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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBIN ANTONICK,  
Plaintiff,

v.

ELECTRONIC ARTS INC,  
Defendant.

No. C 11-01543 CRB

**ORDER DENYING MOTION FOR  
SUMMARY JUDGMENT, GRANTING  
MOTION TO STRIKE**

Having carefully considered the parties' papers, and their arguments at the motion hearing, the Court GRANTS Defendant's Motion to Strike (dkt. 235) and DENIES Defendant's Motion for Summary Judgment (dkt. 194). For the purposes of the summary judgment motion, the Court rejects Defendant's argument that Plaintiff is contractually barred from recovering royalties should he prevail on the merits of his claims. The Court finds that there are genuine issues of material fact as to (1) whether the Super Nintendo and TurboGrafx games are in the same microprocessor family as the Apple II and (2) Amendment VIII.

**IT IS SO ORDERED.**

Dated: January 28, 2013

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE