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United States District Court for the
Northern District of California

15 THE MAGNAVOX COMPANY, a Corpora-)
16 tion, and SANDERS ASSOCIATES,)
17 INC., a Corporation,)
18 Plaintiffs,)
19 vs.)
20 ACTIVISION, INC., a Corporation,)
21 Defendant.)

No. C 82 5270 TEH
AFFIDAVIT OF
RICHARD I. SELIGMAN

22 STATE OF NEW HAMPSHIRE)
23 COUNTY OF HILLSBORO) SS:

24 I, RICHARD I. SELIGMAN, do depose and say as
25 follows:

26 1. I am an attorney licensed to practice in the
27 State of Massachusetts. I am employed as Assistant Patent

28 AFFIDAVIT OF RICHARD I. SELIGMAN


1 Counsel of Sanders Associates, Inc. in Nashua, New Hampshire
2 (hereinafter "Sanders"). Sanders is the owner of a number
3 of patents, both United States and foreign, relating to
4 television games. Those patents include U.S. patents 3,497,829;
5 3,599,221; 3,728,480; 3,737,566; 3,778,058; 3,829,095;
6 3,921,161; Re. 28,507 and its original patent 3,659,284; and
7 Re. 28,598 and its original patent 3,659,285 and their
8 counterparts in approximately twenty other countries.
9 Magnavox is the exclusive licensee of Sanders under those
10 patents.

11 2. In 1977, Sanders became aware of a prior art
12 reference which it was felt might have an effect on the
13 validity of its U.S. patent 3,728,480 but not on the Re.
14 28,507 patent. It subsequently decided to file an application
15 in the United States Patent and Trademark Office to reissue
16 U.S. patent 3,728,480 so that the Office could consider the
17 effect of the reference on the 3,728,480 patent. That
18 application was filed on June 27, 1977, and is still pending.
19 I am familiar with the contents of both that application and
20 the 3,728,480 patent itself. None of the claims which are
21 presently in the reissue application is the same as any
22 claim in the original patent.

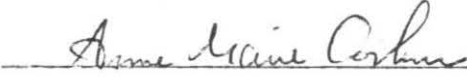
23 3. According to the rules of the Patent and
24 Trademark Office under which the application to reissue the
25 3,728,480 patent was filed, 37 C.F.R., members of the public
26 may have access to reissue applications and file protests to
27 the grant of such applications. The reissue applicant is

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1 supplied with copies of such protest papers. Two parties
2 have already filed such protests in the application to
3 reissue the 3,728,480 patent. Activision, Inc. has filed no
4 protest in that application.

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7 
8 RICHARD I. SELIGMAN

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10 Subscribed and sworn to
11 before me this 15th day
12 of November, 1982

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15 Notary Public

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