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 74 C 1030 74 C 2510 75 C 3153 75 C 3933
v.	)	
BALLY MANUFACTURING CORPORATION, a Corporation, et al.,	)	
Defendants.	)	

NOTICE OF PRIOR ART BY
ATARI, INC. AND SEARS, ROEBUCK AND CO.

As presently advised with respect to all the patents in suit, i.e., Nos. 3,728,480, 3,659,284, 3,659,285, Re. 28,507 and Re. 28,598, Atari, Inc. and Sears, Roebuck and Co. intend to rely upon the following prior art as anticipation and/or as showing the state of the art.

United States Patents

Patent No.	Date	Name of Patentee
2,269,599	1/13/42	Moodey
2,310,084	2/ 2/43	Hooker et al
2,455,992	12/14/48	Goldsmith et al
2,474,177	6/21/49	Wild
2,489,883	11/29/49	Hecht
2,492,447	12/27/49	Schwartz

Patent No.	Date	Name of Patentee
2,502,834	4/ 4/50	Dreyer
2,510,670	6/ 6/50	Trott
2,551,740	5/ 8/51	Hills
2,552,022	5/ 8/51	Watson et al
2,559,388	7/ 3/51	Baldridge
2,572,975	10/30/51	Berger et al
2,580,083	12/25/51	Doba et al
2,595,646	5/ 6/52	Doba et al
2,621,246	12/ 9/52	Clayden et al
2,648,724	8/11/53	Enslein
2,668,057	2/ 2/54	Fry
2,702,158	2/15/55	Winter
2,720,712	10/18/55	Brettel et al
2,784,247	3/ 5/57	Hurford
2,838,848	6/17/58	Bergstad et al
2,847,661	8/12/58	Althouse
2,859,343	11/ 4/58	Lansford et al
2,881,356	4/ 7/59	Van Alstyne
2,889,635	6/ 9/59	Johnson
2,900,632	8/18/59	Arkus
2,920,312	1/ 5/60	Gordon et al
2,938,949	5/31/60	Vosburgh et al
2,956,116	10/11/60	Singelman
2,978,540	4/ 4/61	Haddonfield et al
2,987,715	6/ 6/61	Jones et al
2,988,821	6/20/61	Bolie

Patent No.	Date	Name of Patentee
2,998,193	8/29/61	Skramstad et al
3,002,801	10/ 3/61	Bomzer et al
3,007,257	11/ 7/61	Mortimer
3,011,164	11/28/61	Gerhardt
3,014,724	12/26/61	Cryder et al
3,017,625	1/16/62	Evans et al
3,019,289	1/30/62	Machlis
3,035,354	5/22/62	Greenhalf
3,046,676	7/31/62	Hermann et al
3,060,596	10/30/62	Tucker et al
3,103,658	9/10/63	Chiang
3,109,166	10/29/63	Kronenberg et al
3,122,607	2/25/64	Balding
3,140,473	7/ 7/64	Gaffney
3,145,378	8/18/64	Lyons
3,149,195	9/15/64	Cutler
3,151,248	9/29/64	Glaser et al
3,158,858	11/24/64	Ragen et al
3,169,162	2/ 9/65	Kling
3,169,240	2/ 9/65	Macovski
3,182,308	5/ 4/65	Dutton et al
3,189,889	6/15/65	Bridgett
3,202,980	8/24/65	Stone et al
3,207,842	9/21/65	Flagle
3,220,732	11/30/65	Pincus
3,241,120	3/15/66	Amdahl

Patent No.	Date	Name of Patentee
3,248,705	4/26/66	Dammann et al
3,248,725	4/26/66	Low et al
3,249,796	5/ 3/66	Moffitt
3,257,741	6/28/66	Cameron et al
3,271,032	9/ 6/66	Rabinowitz
3,280,243	10/18/66	Gregory
3,284,659	11/ 8/66	Outhouse et al
3,292,154	12/13/66	Simmons
3,293,614	12/20/66	Fenimore et al
3,302,179	1/31/67	Osborn
3,315,062	4/18/67	Pease
3,317,783	5/ 2/67	Neumeister
3,320,595	5/16/67	Yaneskevsky
3,329,948	6/ 4/67	Halsted
3,331,069	6/11/67	Myles et al
3,333,147	7/25/67	Henderson
3,334,236	8/ 1/67	Bacon
3,337,218	8/22/67	Hurley
3,345,458	10/ 3/67	Cole et al
3,351,929	11/ 7/67	Wagner
3,364,382	1/16/68	Harrison
3,388,391	6/11/68	Clark
3,396,377	8/ 6/68	Strout
3,400,377	9/ 3/68	Lee

