

NEUMAN, WILLIAMS, ANDERSON & OLSON

77 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602

COPY



September 2, 1983

Thomas A. Briody, Esquire
Corporate Patent Counsel
North American Phillips Corp.
580 White Plains Road
Tarrytown, New York 10591

Re: Magnavox et al. v. Activision

Dear Tom:

As we discussed on the telephone yesterday morning, Ted Wright of the Flehr, Hohbach firm in San Francisco arrived at our offices to inspect documents being produced by Magnavox in the Activision case. When he arrived, he informed us that Roger Greer of Welsh & Katz would be assisting him in the document inspection. He also stated that Welsh & Katz had been retained as additional counsel by Activision. We immediately told Ted Wright that we might have some problems in permitting Roger Greer to inspect the documents, and then discussed the matter with you by telephone.

In accord with our telephone conversation, when Roger arrived we informed him that we would not permit him to inspect the documents at this time. We stated that we had at least two concerns. The first is that the Protective Order entered in this action permits use of documents produced under it only for the purposes of the Activision litigation. We do not understand how Welsh & Katz can represent their clients in other actions on the same patent and adhere to this provision of the order. Second, the representation by Welsh & Katz is probably a violation of the previous agreement entered into with members of that firm and Bally Midway in connection with settlement of the 1974 case. We informed Roger that we had these matters under consideration and had not yet come to a firm conclusion,

WELSH & KATZ

Thomas A. Briody, Esquire

Attorneys at Law

September 2, 1983

Page Two

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but under the circumstances could not permit him to inspect the documents at this time. We did agree that he would be able to inspect the documents at a later time once the matter was resolved appropriately.

While Roger was here he gave me a letter concerning the retention of Welsh & Katz by Activision. A copy of the letter is enclosed.

We are reviewing the early Bally Midway settlement agreement as well as Judge Henderson's opinion on the motion to disqualify the Flehr, Hobbach firm and we will discuss the matter with you further when we have completed that review.

in. Williams, Anderson & Olson
77 West Washington Street
Chicago, Illinois 60602

Very truly yours,

Re: **NEUMAN, WILLIAMS, ANDERSON & OLSON**
Activision, Inc.
Civil Action No. C 83 5270 TEH
By James T. Williams

Dear Jim:

JTW:bj
Enclosure We have been retained by Activision, Inc. in connection with the above-referenced litigation. Accordingly, we are outside counsel within the provisions of paragraph 2 of the related protective order.

cc: **William J. Streeter, w/encl.**
Charles E. Quarton, w/encl.
Louis Ettlinger, w/encl.
Theodore W. Anderson, w/encl.

Very yours,
WELSH & KATZ

By Roger D. Greer
Roger D. Greer

RDG:lg

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August 30, 1983

James T. Williams, Esq.
Neuman, Williams, Anderson & Olson
77 West Washington Street
Chicago, Illinois 60602

Re: The Magnavox Company v.
Activision, Inc.
Civil Action No. C 82 5270 TEH
Our File 43225

Dear Jim:

We have been retained by Activision, Inc. in connection with the above-referenced litigation. Accordingly, we are outside counsel within the provisions of paragraph 2 of the March 15, 1983 stipulated protective order.

Very truly yours,

WELSH & KATZ

By


Roger D. Greer

RDG:ld