1/3/67

Contract AF33(616)-6079

Project No. 9-(13-6278) Task 40572

9/25/58 - K replaces VF3220

Date	
29 Jan 1959	Sent January Monthly Progress Report to WADC
3 Feb 1959	3 copies 4th Rep #1 to WADC - Ltr says all copies have been distributed.
June 19, 1959	Ltr. Lawler → Gentry - shall deliver 3 additional & Tech Rep #3
July 21, 1959	Ltr with June Monthly Progress Report to WADC
21 August 1959	- Ltr w/ 11 copies - 4th Rep No 2 to ASTIA -
13 Aug 1959	- 2cc - July Monthly report - WADC
27 Oct 1959	2cc - Sept. Monthly report → WADC
6 Nov. 1959	2cc - Qtrly Rep? — WADC
11/27/59	2cc - Oct. " " → WADC
1/27/60	2cc Dec " " → "
2/5/60	Lawler → Miller - Mayes etc. another delivery

9/15/60	2 cc — ¼ Rep #5 → WADC
4/27/60	2 cc — ¼ Rep #6 · WADC
4/25/60	2 cc - March Progress Rpt. Rpt - WADC
5/25/60	2 cc - April report → WADC
15/July/60	2 cc - ¼ Rep #7 → WADC
21/June/60	2 cc - June rep → WADC
2/22/61	2 cc - Jan. Rep → WADC
18/Nov./60	1 cc - TR 57 - Mayaguez Canal V-ang → WADC
10/Nov./60	1 cc - ¼ Rep #8 → WADC
29/Nov/60	2 cc - Oct. Rep. → WADC
7 Feb/61	1 cc - ¼ Rep #9 → WADC
8 Feb/61	2 cc - Dec Rep → WADC
19 Jan./61	2 cc - Apr. Rep → WADC
26 July/61	2 cc - June Rep → WADC

28 Aug/61 2cc - July Rep → HSD

11 Sept/61 10cc - ¼ Rep r 11 → HSD

31 Oct/61 2cc - Sept. Rep → HSD

12/Dec/61 2cc - Oct Rep → HSD

15 Feb/62 3cc - ¼ Rep r 13 → HSD

February 10, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose the material I have had copied from the Electrical Engineering Department business office records, relating to the reports. Apparently they did not keep a full set of copies of transmittal letters. On the other hand, there are copies of the letters with enough of the reports to indicate that they generally went out sometime after the report date. I suggest you check in particular the following documents:

Document No.	Description
5339	Purchase order April 21, 1959, covers for Quarterly Report No. 2
5340	Invoice April 27, 1959, covers for Quarterly Report No. 2
5341	Requisition dated 4-16-59, front and back covers Quarterly Report No. 2
5342	Purchase order April 21, 1959, Quarterly Report No. 2
5343	Invoice April 29, 1959, Quarterly Report No. 2 and transmittal letters.
5344	Requisition 4-16-59, Quarterly Report No. 2
5639	Transmittal letter dated April 27, 1959, Quarterly Report No. 2.

4/27/59 · Monday

Wed

RINES AND RINES
NO. TEN POST OFFICE SQUARE, BOSTON

February 24, 1967

RECEIVED
FEB 28 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

COPY

Jerome M. Berliner, Esq.
Ostrolenk, Faber, Gerb & Soffen
Ten East Fortieth Street
New York, New York 10016

Re: UIF v. B-T v. JFD -66-C-567

Dear Jerry:

We are prepared to assist you in avoiding the necessity of taking testimony in the specific matters and statements contained in the second and third paragraphs of your letter of February 20, 1967, and are willing to stipulate to the authenticity of Ex. J-53 and to the statements that you say Mr. Field would testify to, contained in the third paragraph of your letter. It should be clearly understood, however, that we are not agreeing to any facts or details other than the specific statements above-referred to.

Very truly yours,
RINES AND RINES

By_____

RHR:H

cc: R. Phillips, Esq.

OSTROLENK, FABER, GERB & SOFFEN
ATTORNEYS AT LAW
TEN EAST FORTIETH STREET
NEW YORK, N. Y. 10016

SAMUEL OSTROLENK
SIDNEY G. FABER
BERNARD GERB
MARVIN C. SOFFEN
SAMUEL H. WEINER
JEROME M. BERLINER
LOUIS WEINSTEIN
MARC S. GROSS
STEWART J. FRIED

MICHAEL S. PINKUS
(ILL. & PA. BARS ONLY)
ROBERT C. FABER

RECEIVED
FEB 21 1967
RINES AND RINES
NO. TEN POST OFFICE SQUARE, BOSTON

AREA CODE 212
MURRAY HILL 5-8470

CABLE ADDRESS
"OSTROFABER" NEW YORK

February 20, 1967

RECEIVED
FEB 28 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Robert H. Rines, Esq.
Rines & Rines
10 Post Office Square
Boston, Massachusetts

Re: JFD 3,223 - UIF v. B-T v. JFD
(ND Ill. ED 66-C-567)

Dear Mr. Rines:

Enclosed are photostats of Exhibits J-10 through J-50 inclusive and J-52 through J-57 inclusive all marked for identification during the deposition of Robert F. Heslin conducted on February 14, 1967 in connection with the above identified litigation. Exhibit J-51 for identification is the physical antenna shown in the photographs J-20 and J-21.

Exhibit J-53 is indicated in J-52 as being a copy of the official record at ARRL that Heslin's article in the June 1963 issue of QST was received by the publication on 11-27-61 and was accepted on 12-8-61. In order to avoid the necessity of taking testimony in Newington, Connecticut, it is requested that you stipulate to the authenticity of J-53 or accept an affidavit from QST attesting to the authenticity of J-53.

