

3 available reporter series.

4 E. Plaintiffs object to paragraph E of this  
5 interrogatory as requesting information which is neither  
6 relevant to the subject matter involved in this action nor  
7 reasonably calculated to lead to the discovery of admissible  
8 evidence.

9 F. Plaintiffs object to paragraph F of this  
10 interrogatory as being vague and indefinite.

11  
12 INTERROGATORY NO. 32

13 Has Magnavox or Sanders ever made a study with regard  
14 to the validity or enforceability of any of the claims of the  
15 patents identified in response to INTERROGATORY NO. 1 or  
16 INTERROGATORY NO. 3?

17 Plaintiffs object to this interrogatory as  
18 requesting information which is neither relevant to the  
19 subject matter involved in this action nor reasonably  
20 calculated to lead to the discovery of admissible evidence.

21 INTERROGATORY NO. 33

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

- 24 A. The patent(s) and claim(s) involved;  
25 B. When the study was made;  
26 C. Identify all persons participating in the  
27 study;  
28 D. Describe the study in detail, including the  
outcome of the study;

- 1 E. Identify any prior art considered in connection  
2 with the study;
- 3 F. Set forth the circumstances under which the  
4 study was made, including the reason that the  
5 study was made;
- 6 G. Describe any action taken as a result of the  
7 study;
- 8 H. Identify all persons having knowledge of the  
9 study;
- 10 I. Identify all communications relating to the  
11 study; and
- 12 J. Identify all documents which refer or relate in  
13 any way to the subject matter of parts A  
14 through I of this interrogatory.

15 No response required. See also the objection stated  
16 in plaintiffs' response to interrogatory 32.

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23 INTERROGATORY NO. 34

24 Has Magnavox or Sanders ever formed a conclusion  
25 that any of the claims of the patents identified in response to  
26 INTERROGATORY NO. 1 or INTERROGATORY NO. 3 is or might be  
27 invalid or unenforceable for any reason?

28 Plaintiffs object to this interrogatory as  
requesting information which is neither relevant to the  
subject matter involved in this action nor reasonably  
calculated to lead to the discovery of admissible evidence.

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33 INTERROGATORY NO. 35

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

- 37 A. Identify the claim and the patent in which the  
38 claim is found;

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

18 No response required. See also the objection stated  
19 in plaintiffs' response to interrogatory 34.  
20  
21  
22

23 INTERROGATORY NO. 36

24 Has anyone ever suggested to Magnavox or Sanders  
25 that any of the claims of the patents identified in response to  
26 INTERROGATORY NO. 1 and INTERROGATORY NO. 3 might be invalid  
27 or unenforceable?  
28

Plaintiffs object to this interrogatory as  
requesting information which is neither relevant to the  
subject matter involved in this action nor reasonably  
calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 37

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

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- A. Identify the claim(s) suggested to be invalid or unenforceable;
- B. Identify the person(s) suggesting that the claim was invalid or unenforceable;
- C. Set forth in detail the grounds upon which the claim was said to be invalid or unenforceable;
- D. Which of the grounds identified in response to part C of this interrogatory were or are of the greatest concern to Magnavox and Sanders?
- E. State why the grounds identified in response to part D of this interrogatory are of the greatest concern;
- F. Describe in detail the circumstances under which the suggestion of invalidity or unenforceability was made;
- G. Describe in detail any action taken by Magnavox or Sanders in connection with or as a result of the suggestion of invalidity or unenforceability;
- H. Identify all persons having knowledge of the subject matter of parts A through G of this interrogatory;
- I. Identify all communications relating to the subject matter of parts A through H of this interrogatory; and
- J. Identify all documents which refer or relate in any way to the subject matter of parts A through I of this interrogatory.

No response required. See also the objection stated in plaintiffs' response to interrogatory 36.

INTERROGATORY NO. 38

Identify the claims of United States Letters Patent Re. 28,507 which Magnavox and Sanders contend have been infringed by Activision.

Plaintiffs are at this time unable to fully state what contentions they will make at trial as to the subject



1 matter of Interrogatories 38 and 39 and those other  
2 interrogatories which reference this response. These  
3 interrogatories seek information as to plaintiffs' contentions  
4 with regard to infringement of the patent in suit. Plaintiffs  
5 have not completed their discovery as to the television game  
6 products manufactured, used, and/or sold by Activision, so  
7 they have been unable to fully formulate their contentions as  
8 to infringement. Plaintiffs hereinafter state their  
9 contentions as they are presently best able to determine them  
10 in light of the information presently available to them; they  
11 specifically reserve the right to alter these contentions when  
12 more complete information becomes available. To the extent  
13 either of interrogatories 38 and 39 presently requires any  
14 further response than that given hereinafter, plaintiffs  
15 object to the interrogatory as premature.

16 As presently advised, plaintiffs contend that the  
17 manufacture, use, or sale by Activision of the "Fishing Derby",  
18 "Boxing", "Tennis" and "Ice Hockey" television game cartridges  
19 constitute acts of contributory infringement and inducement to  
20 infringe at least claims 25, 26, 44, 45, 51, 52, 60, 61, and 62  
21 of United States Patent Re. 28,507.

22  
23 INTERROGATORY NO. 39

24 For each of the claims identified in response to  
25 INTERROGATORY NO. 38, set forth in detail the manner in which  
26 the claim has been infringed by Activision, including:

- 27 A. The activities of Activision which constitute  
28 infringement;

1  
2 SUPPLEMENTAL RESPONSE TO 38  
3

4 Plaintiffs are at this time unable to fully state what  
5 contentions they will make at trial as to the subject matter of  
6 Interrogatories 38 and 39. These interrogatories seek information  
7 as to plaintiff's contentions with regard to infringement of the  
8 Re. 28,507 patent. Plaintiffs have not completed their discovery  
9 as to the television game products manufactured, used, and/or sold  
10 by Activision, so they have been unable to fully formulate their  
11 contentions as to infringement. Plaintiffs hereinafter state  
12 their contentions as they are presently best able to determine  
13 them in light of the information presently available to them; they  
14 specifically reserve the right to alter these contentions when  
15 more complete information becomes available. To the extent either  
16 of interrogatories 38 and 39 presently requires any further  
17 response than that given hereinafter, plaintiffs object to the  
18 interrogatory as premature.

19 As presently advised, plaintiffs contend that the  
20 manufacture, use, or sale by Activision of the following televis-  
21 ion game cartridges constitute acts of contributory infringement  
22 and inducement to infringe at least claims 25, 26, 44, 45, 51, 52,  
23 60, 61, and 62 of United States Patent Re. 28,507:

24	Tennis	Ice Hockey
	Boxing	Fishing Derby
25	Dolphin	Keystone Kapers
	Decathlon	Stampede
26	Grand Prix	Barnstorming
	Sky Jinks	Enduro
27	Pressure Cooker	

INTERROGATORY NO. 39

For each of the claims identified in response to INTERROGATORY NO. 38, set forth in detail the manner in which the claim has been infringed by Activision, including:

- A. The activities of Activision which constitute infringement;
- B. State when and under what circumstances each of the activities identified in response to part A of this interrogatory came to the attention of Magnavox and/or Sanders;
- C. Identify each television game cartridge made, used and/or sold by Activision which constitutes an infringement of the claim either by itself or in combination with a television game console;
- D. For each of the game cartridges identified in response to part C of this interrogatory, state precisely where each element of the claim is found in the cartridge or cartridge/ console combination;
- E. Identify all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- F. Identify all communications relating to the subject matter of parts A through E of this interrogatory; and
- G. Identify all documents which refer or relate in any way to the subject matter of parts A through F of this interrogatory.

See the response to interrogatory 38.

A. The making, using, selling, and offering for sale of the television game cartridges referred to in the response to interrogatory 38.

B. As presently advised, personnel of plaintiffs associated with the prosecution of this action first became aware of such activities in early 1981. Other personnel of plaintiffs may have had earlier knowledge.

C. See the response to interrogatory 38.

D. Plaintiffs are unable to respond to paragraph D of this interrogatory at this time. See the response to interrogatory 38.

E. The principal persons having knowledge of the subject matter of paragraph B are plaintiffs' counsel.

F. The information requested can be derived or ascertained from the files of plaintiff Magnavox relating to the negotiations with Activision which file will be produced according to the statement made in the introduction to these interrogatories.

G. Plaintiffs object to this interrogatory as being vague and indefinite.

SUPPLEMENTAL RESPONSE TO 39

See the response to interrogatory 38.

A. The making, using, selling, and offering for sale of the television game cartridges referred to in the response to interrogatory 38.

C. See the response to interrogatory 38.

D. Plaintiffs are unable to respond to paragraph D of this interrogatory at this time. See the response to interrogatory 38.

1 E. The principal persons having knowledge of the  
2 subject matter of paragraph B are plaintiffs' counsel.

3 F. The information requested can be derived or  
4 ascertained from the files of plaintiff Magnavox relating to  
5 the negotiations with Activision which file will be produced  
6 according to the statement made in the introduction to these  
7 interrogatories.

8 G. Plaintiffs object to this interrogatory as  
9 being vague and indefinite.

10  
11 INTERROGATORY NO. 40

12 Referring to the Activision video game cartridge  
13 catalog attached to these interrogatories as Exhibit A,  
14 identify each of the games described therein which does not  
15 infringe any of the claims of United States Letters Patent Re.  
16 28,507.

17 Plaintiffs object to this interrogatory as  
18 requesting information which is neither relevant to the  
19 subject matter involved in this action nor reasonably  
20 calculated to lead to the discovery of admissible evidence.  
21 Plaintiffs also object to this interrogatory as premature. See  
22 the response to interrogatory 38.

23 INTERROGATORY NO. 41

24 For each of the games identified in response to  
25 INTERROGATORY NO. 40, state the reasons why the game does not  
26 infringe the patent.

27 Plaintiffs object to this interrogatory as  
28 requesting information which is neither relevant to the

1 subject matter involved in this action nor reasonably  
2 calculated to lead to the discovery of admissible evidence.  
3 Plaintiffs also object to this interrogatory as premature. See  
4 the response to interrogatory 38.

5  
6 INTERROGATORY NO. 42

7  
8 Has Magnavox or Sanders ever made an examination or  
9 investigation of any of the game cartridges identified in the  
10 catalog attached as Exhibit A to determine whether the  
11 cartridge constitutes an infringement of United States Letters  
12 Patent Re. 28,507 either by itself or when used in combination  
13 with a television game console?

