

NEUMAN, WILLIAMS, ANDERSON & OLSON

77 WEST WASHINGTON STREET

CHICAGO, ILLINOIS 60602



COPY

April 16, 1984

Algy Tamoshunas, Esquire
North American Philips Corporation
580 White Plains Road
Tarrytown, New York 10591

Re: Magnavox v. Activision

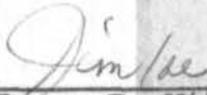
Dear Algy:

As we discussed on April 13, enclosed are copies of Ed Wright's letter to me of April 6, 1984, as well as Activision's Motion To Compel Discovery and supporting memorandum and papers. We will deal with the motion in due course, most likely by supplementing some of the prior interrogatory answers as we previously agreed to do with Ed Wright and opposing the motion as to others.

Very truly yours,

NEUMAN, WILLIAMS, ANDERSON & OLSON

By


James T. Williams

JTW:de
Enclosures

cc: T. A. Briody - w/o encls.
L. Etlinger - w/encls. 
T. W. Anderson - w/o encls.

IT 4) Copy

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April 6, 1984

FEDERAL EXPRESS

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APR 9 1984

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

NEUMAN, WILLIAMS,
ANDERSON & OLSON
THEODORE W. ANDERSON

Re: Magnavox, et al. v. Activision, Inc.
Civil Action No. C 82 5270 JPV
Our File L-37324/TOH/ESW

Gentlemen:

As I indicated in my telephone discussion with Jim Williams on April 3, we are willing to limit our discovery requests to a significant extent provided that you supplement the responses you have previously made to the interrogatories discussed below in this letter. It is my understanding that Jim is currently on vacation but that he should be back in the office the week of April 9, and if he is, he will provide the supplemental responses at that time. This would be acceptable to Activision.

However, it is my understanding that Jim may be in Europe during the week of April 9, in which case he will not be able to work on the supplemental responses until sometime after the Activision deposition on April 19. While Activision is willing to accommodate you to a reasonable extent in this matter, we cannot wait that long for the supplemental responses. Activision has instructed us to proceed with the preparation of a motion to compel discovery at this time and to be ready to file it on Thursday, April 12, if we do not have the supplemental responses by that date. Even if Jim is not available, Ted is familiar with the case, and there are undoubtedly others in your firm who can prepare the responses.

Theodore W. Anderson, Esq.
James T. Williams, Esq.
April 6, 1984
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Interrogatory 2

We are willing to limit this interrogatory to U.S. Patent 3,135,815 and Canadian Patent 691,423, provided that you provide complete responses to all parts of this interrogatory with regard to these two patents, including copies of the requested documents.

Interrogatory 4

We are willing to limit this interrogatory to the patents in suit, and request that you provide copies of the license agreements identified in your response to Parts A-C insofar as they relate to the patents in suit.

Interrogatories 10, 12 and 14-16

No need to supplement responses at this time.

Interrogatory 17

Jim indicated in our April 3 telephone discussion that he would provide us with a list of the suits brought to date. As we discussed, we still would like copies of all trial exhibits in the Chicago Dynamics case, the Mattel case, and any other case(s) which went to trial. It is my understanding that these exhibits will include the videotapes from the Mattel case.

Interrogatories 21 and 23

No need to supplement responses at this time.

Interrogatories 32-37

We are willing to limit these interrogatories to the patents in suit, but we would like to have them answered in full with regard to these patents.

Interrogatories 38 and 39

Your supplemental responses to these interrogatories, served March 26, 1984, indicates that you are unable to fully state what contentions you will make at trial as to the subject matter of these interrogatories. You have identified certain claims which you contend are contributorily infringed by the manufacture, use or sale of certain game cartridges. However,

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you have never responded fully to Interrogatory 39, and we would like you to do so at this time.

Interrogatories 40-43

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 45

See my letter of March 22, 1984 to Jim Williams. We are particularly interested in any communications and other documents relating to the actions of the Atari representatives mentioned in your initial response to Part B of this interrogatory.

Interrogatory 46

No need to respond further to this interrogatory at this time.

Interrogatories 51-53

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 55-57

No need to respond further to these interrogatories at this time.

Interrogatory 58

In our telephone discussion of April 3, Jim indicated that you would have no problem in providing the information requested in Parts C and D of this interrogatory at this time.

Interrogatory 59

No need to respond further to this interrogatory at this time.

Interrogatory 60

See my letter of March 22, 1984 to Jim Williams.

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Interrogatory 63

No need to respond further to this interrogatory at this time.

Interrogatory 65

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 69 and 71

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 73

No need to respond further to this interrogatory at this time.

Interrogatories 76-78

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 80

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 84-87

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 98-100

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 101-104

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 105-114

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 115-116

See my letter of March 22, 1984 to Jim Williams.

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Interrogatories 117-118

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 121

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 124-125

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 126-134

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 137

We have copies of the following agreements relating to consoles manufactured by Atari and Coleco:

Nonexclusive Cross License for Video Games,
dated June 8, 1976

Letter agreement granting 6 months option to
Atari, dated June 8, 1976

Nonexclusive Sublicense Agreement for Home
Video Game Devices, dated October 1, 1981

Amendment to Nonexclusive Sublicense Agreement
for Home Video Game Devices, dated April 1,
1976

Supplement to Nonexclusive Sublicense Agreement
for Home Video Game Devices, dated April 1,
1976

Nonexclusive Sublicense Agreement for Home
Video Game Devices, dated April 1, 1976

It is my understanding that you will provide us with copies of any other agreements relating to such consoles. We would also like copies of any correspondence or other documents relating to these agreements.

Theodore W. Anderson, Esq.
James T. Williams, Esq.
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Interrogatories 138-139

We are willing to limit these interrogatories to the subject matter disclosed and/or claimed in the following portions of the '480 patent:

Column 4, lines 16-21
Column 6, lines 7-22
Column 6, lines 45-58
Column 8, lines 33-54
Column 9, lines 36-38
Column 9, line 39-Column 10, line 15
Column 12, lines 23-26
Column 12, lines 44-50
Column 12, lines 57-60
Claims 13-23
Claims 26-30
Claim 41

Interrogatories 140-152

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 154

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 155

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 159-162

See my letter of March 22, 1984 to Jim Williams.

Interrogatory 164

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 169-172

See my letter of March 22, 1984 to Jim Williams.

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James T. Williams, Esq.
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Interrogatories 173-174

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 176-180

See my letter of March 22, 1984 to Jim Williams.

Interrogatories 181-182

See my letter of March 22, 1984 to Jim Williams.

Privileged Documents

See my letter of March 22, 1984 to Jim Williams.

Missing Files

See my letter of March 22, 1984 to Jim Williams.

Deposition Exhibits

See my letter of March 22, 1984 to Jim Williams.

Very truly yours,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

Edward S. Wright
Edward S. Wright

ESW:kb

cc: R. L. Smith McKeithen, Esq.
Harry C. White, Jr., Esq.
Michael A. Ladra, Esq.
Thomas O. Herbert, Esq.