Heslin testified that the antenna J-51 has been in the custody of Van Field located in Bellport, New York (approximately 60 miles east of Kennedy Airport). At the time J-51 was taken from Mr. Field he advised that J-51 was mounted on the roof of the Suffolk County Technical Electronics Facility at 289 Station Road, Bellport, New York, where he is an Engineer-Instructor. He also advised that he is an amateur radio operator (call letters W20QI) and that his transmitter-receiver, connected to antenna J-51, was frequently used to transmit and receive signals on amateur bands. In order to avoid the time and expense of taking testimony to establish the foregoing, it is requested that you stipulate to the foregoing facts, and the period of time during which the J-51 was in use, or accept an affidavit by Mr. Field setting forth these facts.

Kindly advise me of your intentions with respect to the above requests.

Very truly yours,

OSTROLENK, FABER, GERB & SOFFEN

Jerry

Jerome M. Berliner

JMB:cg

Enclosures

February 21, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I am writing as I have been unable to reach you by phone. I had a long conversation with John Pearne, counsel for Finney, who developed most of the information used by the defense in the trial against Winegard last week in Des Moines. The trial was conducted by Keith Kulie of George Frost's old firm, and I hope to be able to borrow the trial transcript and send you a copy.

With regard to the distribution of Quarterly Report No. 2, John is convinced that no copies were mailed early enough to establish a statutory bar. Copies were delivered, however, to the editor of the publications office at the University of Illinois, on April 29. This office functions like a library although it is not officially so designated. Its purpose is to obtain the widest possible dissemination of information resulting from University research. It is open not only to faculty and students but to interested outsiders. In addition to maintaining a collection of materials available for studying and copying, it lends materials and in many cases, including the case of Quarterly Report No. 2, has a supply of extra copies which are given away so long as they last. The woman who serves as editor was a witness at the trial in Des Moines and John felt clearly established the availability of Quarterly Report No. 2 as early as April 29. According to him, the only rebuttal testimony was that the publications office is not classified on the University records as a library.

Pearne is quite interested in the possibility of comparing notes with you regarding the lawsuit. As I mentioned, he obtained an admission from Prof. Mayes that the

initial suggestion that they V the dipoles came from a Mr. Turner at Wright-Patterson Air Base; and that it was tried after studying the textbooks. The results which were achieved showed an improvement and gain when operating at the third or higher harmonics as predicted by the texts. They had some evidence of JFD tie-in sales but decided not to use it, to avoid involving their customers.

John would be happy to talk with you on the telephone or, better yet, to meet with you either in Cleveland or in Chicago. Possibly this could be arranged when you are out here the latter part of March.

Pete Mann called me regarding the interrogatories. The Foundation does not have and will not go to the University to get the detailed information which we requested. They have in the past and intend in the future to require that this type of discovery be by deposition of the University personnel. When would you like me to arrange such a deposition?

Very truly yours,

Richard S. Phillips

RSP:iag

RSP

February 21, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Mass. 02109

Re: University of Illinois v.
Blonder-Tongue et al

Dear Mr. Rines:

At the trial call yesterday Judge Hoffman set case after case during the month of April. When he finally got to the above case he set it for trial on April 24. I explained to him that that was the only time in April that you were not available and he thereupon reset it for May 1st. Inasmuch as he will be gone during the entire month of March, it seems most unlikely that it will be reached on May 1st but you never can tell. In several instances in connection with the cases that were set earlier, the lawyer advised the Judge that there was a likelihood of settlement.

At the hearing Mr. Merriam also suggested that it would be in order to enter a pretrial order with regard to the schedule of exhibits, witnesses, trial brief, etc. and wanted the matter set for hearing on such an order on Thursday of this week. I told the court that I might not be able to get in touch with you in time and suggested that the matter be put over until next month. It will be heard by Judge Decker who will be hearing emergency motions at that time.

After the hearing I talked with Pete Mann about the proposed order as Merriam's comments about it were a little indefinite. Here is what they propose.

1. By April 1 both sides will exchange written schedules of all exhibits which will be offered in evidence at the trial and the names and addresses of all prospective witnesses.

2. By April 15 the parties will file whatever objections they have to the exhibits on the other side's schedule.

3. The parties will exchange pretrial briefs on April 20.

The above is more or less in line with the pretrial order of December 20, 1966 issued for the court by Judge Campbell snd of which I believe you have a copy. However, there will be no pretrial conference. Will you agree to the above pretrial order?

I tried to get you on the phone to give you the above information but was unable to reach you yesterday or this morning so thought I had better get this letter off right away.

Yours very truly,

HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

John Rex Allen

JRA:DB

February 13, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I had a call from JFD's attorneys asking whether we would waive Mr. Blonder's signature to the transcripts of his depositions. Apparently this was not of record at the time the depositions were taken.

It's my understanding that you have no additional corrections to suggest in the depositions. If it is satisfactory with you to waive signature, let me know.

Very truly yours,

Richard S. Phillips

RSP:iag

February 6, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a notice from Ostrolenk, Faber of a deposition of Robert F. Heslin, to be taken in their office on February 14. Even though you may be on trial in St. Louis, I don't think there is any point in trying to get the date changed.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. I. S. Blonder

February 2, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose copies of the Foundation's reply to the amended counterclaim and of the JFD deposition notice and motion and other papers we filed seeking to change the date.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

RINES AND RINES
ATTORNEYS AT LAW
NO. TEN POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

DAVID RINES
ROBERT H. RINES

CABLE SENIR
TELEPHONE HUbbard 2-3289

February 2, 1967

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: UIF v. BT v. JFD

Dear Dick:

We have just spoken with Mr. Blonder and have learned that Mr. Harry Gilbert and Mr. Jerry Cohn and I could be available for depositions in New York the week of February 20.