14 Counsel for plaintiffs made an examination or  
15 investigation of certain of the television game cartridges  
16 identified in the catalog attached as Exhibit A to the  
17 interrogatories prior to the filing of this action.

18  
19 INTERROGATORY NO. 43

20 If the answer to INTERROGATORY NO. 42 is other than  
21 an unqualified negative, for each such examination or  
22 investigation:

- 23 A. Identify the game cartridge subject to exami-  
24 nation or investigation;
- 25 B. State when, where and by whom the examination  
26 or investigation was made;
- 27 C. Describe in detail the examination or investi-  
28 gation made;
- D. State the results of the examination or  
investigation;
- E. Identify any equipment, instrumentation or  
apparatus employed in the examination or  
investigation;
- F. Identify all persons having knowledge of the  
examination or investigation;



1 combination with a television receiver constitute acts of  
2 infringement of the claims of United States Patent Re. 28,507  
3 stated in that response. Such consoles of which plaintiffs are  
4 presently aware are the Atari VCS Model 2600, the Sears Tele-  
5 Game Video Arcade, and the combination of the Coleco  
6 Colecovision television game console and the Expansion  
7 Module 1. See plaintiffs' response to interrogatory 38.

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10 INTERROGATORY NO. 51

11 For each television game console identified in  
12 response to INTERROGATORY NO. 50, identify the Activision game  
13 cartridge(s) which result in infringement.

14 See plaintiffs' responses to interrogatories 50 and  
15 38.

16 INTERROGATORY NO. 52

17 For each television game console identified in  
18 response to INTERROGATORY NO. 50 and each game cartridge  
19 identified in response to INTERROGATORY NO. 51, identify the  
20 claim(s) infringed by the combination.

21 See plaintiffs' responses to interrogatories 50 and  
22 38.

23 INTERROGATORY NO. 53

24 For each claim identified in response to  
25 INTERROGATORY NO. 52, state specifically where each element of  
26 the claim is found in the game console and cartridge.

27 See plaintiffs' response to interrogatory 38.  
28

1 patent other than United States Patent Re. 28,507. To the  
2 extent this interrogatory requires any further response,  
3 plaintiffs object to it as requesting information which is  
4 neither relevant to the subject matter involved in this action  
5 nor reasonably calculated to lead to the discovery of  
6 admissible evidence. As to United States Patent Re. 28,507,  
7 see plaintiffs' responses to interrogatories 38, 39, 44, 46, 47  
8 and 50.

9  
10  
11 INTERROGATORY NO. 65

12 If the answer to INTERROGATORY NO. 64 is other than  
13 an unqualified negative, set forth in detail the manner in  
14 which the use of the cartridge in the licensed console  
15 constitutes an infringement.

16  
17 No response required.

18  
19  
20 SUPPLEMENTAL RESPONSE TO 65

21 The use of the combination of an Activision game  
22 cartridge and a television game console, either by itself or in  
23 further combination with a television receiver, results in an  
24 act of infringement.  
25  
26  
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1 K. Identify all documents which refer or relate in  
2 any way to the subject matter of parts A through  
3 J of this interrogatory.

4 A. Magnavox, its sublicensees under United States  
5 Patent Re. 28,507 and others including Activision. Because the  
6 subject matter involved is a consumer product, it is virtually  
7 impossible for plaintiffs to identify each person who has used  
8 or sold a game embodying the subject matter of that patent.

9 B-H&J. The information requested and available  
10 to plaintiffs can be derived or ascertained from the files of  
11 plaintiffs relating to licenses under United States Patent Re.  
12 28,507 and, in some cases, documents produced during  
13 litigation describing such games, which files and documents  
14 will be produced according to the statement made in the  
15 introduction to these interrogatories.

16 I. Those persons having the greatest knowledge  
17 will be identified in the documents referred to in the response  
18 to paragraphs B-H and J of this interrogatory.

19 K. Plaintiffs object to paragraph K of this  
20 interrogatory as being vague and indefinite.

21 INTERROGATORY NO. 74

22 Do Magnavox and Sanders deny that any of the  
23 following constitute prior art with regard to United States  
24 Letters Patent Re. 28,507:

- 25 A. U.S. Patent 3,728,480 (Baer);  
26 B. J. M. Gratz, SPACEWAR! REAL-TIME CAPABILITY OF  
27 THE PDP-1, Decus Proceedings, 1962, pages 37-  
28 39;  
C. The Spacewar game played at Massachusetts  
Institute of Technology in 1962, as described

1 in the Decus publication identified in part B  
2 of this interrogatory;

3 D. The battling spaceship game which James T.  
4 Williams observed being played on a PDP-1  
5 computer at Stanford University in the 1960's;

6 E. The tennis game developed at Brookhaven  
7 National Laboratory about 1958 by Willy  
8 Higinbothom, utilizing an analog computer and a  
9 cathode ray tube;

10 F. U.S. Patent 3,135,815 (Spiegel); and

11 G. U.S. Patent 2,847,661 (Althouse).

12 A. Yes.

13 B. Yes.

14 C. Yes.

15 D. Yes.

16 E. Yes.

17 F. No.

18 G. No.

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19 INTERROGATORY NO. 75

20 If the answer to any part of INTERROGATORY NO. 74 is  
21 other than an unqualified negative, set forth in detail the  
22 reason(s) for the answer given to such part.

23 A. The application for U.S. Patent 3,728,480 was  
24 filed after the invention of United States Patent Re. 28,507  
25 was conceived and reduced to practice by William T. Rusch.  
26 Plaintiffs do not deny that at least portions of the subject  
27 matter described in U.S. Patent 3,728,480 are prior art with  
28 regard to United States Patent Re. 28,507.

B. That article contains an inadequate disclosure  
of the device or apparatus purportedly described therein to  
constitute prior art.

1 C. Plaintiffs are unable to determine what is  
2 meant by the term "[t]he Spacewar game" and thus are unable to  
3 determine with specificity what game is referred to;  
4 plaintiffs do not deny that certain games known as "Spacewar"  
5 were played at Massachusetts Institute of Technology in the  
6 early 1960's.

7 D. There is inadequate information available  
8 concerning any such game to determine that it constitutes prior  
9 art or to cause it to be considered as prior art.

10 E. Plaintiffs are unable to determine what is  
11 meant by the term "[t]he tennis game".

12 F. No response required.

13 G. No response required.

14  
15 INTERROGATORY NO. 76

16 For each of the claims identified in response to  
17 INTERROGATORY NO. 38, set forth in detail the manner in which  
18 Magnavox and Sanders contend that the claim defines patentable  
19 subject matter over the references and other prior art  
20 identified in INTERROGATORY NO. 74.

21 Plaintiffs object to this interrogatory as being  
22 premature. It requests information concerning plaintiffs'  
23 ultimate contentions on the prior art and this case is in the  
24 very beginning stages of discovery. Responses to this  
25 interrogatory shall be deferred until the case approaches  
26 readiness for trial. Moreover, it is the burden of defendant  
27 to demonstrate how the prior art upon which it relies applies  
28 to the relevant claims of the patent in suit, and plaintiffs  
may then refute that demonstration. Defendant has as yet made

1 no such demonstration in this action. Further, as shown by  
2 plaintiffs' response to interrogatory 75, many of the items  
3 referred to in interrogatory 74 are inadequately identified to  
4 permit plaintiffs to respond to this interrogatory 76.

5  
6 INTERROGATORY NO. 77

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

10 Plaintiffs object to this interrogatory as being  
11 vague and indefinite and, to the extent it is understood, as  
12 requesting information which is neither relevant to the  
13 subject matter involved in this action nor reasonably  
14 calculated to lead to the discovery of admissible evidence.

15  
16 INTERROGATORY NO. 78

17 Identify all persons employed by either Sanders or  
18 Magnavox who have knowledge of any of the references or other  
19 prior art identified in INTERROGATORY NO. 74.

20 Plaintiffs object to this interrogatory as  
21 requesting information which is neither relevant to the  
22 subject matter involved in this action nor reasonably  
23 calculated to lead to the discovery of admissible evidence.

24  
25 INTERROGATORY NO. 79

26 Identify all foreign patents and patent applications  
27 corresponding to United States Letters Patent Re. 28,507  
and/or United States Letters Patent No. 3,659,284.



1                   No response required.  
2

3  
4                   INTERROGATORY NO. 84

5                   Do Magnavox and Sanders consider the disappearance  
6 of a symbol from the screen of a television receiver to  
7 constitute imparting a distinct motion to the symbol within the  
8 meaning of Claim 51 of United States Letters Patent Re. 28,507?

9                   Plaintiffs object to interrogatories 84 and 86 as  
10 requesting information which is neither relevant to the  
11 subject matter involved in this action nor reasonably  
12 calculated to lead to the discovery of admissible evidence.  
13 Whether any particular television game comes within the  
14 language of any claim or claim element of United States Patent  
15 Re. 28,507 must be considered within the total context of the  
16 game. It is not possible to make such a determination with  
17 knowledge of only one particular aspect of the game; any such  
18 determination that might be made would be virtually  
19 meaningless.

20                   INTERROGATORY NO. 85

21                   If the answer to INTERROGATORY NO. 84 is other than  
22 an unqualified affirmative, state fully the reason(s) for such  
23 answer.

24                   No response required.

25                   INTERROGATORY NO. 86

26                   Do Magnavox and Sanders consider a change in the  
27 color of a symbol on the screen of a television receiver to  
28 constitute imparting a distinct motion to the symbol within the  
meaning of Claim 51 of United States Letters Patent Re. 28,507?

1 See the response to interrogatory 84.  
2

3  
4 INTERROGATORY NO. 87

5 If the answer to INTERROGATORY NO. 86 is other than  
6 an unqualified affirmative, explain fully the reason(s) for  
7 such answer.

8 No response required.

9 INTERROGATORY NO. 88

10 Do Magnavox and Sanders deny that the Spacewar game  
11 described in the Decus publication identified in INTERROGATORY  
12 NO. 74 includes means for ascertaining coincidence between two  
13 symbols and means for imparting a distinct motion to one of the  
14 symbols upon coincidence?

15 Yes.

16 INTERROGATORY NO. 89

17 If the answer to INTERROGATORY NO. 88 is other than  
18 an unqualified negative, explain fully the reason(s) for such  
19 answer.

