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10 Activision, Inc.

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A Professional Corporation

11 UNITED STATES COURT OF APPEALS  
12 FOR THE FEDERAL CIRCUIT

14 THE MAGNAVOX COMPANY, a corpora- ) No. 86-852  
15 tion, and SANDERS ASSOCIATES, )  
16 INC., a corporation, )  
17 Plaintiffs-Appellees, )  
18 vs. )  
19 ACTIVISION, INC., a corporation, )  
20 Defendant-Appellant. )

DECLARATION OF MARLA J. MILLER IN SUPPORT OF ACTIVISION, INC.'S BRIEF REGARDING MAGNAVOX' MOTION TO DISMISS APPEAL AND FOR SANCTIONS

21 I, Marla J. Miller, declare:

22 1. I am a member of the Bar of the State of California  
23 and of this Court, and an associate with the law firm of Howard,  
24 Rice, Nemerovski, Canady, Robertson & Falk, A Professional Corpora-  
25 tion, attorneys of record for Defendant-Appellant Activision, Inc.  
26 ("Activision") in the above-referenced action. Except as otherwise

NEUMAN, WILLIAMS, ANDERSON & OLSON

77 WEST WASHINGTON STREET

CHICAGO, ILLINOIS 60602



COPY

February 17, 1986

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Martin R. Glick, Esq.  
Howard, Rice, Nemerovski,  
Canary, Robertson & Falk  
Thomas A. Briody, Esquire  
Corporate Patent Counsel  
North American Philips Corporation  
580 White Plains Road  
Tarrytown, New York 10591

Re: MAGNAVOX V. ACTIVISION

Dear Tom:

In correspondence you have indicated on several occasions that you would be providing to us more current sales information that he has repeatedly promised to us. Enclosed is a copy of a letter I have sent to Marty Glick today in an effort to obtain the Activision sales information that he has repeatedly promised to us. Also enclosed is a copy of a letter dated February 11, 1986 from Marla Miller of Glick's firm to the Clerk of the CAFC; it is self-explanatory. We received it today, although it is dated Tuesday, February 11, 1986. It is possible that Marla Miller's letter to the Clerk crossed in the mail with our Motion to Dismiss. We have not yet sent such information, may we have it at your earliest convenience.

Very truly yours,

NEUMAN, WILLIAMS, ANDERSON & OLSON

By

Theodore W. Anderson

TWA/sjm

Enc.

CC: Thomas A. Briody, Esq.  
Louis Etlinger, Esq.  
James T. Williams, Esq.