With regard to Dick Halsocki, we are not sure that he will remain with Blonder-Tongue following the appointment of the new sales manager; but we shall keep you apprised.

We understand that on the basis of what we gave you over the telephone relating to my impossible schedule, you are going to move to quash the less than one week notice of depositions filed by JFD.

Very truly yours,

RINES AND RINES

RHR/BD

By Robert H. Rines
BD

RECEIVED
FEB 6 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

January 31, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose JFD's reply to the amended counterclaim and their crossclaim. I will file a short document restating our answer to the crossclaim.

Pete Mann advises me that the suit against Winegard in Des Moines is scheduled to go to trial February 13.

Very truly yours,

Richard S. Phillips

RSP:lag

* Enclosure

January 30, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I have been advised by Mike Cass that JFD would like to take the depositions of Harry Gilbert, Dick Halsocki and Jerry Cohn, in Faber's office starting February 6. If there will be any problem in having these three men available at that time, let me know immediately.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

RINES AND RINES
ATTORNEYS AT LAW
NO. TEN POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

DAVID RINES
ROBERT H. RINES

CABLE SENIR
TELEPHONE HUBBARD 2-3289

January 26, 1967

Richard S. Phillips, Esquire
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago 60606, Illinois

Re: University of Illinois Foundation v.
Blonder-Tongue v. JFD

Dear Dick:

Thank you for the copy of the amended answer and the notice of prior art of the counterclaim defendant.

We have noticed Balash for testimony in New York on February 8 and hope to proceed on summary judgment promptly thereafter.

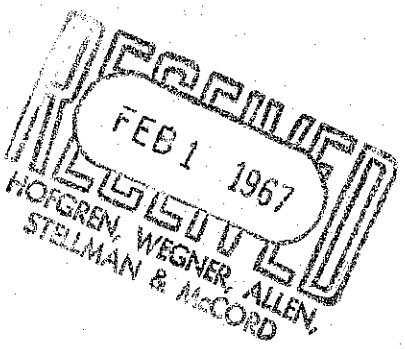
What is the status of the documents subpoenaed from the University?

Very truly yours,

RINES AND RINES

By Bob

RHR/BD
cc: Isaac Blonder



January 25, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

In connection with your proposed motion for summary judgment, Jack and I both feel very strongly that it should be presented before the case goes on the trial call on February 20. Judge Hoffman is likely to deny it without consideration of its merits if presented after that time. Accordingly, I thought it might be helpful to you to have our tentative schedules for February. I am leaving the afternoon of February 7 and will be in Washington the 8th and 9th. Jack is leaving the evening of the 15th and will be gone the 16th. Other than these dates, we should be available at any time.

Very truly yours,

Richard S. Phillips

RSP:iag

January 24, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of a notice from JFD regarding prior patents, publications and uses, under 35 U.S.C. 282.

If you wish to have discovery with regard to any of this, I suggest that you proceed promptly. Judge Hoffman will not be likely to postpone the trial date if more time should be necessary and you are not diligent now. I am not even sure he would grant a postponement if you are diligent, but certainly there is a better chance, if you should run into problems.

Have you arranged the Balash deposition?

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

January 23, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

In accordance with your secretary's phone call, * we have completed and filed the amended answer. A copy is enclosed. I don't have copies of all your prior art patents and as a result did not attempt to list the prior art with respect to the reissue patent. As soon as you have this information available, we should give a formal notice. I added paragraph 24 questioning the basis for the reissue.

Very truly yours,

Richard S. Phillips

RSP:lag

* Enclosure

cc: Mr. I. S. Blonder - with enclosure

January 18, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of the judge's minute order entering the amended complaint. He gives only five days for filing an amended answer. If you can't prepare the paper and send it to me, call me so that we can discuss the affirmative defenses which you wish to put in with regard to the added patent.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

January 26, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I had a call from Sid Fox advising that there was an incorrect date on a publication in the notice under §282, Page 3, the QST issue identified as June 1959 should be June 1963.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

January 17, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I enclose a copy of a minute order from the court adding your case to the trial call on February 20, 1967. It is our belief from previous discussions with the judge's clerk that this indicates the case will not be reached for trial until sometime in April. We will check this again with the clerk during the next few days and let you know for sure. In any event, we will advise the court on February 20, or sooner if the clerk deems it advisable, of your unavailability during the month of March.

John →

Very truly yours,

Richard S. Phillips

RSP:lag

Enclosure

January 17, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of a minute order from the court adding your case to the trial call on February 20, 1967. It is our belief from previous discussions with the judge's clerk that this indicates the case will not be reached for trial until sometime in April. We will check this again with the clerk during the next few days and let you know for sure. In any event, we will advise the court on February 20, or sooner if the clerk deems it advisable, of your unavailability during the month of March.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

JRA 1/0
RSP
JRH

3

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JULIUS J. HOFFMAN.

Cause No. 66 C 567 Date JAN 13 1967

Title of Cause University of Illinois Foundation v. Blonder-Tongue Laboratories, Inc., et al.

Brief Statement of Motion

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

RECEIVED
JAN 17 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Reserve space below for notations by minute clerk

Judge Hoffman

ON COURT'S MOTION, CAUSE WILL BE ADDED TO THE TRIAL CALL ON FEB 20 1967

COUNSEL REQUIRED TO BE READY FOR TRIAL

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

January 13, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose the following papers which were served by Mann this afternoon:

Notice of Motion
Motion for Leave to File Amended Complaint
Stipulation
Amended Complaint.

I intend to be on hand Monday morning when the motion is presented in the event Judge Hoffman has questions regarding timing of further actions in the case.

Will you prepare the answer to the amended complaint?

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

January 9, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

As we discussed when you were here, we have gotten copies of some of the papers from the Finney suit. The following are enclosed:

1. Amended Complaint (filed September 20, 1965)

2. Plaintiff's Response to Defendant JFD Electronics Corporation's First Set of Interrogatories to Plaintiff The Finney Company Under Rule 33 (filed October 8, 1965)

3. Answers by Plaintiff The Finney Company to Defendant JFD Electronics Corporation's Second Set of Interrogatories to Plaintiff The Finney Company Under Rule 33 (filed October 8, 1965)

4. Answers by Plaintiff, The Finney Company to Additional Interrogatories Under Rule 33 Filed by Defendant, The University of Illinois Foundation (filed December 3, 1965)

5. Additional Answers by Plaintiff, The Finney Company, to Additional Interrogatories Under Rule 33 Filed by Defendant, The University of Illinois Foundation (filed January 3, 1966)

6. Answers by Plaintiff, The Finney Company,

to Interrogatories Under Rule 33 filed by Defendant, The University of Illinois Foundation (filed February 11, 1966).

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

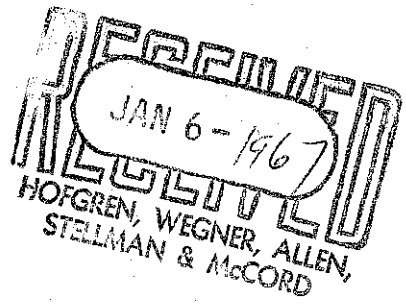
LAW OFFICES
Silverman & Cass
PATENTS · TRADEMARKS · COPYRIGHTS
105 W. ADAMS STREET · CHICAGO, ILLINOIS, U.S.A. 60603
TELEPHONE 726-6006
AREA CODE 312
CABLE: SILCAS

I. IRVING SILVERMAN
MYRON C. CASS
SIDNEY N. FOX
GERALD R. HIBNICK, IND. BAR

January 5, 1967

Our Ref. 6-418

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen,
Stellman & McCord
20 N. Wacker Drive
Chicago, Illinois 60606



Re: UIF v. BT v. JFD
Civil Action No. 66 C 567

Dear Dick:

Enclosed is a copy of the Stipulation between the Foundation, Blonder-Tongue and JFD re adding additional patents to the lawsuit.

Cordially yours,

SILVERMAN & CASS

Myron C. Cass

MCC/gm

Encl.

January 4, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

Our docket clerk talked with Judge Hoffman's minute clerk regarding the probable position of your case on the calendar. The case will be on the February calendar, but will probably not be called for trial until before the latter part of the month, or more likely sometime in March.

We were advised that Judge Hoffman does not presently consider the new rules regarding pretrial to apply to cases which were already on file.

Do you think the application on the combined UHF-VHF antenna will be allowed and issue in time to be added to the suit before it is on the trial calendar? Judge Hoffman might not agree to its addition to the suit unless we can do it rather soon. Let me know as soon as you have any commitment from the Patent Office. Then when we first go in on trial call I can give the court some specific information.

Will you be able to take the deposition of Jerry Balash within the next few weeks? If this is going to take extra time, let me know about that also.

Very truly yours,

Richard S. Phillips

RSP:iag

January 3, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

In accordance with your request, I revised the stipulation to express the agreement among the parties with respect to the addition of patents by Blonder-Tongue. * I enclose the executed original and two copies of the stipulation. If the stipulation is satisfactory with you, I assume you will send it on to Mike for his signature. I would appreciate receiving a copy signed on behalf of all the parties when it is filed.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. Robert H. Rines (with enclosure)

December 21, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* Enclosed is a draft of an affidavit which I have not yet read. I will call you Friday morning for your suggestions. The motion will be simple and ask that the case be reset for February 13.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

December 22, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* Here is a book describing some of the developments from the College of Engineering at Illinois, including a chapter on the log periodic antenna.

Merry Christmas!

Richard S. Phillips

RSP:iag

* Enclosure

Litigation

December 14, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I would like to report on the conversation I have just had with Judge Hoffman's clerk. I inquired regarding the possibility of going to trial on Monday, and he said "Don't bring in no witnesses." I asked about Tuesday, and he declined to comment.

The antitrust case was put over to the 21st.

I will call you shortly after our appearance on Monday to let you know what happened.

How is Prof. Chu?

Very truly yours,

Richard S. Phillips

RSP:iag

L.T.gov.02

December 14, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

RE: UIF v. BT v. JFD

Dear Miss Johnson:

It is possible that the lawsuit between the University of Illinois and Blonder-Tongue Laboratories may be reached for trial shortly. I understand from John Pearne, the attorney for The Finney Company, that you are now teaching school and not free to come to Chicago on short notice, as you were last year. Please call me collect, either at the office or at my home (CRestwood 2-2024, Northbrook, Illinois) in the evening or over the weekend, if that is more convenient. We are involved in the lawsuit only as local representatives of a lawyer who will handle the trial. I wish to let him know your situation.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

L, f, gs&co

December 11, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

Judge Hoffman's probable schedule is confused, as usual. He has not yet started the trial of the antitrust case. I may know more regarding this before the day is over.

* I enclose a copy of the brief on behalf of Winegard in their suit. I find nothing in the brief regarding the "publication" at the University of Illinois. Most of the discussion is concerned with the prior documentary art and its significance.

