IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY, a Corporation, and SANDERS ASSOCIATES, INC., a Corporation,	)	
Plaintiffs,	)	Consolidated Civil Actions
	)	No. 74 C 1030
v.	)	No. 74 C 2510
	)	No. 75 C 3153
BALLY MANUFACTURING CORPORATION, a Corporation, et al.,	)	No. 75 C 3933
Defendants.	)	

NOTICE BY DEFENDANTS
BALLY, MIDWAY, AND EMPIRE
OF PRIOR ART
PURSUANT TO 35 U.S.C. § 282(4)

As presently advised, with respect to Patent No. Re.28,507, Defendants Bally, Midway, and Empire intend to rely upon the following prior art as anticipation or as showing the state of the art.

U.S. Patents

Number	Issue Date	Patentee
2,455,992	Dec. 14, 1948	T. T. Goldsmith, Jr., et al.
2,595,646	May 6, 1952	S. Doba, Jr., et al.
2,847,661	Aug. 12, 1958	C. F. Althouse
3,046,676	July 31, 1962	J. Hermann, et al.
3,122,607	Feb. 25, 1964	G. H. Balding
3,345,458	Oct. 3, 1967	D. A. Cole, et al.
3,388,391	June 11, 1968 (filed April 7, 1965)	R. J. Clark
3,422,420	Jan. 14, 1969 (filed Mar. 23, 1966)	R. J. Clark
3,435,136	March 25, 1969 (filed Oct. 22, 1965)	H. Bachmann, et al.

U.S. Patents - continued

Number	Issue Date	Patentee
3,462,639	August 19, 1969 (filed Dec. 19, 1966)	D. M. French
3,497,760	Feb. 24, 1970 (filed June 10, 1968)	C. A. Kiesling
3,569,617	March 9, 1971 (filed April 2, 1969)	M. Allen, et al.
3,583,538	June 8, 1971 (filed March 24, 1969)	F. Hurley
3,728,480	April 17, 1973 (filed Jan. 15, 1968)	R. H. Baer

French Patent

No. 1,180,470 June 1959

Publications

The Design and Use of Electronic Analogue Computers, by C. P. Gilbert, 1964, Chapman and Hall, Ltd., pp. 471-473.

Journal of the Association for Computing Machinery, Vol. 1, No. 4, Oct. 1954, pp. 177-182.

Electronic Information Display for Management, by James H. Howard, 1966, American Data Processing, Inc., pp. 22, 33-35, 47, 50, 53, 70, 73, 74, and 78.

Computers and Automation, Vol. 3, No. 7, Sept. 1954, p. 26.

Computers and Automation, Vol. 6, No. 2, Feb. 1957, p. 9.

Public Knowledge, Public Use or Prior Inventions

The video game used at Stanford University in 1963 or 1964 and known to James Williams.

The video game entitled "Space War" used and known at Massachusetts Institute of Technology as early as about 1961 or 1962 and at Stanford University as early as about 1963.

The video game of handball or jai alai used and known at the Rand Corporation in about 1963.

The video game of pool and billiards shown at the ACM meeting in Detroit in 1954.

The video games of pool and billiards used, known, and displayed in 1966 and 1968 by Information Display, Inc., New York.

Offer for Sale

The offer for sale to TelePrompter in January or February 1968 of a device incorporating the subject matter of Patent No. 3,659,284, the parent of reissue Patent No. Re.28,507.

As presently advised, with respect to Patent No. Re.28,598, Defendants Bally, Midway, and Empire intend to rely upon the following prior art as anticipation or as showing the state of the art.

U.S. Patents

Number	Issue Date	Patentee
2,455,992	Dec. 14, 1948	T. T. Goldsmith, Jr., et al.
2,595,646	May 6, 1952	S. Doba, Jr., et al.
2,847,661	Aug. 12, 1958	C. F. Althouse
3,046,676	July 31, 1962	J. Hermann, et al.
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3,422,420	Jan. 14, 1969 (filed Mar. 23, 1966)	R. J. Clark
3,435,136	March 25, 1969 (filed Oct. 22, 1965)	H. Bachmann, et al.
3,462,639	Aug. 19, 1969 (filed Dec. 19, 1966)	D. M. French
3,497,760	Feb. 24, 1970 (filed June 10, 1968)	C. A. Kiesling
3,569,617	March 9, 1971 (filed April 2, 1969)	M. Allen, et al.
3,583,538	June 8, 1971 (filed March 24, 1969)	F. Hurley
3,659,284	Aug. 5, 1975 (filed May 27, 1969)	W. T. Rusch
3,728,480	April 17, 1973 (filed Jan. 15, 1968)	R. H. Baer

French Patent

No. 1,180,470 June 1959

Publications

The Design and Use of Electronic Analogue Computers, by C. P. Gilbert, 1964, Chapman and Hall, Ltd., pp. 471-473.

Journal of the Association for Computing Machinery, Vol. 1, No. 4, Oct. 1954, pp. 177-182.

Electronic Information Display for Management, by James H. Howard, 1966, American Data Processing Inc., pp. 22, 33-35, 47, 50, 53, 70, 73, 74, and 78.

Computers and Automation, Vol. 3, No. 7, Sept. 1954, p. 26.

Computers and Automation, Vol. 6, No. 2, Feb. 1957, p. 9.

Public Knowledge, Public Use or Prior Inventions

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The video game of pool and billiards shown at the ACM meeting in Detroit in 1954.

The video games of pool and billiards used, known, and displayed in 1966 and 1968 by Information Display, Inc., New York.

The subject matter claimed by W. T. Rusch in Patent No. 3,659,284 and Re.28,507.

Offer for Sale

The offer for sale of a device incorporating the subject matter of the '284 patent to TelePrompter in January or February 1968.

April 23, 1976

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE BY DEFENDANTS BALLY, MIDWAY, AND EMPIRE OF PRIOR ART PURSUANT TO 35 U.S.C. § 282(4) was delivered by messenger to the offices of James T. Williams, Esq., Edward C. Threedy, Esq., Melvin M. Goldenberg, Esq., and William Marshall Lee, Esq., at their addresses of record this 23rd day of April, 1976.

John F. Flannery