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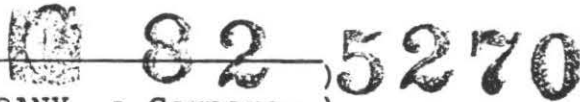
WILLIAM L. WHITTAKER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

4 Attorneys for Plaintiffs  
5 The Magnavox Company and  
6 Sanders Associates, Inc.

Of Counsel:

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11  
12 United States District Court for the  
13 Northern District of California

14  82 5270

TEH

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

No.

COMPLAINT FOR PATENT  
INFRINGEMENT, PRELIMINARY  
AND PERMANENT INJUNCTION  
AND DAMAGES

21  
22 Plaintiffs THE MAGNAVOX COMPANY and SANDERS ASSOCIATES,  
23 INC. allege as follows:

24 1. This action arises under the patent laws of the  
25 United States, Title 35, United States Code. Jurisdiction of this  
26 Court is based on Title 28, United States Code, Section 1338(a).

27 2. Plaintiff THE MAGNAVOX COMPANY is a corporation  
28 organized and existing under the laws of the State of Delaware.

COMP. FOR PATENT INF.,  
PRE. AND PERM. INJUNC.  
AND DAMAGES

1           3. Plaintiff SANDERS ASSOCIATES, INC. is a corporation  
2 organized and existing under the laws of the State of Delaware.

3           4. Defendant Activision, Inc. is a corporation  
4 organized and existing under the laws of the State of California.

5           5. On April 25, 1972, United States Letters Patent  
6 3,659,284 were duly and legally issued to plaintiff Sanders  
7 Associates, Inc. as assignee of William T. Rusch for an invention  
8 in Television Gaming Apparatus and since that date and until  
9 August 5, 1975, plaintiff Sanders Associates, Inc. was the owner  
10 of those Letters Patent 3,659,284.

11           6. On August 5, 1975, United States Letters Patent  
12 3,659,284 were duly and legally reissued as United States Letters  
13 Patent Re. 28,507 to plaintiff Sanders Associates, Inc. and since  
14 that date plaintiff Sanders Associates, Inc. has been and still is  
15 the owner of those Letters Patent Re. 28,507.

16           7. By written agreement entered into between plaintiff  
17 Sanders Associates, Inc. and plaintiff The Magnavox Company,  
18 effective January 27, 1972, plaintiff The Magnavox Company has  
19 been and still is the exclusive licensee under said United States  
20 Letters Patent 3,659,284 and Re. 28,507.

21           8. On April 15, 1974, plaintiff The Magnavox Company  
22 filed a complaint in the United States District Court for the  
23 Northern District of Illinois in the action The Magnavox Company  
24 v. Chicago Dynamic Industries, Inc., et al., Civil Action No.  
25 74 C 103, which complaint was subsequently amended to add, as a  
26 party plaintiff, Sanders Associates, Inc., and on September 3,  
27 1974, plaintiffs The Magnavox Company and Sanders Associates, Inc.  
28 filed a complaint in the United States District Court for the

1 Northern District of Illinois in the action The Magnavox Company,  
2 et al. v. Seeburg Industries, Inc., et al., Civil Action No.  
3 74 C 2510. The original complaints in both of those actions  
4 alleged infringement by the defendants named therein of United  
5 States Letters Patent 3,659,284 and were subsequently amended to  
6 allege infringement of United States Letters Patent Re. 28,507.  
7 On January 10, 1977, after a trial on the merits in Civil Action  
8 Nos. 74 C 1030 and 74 C 2510 before The Honorable John F. Grady,  
9 a decision was rendered finding said Letters Patent Re. 28,507  
10 valid and infringed by the defendants in those actions by the  
11 manufacture and sale of certain television games using digital  
12 circuitry and embodying the subject matter of that patent. On  
13 June 1, 1977, a final judgment to that effect was entered which,  
14 among other things, enjoined certain of the defendants therein  
15 from further infringing said Letters Patent Re. 28,507.

16           9. On August 5, 1980, plaintiffs filed a complaint for  
17 infringement of United States Letters Patent Re. 28,507 in the  
18 United States District Court for the Northern District of Illinois  
19 in the action The Magnavox Company and Sanders Associates, Inc. v.  
20 Mattel, Inc., et al., Civil Action No. 80 C 4124. On July 29,  
21 1982, after a trial on the merits before The Honorable George N.  
22 Leighton, a decision was rendered finding said Letters Patent Re.  
23 28,507 to have been infringed by the defendants in that action by  
24 the manufacture and sale of microprocessor-based television game  
25 consoles in combination with television game cartridges, which  
26 combinations embodied the subject matter of that patent, and to  
27 have been contributorily infringed by the defendants in that  
28 action by the manufacture and sale of television game cartridges

1 for use in combination with microprocessor-based television game  
2 consoles, which combinations embodied the subject matter of that  
3 patent.

4           10. Defendant has in the past made, used, sold and/or  
5 offered for sale television game cartridges for use in combination  
6 with microprocessor-based television game consoles, which combina-  
7 tions embody the subject matter of said United States Letters  
8 Patent Re. 28,507, and defendant's said acts are continuing.  
9 Defendant (1) has infringed said United States Letters Patent  
10 Re. 28,507 and still is infringing said United States Letters  
11 Patent Re. 28,507; (2) has actively induced infringement of said  
12 United States Letters Patent Re. 28,507 and still is actively  
13 inducing infringement of said United States Letters Patent Re.  
14 28,507; and/or (3) has committed acts of contributory infringement  
15 of said United States Letters Patent Re. 28,507 and still is  
16 committing acts of contributory infringement of said United  
17 States Letters Patent Re. 28,507; all by reason of its activities  
18 with respect to said television game cartridges. Defendant's  
19 infringement, inducements to infringe and contributory infringements  
20 of United States Letters Patent Re. 28,507 will continue unless  
21 enjoined by this Court.

22           11. Defendant's infringements, inducements to infringe,  
23 and contributory infringements of said United States Letters  
24 Patent Re. 28,507 were and are willful and with full knowledge of  
25 said Letters Patent.

26           12. Plaintiff The Magnavox Company has placed or caused  
27 to be placed the required statutory notice on television games  
28 manufactured or sold by it under said United States Letters

1 Patent. Defendant has received notice of said United States  
2 Letters Patent from plaintiff The Magnavox Company.

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4 WHEREFORE, Plaintiffs pray as follows:

5 1. For a preliminary and a permanent injunction against  
6 continued infringement of said United States Letters Patent  
7 Re. 28,507 by defendant;

8 2. For an accounting of the damages to plaintiffs and  
9 the profits to defendant caused by said infringements of said  
10 Letters Patent Re. 28,507;

11 3. For an assessment of three times the damages and  
12 profits so determined;

13 4. For an award of reasonable attorney fees;

14 5. For an assessment of interest and costs against  
15 defendant; and

16 6. For any other relief which the Court may deem just  
17 under the circumstances.

18 Dated: September 28, 1982.

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PILLSBURY, MADISON & SUTRO  
JEROME C. DOUGHERTY

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By 

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The Magnavox Company and  
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