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JUN 14 1984

BY YKH  
RESPONSE DUE           

8  
9 Attorneys for Plaintiffs  
The Magnavox Company and  
Sanders Associates, Inc.

10

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

13 THE MAGNAVOX COMPANY, a corporation, )  
and SANDERS ASSOCIATES, INC., )  
14 a corporation, )  
15 Plaintiffs, )  
16 v. )  
17 )  
18 ACTIVISION, INC., a corporation, )  
Defendant. )

No. C 82 5270 JPV

PLAINTIFFS' SECOND  
SUPPLEMENTAL RESPONSE TO  
TO DEFENDANT'S  
INTERROGATORIES

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INTERROGATORY NO. 33

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

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;

- 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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- 1 D. Identify the first person(s) to suggest the inven-  
2 tion, state the date the invention was first  
3 suggested, and identify the person(s) to whom the  
4 invention was suggested;
- 5 E. Identify all persons to whom the invention was  
6 disclosed prior to May 27, 1969 and the date and  
7 place of each such disclosure;
- 8 F. Identify all persons who had knowledge of the  
9 invention prior to May 27, 1969 and the date each  
10 such person learned of the invention;
- 11 G. Identify all prototypes, laboratory models, bread-  
12 board circuits and other physical embodiments of  
13 the invention made prior to May 27, 1969, including  
14 the following:
- 15 (1) A concise description of each;  
16 (2) The date(s) each was made;  
17 (3) The person(s) who constructed each;  
18 (4) All persons having access to each prior to May  
19 27, 1969; and  
20 (5) The present location and condition of each.
- 21 H. Identify all persons not otherwise identified in  
22 response to this interrogatory who have knowledge  
23 of the subject matter of any of Parts A through G  
24 of this interrogatory, and indicate the subject  
25 matter of which each such person has knowledge; and  
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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 hit symbol upon 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 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 T. Rusch in approximately May, 1967. Apparatus including such circuitry (Sanders Deposition Exhibit 30) was first constructed during the period October - December 1967; other apparatus, including such circuitry was constructed subsequently.

INTERROGATORY NO. 143

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.
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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

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.

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13 INTERROGATORY NO. 144

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

17

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

19

(1) Conception;

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(2) Actual reduction to practice; and

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(3) Diligence toward reduction to practice;

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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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- 1 C. Identify all persons who participated in each of  
2 the events described in response to Part B of this  
3 interrogatory, including the role of each such  
4 person;
- 5 D. Identify the first person(s) to suggest the inven-  
6 tion, state the date the invention was first  
7 suggested, and identify the person(s) to whom the  
8 invention was suggested;
- 9 E. Identify all persons to whom the invention was  
10 disclosed prior to may 27, 1969 and the date and  
11 place of each such disclosure;
- 12 F. Identify all persons who had knowledge of the  
13 invention prior to May 27, 1969 and the date each  
14 such person learned of the invention;
- 15 G. Identify all prototypes, laboratory models, bread-  
16 board circuits and other physical embodiments of  
17 the invention made prior to May 27, 1969, including  
18 the following:
- 19 (1) A concise description of each;
- 20 (2) The date(s) each was made;
- 21 (3) The person(s) who constructed each;
- 22 (4) All persons having access to each prior to May  
23 27, 1969; and
- 24 (5) The present location and condition of each.
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- 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.  
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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  
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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;

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

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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- 1 C. Identify all persons who participated in each of  
2 the events described in response to Part B of this  
3 interrogatory, including the role of each such  
4 person;
- 5 D. Identify the first person(s) to suggest the inven-  
6 tion, state the date the invention was first  
7 suggested, and identify the person(s) to whom the  
8 invention was suggested;
- 9 E. Identify all persons to whom the invention was  
10 disclosed prior to May 27, 1969 and the date and  
11 place of each such disclosure;
- 12 F. Identify all persons who had knowledge of the  
13 invention prior to May 27, 1969 and the date each  
14 such person learned of the invention;
- 15 G. Identify all prototypes, laboratory models, bread-  
16 board circuits and other physical embodiments of  
17 the invention made prior to May 27, 1969, including  
18 the following:
- 19 (1) A concise description of each;  
20 (2) The date(s) each was made;  
21 (3) The person(s) who constructed each;  
22 (4) All persons having access to each prior to May  
23 27, 1969; and  
24 (5) The present location and condition of each.
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- 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)