20 The Decus publication does not include a sufficient  
21 description of any device or apparatus to make it possible to  
22 determine whether the demonstration program it purports to  
23 describe in combination with the apparatus upon which it was to  
24 be used included any such means.

25 INTERROGATORY NO. 90

26 Do Magnavox and Sanders contend that there is any  
27 difference between the apparatus defined by Claim 51 of United  
28 States Letters Patent Re. 28,507 and the apparatus disclosed in  
the Decus publication identified in INTERROGATORY NO. 74 other  
than the substitution of a television receiver for another type  
of cathode ray tube display?

1 INTERROGATORY NO. 101

2 During the examination and prosecution of the  
3 application which led to Reissue Patent 28,507, did anyone  
4 acting on behalf of Magnavox or Sanders ever disclose the  
5 existence of U.S. Patent 3,728,480 and its teaching of  
6 coincidence to Examiner Trafton or any other Examiner involved  
7 in the examination of this application?

8 Plaintiffs object to interrogatories 101-104 as  
9 requesting information which is neither relevant to the  
10 subject matter involved in this action nor reasonably  
11 calculated to lead to the discovery of admissible evidence.  
12 The subject matter disclosed in United States Patent 3,728,480  
13 was considered by both United States District Court  
14 Judge John F. Grady in arriving at his conclusion that United  
15 States Patent Re. 28,507 is valid over the prior art, The  
16 Magnavox Co., et al. v. Chicago Dynamics Industries, Inc., et  
17 al., 201 U.S.P.Q. 25 (N.D.Ill. 1977), and by United States  
18 District Court Judge George N. Leighton in reaching a similar  
19 conclusion, The Magnavox Co., et al. v. Mattel, Inc., et al.,  
20 216 U.S.P.Q. 28 (N.D.Ill. 1982). The applications for United  
21 States Patent 3,728,480 were cited nine times in the  
22 application for United States Patent Re. 28,507. Moreover,  
23 United States Patent 3,728,480 itself is not prior art to the  
24 invention of the patent here in suit. Any facts relating to the  
25 disclosure or lack thereof to the Patent and Trademark Office  
26 are simply of no possible relevance to this action.

26 INTERROGATORY NO. 102

27 If the answer to INTERROGATORY NO. 101 is other than  
28 an unqualified negative, identify each such disclosure,  
including:

SUPPLEMENTAL RESPONSE TO 101

The extent of plaintiffs' present knowledge on the subject matter of interrogatories 101-104 is set forth in the prosecution file history of Reissue Patent Re. 28,507 wherein specific reference is made to the application for U.S. Patent 3,728,480, and in the transcripts of the depositions of James T. Williams taken on March 22, 23, and 26, 1976 and Richard I. Seligman taken on April 7 and 8, 1976. The transcripts are among the documents plaintiffs have previously offered to produce for inspection and copying by defendant's counsel; moreover, defendant's counsel personally attended those depositions.

INTERROGATORY NO. 102

If the answer to INTERROGATORY NO. 101 is other than an unqualified negative, identify each such disclosure, including:

- A. The date of the disclosure;
- B. The form in which the disclosure was made;
- C. Identification of the person(s) who made the disclosure;
- D. Identification of the Examiner(s) to whom the disclosure was made;
- E. The full substance of the disclosure;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 101.

SUPPLEMENTAL RESPONSE TO 102

See plaintiffs' supplemental response to interrogatory 101.

INTERROGATORY NO. 103

During the examination and prosecution of the application which led to Reissue Patent 28,507, did Examiner Trafton or any other Examiner who participated in the examination of the application ever indicate to Magnavox or Sanders or anyone acting on their behalf that he was aware of U.S. Patent 3,728,480 and/or the teaching of coincidence in that patent?

See plaintiffs' response to interrogatory 101.

SUPPLEMENTAL RESPONSE TO 103

See plaintiff's supplemental response to interrogatory 101.

INTERROGATORY NO. 104

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

- A. The date of the indication;
- B. The nature of the indication;
- C. Identification of the Examiner who made the indication;
- D. Identification of the person(s) to whom the indication was made;

- E. The full substance of the indication;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 101.

SUPPLEMENTAL RESPONSE TO 104

See plaintiffs' supplemental response to interrogatory 101.

INTERROGATORY NO. 105

Describe the spaceship game observed at Stanford University by James T. Williams, now one of the attorneys of record for plaintiffs, including the following:

- A. A detailed description of the game and the manner in which it was played;
- B. A description of the apparatus with which the game was played;
- C. The date(s) the game was observed by Mr. Williams;
- D. The circumstances under which the game was observed;
- E. Identification of all persons who were present when Mr. Williams observed the game;
- F. Identification of all persons having knowledge of the subject matter of parts A through D of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and



1 H. Identify all documents which refer or relate in  
2 any way to the subject matter of parts A  
3 through G of this interrogatory.

3 Plaintiffs object to interrogatories 105-116 as  
4 requesting information which is neither relevant to the  
5 subject matter involved in this action nor reasonably  
6 calculated to lead to the discovery of admissible evidence. A  
7 Space War demonstration was considered by both United States  
8 District Court Judge John F. Grady in arriving at his  
9 conclusion that United States Patent Re. 28,507 is valid over  
10 the prior art, The Magnavox Co., et al. v. Chicago Dynamics  
11 Industries, Inc., et al., 201 U.S.P.Q. 25 (N.D.Ill. 1977), and  
12 by United States District Court Judge George N. Leighton in  
13 reaching a similar conclusion, The Magnavox Co., et al. v.  
14 Mattel, Inc., et al., 216 U.S.P.Q. 28 (N.D.Tll. 1982). That  
15 game is at least as relevant as the Spaceship game referred to  
16 in this interrogatory. Any facts relating to the disclosure or  
17 lack thereof to the Patent and Trademark Office are simply of  
18 no possible relevance to this action.

SUPPLEMENTAL RESPONSE TO 105

The extent of plaintiffs' present knowledge on the  
subject matter of interrogatories 105-116 is set forth in the  
transcript of the deposition of James T. Williams taken on  
March 22, 23, and 26, 1976. The transcript is among the  
documents plaintiffs have previously offered to produce for  
inspection and copying by defendant's counsel; moreover,  
defendant's counsel personally attended that deposition.

INTERROGATORY NO. 106

Set forth in detail any differences between the spaceship game observed at Stanford University by Mr. Williams and the Spacewar game described in the Decus publication identified in INTERROGATORY NO. 74.

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 106

See plaintiffs' supplemental response to interrogatory 105.

INTERROGATORY NO. 107

Has James T. Williams ever discussed the spaceship game which he observed at Stanford University with any other person?

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 107

See plaintiffs' supplemental response to interrogatory 105.

INTERROGATORY NO. 108

If the answer to INTERROGATORY NO. 107 is other than an unqualified negative, identify each such discussion, including:

- A. Identification of each person involved in the discussion, including the relationship of each such person to Magnavox and/or Sanders;
- B. The date and place of the discussion;
- C. The circumstances under which the discussion was held;
- D. The substance of the discussion;
- E. Any action taken by Magnavox and/or Sanders as a result of the discussion;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 108

See plaintiffs' supplemental response to inter-

INTERROGATORY NO. 109

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

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 109

See plaintiffs' supplemental response to interrogatory 105.

1 INTERROGATORY NO. 110

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

4 A. Identification of the person(s) in the Patent  
5 Office to whom the disclosure was made;

6 B. The relationship, if any, of each person  
7 identified in response to part A of this  
interrogatory to the examination of the  
application which led to Reissue Patent 28,507;

8 C. The date of the disclosure;

9 D. The manner in which the disclosure was made;

10 E. Identify all persons having knowledge of the  
11 subject matter of parts A through D of this  
interrogatory;

12 F. Identify all communications relating to the  
13 subject matter of parts A through E of this  
interrogatory; and

14 G. Identify all documents which refer or relate in  
15 any way to the subject matter of parts A  
through F of this interrogatory.

16 See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 110

See plaintiffs' supplemental response to inter-  
rogatory 105.

INTERROGATORY NO. 111

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

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 111

See plaintiffs' supplemental response to inter-  
rogatory 105.

INTERROGATORY NO. 112

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

- A. Identification of the person(s) making the disclosure;
- B. Identification of the person(s) in the Patent Office to whom the disclosure was made;
- C. The relationship, if any, to Magnavox and/or Sanders of each person identified in response to part B of this interrogatory;
- D. The date of the disclosure;
- E. The manner in which the disclosure was made;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 112

See plaintiffs' supplemental response to  
interrogatory 105.

INTERROGATORY NO. 113

During the examination and prosecution of the application leading to Reissue Patent 28,507, did Examiner Trafton or any other Examiner ever indicate to Magnavox or Sanders that he was aware of the spaceship game which James T. Williams had observed at Stanford University?

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 113

See plaintiffs' supplemental response to interrogatory 105.

INTERROGATORY NO. 114

If the answer to INTERROGATORY NO. 113 is other than an unqualified negative, identify each such indication, including:

- A. Identification of the Examiner giving the indication;
- B. Identification of the person(s) to whom the indication was given;
- C. The date(s) of the indication;
- D. The manner in which the indication was given;
- E. The substance of the indication;
- F. Identify all persons having knowledge of the subject matter of parts A through E of this interrogatory;
- G. Identify all communications relating to the subject matter of parts A through F of this interrogatory; and
- H. Identify all documents which refer or relate in any way to the subject matter of parts A through G of this interrogatory.

See plaintiffs' response to interrogatory 105.



SUPPLEMENTAL RESPONSE TO 114

See plaintiffs' supplemental response to interrogatory 105.

INTERROGATORY NO. 115

Does Magnavox and/or Sanders have any reason to believe that during the examination of the application leading to Reissue Patent 28,507 Examiner Trafton or any other Examiner participating in the examination was aware of either U.S. Patent 3,728,480 or the spaceship game which James T. Williams had observed at Stanford University?

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 115

See plaintiffs' supplemental response to interrogatory 105.