I learned last Friday that Marjorie Johnson is now teaching school and will not be readily available to come to Chicago to testify if school is in session. I am writing her to see how much notice she needs before coming to Chicago for a day or so. If she won't be able to do it, I would imagine you could stipulate the use of her testimony from one of the other suits.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

PS: I have just talked with Pete Mann. He learned from one of the counsel in the antitrust action that they are going back before the Judge on the 14th. The counsel expressed some doubt whether their trial would start before Christmas. It is a jury case and the court might be reluctant to impose on jurors at this time of the year. On Thursday I hope to be able to tell you whether you should plan to be here Monday morning.

December 11, 1967

Mr. Keith J. Kulie
Burmeister, Kulie, Southard & Godula
135 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

Thanks much for your brief. I think the Foundation is going to have a tough time overcoming the decision of the District Court.

I noticed one typo which might be confusing to the court. On page 25, line 26, I believe the first "and" should be "an".

I don't think we need a copy of the supplemental record now, but we might like to borrow it for a few days before our trial starts. We are presently set to go in on the 18th. However, there is an antitrust case which has been ahead of this and may start first. I will let you know when we find out our starting date.

Very truly yours,

Richard S. Phillips

RSP:iag

BURMEISTER, KULIE, SOUTHARD & GODULA

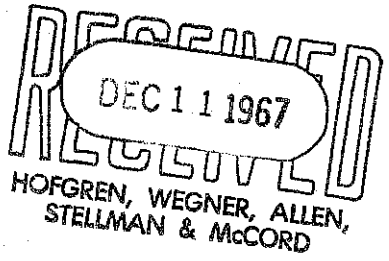
135 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60603

MARSHALL A. BURMEISTER
KEITH J. KULIE
DONALD B. SOUTHARD
EDMUND A. GODULA

ATTORNEYS AT LAW-FRANKLIN 2-1344, CENTRAL 6-3351

December 8, 1967

Richard Phillips, Esq.
Hofgren, Wegner, Allen,
Stellman & McCord
20 N. Wacker Drive
Chicago, Illinois



Re: UIF -v- Winegard Company
Court of Appeals - 8th Circuit
Appeal No. 19000
Our File: 45-34

Dear Dick:

Enclosed is a copy of our brief on appeal in the above case. We do not have too many extra copies of our Supplemental Record. However, if you wish to borrow a copy to make a xerox reproduction for your files let us know.

The University "blooped" in one respect in their case below. This is with regard to PX-68 where they assert in their brief that documents placed into evidence by us are the same as indicated to be before the examiner in the motion during the interference proceeding. However, they never offered any proof of this during the trial and they did not place the interference file in evidence. Accordingly, they now have no proof of any kind as to what documents were before the examiner. This refers to the DuHamel-Ore publication and the K.O. brochure. They are attempting to show in their brief, as you probably noted, that the presumption of validity is strong since DuHamel and K.O. were before the examiner and the Court below would not recognize this. It was too good a point to pass up and we labored it a bit.

Xerox copy to R. Reines 12/11/67

We feel rather good about the appeal, Dick -- especially since it is in the 8th Circuit.

Sincerely yours,

Keith

Keith J. Kulie

KJK:cvw
Enclosure

OIF v BT
L.T.

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115

December 7, 1967

Robert H. Rines, Esq.
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Re: The Finney Company v. JFD et al.

Dear Bob:

Judge Lynch summarily denied our motion for summary judgment in accordance with the attached copy of the record entry by the minute clerk. Thus, all we accomplished was to develop rather fully the factual and legal issues on which the same questions will probably depend at the trial.

The last word I received about your case is that it was set for trial December 18, 1967. This would seem to be an unlikely date, but I would like to attend the trial even if it does start at that time. Moreover, I would like to know if you would care to sit down with me before the trial and review such material as I may have that you can use to your advantage.

I shall try to call you or Dick Phillips in regard to the above on Friday, December 8th.

Sincerely,

John

JFP:jh

cc: Richard S. Phillips, Esq.

COPY

RECEIVED
DEC 8 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

November 27, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

We have been trying to determine what Judge Hoffman will be doing early in December so that we can try to predict whether your trial will start on or about the 18th. A patent case is presently on trial and may finish today. A personal injury suit (presumably short) is supposed to go next. The private antitrust action is scheduled to report again Wednesday. As nearly as we have been able to determine, you will be next after it. It might go for two or three weeks, but could be over much sooner depending on rulings they expect the court to make during trial.

It is my feeling at the moment that there is an excellent chance that your trial will start before Christmas. I suggest you have Ike and your expert witness ready to go.

Very truly yours,

Richard S. Phillips

RSP:iag

11/24/67

Re: U. Ill. v. Blonder

Tuesday,
Nov. 21

Dick,

I personally talked to Tony this morning regarding Hoffman's docket. I ~~the~~ saw his civil docket sheet and we are #3 after the Skil case & the Hillside Chocolate case.

The Skil case was expected to be completed either Wednesday or Friday of this week.

The Hillside Chocolate case was scheduled for the attorneys to come in Wednesday for setting.

Tony again refused, absolutely, to make any committment, or even comment whatsoever! He stated that Hoffman may want to take up some small criminal matters first. He again suggested not to contact him until about 3 days before our set date.

I personally would suggest your calling the attorneys on the Hillside Chocolate case on Friday & see what happened when they come in on Wednesday. When that case comes to trial, we can then keep a close watch on it.

I will be out of the office Friday.

John

litigation

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115

November 1, 1967

Robert H. Rines, Esq.
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Re: The Finney Company v. JFD et al.

Dear Bob:

Since I last wrote to you, the call of the above suit for disposition of our Motion for Summary Judgment and consideration of a trial date has been postponed two more times. The new date is November 15.