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

21  
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;

- 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 determining a first coincidence between first and second  
24 symbols are a page of handwritten notes dated May 23, 1967  
25 (Sanders Deposition Exhibit 23, page 23) and prepared by William  
26 Harrison under the direction and at the suggestion of Ralph H.

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

15 INTERROGATORY NO. 150

16 With regard to the invention of means for impart  
17 distinct motion to the second symbol, as claimed in Claim 1  
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;

- 1 (4) All persons having access to each prior to May  
2 27, 1969; and  
3 (5) The present location and condition of each.  
4 H. Identify all persons not otherwise identified in  
5 response to this interrogatory who have knowledge  
6 of the subject matter of any of Parts A through G  
7 of this interrogatory, and indicate the subject  
8 matter of which each such person has knowledge; and  
9 I. Identify all documents which refer or relate in any  
10 way to the subject matter of this interrogatory.  
11

12 RESPONSE:

13 The earliest written record relating to the work done on  
14 television games by employees of plaintiff Sanders Associates of  
15 which plaintiffs are presently aware that shows or refers to any  
16 means for imparting a distinct motion to the second symbol are a  
17 memorandum dated May 10, 1967 to R. Baer from W. Rusch (Sanders  
18 Deposition Exhibit 9, pages 44-50), laboratory methods entries  
19 dated September 25, 1967 through January, 1968 (Sanders Deposition  
20 Exhibits 17-19) made by William T. Rusch, and pages of handwritten  
21 notes and drawings dated in October, 1967 through January, 1968  
22 and prepared by William Harrison at the suggestion of William T.  
23 Rusch. Additional drawings showing such circuitry are dated  
24 December 22, 1967 (Sanders Deposition Exhibit 23, pages 160-163)  
25 and were prepared by William Harrison at the suggestion of William  
26 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;

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

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 the second symbol in  
24 response to the second coincidence are a memorandum dated May 10,  
25 1967 to R. Baer from W. Rusch (Sanders Deposition Exhibit 9, pages  
26 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) 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 June 6, 1984, 1984 Thomas M. Hahn  
8 The Magnavox Company

9 Subscribed and sworn to before me  
10 this 6th day of June, 1984,  
11 in Knox County, Tennessee.

12 Barbara Guffin  
13 Notary Public

14 My Commission Expires: June 23, 1986

15 JUNE 11, 1984, 1984 Lois E. Hahn  
16 Sanders Associates, Inc.

17 Subscribed and sworn to before me  
18 this 11th day of June, 1984,  
19 in Nashua, New Hampshire.

20 Anne Marie Cookman  
21 Notary Public

22 My Commission Expires: March 3, 1987

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

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

1  
2  
3 CERTIFICATE OF MAILING

4 I hereby certify that unexecuted copies of Plaintiffs'  
5 Second Supplemental Resonse To Defendant's Interrogatories were  
6 forwarded by Federal Express Courier Service on May 25, 1984, and  
7 that executed copies of Plaintiffs' Second Supplemental Resonse To  
8 Defendant's Interrogatories were forwarded by Federal Express  
9 Courier Service on June 13, 1984, to the following:

10 Thomas O. Herbert, Esq.  
11 Flehr, Hohbach, Test,  
12 Albritton & Herbert  
13 Suite 3400  
14 Four Embarcadero Center  
15 San Francisco, California 94111

16 and

17 Michael A. Ladra, Esq.  
18 Wilson, Sonsini, Goodrich & Rosati  
19 Two Palo Alto Square  
20 Palo Alto, California 94304

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James T. Williams