggestion for such circuitry was made by William
24 T. Rusch in approximately May, 1967. Apparatus including such

1 circuitry (Sanders Deposition Exhibit 30) was first constructed
2 during the period October - December 1967; other apparatus,
3 including such circuitry was constructed subsequently.

4 INTERROGATORY NO. 145

5 With regard to the invention of means for ascertaining
6 coincidence between either of two hitting spots and a hit spot, as
7 claimed in Claim 45 of United States Letters Patent Re. 28,507:

8 A. What is the earliest date for each of the
9 following:

- 10 (1) Conception;
11 (2) Actual reduction to practice; and
12 (3) Diligence toward reduction to practice;

13 B. Describe in detail the events which constitute the
14 conception, reduction to practice and diligence on
15 which the dates set forth in response to Parts
16 A(1)-A(3) of this interrogatory are based;

17 C. Identify all persons who participated in each of
18 the events described in response to Part B of this
19 interrogatory, including the role of each such
20 person;

21 D. Identify the first person(s) to suggest the inven-
22 tion, state the date the invention was first
23 suggested, and identify the person(s) to whom the
24 invention was suggested;

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- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

1 RESPONSE:

2 The earliest written record relating to the work done on
3 television games by employees of plaintiff Sanders Associates of
4 which plaintiffs are presently aware that shows or refers to any
5 means for ascertaining coincidence between either of two hitting
6 spots and a hit spot are a memorandum dated May 10, 1967 to R.
7 Baer from W. Rusch (Sanders Deposition Exhibit 9, pages 44-50),
8 laboratory methods entries dated September 25, 1967 through
9 January, 1968 (Sanders Deposition Exhibits 17-19) made by William
10 T. Rusch, and pages of handwritten notes and drawings dated in
11 October, 1967 through January, 1968 and prepared by William
12 Harrison at the suggestion of William T. Rusch. Additional
13 drawings showing such circuitry are dated December 22, 1967
14 (Sanders Deposition Exhibit 23, pages 160-163) and were prepared
15 by William Harrison at the suggestion of William T. Rusch. The
16 suggestion for such circuitry was made by William T. Rusch in
17 approximately May, 1967. Apparatus including such circuitry
18 (Sanders Deposition Exhibit 30) was first constructed during the
19 period October - December 1967; other apparatus, including such
20 circuitry was constructed subsequently.

21
22 INTERROGATORY NO. 146

23 With regard to the invention of means for imparting a
24 distinct motion to a hit spot upon coincidence with one of two
25 hitting spots, as claimed in Claim 45 of United States Letters
26 Patent Re. 28,507:

- 1 A. What is the earliest date for each of the
2 following:
3 (1) Conception;
4 (2) Actual reduction to practice; and
5 (3) Diligence toward reduction to practice;
- 6 B. Describe in detail the events which constitute the
7 conception, reduction to practice and diligence on
8 which the dates set forth in response to Parts
9 A(1)-A(3) of this interrogatory are based;
- 10 C. Identify all persons who participated in each of
11 the events described in response to Part B of this
12 interrogatory, including the role of each such
13 person;
- 14 D. Identify the first person(s) to suggest the inven-
15 tion, state the date the invention was first
16 suggested, and identify the person(s) to whom the
17 invention was suggested;
- 18 E. Identify all persons to whom the invention was
19 disclosed prior to May 27, 1969 and the date and
20 place of each such disclosure;
- 21 F. Identify all persons who had knowledge of the
22 invention prior to May 27, 1969 and the date each
23 such person learned of the invention;
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1 G. Identify all prototypes, laboratory models, bread-
2 board circuits and other physical embodiments of
3 the invention made prior to May 27, 1969, including
4 the following:

- 5 (1) A concise description of each;
6 (2) The date(s) each was made;
7 (3) The person(s) who constructed each;
8 (4) All persons having access to each prior to May
9 27, 1969; and
10 (5) The present location and condition of each.

