

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE: THE HONORABLE SPENCER WILLIAMS, JUDGE

ANTI-MONOPOLY, INC., a )  
California corporation, )  
 )  
Plaintiff and )  
Counterclaim Defendant, )  
 )  
vs. )  
 )  
GENERAL MILLS FUN GROUP, INC., )  
a Nevada corporation, )  
 )  
Defendant and )  
Counterclaimant. )

No. C-74-0529 LHB

REPORTERS' DAILY TRANSCRIPT

MONDAY, NOVEMBER 15, 1976

Reported by:

WILLIAM R. JOHNSTON  
ROBERTA L. ROGERS

*J. G. F.*

1 THE COURT: I will want to read the daily which  
2 will include the portions which you have agreed should be  
3 admitted.

4 MR. DAGGETT: Correct. Thank you, Your Honor.

5 MR. DREYFUS: Mr. Todd.

6  
7 CHARLES E. TODD,

8 a witness called on behalf of the plaintiff, having been  
9 first duly sworn, was examined and testified as follows:

10  
11 THE CLERK: State your full name and spell your  
12 last name.

13 THE WITNESS: Charles E. Todd, T-o-d-d.

14  
15 DIRECT EXAMINATION

16 BY MR. DREYFUS:

17 Q. Mr. Todd, welcome to San Francisco.

18 Where do you reside, sir?

19 A. I reside at Department 1512, St. Johns Tower,  
20 724 Green Street, Augusta, Georgia. 30902.

21 Q. Mr. Todd, what is your business or occupation,  
22 sir?

23 A. I have been retired since 1959. I was a hotel  
24 manager for 50 years.

25 Q. Were you a hotel manager in the Philadelphia

1 area at any time, Mr. Todd?

2 A. Yes. I was in Philadelphia about 25 years.

3 Q. Could you tell us what period that was?

4 A. About 1920 to 1945.

5 Q. In the Philadelphia area, Mr. Todd, did you  
6 have occasion to play a board game, a parlor game with markers  
7 moved around the board and properties were acquired?

8 A. Well, I suppose you would call West Town  
9 in the Philadelphia area. It was about 40 miles out. But,  
10 of course, I was in Philadelphia when I first met the game  
11 and we played it quite a bit.

12 Q. What were the circumstances about which you first  
13 met the game, Mr. Todd?

14 A. Eugene Raiford, who was a professor of  
15 chemistry and an athletic coach, and his wife -- I had known  
16 Gene for many years because he was a classmate of mine, we  
17 graduated from West Town 1914 -- his brother, Jessie Raiford,  
18 taught him the game and he in turn taught me.

19 Q. Can you tell us when that was, Mr. Todd?

20 A. I was first introduced to the game in 1932.

21 Q. By Mr. Raiford?

22 A. By Mr. Raiford and his wife, Ruth Raiford.

23 Q. Did the game have a name, sir?

24 A. Monopoly.

25 Q. Did you have occasion to make some equipment

1 for playing the game yourself, Mr. Todd?

2 A. Yes.

3 I made one for ourselves and one for Charlie  
4 Darrell.

5 Q. I want to show you, Mr. Todd, Plaintiff's  
6 Exhibit 10 and Plaintiff's Exhibit 10-A.

7 First with respect to Plaintiff's Exhibit 10. Do  
8 you recognize Plaintiff's Exhibit 10, Mr. Todd?

9 A. Yes. This was mine.

10 Q. Who made that board, Mr. Todd?

11 A. I copied Raiford's game. I actually made this  
12 myself by copying his.

13 Q. You made Plaintiff's 10 that is before you?

14 A. Pardon me?

15 Q. The one that's before you, Plaintiff's 10,  
16 right?

17 A. Yes.

\*\* 18 Q. Now, could you look in that old Made box that's  
19 Plaintiff's Exhibit 10-A and can you identify the contents  
20 of that box?

21 A. These are the words that we used. This is the  
22 one that gave you the prices.

23 Q. Could you read a couple of those, Mr. Todd?

24 A. Pardon me?

25 Q. Could you read a couple of those cards just so

1 we know what we are talking about.

2 You are reading from the little cards that are  
3 part of the contents of Plaintiff's Exhibit 10-A.

4 A. Yes.

5 Q. What do they say?

6 A. This is Atlantic Avenue. Rent \$22. Mortgage  
7 \$130. Other figures on there going down.

8 This is Baltic Avenue. Rent \$4.00, mortgage  
9 \$30 and other prices on there. This is Boardwalk. Rent \$50,  
10 mortgage \$200. Connecticut Avenue. Rent \$8.00. Mortgage  
11 \$60.

12 Q. And the other cards are comparable?

13 A. Yes.

14 Q. Could you describe how those cards were used  
15 in the game as it was played, Mr. Todd?

16 A. What was that? I am sorry. I am a little hard  
17 of hearing.

18 Q. That's perfectly all right, sir.

19 Could you tell us in the method of play how the  
20 little cards that you've just been describing were used?

21 A. Well, they were used to put the price on the  
22 property, so that you had some idea of what you ought to  
23 sell for.