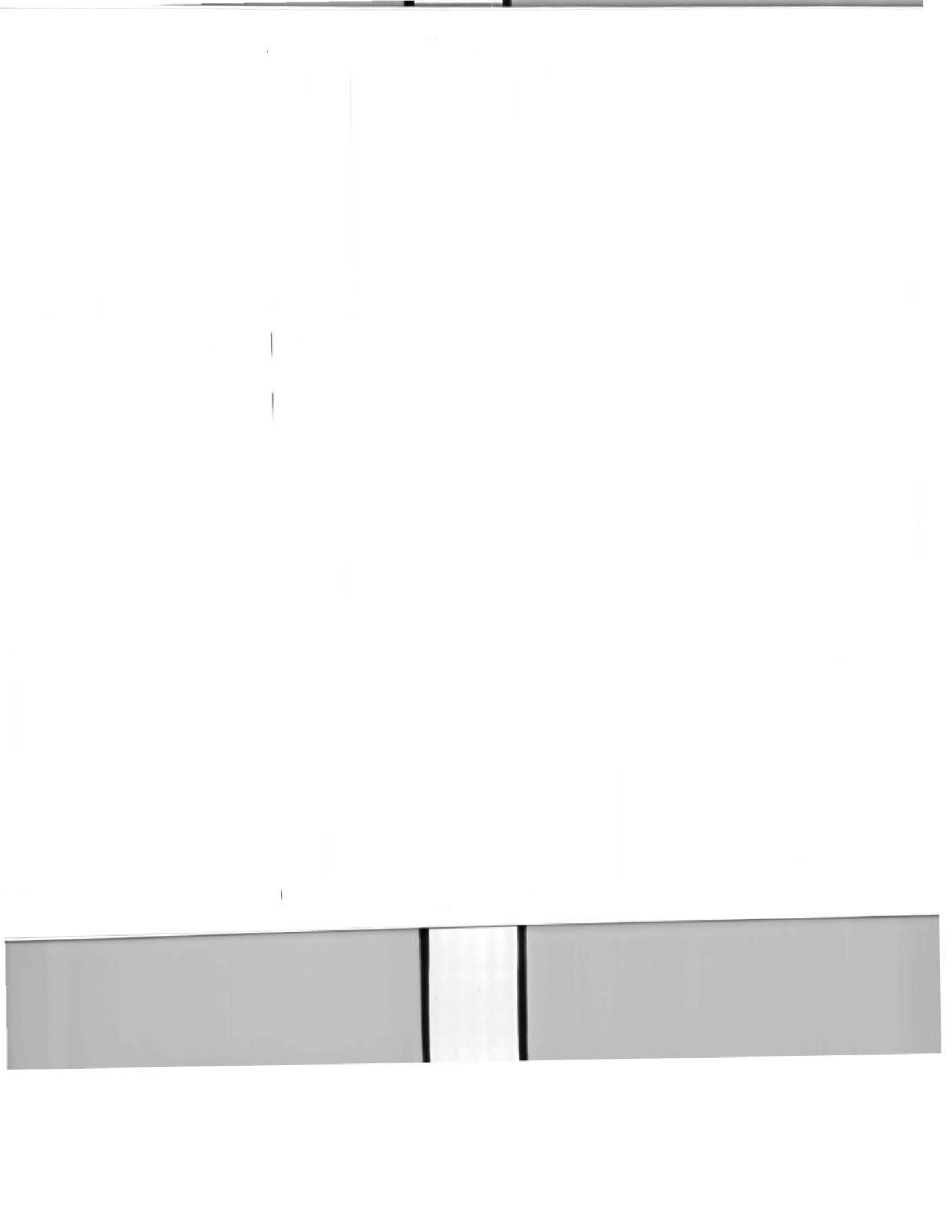
INTERROGATORY NO. 116

If the answer to INTERROGATORY NO. 117 is other than an unqualified negative, set forth in detail the reason(s) for such belief.

See plaintiffs' response to interrogatory 105.

SUPPLEMENTAL RESPONSE TO 116

See plaintiffs' supplemental response to interrogatory 105.



1           Interrogatory No. 126: For each combination of the  
2 games identified in response to Interrogatory No. 38 of  
3 Defendant's First Set of Interrogatories to Plaintiffs  
4 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey")  
5 and the consoles identified in response to Interrogatory  
6 No. 50 of Defendant's First Set of Interrogatories to  
7 Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-  
8 Game Video Arcade, and the combination of the Colecovision game  
9 console and the Expansion Module 1) which plaintiffs contend  
10 constitutes an infringement of Claim 25 of United States  
11 Patent Re. 28,507, identify the elements which plaintiffs  
12 contend correspond to the following elements of the claim:

- 13           (a) A hitting symbol;  
14           (b) Means for generating a hitting symbol;  
15           (c) A hit symbol;  
16           (d) Means for generating a hit symbol;  
17           (e) Coincidence between said hitting symbol  
18 and said hit symbol;  
19           (f) Means for ascertaining coincidence  
20 between said hitting symbol and said hit symbol;  
21           (g) A distinct motion imparted to said hit  
22 symbol upon coincidence; and  
23           (h) Means for imparting a distinct motion to  
24 said hit symbol upon coincidence.

25           Response to Interrogatory No. 126:

26           Plaintiffs are at this time unable to supply the  
27 information requested in interrogatories 126 through 134.  
28 Plaintiffs have not completed their discovery as to the

1            Interrogatory No. 128: For each combination of the  
2 games identified in response to Interrogatory No. 38 of  
3 Defendant's First Set of Interrogatories to Plaintiffs  
4 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice Hockey")  
5 and the consoles identified in response to Interrogatory  
6 No. 50 of Defendant's First Set of Interrogatories to  
7 Plaintiffs (namely, the Atari VCS Model 2600, the Sears Tele-  
8 Game Video Arcade, and the combination of the Colecovision game  
9 console and the Expansion Module 1) which plaintiffs contend  
10 constitutes an infringement of Claim 44 of United States  
11 Patent Re. 28,507, identify the elements which plaintiffs  
12 contend correspond to the following elements of the claim:

- 13            (a) A baseball type game;
- 14            (b) Apparatus for playing a baseball type  
15 game;
- 16            (c) A hit spot;
- 17            (d) Means for displaying a hit spot;
- 18            (e) A hitting spot;
- 19            (f) Means for displaying a hitting spot;
- 20            (g) An adjustment in the vertical position of  
21 said hitting spot;
- 22            (h) Means for adjusting the vertical position  
23 of said hitting spot;
- 24            (i) A serving of the hit spot;
- 25            (j) Means for serving said hit spot;
- 26            (k) A variation in the vertical position of  
27 the hit spot;
- 28

1 (l) Means for varying the vertical position of  
2 said hit spot;

3 (m) Coincidence between said hit and said  
4 hitting spot;

5 (n) A reversal of directions by the hit spot;  
6 and

7 (o) Means for denoting coincidence between  
8 said hit and said hitting spots whereby said hit spot  
9 will reverse directions.

10 Response to Interrogatory No. 128:

11 See plaintiffs' response to interrogatory 126.

12  
13 Interrogatory No. 129: For each combination of  
14 the games identified in response to Interrogatory No. 38  
15 of Defendant's First Set of Interrogatories to Plaintiffs  
16 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
17 Hockey") and the consoles identified in response to  
18 Interrogatory No. 50 of Defendant's First Set of  
19 Interrogatories to Plaintiffs (namely, the Atari VCS  
20 Model 2600, the Sears Tele-Game Video Arcade, and the  
21 combination of the Colecovision game console and the  
22 Expansion Module 1) which plaintiffs contend constitutes  
23 an infringement of Claim 45 of United States Patent  
24 Re. 28,507, identify the elements which plaintiffs  
25 contend correspond to the following elements of the  
26 claim:

27 (a) A hockey type game;

28

- 1 (b) Apparatus for playing a hockey type game;  
2 (c) A first hitting spot;  
3 (d) Means for displaying a first hitting spot;  
4 (e) A second hitting spot;  
5 (f) Means for displaying a second hitting  
6 spot;  
7 (g) [Omitted]  
8 (h) A hit spot;  
9 (i) Means for displaying a hit spot;  
10 (j) Control of the position of the first  
11 hitting spot;  
12 (k) Control of the position of the second  
13 hitting spot;  
14 (l) Means for controlling the position of said  
15 first and second hitting spots;  
16 (m) Controlling of the position of the hit  
17 spot;  
18 (n) Means for controlling the position of said  
19 hit spot;  
20 (o) Coincidence between the first hitting  
21 spot and the hit spot;  
22 (p) Coincidence between the second hitting  
23 spot and the hit spot;  
24 (q) Means for ascertaining coincidence  
25 between either of said hitting spots and said hit  
26 spot;  
27 (r) A distinct motion imparted to said hit  
28 spot upon coincidence; and



1 (a) Means for imparting a distinct motion to  
2 said hit spot upon coincidence.

3 Response to Interrogatory No. 129:

4 See plaintiffs' response to interrogatory 126.

5  
6 Interrogatory No. 130: For each combination of  
7 the games identified in response to Interrogatory No. 38  
8 of Defendant's First Set of Interrogatories to Plaintiffs  
9 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
10 Hockey") and the consoles identified in response to  
11 Interrogatory No. 50 of Defendant's First Set of  
12 Interrogatories to Plaintiffs (namely, the Atari VCS  
13 Model 2600, the Sears Tele-Game Video Arcade, and the  
14 combination of the Colecovision game console and the  
15 Expansion Module 1) which plaintiffs contend constitutes  
16 an infringement of Claim 51 of United States Patent  
17 Re. 28,507, identify the elements which plaintiffs  
18 contend correspond to the following elements of the  
19 claim:

20 (a) A hitting symbol;

21 (b) Means for generating a hitting symbol;

22 (c) A hit symbol;

23 (d) Means for generating a hit symbol;

24 (e) Coincidence between said hitting symbol  
25 and said hit symbol;

26 (f) Means for ascertaining coincidence  
27 between said hitting symbol and said hit symbol;  
28

1 (g) A distinct motion imparted to the hit  
2 symbol upon coincidence; and

3 (h) Means for imparting a distinct motion to  
4 said hit symbol upon coincidence.