11 H. Identify all persons not otherwise identified in
12 response to this interrogatory who have knowledge
13 of the subject matter of any of Parts A through G
14 of this interrogatory, and indicate the subject
15 matter of which each such person has knowledge; and

16 I. Identify all documents which refer or relate in any
17 way to the subject matter of this interrogatory.
18

19 RESPONSE:

20 The earliest written record relating to the work done on
21 television games by employees of plaintiff Sanders Associates of
22 which plaintiffs are presently aware that shows or refers to any
23 means for imparting a distinct motion to a hit spot upon
24 coincidence with one of two hitting spots are a memorandum dated
25 May 10, 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit
26 9, pages 44-50), laboratory methods entries dated September 25,

1 1967 through January, 1968 (Sanders Deposition Exhibits 17-19)
2 made by William T. Rusch, and pages of handwritten notes and
3 drawings dated in October, 1967 through January, 1968 and prepared
4 by William Harrison at the suggestion of William T. Rusch.
5 Additional drawings showing such circuitry are dated December 22,
6 1967 (Sanders Deposition Exhibit 23, pages 160-163) and were
7 prepared by William Harrison at the suggestion of William T.
8 Rusch. The suggestion for such circuitry was made by William T.
9 Rusch in approximately May, 1967. Apparatus including such
10 circuitry (Sanders Deposition Exhibit 30) was first constructed
11 during the period October - December 1967; other apparatus,
12 including such circuitry was constructed subsequently.

13 INTERROGATORY NO. 147

14 With regard to the invention of means for ascertaining
15 coincidence between a hitting symbol and a hit symbol, as claimed
16 in Claim 51 of United States Letters Patent Re. 28,507:

17 A. What is the earliest date for each of the
18 following:

- 19 (1) Conception;
20 (2) Actual reduction to practice; and
21 (3) Diligence toward reduction to practice;

22 B. Describe in detail the events which constitute the
23 conception, reduction to practice and diligence on
24 which the dates set forth in response to Parts
25 A(1)-A(3) of this interrogatory are based;

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- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.

- 1 H. Identify all persons not otherwise identified in
2 response to this interrogatory who have knowledge
3 of the subject matter of any of Parts A through G
4 of this interrogatory, and indicate the subject
5 matter of which each such person has knowledge; and
6 I. Identify all documents which refer or relate in any
7 way to the subject matter of this interrogatory.
8

9 RESPONSE:

10 The earliest written record relating to the work done on
11 television games by employees of plaintiff Sanders Associates of
12 which plaintiffs are presently aware that shows or refers to any
13 means for ascertaining coincidence between a hitting symbol and a
14 hit symbol are a memorandum dated May 10, 1967 to R. Baer from W.
15 Rusch (Sanders Deposition Exhibit 9, pages 44-50), laboratory
16 methods entries dated September 25, 1967 through January, 1968
17 (Sanders Deposition Exhibits 17-19) made by William T. Rusch, and
18 pages of handwritten notes and drawings dated in October, 1967
19 through January, 1968 and prepared by William Harrison at the
20 suggestion of William T. Rusch. Additional drawings showing such
21 circuitry are dated December 22, 1967 (Sanders Deposition Exhibit
22 23, pages 160-163) and were prepared by William Harrison at the
23 suggestion of William T. Rusch. The suggestion for such circuitry
24 was made by William T. Rusch in approximately May, 1967.
25 Apparatus including such circuitry (Sanders Deposition Exhibit 30)
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1 was first constructed during the period October - December 1967;
2 other apparatus, including such circuitry was constructed
3 subsequently.

4 INTERROGATORY NO. 148

5 With regard to the invention for imparting a distinct
6 motion to the hit symbol upon coincidence with a hitting symbol,
7 as claimed in Claim 51 of United States Letters Patent Re. 28,507:

8 A. What is the earliest date for each of the
9 following:

10 (1) Conception;

11 (2) Actual reduction to practice; and

12 (3) Diligence toward reduction to practice;

13 B. Describe in detail the events which constitute the
14 conception, reduction to practice and diligence on
15 which the dates set forth in response to Parts
16 A(1)-A(3) of this interrogatory are based;

17 C. Identify all persons who participated in each of
18 the events described in response to Part B of this
19 interrogatory, including the role of each such
20 person;

21 D. Identify the first person(s) to suggest the inven-
22 tion, state the date the invention was first
23 suggested, and identify the person(s) to whom the
24 invention was suggested;

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- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

