

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

THE MAGNAVOX COMPANY,	)	
a Corporation, and	)	
SANDERS ASSOCIATES, INC.,	)	
a Corporation,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
ACTIVISION, INC.,	)	
a Corporation,	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT

1. This action arises under the patent laws of the United States, Title 35, United States Code. Jurisdiction of this Court is based on Title 28, United States Code, Section 1338(a).

2. Plaintiff THE MAGNAVOX COMPANY is a corporation organized and existing under the laws of the State of Delaware.

3. Plaintiff SANDERS ASSOCIATES, INC. is a corporation organized and existing under the laws of the State of Delaware.

4. Defendant ACTIVISION, INC. is a corporation organized and existing under the laws of the State of California.

5. On April 25, 1972, United States Letters Patent 3,659,284 were duly and legally issued to plaintiff SANDERS ASSOCIATES, INC. as assignee of William T. Rusch for an invention in TELEVISION GAMING APPARATUS and since that date and until August 5, 1975, plaintiff SANDERS ASSOCIATES, INC. was the owner of those Letters Patent 3,659,284.

6. On August 5, 1975, United States Letters Patent 3,659,284 were duly and legally reissued as United States Letters Patent Re. 28,507 to plaintiff SANDERS ASSOCIATES, INC. and since that date plaintiff SANDERS ASSOCIATES, INC. has been and still is the owner of those Letters Patent Re. 28,507.

7. By written agreement entered into between plaintiff SANDERS ASSOCIATES, INC. and plaintiff THE MAGNAVOX COMPANY, effective January 27, 1972, plaintiff THE MAGNAVOX COMPANY has been and still is the exclusive licensee under said United States Letters Patent 3,659,284 and Re. 28,507.

8. On April 15, 1974, plaintiff THE MAGNAVOX COMPANY filed a complaint in the United States District Court for the Northern District of Illinois in the action The Magnavox Company v. Chicago Dynamic Industries, Inc., et al. Civil Action No.

74 C 1030, which complaint was subsequently amended to add as a party plaintiff the plaintiff here SANDERS ASSOCIATES, INC., and on September 3, 1974, plaintiffs THE MAGNAVOX COMPANY and SANDERS ASSOCIATES, INC. filed a complaint in the United States District Court for the Northern District of Illinois in the action The Magnavox Company, et al. v. Seeburg Industries, Inc., et al., Civil Action No. 74 C 2510. The original complaints in both of those actions alleged infringement by the defendants named therein of United States Letters Patent 3,659,284 and were subsequently amended to allege infringement of United States Letters Patent Re. 28,507. On January 10, 1977, after a trial on the merits in Civil Action Numbers 74 C 1030 and 74 C 2510 before the Honorable John F. Grady, a decision was rendered finding said Letters Patent Re. 28,507 valid and infringed by the defendants in those actions by the manufacture and sale of certain television games using digital circuitry and embodying the subject matter of that patent. On June 1, 1977, a final judgment to that effect was entered which, among other things, enjoined certain of the defendants therein from further infringing said Letters Patent Re. 28,507.

9. On August 5, 1980, plaintiffs filed a complaint for infringement of United States Letters Patent Re. 28,507 in the United States District Court for the Northern District of Illinois in the action The Magnavox Company and Sanders Associates, Inc. v. Mattel, Inc., et al., Civil Action No. 80 C 4124. On July 29,

by reason of its activities with respect to said television game cartridges. Defendant's infringement, inducements to infringe, and contributory infringements of United States Letters Patent Re. 28,507 will continue unless enjoined by this Court.

11. Defendant's infringements, inducements to infringe, and contributory infringements of said United States Letters Patent Re. 28,507 were and are willful and with full knowledge of said Letters Patent.

12. Plaintiff THE MAGNAVOX COMPANY has placed or caused to be placed the required statutory notice on television games manufactured or sold by it under said United States Letters Patent. Defendant has received notice of said United States Letters Patent from plaintiff THE MAGNAVOX COMPANY.

WHEREFORE, Plaintiffs demand both a preliminary and a permanent injunction against continued infringement of said United States Letters Patent Re. 28,507 by defendant; an accounting of the damages to plaintiffs and the profits to defendant caused by said infringements of said Letters Patent Re. 28,507; an assessment of three times the damages and profits so

determined; an award of reasonable attorney fees; an assessment of interest and costs against defendant; and any other relief which the Court may deem just under the circumstances.

\_\_\_\_\_, 1982

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Attorneys for Plaintiffs  
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Sanders Associates, Inc.

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