5 Response to Interrogatory No. 130:

6 See plaintiffs' response to interrogatory 126.

7  
8 Interrogatory No. 131: For each combination of  
9 the games identified in response to Interrogatory No. 38  
10 of Defendant's First Set of Interrogatories to Plaintiffs  
11 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
12 Hockey") and the consoles identified in response to  
13 Interrogatory No. 50 of Defendant's First Set of  
14 Interrogatories to Plaintiffs (namely, the Atari VCS  
15 Model 2600, the Sears Tele-Game Video Arcade, and the  
16 combination of the Colecovision game console and the  
17 Expansion Module 1) which plaintiffs contend constitutes  
18 an infringement of Claim 52 of United States Patent  
19 Re. 28,507, identify the elements which plaintiffs  
20 contend correspond to the following elements of the  
21 claim:

22 (a) A variation in the horizontal position of  
23 the hitting symbol;

24 (b) A variation in the vertical position of  
25 the hitting symbol; and

26 (c) Means for providing horizontal and  
27 vertical control signals for varying the horizontal  
28 and vertical positions of said hitting symbol.

1                    Response to Interrogatory No. 131:

2                    See plaintiff's reponse to interrogatory 126.

3  
4                    Interrogatory No. 132: For each combination of  
5 the games identified in response to Interrogatory No. 38  
6 of Defendant's First Set of Interrogatories to Plaintiffs  
7 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
8 Hockey") and the consoles identified in response to  
9 Interrogatory No. 50 of Defendant's First Set of  
10 Interrogatories to Plaintiffs (namely, the Atari VCS  
11 Model 2600, the Sears Tele-Game Video Arcade, and the  
12 combination of the Colecovision game console and the  
13 Expansion Module 1) which plaintiffs contend constitutes  
14 an infringement of Claim 60 of United States Patent  
15 Re. 28,507, identify the elements which plaintiffs  
16 contend correspond to the following elements of the  
17 claim:

- 18                    (a) A vertical synchronization signal;  
19                    (b) A horizontal synchronization signal;  
20                    (c) Means for generating vertical and  
21 horizontal synchronization signals;  
22                    (d) Means responsive to said synchronization  
23 signals for deflecting the beam of a cathode ray tube  
24 to generate a raster on the screen of the tube;  
25                    (e) A first symbol on said screen;  
26                    (f) A position for the first symbol which is  
27 directly controlled by a player;

1 (g) Means coupled to said synchronization  
2 signal generating means and said cathode ray tube  
3 for generating a first symbol on said screen at a  
4 position which is directly controlled by a player;

5 (h) A second symbol on the screen which is  
6 movable;

7 (i) Means coupled to said synchronization  
8 signals generating means and said cathode ray tube  
9 for generating a second symbol on said screen which  
10 is movable;

11 (j) A first coincidence between said first  
12 symbol and said second symbol;

13 (k) Means coupled to said first symbol  
14 generating means and said second symbol generating  
15 means for determining a first coincidence between  
16 said first symbol and said second symbol;

17 (l) A distinct motion imparted to said second  
18 symbol in response to said coincidence; and

19 (m) Means coupled to said coincidence  
20 determining means and said second symbol generating  
21 means for imparting a distinct motion to said second  
22 symbol in response to said coincidence.

23 Response to Interrogatory No. 132:

24 See plaintiffs' response to interrogatory 126.

25 Interrogatory No. 133: For each combination of  
26 the games identified in response to Interrogatory No. 38  
27 of Defendant's First Set of Interrogatories to Plaintiffs  
28

1 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
2 Hockey") and the consoles identified in response to  
3 Interrogatory No. 50 of Defendant's First Set of  
4 Interrogatories to Plaintiffs (namely, the Atari VCS  
5 Model 2600, the Sears Tele-Game Video Arcade, and the  
6 combination of the Colecovision game console and the  
7 Expansion Module 1) which plaintiffs contend constitutes  
8 an infringement of Claim 61 of United States Patent  
9 Re. 28,507, identify the elements which plaintiffs  
10 contend correspond to the following elements of the  
11 claim:

12 (a) A third symbol on the screen of the  
13 cathode ray tube;

14 (b) Player control of the position of the  
15 third symbol;

16 (c) Means coupled to said synchronization  
17 signal generating means and said cathode ray tube  
18 for generating a third symbol on said screen at a  
19 position which is controlled by a player;

20 (d) A second coincidence between said third  
21 symbol and said second symbol;

22 (e) Means coupled to said third symbol  
23 generating means and second symbol generating means  
24 for determining a second coincidence between said  
25 third symbol and said second symbol;

26 (f) A first coincidence between said third  
27 symbol and said second symbol;

1 (g) A distinct motion imparted to said second  
2 symbol in response to the second coincidence; and

3 (h) Means coupled to said second and third  
4 symbol coincidence determining means and said second  
5 symbol generating means for imparting a distinct  
6 motion to said second symbol in response to said  
7 second coincidence.

8 Response to Interrogatory No. 133:

9 See plaintiffs' response to interrogatory 126.

10  
11 Interrogatory No. 134: For each combination of  
12 the games identified in response to Interrogatory No. 38  
13 of Defendant's First Set of Interrogatories to Plaintiffs  
14 (namely, "Fishing Derby", "Boxing", "Tennis" and "Ice  
15 Hockey") and the consoles identified in response to  
16 Interrogatory No. 50 of Defendant's First Set of  
17 Interrogatories to Plaintiffs (namely, the Atari VCS  
18 Model 2600, the Sears Tele-Game Video Arcade, and the  
19 combination of the Colecovision game console and the  
20 Expansion Module 1 which plaintiffs contend constitutes  
21 an infringement of Claim 62 of United States Patent  
22 Re. 28,507, identify the elements which plaintiffs  
23 contend correspond to the following elements of the  
24 claim:

25 (a) A traveling of the second symbol across  
26 the screen from one side of the raster to another in  
27 the absence of an occurrence of coincidence between  
28 said second symbol and said first or third symbol



1 after coincidence of said second symbol with said  
2 third or first symbol;

3 (b) A first coincidence of said second symbol  
4 with said third or first symbol;

5 (c) A second coincidence between said second  
6 symbol and said first or third symbol; and

7 (d) Means for causing said second symbol to  
8 travel across said screen from one side of said  
9 raster to another side of said raster in the absence  
10 of an occurrence of coincidence between said second  
11 symbol and said first or third symbol after  
12 coincidence of said second symbol with said third or  
13 first symbol.

14 Response to Interrogatory No. 134:

15 See plaintiffs' response to interrogatory 126.

16  
17 Interrogatory No. 135: Set forth in detail the  
18 nature of any additional information which plaintiffs  
19 deem necessary in order to respond fully to  
20 Interrogatories Nos. 38 and 39 of Defendant's First Set  
21 of Interrogatories to Plaintiffs.

22 Response to Interrogatory No. 135:

23 Full and complete detailed information as to  
24 the construction, operation, and programming of each  
25 television game cartridge manufactured, used, and/or sold  
26 by Activision and the television game consoles with which  
27 those cartridges are used.

1 (a) Identify the patent(s) under which the  
2 console is licensed or granted immunity from suit;

3 (b) Identify the license or other agreement in  
4 which the console is licensed or granted immunity  
5 from suit;

6 (c) Identify all persons having knowledge of  
7 the license or immunity from suit;

8 (d) Identify all communications relating to  
9 the license or immunity from suit; and

10 (e) Identify all documents which refer or  
11 relate in any way to the license or immunity from  
12 suit.

13 Response to Interrogatory No. 137:

14 See plaintiffs' response to interrogatory 136.

15  
16 Interrogatory No. 138: Identify all portions  
17 of the subject matter described in U.S. Patent 3,728,480  
18 which Magnavox and Sanders contend are not prior art with  
19 regard to United States Patent Re. 28,507.

20 Response to Interrogatory No. 138:

21 Plaintiffs object to interrogatories 138 and  
22 139 as placing an undue and unnecessary burden on  
23 plaintiffs to supply the requested information, as  
24 attempting to shift the burden of proof regarding prior  
25 art from defendant to plaintiff, and as being so broad as  
26 to include information which is neither relevant to the  
27 subject matter of this action nor reasonably calculated  
28 to lead to the discovery of admissible evidence. Further,

1 counsel for defendants can ascertain the requested  
2 information from the documents relating to the  
3 development of the inventions of United States Letters  
4 Patent Re. 28,507 and 3,728,480 and the deposition and  
5 trial transcripts of those persons having knowledge of  
6 the facts relating to those developments, which documents  
7 and transcripts plaintiffs have previously offered to  
8 produce for inspection and copying by defendant's  
9 counsel.

10  
11 Interrogatory No. 139: For each portion of the  
12 subject matter of U.S. Patent 3,728,480 identified in  
13 response to Interrogatory No. 138:

14 (a) Set forth in detail the basis of the  
15 contention that the portion of the subject matter is  
16 not prior art;

17 (b) Identify all persons having knowledge of  
18 the respective dates of invention of that portion of  
19 the subject matter and the subject matter of United  
20 States Letters Patent Re. 28,507; and

21 (c) Identify all documents which refer or  
22 relate in any way to the subject matter of this  
23 interrogatory, including all documents which  
24 support the contention that the portion of the  
25 subject matter is not prior art with regard to United  
26 States Letters Patent Re. 28,507.

27 Response to Interrogatory No. 139:  
28

1 See plaintiffs' response to interrogatory 138.

2

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Interrogatory No. 140: With regard to the invention of means for denoting coincidence when a dot generated by one dot generator is located in the same position on a television screen as a dot generated by another dot generator, as claimed in Claim 13 of U.S. Patent 3,728,480:

9

(a) What is the earliest date for each of the following:

10

11

(1) Conception;

12

(2) Actual reduction to practice; and

13

(3) Diligence toward reduction to

14

practice;

15

(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;

16

17

18

19

(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;

20

21

22

23

(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;

24

25

26

27

28

(e) Identify all persons to whom the invention was disclosed prior to May 27, 1969 and the date and place of each such disclosure;

1 (f) Identify all persons who had knowledge of  
2 the invention prior to May 27, 1969 and the date each  
3 such person learned of the invention;

4 (g) Identify all prototypes, laboratory  
5 models, breadboard circuits and other physical  
6 embodiments of the invention made prior to May 27,  
7 1969, including 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  
12 prior to May 27, 1969; and

13 (5) The present location and condition  
14 of each.

15 (h) Identify all persons not otherwise  
16 identified in response to this interrogatory who  
17 have knowledge of the subject matter of any of  
18 Parts (a) through (g) of this interrogatory, and  
19 indicate the subject matter of which each such  
20 person has knowledge; and

21 (i) Identify all documents which refer or  
22 relate in any way to the subject matter of this  
23 interrogatory.

