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*ADMITTED IN NEW YORK STATE

March 17, 1986

FEDERAL EXPRESS

Mr. Francis X. Gindhart
Clerk
United States Court of Appeals
for the Federal Circuit
National Courts Building
717 Madison Place, N.W.
Washington, D.C. 20439

Re: Magnavox v. Activision
No.: 86-852

Dear Mr. Gindhart:

This letter follows our telephone conversation on Friday, March 14, 1986, in which I informed you that the District Court has just entered a formal judgment and conclusions of law in the above entitled action.

As I explained to you on the telephone, Activision filed a Notice of Appeal pursuant to 28 U.S.C. §1292(c)(2) on January 8, 1986 which appeal was docketed on January 24, 1986. As my previous letter to you of February 11, 1986, sets out, the parties learned for the first time on February 6, 1986 that the District Court intended to enter a formal judgment and conclusions of law. On March 13, 1986, we received a copy of a Judgment and Conclusions of Law entered on that day. Meanwhile, there is still pending a motion to dismiss Activision's January 8, 1986 notice of appeal as premature.

Fursuant to your advice as to the appropriate next steps to take to resolve the procedural situation, Activision has prepared for filing the enclosed Supplemental Brief

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Mr. Francis X. Gindhart

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Regarding Magnavox' Motion to Dismiss Appeal and for Sanctions. Enclosed are the original and four copies. (Please have a file-stamped copy returned to me in the enclosed self addressed envelope.)

Also pursuant to your advice, Activision has today filed an amended notice of appeal with the District Court to reflect the District Judge's entry of a formal judgment. Based on my conversation with you, I understand that upon your receipt of this Amended Notice of Appeal, you will treat it as a part of the already docketed appeal (86-852), and will not open a new docket number.

Thank you for your assistance.

Very truly yours,



MARLA J. MILLER
Attorneys for Defendant-
Appellant, ACTIVISION, INC.

MJM:cal
Encl.

cc: Theodore W. Anderson, Esq. ✓
Sally Bowcock,
Clerk's Office,
U.S. District Court