1 RESPONSE:

2 The earliest written record relating to the work done on
3 television games by employees of plaintiff Sanders Associates of
4 which plaintiffs are presently aware that shows or refers to any
5 means for imparting a distinct motion to the hit symbol upon
6 coincidence with a hitting symbol are a memorandum dated May 10,
7 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit 9, pages
8 44-50), laboratory methods entries dated September 25, 1967
9 through January, 1968 (Sanders Deposition Exhibits 17-19) made by
10 William T. Rusch, and pages of handwritten notes and drawings
11 dated in October, 1967 through January, 1968 and prepared by
12 William Harrison at the suggestion of William T. Rusch.
13 Additional drawings showing such circuitry are dated December 22,
14 1967 (Sanders Deposition Exhibit 23, pages 160-163) and were
15 prepared by William Harrison at the suggestion of William T.
16 Rusch. The suggestion for such circuitry was made by William T.
17 Rusch in approximately May, 1967. Apparatus including such
18 circuitry (Sanders Deposition Exhibit 30) was first constructed
19 during the period October - December 1967; other apparatus,
20 including such circuitry was constructed subsequently.

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22 INTERROGATORY NO. 149

23 With regard to the invention of means for determining a
24 first coincidence between first and second symbols, as claimed in
25 Claim 60 of United States Letters Patent Re. 28,507:

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- A. What is the earliest date for each of the following:
 - (1) Conception;
 - (2) Actual reduction to practice; and
 - (3) Diligence toward reduction to practice;
- B. Describe in detail the events which constitute the conception, reduction to practice and diligence on which the dates set forth in response to Parts A(1)-A(3) of this interrogatory are based;
- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;

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- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

RESPONSE:

The earliest written record relating to the work done on television games by employees of plaintiff Sanders Associates of which plaintiffs are presently aware that shows or refers to any means for determining a first coincidence between first and second symbols are a page of handwritten notes dated May 23, 1967 (Sanders Deposition Exhibit 23, page 23) and prepared by William Harrison under the direction and at the suggestion of Ralph H.

1 Baer, and laboratory notebook entries dated May 24, 1967 (Sanders
2 Deposition Exhibit 16, pages 44 and 45) made by William Harrison
3 under the direction and at the suggestion of Ralph H. Baer.
4 Additional drawings showing such circuitry and references to such
5 circuitry are dated June 14, 1967 (Sanders Deposition Exhibit 23,
6 page 81) July 18, 1967, (Sanders Deposition Exhibit 16, page 78)
7 September 12, 1967 (Sanders Deposition Exhibit 16, page 89,
8 Sanders Deposition Exhibit 9, pages 89 and 90), each of which was
9 prepared by William Harrison under the direction and at the
10 suggestion of Ralph H. Baer. The suggestion for such circuitry
11 was made by Ralph H. Baer in approximately May 1967. Apparatus
12 including such circuitry (Sanders Deposition Exhibit 28) was first
13 constructed during the period May - June 1967.

14
15 INTERROGATORY NO. 150

16 With regard to the invention of means for imparting a
17 distinct motion to the second symbol, as claimed in Claim 60 of
18 United States Letters Patent Re. 28,507:

- 19 A. What is the earliest date for each of the
20 following:
21 (1) Conception;
22 (2) Actual reduction to practice; and
23 (3) Diligence toward reduction to practice;

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- B. Describe in detail the events which constitute the conception, reduction to practice and diligence on which the dates set forth in response to Parts A(1)-A(3) of this interrogatory are based;
- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;

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(4) All persons having access to each prior to May 27, 1969; and

(5) The present location and condition of each.

H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and

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

RESPONSE:

The earliest written record relating to the work done on television games by employees of plaintiff Sanders Associates of which plaintiffs are presently aware that shows or refers to any means for imparting a distinct motion to the second symbol are a memorandum dated May 10, 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit 9, pages 44-50), laboratory methods entries dated September 25, 1967 through January, 1968 (Sanders Deposition Exhibits 17-19) made by William T. Rusch, and pages of handwritten notes and drawings dated in October, 1967 through January, 1968 and prepared by William Harrison at the suggestion of William T. Rusch. Additional drawings showing such circuitry are dated December 22, 1967 (Sanders Deposition Exhibit 23, pages 160-163) and were prepared by William Harrison at the suggestion of William T. Rusch. The suggestion for such circuitry was made by William

1 T. Rusch in approximately May, 1967. Apparatus including such
2 circuitry (Sanders Deposition Exhibit 30) was first constructed
3 during the period October - December 1967; other apparatus,
4 including such circuitry was constructed subsequently.