24 Response to Interrogatory No. 140:

25 Plaintiffs object to interrogatories 140  
26 through 152 as being vague, indefinite, and unclear, and  
27 as requesting information which is neither relevant to  
28 the subject matter of this action nor reasonably

1 calculated to lead to the discovery of admissible  
2 evidence. As to each of those interrogatories,  
3 plaintiffs make no claim that the isolated subject matter  
4 referred to in the introductory clause of the  
5 interrogatory separately constitutes an invention. The  
6 inventions which are the subject of this action are  
7 defined in the complete claims of the patents in suit.  
8 Further, counsel for defendants can ascertain information  
9 concerning the construction of any apparatus including  
10 the subject matter referred to in the introductory clause  
11 of the interrogatory from the documents relating to the  
12 developments of the inventions of United States Letters  
13 Patent Re. 28,507 and 3,728,480 and the deposition and  
14 trial transcripts of those persons having knowledge of  
15 the facts relating to those developments, which documents  
16 and transcripts plaintiffs have previously offered to  
17 produce for inspection and copying by defendant's  
18 counsel.

19  
20 Interrogatory No. 141: With regard to the  
21 invention of means for ascertaining coincidence between a  
22 hitting symbol and a hit symbol as claimed in Claim 25 of  
23 United States Letters Patent Re. 28,507:

24 (a) What is the earliest date for each of the  
25 following:

- 26 (1) Conception;  
27 (2) Actual reduction to practice; and  
28



1 (3) Diligence toward reduction to  
2 practice;

3 (b) Describe in detail the events which  
4 constitute the conception, reduction to practice and  
5 diligence on which the dates set forth in response to  
6 Parts (a)(1)-(a)(3) of this interrogatory are based;

7 (c) Identify all persons who participated in  
8 each of the events described in response to Part (b)  
9 of this interrogatory, including the role of each  
10 such person;

11 (d) Identify the first person(s) to suggest  
12 the invention, state the date the invention was  
13 first suggested, and identify the person(s) to whom  
14 the invention was suggested;

15 (e) Identify all persons to whom the invention  
16 was disclosed prior to May 27, 1969 and the date and  
17 place of each such disclosure;

18 (f) Identify all persons who had knowledge of  
19 the invention prior to May 27, 1969 and the date each  
20 such person learned of the invention;

21 (g) Identify all prototypes, laboratory  
22 models, breadboard circuits and other physical  
23 embodiments of the invention made prior to May 27,  
24 1969, including the following:

- 25 (1) A concise description of each;  
26 (2) The date(s) each was made;  
27 (3) The person(s) who constructed each;

28

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

3 (5) The present location and condition  
4 of each.

5 (h) Identify all persons not otherwise  
6 identified in response to this interrogatory who  
7 have knowledge of the subject matter of any of  
8 Parts (a) through (g) of this interrogatory, and  
9 indicate the subject matter of which each such  
10 person has knowledge; and

11 (i) Identify all documents which refer or  
12 relate in any way to the subject matter of this  
13 interrogatory.

14 Response to Interrogatory No. 141:

15 See plaintiffs' response to interrogatory 140.

16  
17 Interrogatory No. 142: With regard to the  
18 invention of means for imparting a distinct motion to the  
19 hit symbol upon coincidence, as claimed in Claim 25 of  
20 United States Letters Patent Re. 28,507:

21 (a) What is the earliest date for each of the  
22 following:

- 23 (1) Conception;  
24 (2) Actual reduction to practice; and  
25 (3) Diligence toward reduction to  
26 practice;

27 (b) Describe in detail the events which  
28 constitute the conception, reduction to practice and

1 diligence on which the dates set forth in response to  
2 Parts (a)(1)-(a)(3) of this interrogatory are based;

3 (c) Identify all persons who participated in  
4 each of the events described in response to Part (b)  
5 of this interrogatory, including the role of each  
6 such person;

7 (d) Identify the first person(s) to suggest  
8 the invention, state the date the invention was  
9 first suggested, and identify the person(s) to whom  
10 the invention was suggested;

11 (e) Identify all persons to whom the invention  
12 was disclosed prior to May 27, 1969 and the date and  
13 place of each such disclosure;

14 (f) Identify all persons who had knowledge of  
15 the invention prior to May 27, 1969 and the date each  
16 such person learned of the invention;

17 (g) Identify all prototypes, laboratory  
18 models, breadboard circuits and other physical  
19 embodiments of the invention made prior to May 27,  
20 1969, including the following:

21 (1) A concise description of each;

22 (2) The date(s) each was made;

23 (3) The person(s) who constructed each;

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

26 (5) The present location and condition  
27 of each.  
28

1 (h) Identify all persons not otherwise  
2 identified in response to this interrogatory who  
3 have knowledge of the subject matter of any of  
4 Parts (a) through (g) of this interrogatory, and  
5 indicate the subject matter of which each such  
6 person has knowledge; and

7 (i) Identify all documents which refer or  
8 relate in any way to the subject matter of this  
9 interrogatory.

10 Response to Interrogatory No. 142:

11 See plaintiffs' response to interrogatory 140.  
12

13 Interrogatory No. 143: With regard to the  
14 invention of means for denoting coincidence between hit  
15 and hitting spots 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  
22 practice;

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

27 (c) Identify all persons who participated in  
28 each of the events described in response to Part (b)

1 of this interrogatory, including the role of each  
2 such person;

3 (d) Identify the first person(s) to suggest  
4 the invention, state the date the invention was  
5 first suggested, and identify the person(s) to whom  
6 the invention was suggested;

7 (e) Identify all persons to whom the invention  
8 was disclosed prior to May 27, 1969 and the date and  
9 place of each such disclosure;

10 (f) Identify all persons who had knowledge of  
11 the invention prior to May 27, 1969 and the date each  
12 such person learned of the invention;

13 (g) Identify all prototypes, laboratory  
14 models, breadboard circuits and other physical  
15 embodiments of the invention made prior to May 27,  
16 1969, including the following:

17 (1) A concise description of each;

18 (2) The date(s) each was made;

19 (3) The person(s) who constructed each;

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

22 (5) The present location and condition  
23 of each.

24 (h) Identify all persons not otherwise  
25 identified in response to this interrogatory who  
26 have knowledge of the subject matter of any of  
27 Parts (a) through (g) of this interrogatory, and  
28 indicate the subject matter of which each such  
person has knowledge; and

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

4 Response to Interrogatory No. 143:

5 See plaintiffs' response to interrogatory 140.  
6

7 Interrogatory No. 144: With regard to the  
8 invention of the concept of the hit spot reversing  
9 direction, as claimed in Claim 44 of United States  
10 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  
16 practice;

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

21 (c) Identify all persons who participated in  
22 each of the events described in response to Part (b)  
23 of this interrogatory, including the role of each  
24 such person;

25 (d) Identify the first person(s) to suggest  
26 the invention, state the date the invention was  
27 first suggested, and identify the person(s) to whom  
28 the invention was suggested;



1 (e) Identify all persons to whom the invention  
2 was 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  
5 the invention prior to May 27, 1969 and the date each  
6 such person learned of the invention;

7 (g) Identify all prototypes, laboratory  
8 models, breadboard circuits and other physical  
9 embodiments of the invention made prior to May 27,  
10 1969, including 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  
15 prior to May 27, 1969; and

16 (5) The present location and condition  
17 of each.

18 (h) Identify all persons' not otherwise  
19 identified in response to this interrogatory who  
20 have knowledge of the subject matter of any of  
21 Parts (a) through (g) of this interrogatory, and  
22 indicate the subject matter of which each such  
23 person has knowledge; and

24 (i) Identify all documents which refer or  
25 relate in any way to the subject matter of this  
26 interrogatory.

27 Response to Interrogatory No. 144:

28

1 See plaintiffs' response to interrogatory 140.

2

3 Interrogatory No. 145: With regard to the  
4 invention of means for ascertaining coincidence between  
5 either of two hitting spots and a hit spot, as claimed in  
6 Claim 45 of United States Letters Patent Re. 28,507:

7 (a) What is the earliest date for each of the  
8 following:

9 (1) Conception;

10 (2) Actual reduction to practice;

11 and

12 (3) Diligence toward reduction to  
13 practice;

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

18 (c) Identify all persons who participated in  
19 each of the events described in response to Part (b)  
20 of this interrogatory, including the role of each  
21 such person;

22 (d) Identify the first person(s) to suggest  
23 the invention, state the date the invention was  
24 first suggested, and identify the person(s) to whom  
25 the invention was suggested;

26 (e) Identify all persons to whom the invention  
27 was disclosed prior to May 27, 1969 and the date and  
28 place of each such disclosure;

1 (f) Identify all persons who had knowledge of  
2 the invention prior to May 27, 1969 and the date each  
3 such person learned of the invention;

4 (g) Identify all prototypes, laboratory  
5 models, breadboard circuits and other physical  
6 embodiments of the invention made prior to May 27,  
7 1969, including 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  
12 prior to May 27, 1969; and

13 (5) The present location and condition  
14 of each.

15 (h) Identify all persons not otherwise  
16 identified in response to this interrogatory who  
17 have knowledge of the subject matter of any of  
18 Parts (a) through (g) of this interrogatory, and  
19 indicate the subject matter of which each such  
20 person has knowledge; and

21 (i) Identify all documents which refer or  
22 relate in any way to the subject matter of this  
23 interrogatory.

24 Response to Interrogatory No. 145:

25 See plaintiffs' response to interrogatory 140.

26 Interrogatory No. 146: With regard to the  
27 invention of means for imparting a distinct motion to a  
28

1 hit spot upon coincidence with one of two hitting spots,  
2 as claimed in Claim 45 of United States Letters Patent  
3 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;

8 and

9 (3) Diligence toward reduction to  
10 practice;

11 (b) Describe in detail the events which  
12 constitute the conception, reduction to practice and  
13 diligence on which the dates set forth in response to  
14 Parts (a)(1)-(a)(3) of this interrogatory are based;

15 (c) Identify all persons who participated in  
16 each of the events described in response to Part (b)  
17 of this interrogatory, including the role of each  
18 such person;

19 (d) Identify the first person(s) to suggest  
20 the invention, state the date the invention was  
21 first suggested, and identify the person(s) to whom  
22 the invention was suggested;

23 (e) Identify all persons to whom the invention  
24 was disclosed prior to May 27, 1969 and the date and  
25 place of each such disclosure;

26 (f) Identify all persons who had knowledge of  
27 the invention prior to May 27, 1969 and the date each  
28 such person learned of the invention;

1 (g) Identify all prototypes, laboratory  
2 models, breadboard circuits and other physical  
3 embodiments of the invention made prior to May 27,  
4 1969, including 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  
9 prior to May 27, 1969; and

10 (5) The present location and condition  
11 of each.

