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

15	_____)	
16	THE MAGNAVOX COMPANY, a Corpora-)	
17	tion, and SANDERS ASSOCIATES,)	No. C 82 5270 TEH
18	INC., a Corporation,)	
19	Plaintiffs,)	NOTICE OF MOTION AND
20	vs.)	<u>PLAINTIFFS' MOTION TO</u>
21	ACTIVISION, INC., a Corporation,)	<u>DISMISS SECOND COUNTERCLAIM</u>
22	Defendant.)	Hearing Date: _____
23	_____)	Time: _____

23 Plaintiffs, The Magnavox Company and Sanders
24 Associates, Inc., hereby move pursuant to Rule 12, F.R.Civ.P.,
25 to dismiss defendant's Second Counterclaim in the above-
26 captioned action for lack of jurisdiction over the subject
27 matter and for failure to state a claim upon which relief
28 can be granted. The motion is based upon the accompanying

NOTICE OF MOTION AND
PLAINTIFFS' MOTION TO DISMISS
SECOND COUNTERCLAIM

1 affidavits of Thomas A. Briody, Robert T. Mayer, Edward W.
2 Goodman, and Richard I. Seligman and the pleadings and
3 papers heretofore filed; the reasons in support of the
4 motion are set forth in the accompanying Plaintiffs' Memorandum
5 in Support of Motion to Dismiss Second Counterclaim. A copy
6 of a proposed form of Order is being filed herewith.

7 This motion will be brought on for hearing on the
8 _____ day of _____, 198__ at _____ M.
9 in the Courtroom of the Honorable Thelton E. Henderson.

10 Dated: November __, 1982.

11 PILLSBURY, MADISON & SUTRO
12 JEROME C. DOUGHERTY

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14 By _____
15 Attorneys for Plaintiffs
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17 Sanders Associates, Inc.
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