5 INTERROGATORY NO. 151

6 With regard to the invention for determining a second
7 coincidence between a third symbol and the second symbol, as
8 claimed in Claim 61 of United States Letters Patent Re. 28,507:

9 A. What is the earliest date for each of the
10 following:

11 (1) Conception;

12 (2) Actual reduction to practice; and

13 (3) Diligence toward reduction to practice;

14 B. Describe in detail the events which constitute the
15 conception, reduction to practice and diligence on
16 which the dates set forth in response to Parts
17 A(1)-A(3) of this interrogatory are based;

18 C. Identify all persons who participated in each of
19 the events described in response to Part B of this
20 interrogatory, including the role of each such
21 person;

22 D. Identify the first person(s) to suggest the inven-
23 tion, state the date the invention was first
24 suggested, and identify the person(s) to whom the
25 invention was suggested;

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- E. Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;
- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

1 RESPONSE:

2 The earliest written record relating to the work done on
3 television games by employees of plaintiff Sanders Associates of
4 which plaintiffs are presently aware that shows or refers to any
5 means for determining a second coincidence between a third symbol
6 and the second symbol are a memorandum dated May 10, 1967 to R.
7 Baer from W. Rusch (Sanders Deposition Exhibit 9, pages 44-50),
8 laboratory methods entries dated September 25, 1967 through
9 January, 1968 (Sanders Deposition Exhibits 17-19) made by William
10 T. Rusch, and pages of handwritten notes and drawings dated in
11 October, 1967 through January, 1968 and prepared by William
12 Harrison at the suggestion of William T. Rusch. Additional
13 drawings showing such circuitry are dated December 22, 1967
14 (Sanders Deposition Exhibit 23, pages 160-163) and were prepared
15 by William Harrison at the suggestion of William T. Rusch. The
16 suggestion for such circuitry was made by William T. Rusch in
17 approximately May, 1967. Apparatus including such circuitry
18 (Sanders Deposition Exhibit 30) was first constructed during the
19 period October - December 1967; other apparatus, including such
20 circuitry was constructed subsequently.

21
22 INTERROGATORY NO. 152

23 With regard to the invention of means for impartng a
24 distinct motion to the second symbol in response to the second
25 coincidence, as claimed in Claim 61 of United States Letters
26 Patent Re. 28,507:

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- A. What is the earliest date for each of the following:
 - (1) Conception;
 - (2) Actual reduction to practice; and
 - (3) Diligence toward reduction to practice;
- B. Describe in detail the events which constitute the conception, reduction to practice and diligence on which the dates set forth in response to Parts A(1)-A(3) of this interrogatory are based;
- C. Identify all persons who participated in each of the events described in response to Part B of this interrogatory, including the role of each such person;
- D. Identify the first person(s) to suggest the invention, state the date the invention was first suggested, and identify the person(s) to whom the invention was suggested;
- E. Identify all persons to whom the invention was disclosed prior to May 27 1969 and the date and place of each such disclosure;
- F. Identify all persons who had knowledge of the invention prior to May 27, 1969 and the date each such person learned of the invention;

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- G. Identify all prototypes, laboratory models, bread-board circuits and other physical embodiments of the invention made prior to May 27, 1969, including the following:
 - (1) A concise description of each;
 - (2) The date(s) each was made;
 - (3) The person(s) who constructed each;
 - (4) All persons having access to each prior to May 27, 1969; and
 - (5) The present location and condition of each.
- H. Identify all persons not otherwise identified in response to this interrogatory who have knowledge of the subject matter of any of Parts A through G of this interrogatory, and indicate the subject matter of which each such person has knowledge; and
- I. Identify all documents which refer or relate in any way to the subject matter of this interrogatory.

RESPONSE:

The earliest written record relating to the work done on television games by employees of plaintiff Sanders Associates of which plaintiffs are presently aware that shows or refers to any means for imparting a distinct motion to the second symbol in response to the second coincidence are a memorandum dated May 10, 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit 9, pages 44-50), laboratory methods entries dated September 25, 1967

1 through January, 1968 (Sanders Deposition Exhibits 17-19) made by
2 William T. Rusch, and pages of handwritten notes and drawings
3 dated in October, 1967 through January, 1968 and prepared by
4 William Harrison at the suggestion of William T. Rusch.
5 Additional drawings showing such circuitry are dated December 22,
6 1967 (Sanders Deposition Exhibit 23, pages 160-163) and were
7 prepared by William Harrison at the suggestion of William T.
8 Rusch. The suggestion for such circuitry was made by William T.
9 Rusch in approximately May, 1967. Apparatus including such
10 circuitry was first constructed during the period October -
11 December 1967; other apparatus, including such circuitry was
12 constructed subsequently.