12 (h) Identify all persons not otherwise  
13 identified in response to this interrogatory who  
14 have knowledge of the subject matter of any of  
15 Parts (a) through (g) of this interrogatory, and  
16 indicate the subject matter of which each such  
17 person has knowledge; and

18 (i) Identify all documents which refer or  
19 relate in any way to the subject matter of this  
20 interrogatory.

21 Response to Interrogatory No. 146:

22 See plaintiffs' response to interrogatory 140.

23  
24 Interrogatory No. 147: With regard to the  
25 invention of means for ascertaining coincidence between a  
26 hitting symbol and a hit symbol, as claimed in Claim 51 of  
27 United States Letters Patent Re. 28,507:

28

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  
6 practice;

7 (b) Describe in detail the events which  
8 constitute the conception, reduction to practice and  
9 diligence on which the dates set forth in response to  
10 Parts (a)(1)-(a)(3) of this interrogatory are based;

11 (c) Identify all persons who participated in  
12 each of the events described in response to Part (b)  
13 of this interrogatory, including the role of each  
14 such person;

15 (d) Identify the first person(s) to suggest  
16 the invention, state the date the invention was  
17 first suggested, and identify the person(s) to whom  
18 the invention was suggested;

19 (e) Identify all persons to whom the invention  
20 was disclosed prior to May 27, 1969 and the date and  
21 place of each such disclosure;

22 (f) Identify all persons who had knowledge of  
23 the invention prior to May 27, 1969 and the date each  
24 such person learned of the invention;

25 (g) Identify all prototypes, laboratory  
26 models, breadboard circuits and other physical  
27 embodiments of the invention made prior to May 27,  
28 1969, including the following:

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

8 (h) Identify all persons not otherwise  
9 identified in response to this interrogatory who  
10 have knowledge of the subject matter of any of  
11 Parts (a) through (g) of this interrogatory, and  
12 indicate the subject matter of which each such  
13 person has knowledge; and

14 (i) Identify all documents which refer or  
15 relate in any way to the subject matter of this  
16 interrogatory.

17 Response to Interrogatory No. 147:

18 See plaintiffs' response to interrogatory 140.

19  
20 Interrogatory No. 148: With regard to the  
21 invention of means for imparting a distinct motion to the  
22 hit symbol upon coincidence with a hitting symbol, as  
23 claimed in Claim 51 of United States Letters Patent  
24 Re. 28,507:

25 (a) What is the earliest date for each of the  
26 following:

- 27 (1) Conception;



1 (2) Actual reduction to practice; and

2 (3) Diligence toward reduction to  
3 practice;

4 (b) Describe in detail the events which  
5 constitute the conception, reduction to practice and  
6 diligence on which the dates set forth in response to  
7 Parts (a)(1)-(a)(3) of this interrogatory are based;

8 (c) Identify all persons who participated in  
9 each of the events described in response to Part (b)  
10 of this interrogatory, including the role of each  
11 such person;

12 (d) Identify the first person(s) to suggest  
13 the invention, state the date the invention was  
14 first suggested, and identify the person(s) to whom  
15 the invention was suggested;

16 (e) Identify all persons to whom the invention  
17 was disclosed prior to May 27, 1969 and the date and  
18 place of each such disclosure;

19 (f) Identify all persons who had knowledge of  
20 the invention prior to May 27, 1969 and the date each  
21 such person learned of the invention;

22 (g) Identify all prototypes, laboratory  
23 models, breadboard circuits and other physical  
24 embodiments of the invention made prior to May 27,  
25 1969, including the following:

26 (1) A concise description of each;

27 (2) The date(s) each was made;

28

1 (3) The person(s) who constructed each;  
2 (4) All persons having access to each  
3 prior to May 27, 1969; and

4 (5) The present location and condition  
5 of each.

6 (h) Identify all persons not otherwise  
7 identified in response to this interrogatory who  
8 have knowledge of the subject matter of any of  
9 Parts (a) through (g) of this interrogatory, and  
10 indicate the subject matter of which each such  
11 person has knowledge; and

12 (i) Identify all documents which refer or  
13 relate in any way to the subject matter of this  
14 interrogatory.

15 Response to Interrogatory No. 148:

16 See plaintiffs' response to interrogatory 140.

17  
18 Interrogatory No. 149: With regard to the  
19 invention of means for determining a first coincidence  
20 between first and second symbols, as claimed in Claim 60  
21 of United States Letters Patent Re. 28,507:

22 (a) What is the earliest date for each of the  
23 following:

- 24 (1) Conception;  
25 (2) Actual reduction to practice; and  
26 (3) Diligence toward reduction to  
27 practice;

28

1 (b) Describe in detail the events which  
2 constitute the conception, reduction to practice and  
3 diligence on which the dates set forth in response to  
4 Parts (a)(1)-(a)(3) of this interrogatory are based;

5 (c) Identify all persons who participated in  
6 each of the events described in response to Part (b)  
7 of this interrogatory, including the role of each  
8 such person;

9 (d) Identify the first person(s) to suggest  
10 the invention, state the date the invention was  
11 first suggested, and identify the person(s) to whom  
12 the invention was suggested;

13 (e) Identify all persons to whom the invention  
14 was disclosed prior to May 27, 1969 and the date and  
15 place of each such disclosure;

16 (f) Identify all persons who had knowledge of  
17 the invention prior to May 27, 1969 and the date each  
18 such person learned of the invention;

19 (g) Identify all prototypes, laboratory  
20 models, breadboard circuits and other physical  
21 embodiments of the invention made prior to May 27,  
22 1969, including the following:

- 23 (1) A concise description of each;
- 24 (2) The date(s) each was made;
- 25 (3) The person(s) who constructed each;
- 26 (4) All persons having access to each  
27 prior to May 27, 1969; and

28

1 (5) The present location and condition  
2 of each.

3 (h) Identify all persons not otherwise  
4 identified in response to this interrogatory who  
5 have knowledge of the subject matter of any of  
6 Parts (a) through (g) of this interrogatory, and  
7 indicate the subject matter of which each such  
8 person has knowledge; and

9 (i) Identify all documents which refer or  
10 relate in any way to the subject matter of this  
11 interrogatory.

12 Response to Interrogatory No. 149:

13 See plaintiffs' response to interrogatory 140.  
14

15 Interrogatory No. 150: With regard to the  
16 invention of means for imparting a distinct motion to the  
17 second symbol, as claimed in Claim 60 of United States  
18 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  
24 practice;

25 (b) Describe in detail the events which  
26 constitute the conception, reduction to practice and  
27 diligence on which the dates set forth in response to  
28 Parts (a)(1)-(a)(3) of this interrogatory are based;

1 (c) Identify all persons who participated in  
2 each of the events described in response to Part (b)  
3 of this interrogatory, including the role of each  
4 such person;

5 (d) Identify the first person(s) to suggest  
6 the invention, state the date the invention was  
7 first suggested, and identify the person(s) to whom  
8 the invention was suggested;

9 (e) Identify all persons to whom the invention  
10 was 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  
13 the invention prior to May 27, 1969 and the date each  
14 such person learned of the invention;

15 (g) Identify all prototypes, laboratory  
16 models, breadboard circuits and other physical  
17 embodiments of the invention made prior to May 27,  
18 1969, including 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  
23 prior to May 27, 1969; and

24 (5) The present location and condition  
25 of each.

26 (h) Identify all persons not otherwise  
27 identified in response to this interrogatory who  
28 have knowledge of the subject matter of any of

1 Parts (a) through (g) of this interrogatory, and  
2 indicate the subject matter of which each such  
3 person has knowledge; and

4 (1) Identify all documents which refer or  
5 relate in any way to the subject matter of this  
6 interrogatory.

7 Response to Interrogatory No. 150:

8 See plaintiffs' response to interrogatory 140.

9  
10 Interrogatory No. 151: With regard to the  
11 invention of means for determining a second coincidence  
12 between a third symbol and the second symbol, as claimed  
13 in Claim 61 of United States Letters Patent Re. 28,507:

14 (a) What is the earliest date for each of the  
15 following:

16 (1) Conception;

17 (2) Actual reduction to practice; and

18 (3) Diligence toward reduction to  
19 practice;

20 (b) Describe in detail the events which  
21 constitute the conception, reduction to practice and  
22 diligence on which the dates set forth in response to  
23 Parts (a)(1)-(a)(3) of this interrogatory are based;

24 (c) Identify all persons who participated in  
25 each of the events described in response to Part (b)  
26 of this interrogatory, including the role of each  
27 such person;

28

1 (d) Identify the first person(s) to suggest  
2 the invention, state the date the invention was  
3 first suggested, and identify the person(s) to whom  
4 the invention was suggested;

5 (e) Identify all persons to whom the invention  
6 was 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  
9 the invention prior to May 27, 1969 and the date each  
10 such person learned of the invention;

11 (g) Identify all prototypes, laboratory  
12 models, breadboard circuits and other physical  
13 embodiments of the invention made prior to May 27,  
14 1969, including 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  
19 prior to May 27, 1969; and

20 (5) The present location and condition  
21 of each.

22 (h) Identify all persons not otherwise  
23 identified in response to this interrogatory who  
24 have knowledge of the subject matter of any of  
25 Parts (a) through (g) of this interrogatory, and  
26 indicate the subject matter of which each such  
27 person has knowledge; and  
28



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

4 Response to Interrogatory No. 151:

5 See plaintiffs' response to interrogatory 140.  
6

7 Interrogatory No. 152: With regard to the  
8 invention of means for imparting a distinct motion to the  
9 second symbol in response to the second coincidence, as  
10 claimed in Claim 61 of United States Letters Patent  
11 Re. 28,507:

12 (a) What is the earliest date for each of the  
13 following:

14 (1) Conception;

15 (2) Actual reduction to practice; and

16 (3) Diligence toward reduction to  
17 practice;

18 (b) Describe in detail the events which  
19 constitute the conception, reduction to practice and  
20 diligence on which the dates set forth in response to  
21 Parts (a)(1)-(a)(3) of this interrogatory are based;

22 (c) Identify all persons who participated in  
23 each of the events described in response to Part (b)  
24 of this interrogatory, including the role of each  
25 such person;

26 (d) Identify the first person(s) to suggest  
27 the invention, state the date the invention was  
28 first suggested, and identify the person(s) to whom  
the invention was suggested;

1 (e) Identify all persons to whom the invention  
2 was 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  
5 the invention prior to May 27, 1969 and the date each  
6 such person learned of the invention;

7 (g) Identify all prototypes, laboratory  
8 models, breadboard circuits and other physical  
9 embodiments of the invention made prior to May 27,  
10 1969, including 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  
15 prior to May 27, 1969; and

16 (5) The present location and condition  
17 of each.