Sincerely,

John

JFP:jh

cc: Richard S. Phillips, Esq.

COPY

RECEIVED
NOV 2 1967
WEGNER, ALLEN,
HOFGREN,

October 30, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

RE: University of Illinois Foundation
v. Blonder-Tongue Laboratories

Dear Miss Johnson:

I am writing to let you know that we have not forgotten you completely. The trial of the lawsuit against Blonder-Tongue Laboratories has again been postponed and is presently scheduled for December 18. It is probable that Mr. Rines, Blonder-Tongue's attorney, will be in Chicago before that time for some preparatory work in connection with the trial; and would like to talk with you. When I learn his plans for coming here, I will be in touch with you. We hope it will be convenient for you to come to Chicago and meet with us.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines

October 30, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: ULF v. BT v. JFD

Dear Bob:

The hearing in the Finney suit was again postponed. Apparently Judge Lynch is ill but no one is admitting it publicly. If anything should develop, I will let you know promptly.

I'll be out of town the week of Thanksgiving.

Very truly yours,

Richard S. Phillips

RSP:iag

JRA

October 23, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

After I talked with you I talked with an attorney involved in one of the cases which is still ahead of yours. As nearly as we can estimate at this time, when the present criminal case is completed (possibly this week), a patent infringement suit will go to trial and last for probably two to three weeks. Following this is a private antitrust action, presently scheduled for November 15, which may take as long as four to six weeks.

When these two cases have been completed, Judge Hoffman will be extremely anxious to try your case as it will then be the oldest on his calendar. I will keep you advised from time to time, but I recommend very strongly that you and Ike keep your calendars clear from the middle of December on.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

L. Litigation
Corr

October 19, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose copies of an affidavit and motion for rescheduling the trial. I understand you will be back in your office tomorrow afternoon. Please call me as soon as possible with your comments and suggestions. The papers have to be served on opposing counsel by four o'clock and with the judge's clerk by 4:30 in order to present the motion on Monday. I need more information on your trip. If it is merely a vacation, Hoffman won't pay any attention to it, and I don't want to put it in the affidavit. On the other hand, if you are there on business that can't wait, it may be helpful.

Yours very truly,

Richard S. Phillips

RSP:iag

* Enclosures

October 20, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose copies of the notice, motion and affidavit in connection with the above.

I talked with John Pearn's local counsel and found that Judge Lynch has again postponed a planned meeting for the announcement of his decision on the motions, and a pretrial conference. It is now scheduled for next Friday, October 27. I will be out of town but Mr. Wyss will let my secretary know what happens and she will write you.

Very truly yours,

Richard S. Phillips

RSP:lag

* Enclosures

October 17, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

We are scheduled to report for trial call again next Monday. The criminal trial is still going on, although it may go to the jury before the week is over. Judge Hoffman's clerk is no help at all. He says to check back Thursday or Friday and he will tell us whether we should be prepared to start the trial on Monday. I have talked with an attorney involved in the antitrust case which has been ahead of us. They will put over to November 15 because of the illness of a principal trial counsel. I have been unable to reach the attorney involved in the other patent case which was also ahead of you. As soon as I learn the present status of his case, I will let you know. I will let you know Thursday or Friday whether you should plan to be here Monday.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

10/16/67

Laff - Nov. 15 - Trial Atty ill -

Pendleton ☐ Monday ☒ Tues.

Litigation
UI F.U.B.T.v.JFD

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115

RECEIVED
SEP 29 1967
HOFGREN, WEGNER, ALLEN, STEWART & STAPLES

September 28, 1967

Robert H. Rines, Esq.
10 Post Office Square
Boston, Massachusetts

Re: Log Periodic Patent Litigation

COPY

Dear Bob:

I learned this morning that the call of the Finney Company v. JFD et al. case on September 29, for disposition of our Motion for Summary Judgment and consideration of a trial date, has been postponed by the Court to October 20. I don't know what this will mean, but the indications are that our motion will be decided (not postponed to await trial of the Blonder-Tongue suit).

During our meeting at the Newark airport on September 7, I mentioned an interesting prior art patent that I thought you should consider, but was unable to remember the name of the patentee at that time. The patent is No. 2,703,840 to Carmichael and a copy is enclosed. As I mentioned during our discussion of this patent, there are some features of the specification and claims that indicate a lack of knowledge of antenna theory and practice. However, there are several significant features of this patent which you will quickly appreciate. I shall discuss them only briefly in order to call them to your attention.

Although the illustrated embodiment of the patented antenna includes only two active elements of different lengths that might be termed "tripoles" and are connected by feeders with phase transposition, and although the feed point is located on the feeders between the two active elements, the specification describes several variations of that embodiment, involving the following:

1. Either simple dipoles or folded dipoles may be substituted for the illustrated active elements.

2. Any larger number of active elements may be used as desired.

3. The recommended spacing of two adjacent active elements is one-tenth of the average of the wave lengths to which those elements are resonant as half wave elements.

4. Changing the active element spacing may require repositioning the feed point toward or away from the front active element.

The performance of the antenna is described as essentially unidirectional with a high front-to-back ratio over a broad band of frequencies determined by the resonant lengths of the longest and shortest active elements.

Most interesting of all are the claims of this patent, which appear to dominate every so-called "backfire" antenna on the market today.

The Foundation's position in our suit has been that the folded dipoles of the prior art endfire arrays are not "dipoles" within the meaning of the log period patents in suit. Thus, the enclosed patent is significant in disclosing the equivalency in such arrays of simple dipoles, folded dipoles, and more complex types of dipoles such as the three element dipoles illustrated in the patent.

Sincerely,



JFP/jdc
Enc.
cc: Richard S. Phillips, Esq.

