

United States District Court

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

CIVIL ACTION FILE NO.: C 82 5270 TEH

THE MAGNAVOX COMPANY, a Corporation and SANDERS
ASSOCIATES, INC., a Corporation, Plaintiffs,

vs.

ACTIVISION, INC., a Corporation, Defendants.

TO ATARI, INC.
1265 Borregas Avenue
Sunnyvale, CA 94086



YOU ARE COMMANDED to appear at the law offices of WILSON, SONSINI, GOODRICH & ROSATI, Two Palo Alto Square, Suite 900 in the city of Palo Alto, CA on the 4th day of February, 19 83, at 10:00 o'clock A.M. to testify on behalf of Atari, Inc.

at the taking of a deposition in the above entitled action pending in the United States District Court for the Northern District of California and bring with you¹ all documents responsive to the attached Notice of Taking Deposition.

Dated 1/27 1983
Michael A. Ladra *Michael A. Ladra*
WILSON, SONSINI, GOODRICH & ROSATI
Attorney for
Two Palo Alto Square, Suite 900
Address Palo Alto, CA 94306

WILLIAM L. WHITTAKER
By *Peggy Church*
PEGGY CHURCH
Deputy Clerk.

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30(b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose. If testimony by an organization representative or designee is requested, describe with reasonable particularity the matters on which examination is requested.

RETURN ON SERVICE

Received this subpoena at 9:00 a.m. on February 1, 1983
and on February 1, 1983 at 11:12 a.m.
served it on the within named Atari, Inc.
by delivering a copy to ~~XX~~ and tendering to ~~XX~~ the fee for one day's attendance and the mileage allowed by law.¹

Dated: 2/1, 19 83

Service Fees
Travel \$ _____
Services _____

By *John Rice*
JOHN RICE

Total \$ 34.00

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
Executed on 2/2/83, 19

ORIGINAL
FILED

JAN 2 1983

CLERK, U. S. DIST. COURT
SAN FRANCISCO

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THE MAGNAVOX COMPANY, a Corporation)
and SANDERS ASSOCIATES, INC., a) Civil Action No.
Corporation,) C 82 5270 TEH
)
Plaintiffs,) NOTICE OF TAKING
) DEPOSITION
)
-vs-)
)
ACTIVISION, INC., a Corporation,)
)
Defendant.)

TO: PILLSBURY, MADISON & SUTRO
ROBERT P. TAYLOR
225 Bush Street
San Francisco, CA 94120

NEUMAN, WILLIAMS, ANDERSON & OLSON
THEODORE W. ANDERSON
JAMES T. WILLIAMS
77 West Washington Street
Chicago, IL 60602

PLEASE TAKE NOTICE that, pursuant to Title 28 of
the United States Code and the Federal Rules of Civil Procedure,
on Friday, February 4, 1983, at the law offices of WILSON,
^{10:00 AM. MJS}
SONSINI, GOODRICH & ROSATI, Two Palo Alto Square, Suite 900,
Palo Alto, California 94306, we shall take the depositions
of Charles S. Paul, Senior Vice President and General Counsel
of Atari, Inc., and Atari, Inc. whose addresses are 1265
Borregas Avenue, Sunnyvale, California 94086.

On Friday, February 4, 1983, Charles S. Paul and
Atari, Inc. are required to produce for inspection and
copying all documents responsive to the attached Schedule A.

On said date, Atari, Inc. is required to designate and tender, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure an individual or individuals to testify on its behalf concerning (a) the former and/or continued representation by Aldo Test, Thomas O. Herbert, Edward S. Wright, and the firm of Flehr, Hohbach, Test, Albritton & Herbert and the members and employees thereof of Atari, Inc., and (b) the existence and nature of the adversity to Atari, Inc. created by the representation of Activision, Inc. by Aldo Test, Thomas O. Herbert, Edward S. Wright, and the firm of Flehr, Hohbach, Test, Albritton & Herbert and the members and employees thereof.

DATED: January 27, 1983.

WILSON, SONSINI, GOODRICH & ROSATI

By: Michael A. Ladra
Michael A. Ladra

SCHEDULE A

1. All correspondence, agreements, memoranda, or any other documents sent, exchanged or passed between Charles S. Paul, or any other employee or agent of Atari, Inc., and any employee, agent or attorney of Magnavox Company or Sanders Associates, Inc. concerning Activision, Inc.

2. All documents evidencing or relating to any work done by Flehr, Hohbach, Test, Albritton & Herbert and the members and employees thereof for Atari, Inc., subsequent to January 1, 1978.

3. A copy of the license agreement between Atari, Inc. and Magnavox Company concerning the Reissue '507 patent and/or related additional patents.

4. A copy of the Activision, Inc./Atari, Inc. settlement agreement.

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PROOF OF SERVICE BY HAND DELIVERY

I declare that:

I am over the age of eighteen years and not a party to the within above-entitled action; I am employed by the lawfirm of Wilson, Sonsini, Goodrich & Rosati, Two Palo Alto Square, Suite 900, Palo Alto, California 94304. That on January 28, 1983, I served the within:

SUBPENA (F.R.C.P. 30(b)(6)) Re NOTICE OF TAKING DEPOSITION and
SUBPENA (F.R.C.P. 30(b)(6))

by hand delivering a true copy thereof to the following:

Pillsbury, Madison & Sutro
Robert P. Taylor
225 Bush Street
P. O. Box 7880
San Francisco, CA 94120

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 28, 1983, at Palo Alto, California.