13
14 INTERROGATORY NO. 154

15 Identify each of the certain games known as "Spacewar"
16 which plaintiffs have acknowledged at Massachusetts Institute of
17 Technology in the early 1960's in response to Part (c) of Inter-
18 rogatory No. 75 of Defendant's First Set of Interrogatories to
19 Plaintiffs, including the following:

- 20 (a) A description of the game;
21 (b) The date(s) when each such game was played;
22 (c) State when and under what circumstances Magnavox and/or
23 Sanders first became aware of each such game;
24 (d) Identify all personnel of Magnavox and/or Sanders having
25 knowledge of each such game and the date(s) each such person
26 acquired such knowledge; and

1 (e) Identify all documents in the possession, custody or
2 control of Magnavox and/or Sanders which refer or relate in any
3 way to each such game.
4

5 RESPONSE:

6 Paragraphs (c) - (e) of interrogatory 154 have been
7 limited by defendant to knowledge of the inventors of U.S. Patent
8 3,728,480, 3,659,284, and Re. 28,507, the attorneys or agents who
9 prepared or prosecuted the applications for those patents, and
10 other individuals substantially involved in the preparation or
11 prosecution of the applications for those patents who were
12 associated with the inventor, the assignee, or with anyone to whom
13 there was an obligation to assign the application.

14 (c) The earliest that any of the persons referred to in
15 this interrogatory as limited by defendant obtained knowledge of
16 the different demonstration known as "Spacewar" is presently
17 believed to be during the taking of the deposition referred to in
18 plaintiffs' prior response to interrogatory 154. Plaintiffs or
19 its counsel did receive some information relating to the
20 demonstration known as "Spacewar" prior to the commencement of
21 those depositions. That information was received as follows:

22 1. A book entitled "II Cybernetics Frontiers" was
23 purchased by or for plaintiffs' counsel Theodore W. Anderson and
24 James T. Williams on approximately July 15, 1975. Louis Etlinger
25 and Richard I. Seligman saw at least portions of the book at a
26 later date.

1 2. Interrogatory responses of Midway Mfg. Co. in Civil
2 Action No. 74 C 1030 in the Northern District of Illinois received
3 by plaintiffs' counsel Theodore W. Anderson and James T. Williams
4 on approximately July 23, 1975.

5 3. Copies of production documents of Midway Mfg. Co.
6 in said Civil Action No. 74 C 1030 first produced for inspection
7 by plaintiffs' counsel James T. Williams on approximately August
8 1, 1975.

9 4. Oral and telephone conversations of Messrs. Louis
10 Etlinger, James T. Williams, and John Sauter on approximately
11 October 9, 1975.

12 6. Conference of Messrs. Louis Etlinger, James T.
13 Williams, and personnel of Digital Equipment Corporation on
14 approximately October 17, 1975 and document copies received as a
15 result of that conference.

16 (d) See the response to paragraph (c) of this
17 interrogatory.

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1 (e) Paragraph (e) of this interrogatory has been
2 limited by defendant to documents reflecting searches, opinions,
3 discussions or evaluations of the games known as "Spacewar" as
4 prior art. Plaintiffs are presently aware of no such documents.
5

6
7 _____, 1984 _____
8 The Magnavox Company

9 Subscribed and sworn to before me
10 this ___ day of _____, 1984,
11 in _____.

12 _____
13 Notary Public

14 My Commission Expires: _____

15 _____, 1984 _____
16 Sanders Associates, Inc.

17 Subscribed and sworn to before me
18 this ___ day of _____, 1984,
19 in _____.

20 _____
21 Notary Public

22 My Commission Expires: _____

23 The foregoing contentions are asserted or stated on
24 behalf of plaintiffs by:

25 _____
26 Theodore W. Anderson
27 James T. Williams
28 NEUMAN, WILLIAMS, ANDERSON & OLSON
Attorneys for The Magnavox Company
and Sanders Associates, Inc.
77 West Washington Street
Chicago, Illinois 60602
(312) 346-1200