Litigation UIF v. BT v. JFD

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115

RECEIVED
SEP 28 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

September 27, 1967

Robert H. Rines, Esq.
10 Post Office Square
Boston, Massachusetts

COPY

Re: The Finney Company v. JFD et al.

Dear Bob:

Enclosed herewith is a copy of the Finkel deposition which I took on September 8th. I ordered this copy as an extra one for your use on the asumption that it will prove of material value to you in the suit by JFD against Blonder-Tongue. Unfortunately, the reporter, who wore a hearing aid, had considerable difficulty, and corrections of some importance will be required on nearly half of the 98 pages. Jerry Berliner and I will attempt to agree on corrections, and I shall see that you receive a list of the corrections agreed upon in due course.

The gist of questions and answers relating to improper patent marking and improper representations regarding JFD's antennas is probably sufficiently clear from the deposition without your having the particular advertising exhibits available for reference. However, as I review the deposition a second time for the purpose of digesting its important contents, I shall note the particular exhibits referred to in the questions and answers and send copies of them to you.

Most of the advertising exhibits marked for identification as reported on page 3 of the deposition were not specifically referred to, and my collection is still not complete. By the time I am satisfied to quit collecting more, I shall have an additional 10 to 30 exhibits and, probably, the most complete collection in existence. If you should go to trial before we do, I am sure you will wish to review my entire collection, whether or not you wish to use copies of each individual exhibit of that character.

Despite Finkel's denial that JFD's advertising of its so-called "log periodic" antennas was extraordinarily great, the volume and character of that advertising, considered together, should be useful for convincing any Court that the commercial success was not necessarily attributable to the merit of any patented invention and, therefore, has little or no significance as evidence of patent validity.

Finkel's testimony regarding the hiring of Blonder-Tongue personnel runs from page 82 to page 85.

His testimony regarding patent mismarking runs from page 20 to page 31 and page 51 to page 59.

Most of the balance of Finkel's testimony through page 81 relates to misstatements in JFD's advertising.

Finkel's testimony from page 85 to page 88 covers what was largely an abortive effort to obtain admissions of antitrust law violation.

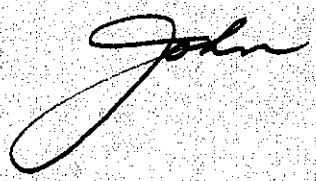
Pages 88-94 of Finkel's testimony primarily covers the establishment of JFD's infringement of three of our clients' patents on antennas having no relationship to the present litigation. Assuming validity of those patents, Finkel essentially admitted the infringement and was served with a pre-prepared notice thereof (PXJ119).

As a matter of minor interest, Finkel testified on page 8 that JFD had always known that it was "number two" in the antenna business in terms of total dollar sales volume. However, on page 45, after a question regarding JFD's advertising of itself as being "the world's largest antenna manufacturer," Finkel acknowledged that JFD probably was the largest in November 1962.

If we receive a decision from Judge Lynch on our Motion for Summary Judgment at our hearing scheduled for September 29th, as he has indicated, I shall let you know immediately, of course. Although the assignment at that hearing of a trial date for our case will probably be a subject of discussion, there is every indication that we will not go to trial before the early part of next year. Accordingly, if an earlier

trial date is set in your case, we should probably be thinking about a fairly early conference to review ammunition we have collected that you might find useful.

Sincerely,



JFP:JH

Enclosure

cc: Richard S. Phillips, Esq.

P.S.: Since the above was typed I have received a revised copy of the original license agreement between the Foundation and JFD with the language of several previous deletions restored. This may be a more complete copy of that agreement than you have obtained, and a copy is enclosed.

J.F.P.

VIF v. DTV JFD
Litigation Corr

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115

September 12, 1967

RECEIVED
SEP 13 1967
HOFGREN, WEGNER, ALLEN
STELLMAN & MCCORD

Robert H. Rines, Esq.
10 Post Office Square
Boston 9, Massachusetts

Re: The Finney Company v. JFD et al.

COPY

Dear Bob:

Enclosed herewith are copies of the brief of the Foundation opposing our Motion for Summary Judgment in the above suit (including a Lawler affidavit as APPENDIX A) and a copy of our reply brief. The deposition I took of Finkel included about as great a volume of words as one can squeeze into a deposition lasting from 10:00 a.m. to 4:00 p.m. with time out for lunch. In some respects it was quite successful, and in other respects it was unproductive, but was quite worthwhile on the whole.

As to patent mismarking, Finkel's admissions as to facts and correspondence definitely established the fact of mismarking but probably fell short of establishing an intent to deceive the public, although it did establish a substantial delay in changing the original patent notices after the impropriety of those notices was brought to the attention of both JFD and the Foundation. Finkel's excuse for the mismarking was that he was responsible for the wording of the patent notices from the beginning and understood them to mean only that JFD was licensed by the Foundation under the enumerated patents and additional patents pending, not that the particular antennas with which such notices were used were covered by a particular patent or pending application.

I obtained admissions of the employment by JFD of the three former employees of Blonder-Tongue (with no objection from opposing counsel), but was unable to obtain an admission that JFD sought out those former Blonder-Tongue employees. Finkel stated that Blonder-Tongue's antenna department and sales program seemed to be falling apart, that the particular employees mentioned were unhappy with their futures with Blonder-Tongue for that reason, and that, in the case of Balash (the only one with which Finkel was directly involved), Balash asked for a job with JFD.

There is some interesting testimony on the ethics of the antenna business. Finkel stated flatly that there are no ethics in that business. Later he qualified his prior statement by saying that, at least, the ethics of JFD were higher than those of its competitors, including The Finney Company.