18 (h) Identify all persons not otherwise  
19 identified in response to this interrogatory who  
20 have knowledge of the subject matter of any of  
21 Parts (a) through (g) of this interrogatory, and  
22 indicate the subject matter of which each such  
23 person has knowledge; and

24 (i) Identify all documents which refer or  
25 relate in any way to the subject matter of this  
26 interrogatory.

27 Response to Interrogatory No. 152:

28

1 See plaintiffs' response to interrogatory 140.

2  
3 Interrogatory No. 153: With reference to  
4 plaintiffs' response to Part (b) of Interrogatory No. 75  
5 of Defendant's First Set of Interrogatories to  
6 Plaintiffs, identify the subject matter which plaintiffs  
7 contend is inadequately disclosed in the Decus  
8 publication, and indicate what additional disclosure, if  
9 any, plaintiffs contend would be necessary to constitute  
10 prior art.

11 Response to Interrogatory No. 153:

12 Among other things, the publication completely  
13 fails to disclose sufficient information to enable one of  
14 ordinary skill in the art to build, assemble, construct,  
15 program, or otherwise cause to be made a device or thing  
16 capable of performing the functions purportedly described  
17 therein or any other device or thing. To the extent this  
18 interrogatory requires any further response, plaintiffs  
19 object to it as requesting information which is neither  
20 relevant to the subject matter of this action nor  
21 reasonably calculated to lead to the discovery of  
22 admissible evidence.

23  
24 Interrogatory No. 154: Identify each of the  
25 certain games known as "Spacewar" which plaintiffs have  
26 acknowledged at Massachusetts Institute of Technology in  
27 the early 1960's in response to Part (c) of Interrogatory  
28 No. 75 of Defendant's First Set of Interrogatories to  
Plaintiffs, including the following:

1 (a) A description of the game;

2 (b) The date(s) when each such game was  
3 played;

4 (c) State when and under what circumstances  
5 Magnavox and/or Sanders first became aware of each  
6 such game;

7 (d) Identify all personnel of Magnavox and/or  
8 Sanders having knowledge of each such game and the  
9 date(s) each such person acquired such knowledge;  
10 and

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

14 Response to Interrogatory No. 154:

15 The extent of plaintiffs' information  
16 concerning the subject matter of this interrogatory is  
17 set forth in the deposition transcripts of witnesses  
18 having knowledge of this subject. Plaintiffs have  
19 previously offered to produce those transcripts for  
20 inspection and copying by defendant's counsel.

21 ~~Interrogatory No. 155: Identify all  
22 information, including documents, in the possession,  
23 custody or control of Magnavox and/or Sanders regarding  
24 the battling spaceship game which James T. Williams  
25 observed being played on a PDP-1 computer at Stanford  
26 University in the 1960's.  
27  
28~~

1 each and every item of prior art relied upon by  
2 Activision.

---

3  
4 Interrogatory No. 159: What do plaintiffs  
5 contend constitutes a "hitting symbol" in the context of  
6 Claims 25, 26, 51 and 52 of United States Letters Patent  
7 Re. 28,507?

8 Response to Interrogatory No. 159:

9 Plaintiffs contend that examples of each of the  
10 symbols or spots referred to in each of interrogatories  
11 159 through 162 are set forth in the specification of  
12 United States Letters Patent 28,507; plaintiffs object to  
13 these interrogatories to the extent they may require any  
14 further response as requesting information which is  
15 neither relevant to the subject matter of this action nor  
16 reasonably calculated to lead to the discovery of  
17 admissible evidence.

18  
19 Interrogatory No. 160: What do plaintiffs  
20 contend constitutes a "hit symbol" in the context of  
21 Claims 25, 26, 51 and 52 of United States Letters Patent  
22 Re. 28,507?

23 Response to Interrogatory No. 160:

24 See plaintiffs' response to interrogatory 159.

25 Interrogatory No. 161: What do plaintiffs  
26 contend constitutes a "hitting spot" in the context of  
27 Claims 44 and 45 of United States Letters Patent  
28 Re. 28,507?

1           Response to Interrogatory No. 161:

2           See plaintiffs' response to interrogatory 159.

3  
4           Interrogatory No. 162: What do plaintiffs  
5 contend constitutes a "hit spot" in the context of  
6 Claims 44 and 45 of United States Letters Patent  
7 Re. 28,507?

8           Response to Interrogatory No. 162:

9           See plaintiffs' response to interrogatory 159.

10  
11           Interrogatory No. 163: Identify all foreign  
12 patents and patent applications corresponding to U.S.  
13 Patent 3,728,480.

14           Response to Interrogatory No. 163:

15           The requested information is included in the  
16 exhibits attached to the license agreement copies  
17 previously supplied by plaintiffs to counsel for  
18 Activision.

19  
20           Interrogatory No. 164: For each of the foreign  
21 patents and patent applications identified in response to  
22 Interrogatory No. 163:

23           (a) Identify all persons who have  
24 participated in any way in the preparation, filing,  
25 examination, or prosecution of each application,  
26 including the role of such person in connection with  
27 the application;

1 negative, set forth in detail any additional differences  
2 believed to exist.

3 Response to Interrogatory No. 168:

4 The referenced publication does not disclose or  
5 describe or purport to disclose or describe any apparatus  
6 corresponding to any of the nine separately recited  
7 elements of claim 61; other differences may also exist.

9 Interrogatory No. 169: Referring to

10 plaintiffs' response to Parts (c)(3) and (c)(4) of  
11 Interrogatory No. 100 of Defendant's First Set of  
12 Interrogatories to Plaintiffs, set forth in detail the  
13 background to the reissue application about which the  
14 conversation with the Examiner centered, including a  
15 complete narrative of what was said about the background  
16 by each party to the conversation.

17 Response to Interrogatory No. 169:

18 The information requested in interrogatories  
19 169 through 171 may be ascertained from the transcripts of  
20 the deposition of James T. Williams taken on March 22,  
21 23, and 26, 1976 and Richard I. Seligman taken on April 7  
22 and 8, 1976, and the declaration filed in the United  
23 States Patent and Trademark Office in support of the  
24 reissue application. The transcripts are among the  
25 documents plaintiffs have previously offered to produce  
26 for inspection and copying by defendant's counsel;  
27 moreover, defendant's counsel personally attended those  
28 depositions.



1           Interrogatory No. 170: Referring to  
2 plaintiffs' response to Parts (c)(3) and (c)(4) of  
3 Interrogatory No. 100 of Defendant's First Set of  
4 Interrogatories to Plaintiffs, state the objects to be  
5 achieved by the reissue application, and state what was  
6 said by each party to the conversation with regard to each  
7 of these objects.

8           Response to Interrogatory No. 170:

9           See plaintiffs' response to interrogatory 169.  
10

11           Interrogatory No. 171: Was any written record  
12 ever made of the discussion which Richard I. Seligman and  
13 James T. Williams had with Examiner David L. Trafton  
14 about April 23, 1974 and referenced in plaintiffs'  
15 response to Parts (b) and (c) of Interrogatory No. 100 of  
16 Defendant's First Set of Interrogatories to Plaintiffs?

17           Response to Interrogatory No. 171:

18           See plaintiffs' response to interrogatory 169.  
19

20           Interrogatory No. 172: If the response to  
21 Interrogatory No. 171 is other than an unqualified  
22 negative, identify the written record and the person(s)  
23 making the same.

24           Response to Interrogatory No. 172:

25           No response required.  
26

27           Interrogatory No. 173: Identify any prior art  
28 other than the references cited on the face of United

1 States Letters Patent Re. 28,507 which was considered by  
2 Magnavox and/or Sanders during the prosecution of the  
3 application leading to that patent and which was  
4 determined not to be material to the examination of the  
5 application.

6 Response to Interrogatory No. 173:

7 The information requested in interrogatories  
8 173 and 174 may be ascertained from the transcripts of the  
9 deposition of James T. Williams taken on March 22, 23,  
10 and 26, 1976 and Richard I. Seligman taken on April 7 and  
11 8, 1976. The transcripts are among the documents  
12 plaintiffs have previously offered to produce for  
13 inspection and copying by defendant's counsel; moreover,  
14 defendant's counsel personally attended those  
15 depositions.

16  
17 Interrogatory No. 174: For each item of prior  
18 art identified in response to Interrogatory No. 173,  
19 identify the following:

20 (a) All persons who considered such prior art;

21 (b) The person(s) who determined that the  
22 prior art was not material to the examination of the  
23 application;

24 (c) State in detail the basis upon which the  
25 prior art was determined not to be material; and

26 (d) Identify all documents which refer or  
27 relate in any way to the consideration of the prior  
28 art and/or the determination that it was not  
29 material.

1                    Response to Interrogatory No. 174:

2                    See plaintiffs' response to interrogatory 173.

3  
4                    Interrogatory No. 175: Referring to

5 plaintiffs' response to Interrogatory No. 101 of  
6 Defendant's First Set of Interrogatories to Plaintiffs,  
7 identify the nine times plaintiffs contend the  
8 applications for United States Patent 3,728,480 were  
9 cited in the application for United States Letters Patent  
10 Re. 28,507.

11                    Response to Interrogatory No. 175:

<u>COLUMN</u>	<u>LINES</u>
1	10-15
1	45-51
4	46-50
7	25-27
8	44-48
8	51-53
15	26-28
16	13-16
18	3-5

22  
23                    Interrogatory No. 176: Which, if any, of the games  
24 described in the Activision catalog attached as Exhibit A to  
25 Defendant's First Set of Interrogatories to Plaintiffs were  
26 examined by plaintiffs prior to the filing of the present suit?

27                    Response to Interrogatory No. 176: