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Texas court to hear disaster case

THE ASSOCIATED PRESS

AUSTIN — Some business leaders fear a case going before the Texas Supreme Court this week could lead to the state's becoming fertile ground for disaster trials that have little connection to Texas.

The court is scheduled Tuesday to consider a Singapore widow's lawsuit against Irving-based Exxon Corp.

Chick Kam Choo and her four daughters want \$3 million in damages from Exxon, which owned the ship where Leong Chong was killed March 24, 1977. A metal spindle fell and hit Leong, 37, as he worked about the Esso Wilhelmshaven in drydock in Singapore.

Texas is a long way from the witnesses who would be called to testify. But lawyers for the woman say they simply want the case

tried in Exxon's backyard.

The Texas Supreme Court will be deciding whether foreigners should be able to sue multinational companies in Texas courts for

case will be tried in a Texas court under Singapore law.

What her lawyers see as simple justice, business leaders view as highway robbery.

"An ill wind is blowing through the Texas halls of justice, and its siren song is that business thinking, not the law, should dictate the outcome of cases."

*-John O'Quinn
Attorney*

damages arising from incidents that occur outside the state.

The Singapore case already has been rejected in the U.S. federal courts. The question now is whether it can be heard in a state court.

If the state Supreme Court rules in favor of the widow, the

One group, Jobs for Texas, says out-of-state businesses would shy from Texas out of fear of being sued easily.

Jobs for Texas has filed court papers opposing the so-called Alfaró ruling of 1990.

In the Alfaró case, justices ruled 5-4 that Costa Rican farm

workers who said they were injured by an American-made pesticide could sue the manufacturer in Texas.

Jobs for Texas says the Alfaró ruling was "wrong and is a embarrassment to Texas justice."

But Houston lawyer John O'Quinn, representing Leong family, said Jobs for Texas' goal is to enhance corporate responsibility at the cost of safety.

In his response to the Supreme Court, O'Quinn said, "An ill wind is blowing through the Texas halls of justice, and its siren song is that business thinking, not the law, should dictate the outcome of cases."

The Texas business community, he said, is making "cynical arguments that they will pick their chips and leave home when they are given a chauvinistic incentive to injure and kill foreigners out of redress in Texas courts."

Sanyo responds to U.S. patent dispute

Japanese companies adopt aggressive American practices when being sued

THE ASSOCIATED PRESS

TOKYO — For Sanyo Electric Co. Ltd., going to court to thrash out a patent dispute once seemed like a declaration of animosity to be avoided at almost any cost. Not anymore.

Sanyo recently abandoned its reticence and countersued Texas Instruments Inc. after refusing the Dallas semiconductor maker's requests for royalties on a disputed patent.

"In the past, Japanese companies were willing to spend extra money to settle patent disputes to avoid conflicts with other companies," said Sanyo spokesman Koshiro Tamura. "But Japanese are becoming more assertive, and are moving toward the American way of doing business."

In recent months, a slew of highly publicized patent disputes, most initiated by U.S. companies, has convinced many Japanese firms to be more aggressive in defending themselves from such lawsuits and in protecting their own patents.

Many are beefing up patent divisions, training employees in international law and coaching researchers in patent issues.

And as they see U.S. companies demanding

steeper royalties, more are viewing patents as a source of income, not just a means of limiting competition or obtaining technologies through cross-licensing.

With Japan now receiving 20 percent of all U.S. patents, that could spell trouble for American industry in the future.

The Japanese corporate offensive so far has been most visible in Asia, said Norman Neureiter, a director of Texas Instruments Japan. "They're starting to sue."

Fujitsu Ltd., Hitachi Ltd. and NEC Corp. recently negotiated large royalties from South Korea's Samsung Electronics, while Dai Nippon Printing Co. Ltd. asked for licensing fees from foreign and Japanese electronics makers for its liquid crystal display manufacturing techniques.

This is new ground for corporate citizens of a society that tries to minimize conflict and litigation.

But now, says Sanyo's Tamura, "even smaller companies are becoming very careful about protecting their patents and trademarks."

Last spring, Matsushita Electric Industrial Co. Ltd., Japan's largest consumer electronics

maker, launched a new patent program in response to the increase in disputes.

Matsushita has about 310 employees dealing with intellectual property rights, twice the number it had five years ago. Employees are trained in patent issues and receive prizes for discoveries that result in patents, said Akio Kokaji, director of the company's intellectual property center.

Right now, about 1,000 claims by U.S. companies of patent violations by Japanese firms are pending, a sharp rise from recent years, according to the economic journal *Nikkei Weekly*.

One reason for the increase is that U.S. courts rule much more often in favor of patent holders than they did in the past. With greater chances of winning litigation, U.S. companies are demanding royalties more frequently and are asking for larger amounts.

"U.S. companies are systematically going through their patent portfolios," looking for assets, said Steven Myers, an electronics analyst in Tokyo for Jardine Fleming.

Many of the disputes are over basic technologies, and the stakes are huge.

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Group consuls inmates' families

THE ASSOCIATED PRESS

FORT WORTH — Relatives of prison inmates say they can suffer as much as victims' families.

Many members of the national group called Citizens United for the Rehabilitation of Errants held its statewide meeting in Fort Worth over the weekend.

They said widespread news coverage of cases such as that of former death row inmate Kenneth McDuff exacerbate their pain.

McDuff's parole and later indictment in other deaths triggered a statewide debate over early release of prisoners.

"Hold your head up and don't be afraid to say you have a relative in prison," said Lois Robison, whose son, Larry Keith Robison, was convicted of murder.

"A lot of people are shocked when they find out two schoolteachers have a son on Death Row," she said.

Members of the group founded in San Antonio in 1972 promises help for criminals' relatives, who actually have

much in common with those of crime victims, they say.

"If it's someone in my family who did it, I'm hurting twice as much," Dorothy Bartholomew of Fort Worth, a CURE board member, said.

The meeting of CURE members, which ended Sunday, marked the group's 20th anniversary and included testimonials from relatives of suspected and convicted criminals. They reflect frustration, pain and anger over the criminal justice system.

Families of prisoners often feel both the victims' pain and the public shame for a crime in which they were uninvolved, Ms. Bartholomew said.

"We try to help the families through a difficult situation," she said. "We say: 'You haven't done anything. You're no criminal.'"

Diana Ray told the group that when her son was charged with sexually assaulting an 8-year-old girl, she was forced to deal with the anguish virtually alone because attorneys warned her that discussing the case could force the trial to be moved.

Wall street strategists face billion dollar suit

THE ASSOCIATED PRESS

DALLAS — The go-go ways of the infamous Wall Street takeover strategists Ivan Boesky and Martin Siegal are the focus of a multi-billion-dollar lawsuit that goes to trial this week in a state court.

Maxus Energy Corp. is seeking \$2.2 billion in a case against Siegal, Boesky and the New York investment house of Kidder, Peabody & Co.

Maxus accuses them of defrauding its predecessor, Diamond Shamrock Corp., when it tried to buy Natomast Co. in 1983.

All the defendants have denied any wrongdoing, and for years Kidder tried to kill the Dallas action, giving up only after the U.S. Supreme Court declined to intervene.

Pretrial hearings will begin Monday before Judge Adolph Canales of the 298th State District Court. If it goes the distance without a settlement, the case could take seven weeks.

In another corporate takeover case, Pennzoil Corp. won the biggest jury award in history from Texaco Inc. — \$10.5 billion — in Houston in 1985. If Maxus wins anything near what it seeks, it would rank high on the all-time list.

"This is a significant case," one

nationally recognized authority on insider trading and securities law told *The Dallas Morning News*. "There'll never again be anything as exciting as *Texaco Pennzoil*, but if that was an *Applus*, this is an *A*."

He and several other scholars asked the paper not to be identified because they expect to be called as expert witnesses.

Analysts say a large award settlement could be a boon to Maxus. The company has posted losses every year except one since 1985. And it is under pressure to pay down \$796 million debt and finance an exploration program in Bolivia, Ecuador and Colombia.

A big payoff "could really hurt the company around," says John Herrlin, an analyst for Lehman Bros. in New York.

Among the defendants, Siegal's wealth is thought to be limited despite a luxurious home in Florida. Boesky, even after surrendering \$100 million in fines and illegal profits to settle a federal civil action several years ago, has lived well. But a pending divorce has raised questions about the size of his fortune.

Kidder Peabody's parent company, General Electric Corp., ranks fifth in the *Fortune 500* with annual sales exceeding \$60 billion. It clearly wouldn't be ruined by an adverse judgment, analysts say.

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Perot heads magazine's list of wealthiest people in Texas

THE ASSOCIATED PRESS

Dallas billionaire H. Ross Perot heads a magazine's annual list of richest Texans which also includes an investor in the city and a Fort Worth family of investors.

Forbes magazine released the names Sunday of the Texas who made the publication's annual list of richest Americans.

Perot, who entered the presidential race last week as an independent candidate, heads the

Texas list with \$2.4 billion, *Forbes* magazine said.

The 62-year-old Perot is founder of Dallas-based Electronic Data Systems. After selling EDS to General Motors in 1984 for \$1 billion, Perot started a new computer service company in 1986 called Perot Systems.

Perot is also involved in real estate and other investments through a holding company called the Perot Group.

Tied for second place in the Texas list is 36-year-old Lee Marshall Bass and 49-year-old Richardson Bass. The men, both of Fort Worth, are investors with \$1 billion each, according to the magazine.

Ray Lee Hunt, 49, and his family in Dallas are listed next with \$1.5 billion.



Perot