24 I don't know what else to say about them. That's  
25 what they are. That's the rent there and the mortgage on the

1 property to give you an idea of what you were doing.

2 Q. Then there's other equipment, little structures  
3 in the box in Plaintiff's Exhibit 10-A?

4 A. You roll the dice. The number that came up  
5 on there you would move it seven and take a trip to Park  
6 Place or take a walk on the Boardwalk, pay the Community  
7 Chest \$25, get out of jail free, go to jail, and the things  
8 you got to do when you land on one of these squares.

9 Q. There are Community Chest squares, are there,  
10 on the board, Mr. Todd?

11 A. Community Chest here, take a Chance over there,  
12 here's jail, Pacific Avenue, North Carolina Avenue,  
13 Community Chest, Pennsylvania Avenue and all around.

14 There is one where I misspelled the word.

15 Q. Which one is that?

16 A. Marvin Gardens.

17 Q. What's the correct way to spell it?

18 A. M-a-r-v-i-n.

19 Q. How did you spell it?

20 A. M-a-r-v-y-n.

21 Q. Do you know how that happened?

22 A. It was on Gene's board.

23 Q. By Gene's board you mean Mr. Raiford's board  
24 that he brought from Atlantic City?

25 A. Yes.

1 Q. Did you have money with which to play this  
2 game?

3 A. No.

4 We used poker chips. The guy that had the  
5 biggest pile of poker chips won the game. No money passed  
6 hands.

7 Q. Now, did you have occasion to teach the game  
8 to other people, Mr. Todd?

9 A. Did I what?

10 Q. Did you have an opportunity or occasion to  
11 teach the game to anybody else?

12 A. Yes. I taught it to several people.

13 Q. Could you tell us some of the people to whom  
14 you taught the game?

15 A. I don't really remember.

16 Q. Was one Esther Jones, Mr. Todd?

17 A. Esther Jones is Darrow's wife. I taught it  
18 to them, yes.

19 I didn't know they were in Germantown. They  
20 lived two or three blocks from me at a hotel.

21 I ran into them on the street one day. They said  
22 they were living in Germantown and I said come on over and  
23 have dinner and we'll show you a new game that we just learned.

24 So they came over. Charlie Darrow was very much  
25 interested in it. He asked a lot of what I thought were

1 pretty dumb questions. But he was seeking information. We  
2 played it and he liked it and Esther liked it and we had them  
3 back a couple of days later. We had them three times at  
4 the house and they invited us over to their place. We played  
5 twice over there.

6 Darrow, the last time we played, he said, don't  
7 you have any rules? I said, no, it is just a fun game for  
8 us. I said we enjoy it. He said, will you write me the  
9 rules as you remember them and anything you think ought to  
10 be changed or improved.

11 I said, oh, yes, be glad to help.

12 He said, I wish you would make me eight or ten  
13 copies. So I thought he wanted to have some of his friends  
14 in, teach them the game and wanted extra copies. So my  
15 secretary made up a dozen sheets.

16 I never heard or saw him after that. Never  
17 heard a thing from him. He just disappeared.

18 Q. Can you tell us when that was, Mr. Todd?

19 A. 1933. What month, I don't know, because it  
20 was long time ago.

21 Q. Did you make a board for Mr. Darrow?

22 A. Well, I made one, if you call that a board.

23 Q. Which one of these? You are referring to  
24 Plaintiff's Exhibit 10, which is before you, right?

25 THE COURT: Oilcloth?

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THE WITNESS: Yes.

MR. DREYFUS: I should more accurately describe it as oilcloth.

Q. Mr. Todd, did you say that you were the manager of the hotel where you first played?

A. Yes. I was manager and director.

Q. What's the name?

A. Emlan Arms (phonetic spelling).

Q. Is that where you first played with the Raifords?

A. Yes.

Q. Is that where you first played with the Darrows?

A. Yes.

Q. How did you happen to know Mrs. Darrow, Mr. Todd?

A. Well, we were both born and raised in West Grove, Chester County, Pennsylvania. We lived out at 205 Harmony Road and they lived on the other corner with Harmony Road between us. So we were knee-high to a grasshopper there. Went to primary school together.

Q. What year or years was that, Mr. Todd?

A. Oh, about 1906, '07 and '08, in along there.

(Continued on the next page.)

1 Q Mr. Todd, have you ever communicated the information  
2 you have told us today to other people?

3 A No. If we had friends in to play the game -- but  
4 we just played the game. That was all.

5 Q Did you ever communicate with Parker Bros. about  
6 the invention of the game?

7 A When I heard that he had a patent --

8 Q By "he" whom do you mean?

9 A Darrow, Charlie Darrow. Edgar Guest had been  
10 on the radio explaining the thing, and Darrow told me a  
11 sob story and at the same time -- I started out to say something  
12 and forgot what I was going to say. What was your question  
13 again?

14 Q Did you communicate with Parker Bros. about this?

15 A Oh, yes. Yes. I wrote them and told them that  
16 I was surprised that they would take the game and have it  
17 patented and put on the thing because I said he didn't patent  
18 it. I mean, he patented it, but he stole the game from us,  
19 you might say. And they never answered.

20 Edgar Guest did answer. He said he was very sorry,  
21 but he did not make up the programs. It was just his job  
22 to deliver them as presented to him.

23 Q Do you remember when it was that you communicated  
24 with Parker Bros. about it?

25 A Well, it was around '34 or '35, in that area.

1 I don't remember just exactly the year.

2 Q Do you remember when it was that you communicated  
3 with Edgar Guest about his program?

4 A About the same time.

5 He came on just about -- well, it was right after  
6 the patents were gotten and he began selling the game.

7 Q Was the game that you played with the Raifords and  
8 the Darrows known by any other name than Monopoly?

9 A Not that I am aware of. I never heard of any other  
10 name.

11 Q The Plaintiff's Exhibit 10 before you does not have  
12 any name on the oilcloth, does it?

13 A No.

14 Q Did any of the other cloths or boards that you  
15 made bear any name?

16 A I don't remember any names being on the board,  
17 because we made our own boards and played the game together.  
18 But I don't recall any name being on the board. I think if  
19 there was, I would have had it on here.

20 MR. DREYFUS: Mr. Daggett, may I look at the other  
21 board?

22 MR. DAGGETT: Your Honor, it is Defendant's Exhibit 3.

23 MR. DREYFUS: Q Mr. Todd, let me show you Defendant's  
24 Exhibit 3 in evidence. I will take away Plaintiff's 10 and  
25 put Defendant's 3 before you.

1 Do you recognize Defendant's 3?

2 A No.

3 Q You do not?

4 A I have never seen this or one like it.

5 MR. DREYFUS: All right. That's all I have from  
6 Mr. Todd, Your Honor.

7 THE COURT: Mr. Daggett.

8

9

CROSS-EXAMINATION

10 BY MR. DAGGETT:

11 Q Mr. Todd, I can't figure out whether this is a  
12 trial or a reunion. But would I be correct in supposing that  
13 there are witnesses out there to testify and who have  
14 testified that are friends you haven't seen in years?

15 A I haven't seen in years?

16 Q Are there friends of yours out there you haven't  
17 seen for a long time?

18 A No, I haven't seen them for a long time.

19 Q Do you recall having your deposition taken in  
20 this case?

21 A Yes. In where?

22 Q In this case. It was taken --

23 A In Florida?

24 Q In Augusta.

25 A Yes.

1 Q And you gave some testimony?

2 A Yes.

3 Q Do you recall at the time being under the  
4 impression that the Monopoly name had been on the Raiford  
5 board years ago?

6 A I don't remember.

7 Q And you now know that it was not, don't you?

8 A That it was not?

9 Q That the name was not on the board; we know that  
10 from the evidence we have been watching.

11 MR. DREYFUS: I beg your pardon, Your Honor. I hate  
12 to interrupte. I don't think that --

13 THE COURT: Not on the Raiford boards which we have  
14 seen so far in evidence.

15 MR. DREYFUS: That's correct.

16 THE COURT: All right.

17 MR. DAGGETT: Q Why did you say in response to one  
18 of Mr. Dreyfus' questions that you thought Charles Brace  
19 Darrow stole Monopoly?

20 A Stole it?

21 Q Yes.

22 A Well, he got it from me and took it and had it  
23 patented after I gave him all the instructions and the board  
24 and everything, and he got it patented. I don't think that  
25 was particularly honest. I use that word "stole" as a --

1 because after he got all the information that he thought he  
2 needed and had played the game five times with us, he just  
3 disappeared after he got the sheets and after he got it  
4 patented. And thereabouts I never saw him or his wife again,  
5 nor did they ever speak to me again.

6 If they were coming down the street and saw me, they  
7 would duck into a store or across the road and go someplace  
8 else. So they were on the guilty side I would say.

9 He never came around and said, "Well, I got the game  
10 patented. Thank you for teaching me" or anything like that.

11 Q You gave the game, as you testified, to Mr.  
12 Darrow gladly and without objection, didn't you?

13 A Gave it to Mrs. Darrow?

14 Q To Mr. Darrow.

15 A I didn't say anything about giving it to her.  
16 I gave it to Charlie Darrow and his wife.

17 He is the one that asked the questions and he is the  
18 one that got the answers and he is the one that played the  
19 game and got it patented.

20 Q Do you know if Charles Brace Darrow is alive  
21 today?

22 A No, he is not alive.

23 Q Dead, isn't he?

24 A Yes.

25 MR. DAGGETT: Thank you, Your Honor. That's all.