Patent No.	Date	Name of Patentee
3,401,331	9/10/68	Mussulman
3,404,222	10/ 1/68	Rupley
3,413,610	11/26/68	Botjer et al
3,422,420	1/14/59	Clark
3,426,344	2/ 4/69	Clark
3,435,136	3/25/69	Bachmann et al
3,453,384	7/ 1/69	Donner et al
3,462,639	8/19/69	French
3,477,145	11/11/69	Tallmadge
3,479,454	11/18/69	Wolff
3,483,302	12/ 9/69	Ashkenas et al
3,483,636	12/16/69	Knapp et al
3,497,760	2/24/70	Kiesling
3,500,327	3/10/70	Belcher et al
3,500,335	3/10/70	Cuccio
3,512,037	5/12/70	Eckert et al
3,515,802	6/ 2/70	Wise
3,526,972	9/ 8/70	Stumpf
3,549,147	12/22/70	Katter et al
3,560,644	2/ 2/71	Petrocelli et al
3,562,415	2/ 9/71	Michels et al
3,566,090	2/23/71	Johnson
3,569,617	3/ 9/71	Allen
3,582,077	6/ 1/71	Parker

Patent No.	Date	Name of Patentee
3,582,544	6/ 1/71	Wlasuk
3,588,108	6/28/71	Ormison
3,599,221	8/10/71	Baer
3,604,849	9/14/71	Skrydstrup
3,614,766	10/19/71	Kievit
3,617,630	11/ 2/71	Reiffel
3,809,395	5/ 7/74	Allison et al
Re. 25,756	4/ 6/75	Balding
Re. 26,919	6/23/70	Hagelbarger et al

Foreign Patents

Country	Patent No.	Date	Patentee
Australia	219,941	2/ 3/59	Telefunken, G. M. B. H.
Australia	401,518	2/25/70	MacDonald Hamilton & Co. Pty. Ltd.
Australia	406,549	10/15/70	Telefunken...
Australia	409,631	12/17/70	Radio Corporation of America
Britain	633,424	12/19/49	Ronald Thomas Clayden et al
Britain	871,238	6/21/61	Associated Television Ltd.
France	1,180,470	6/ 4/59	A. Feyzeau et al
Germany	1,110,553	2/ 1/62	Hermann

Publications

"High-Speed Number Generator Uses Magnatic Memory Matrices" by An Wang, Electronics, May 1953 pp. 200-205

"Camera Adapter for TV Receivers" by L. E. Flory, W. S. Pike and G. W. Gray, Electronics, January 1954, pp. 141-143

"Elektronischer Lichtmarkengeber, ein neues Gerat fur Fernsehstudios und-reportageanlagen", by Richard Sondermeyer, Funk und Ton, 1954, pp. 179-186

"On the Demonstration of High-Speed Digital Computers" by Walter F. Bauer and John W. Carr III, Association for Computing Machinery, Vol. 2, July 1955, pp. 177-182

"Chroma Probe", Radio-Electronics, May 1956, p. 38

"Test Equipment for Color" by Robert G. Middleton, Radio and Television News, August 1956, p. 63

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

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

"Die Abstimmanzeige beim Fernseher" by I. Das Prinzip, Radio Mentor, 1957, pp. 589-592

"Generating High-Quality Characters and Symbols" By J. Kenneth Moore and Marvin Kronenberg, Electronics, June 10, 1960, pp. 55-59

"Computing at Stanford" by Edward K. Yasaki, Datamation, November 1963, pp. 43-45

"Games, Logic and Computers" by Hao Wang, Scientific American, November 1965, pp. 98-105

"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

"Software for Terminal -- Oriented Systems" by Werner L. Frank", Datamation, June 1968, pp. 30-34

"Computer Generated Graphic Segments in a Raster Display" by Richard A. Metzger, AFIPS Conference Proceedings, Volume 34, 1969 Spring Joint Computer Conference, pp. 161-172

"Oki Denki Giho" , Vol. 34, No. 1, pp. 80-81

"Color TV Generated by Computer to Evaluate Spaceborne Systems" by Benjamin M. Elson, Aviation Week and Space Technology, October 30, 1967

NASA film roll No. S71-155, dated May 16, 1971 entitled "Electronic Scene Generator (ESG) Environment Apollo Program"

NASA film roll No. S71-132, dated May 6, 1971 entitled "Miscellaneous Environments for ESG"

NASA still photographs S-68-22972 and S-68-22970

Public Knowledge, Public Use or Prior Inventions

The video game used at Stanford University in 1963 or 1964 and known to James T. 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 and known To William George Brown.

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

The video game known as "bouncing ball" played at the Rand Corporation in about 1955 and played at Massachusetts Institute of Technology in about 1961 and known to Stephen Russell.

The video game of tennis shown to high school students and others at Brookhaven National Laboratories in 1958 and 1959 and known to David W. Potter and William A. Higinbotham of Brookhaven National Laboratories, Upton, New York.

A video game of baseball used and known at Control Data Corporation in about 1967 and known to Thomas J. Spence.

General Electric Interim Space Flight Simulator (including a color television raster scan display) of the type delivered to NASA, Houston, Texas in or about 1964 and as modified in or about 1967, which produced a display of (1) a lunar-scape with a sun shadow of a lunar module maneuvering over a textured surface; (2) landing and take off from an aircraft carrier; (3) a helicopter-tank battle with tracer bullets; and (4) docking of a lunar module with a command service module all of which are known, in varying extent, to William Miller, Fred T. Pearce and James Smith of NASA, Houston, Texas; Rodney S. Rougelot and Edward Wilde of Evans and Southerland, Salt Lake City, Utah; Nick Ide of General Electric Co., Binghampton, New York; and Werner Sharp and William Purdy of General Electric Co., Syracuse, 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. 3,549,284, the parent of reissue Patent No. Re. 28,507.

In addition to the above prior art Atari, Inc. and Sears Roebuck and Co. intend to rely upon United States Patent No. 3,728,480, in suit, as anticipation or as showing the state of the art relative to the remainder of the patents in suit; and upon United States Patent No. 3,549,284 and Reissue Patent No. Re. 28,507, both in suit, as anticipation or as showing the state of the art relative to United States Patent No. 3,549,284 and Reissue Patent No. Re. 28,598.

Lee & Smith
Ten South Riverside Plaza
Suite 330
Chicago, Illinois 60606
(312) 726-1982

Of Counsel for Sears

C. Ronald Olbrysh
Sears, Roebuck & Company
Sears Tower
Department 766
Chicago, Illinois 60684
(312) 875-9215

Of Counsel for Sears and Atari

Flehr, Hohbach, Test,
Albritton & Herbert
Thomas O. Herbert
Edward S. Wright
160 Sansome Street - 15th Floor
San Francisco, California 94104
(415) 781-1989

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the City and County of San Francisco, I am over the age of eighteen years and not a party to the above entitled action. My business address is 160 Sansome Street, San Francisco, California 94104. On May 25, 1976 I served the foregoing Notice of Prior Art by Atari, Inc. and Sears, Roebuck and Co. on the opposing attorney in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Neuman, Williams, Anderson & Olson
77 West Washington Street
Chicago, Illinois 60602

Threedy & Threedy
111 West Washington Street
Chicago, Illinois 60602

McDougall, Hersh & Scott
135 South LaSalle Street
Chicago, Illinois 60603

I, Nancy A. Davidson, declare, under penalty of perjury, that the foregoing is true and correct.

Executed May 25, 1976

Nancy A. Davidson