My efforts to obtain admissions from Finkel regarding violation of the Antitrust Laws were quite unproductive. Finkel simply denied specific acts of which I had other evidence and seemed sufficiently well coached on that subject to make much further examination appear futile. In retrospect, I think I stopped too quickly, however. I might have done better if I had had some additional time to prepare on that particular subject.

I ordered an extra copy of that deposition for your use for whatever value it may have and will send it to you as soon as it is received, probably in about three weeks.

As I believe I mentioned during dinner at the Newark Airport, I am working on a stipulation regarding the various patent notices used by JFD, the periods of time during which they were in use, and the authenticity of each of the very large number of pieces of JFD advertising I have collected. There seems to be no problem in obtaining agreement on such a stipulation, and I should be able to send you a copy of it within a week or so. I assume that you could obtain essentially the same stipulation from Jerry Berliner if it would be useful for your purposes.

Mr. Finneburgh and I were impressed with Mr. Kandoian's obvious qualifications to testify effectively as an expert witness. We both appreciate your having brought him to our attention and thoroughly enjoyed the opportunity to have dinner with both you and him.

Best regards.

Sincerely,



JFP:jh
Enclosures

cc: Richard S. Phillips, Esq.

Litigation

September 6, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of the motion by the Foundation to postpone the trial until after October 17. I will let you know what happens.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

September 11, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

RE: UIF v. BT v. JFD

Dear Miss Johnson:

The trial of the lawsuit against Blonder-Tongue has again been postponed. It is now tentatively scheduled for October 23. I rather doubt that it will get to trial before sometime in November. We will have a better idea about this the first week or so of October. I will let you know then what the anticipated schedule is.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines

September 11, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

The University Foundation presented their motion for postponement of the trial date today. The motion papers got mixed up on the clerk's desk and he failed to call it this morning. As a result, we were exposed to two hours of argument of pretrial motions in a criminal case. I think the hassle in the criminal case had a beneficial effect on the judge as he granted the motion without hesitation and reset the trial for October 23. This was rather unusual for Judge Hoffman as he is generally extremely reluctant to grant a postponement. I think he realizes that the criminal case he is starting will last for some time.

This rescheduling should move you behind the private antitrust case that was ahead of you last spring. If you stay behind them, I doubt that you will go to trial before November. I will keep track of things and be in touch with you. If you have any other trial commitments which come up, let me know promptly.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

Litigation

August 30, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I had a call from Pete Mann who advised me that Bill Marshall is scheduled to be involved in a lawsuit in Baltimore starting about September 12. The trial will probably last about a month. Mann plans to present a motion to Judge Hoffman, possibly on September 8 if the judge is sitting that day, asking that your case be held until completion of Marshall's trial in Baltimore. Based on our date discussion last week, this seemed to fit both your and my schedules. Accordingly, I told Pete I would be glad to advise Judge Hoffman that we had no objection to the postponement. If you should have anything in late October or early November which might conflict, give me a call. If not, I will assume that this is satisfactory with you.

Very truly yours,

Richard S. Phillips

RSP:iag

→ JRA ✓

August 28, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

This confirms our telephone conversation regarding the above. Judge Hoffman's criminal calendar has one case set for call on September 11. The judge's clerk does not presently know whether it will go to trial, but we are advised third hand that both the Government and the defense attorneys are prepared to go ahead. They estimate the trial will take two weeks.

The civil case which will be called ahead of your case on September 12 will go to trial as far as the attorneys now know. It will also require approximately two weeks.

If both cases proceed on schedule, you will probably not be called until the middle of October. We will let you know if there is any change in this apparent schedule.

I plan to be gone from about September 12 to September 23. After that I will be happy to get together with you at any time you wish.

Very truly yours,

Richard S. Phillips

RSP:iag

J.F.D hired Asst Cl Eng from BT 2 mos ago
- he quit -

then J.F.D. hired Schenfeld -

Rice -

1). Lectures - last of EE - wk 7th of Sept -

2). Start classes at M.I.T - wk of 18th -

3). Class hold - last week Sept.

OK 1st weeks October -

August 21, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of a recent decision by the 7th Circuit Court of Appeals dismissing an action by the Foundation against Channel Master for want of proper venue.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. John F. Pearne (*)

L. Hyde Rich

August 17, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

We have a notice that your case will be called second on Judge Hoffman's civil calendar on Tuesday, September 12. The notice says, "Counsel are notified to be ready for trial in these cases:"

We are attempting to determine the nature of Judge Hoffman's criminal calendar and will then check with counsel in the first case on the list, which is another patent case, to find out whether there is a chance of their settling, and if not how long they expect the trial to be.

If you have other specific trial commitments in September and October, let me know what they are promptly.

Very truly yours,

Richard S. Phillips

RSP:iag

Litigation

August 8, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a memo from our docket clerk with regard to Judge Hoffman's calendar. Unfortunately, when he checked, the minute clerk was on vacation. It is my understanding that case number 4 has a set date in October but that case number 3 does not.

We will check again with the minute clerk when he gets back and also about the end of August to find out what the criminal calendar looks like.

Our office manager tells me that he has not received any payment on your overdue account. The deficiency will be charged against Jack Allen and me personally if this is not paid. We would appreciate your early attention to this.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

M E M O R A N D U M

TO: RICHARD S. PHILLIPS August 8, 1967

FROM: JOHN R. HOFFMAN

Re: U. Ill. v. Blonder

I have checked the status of Judge Hoffman's trial calendar, and the following is a list of the cases which precede the Blonder case.

1. 65 C 800 Jeremiah Stamler v. Hon. Edwin Willis
2. 65 C 2050 Jeremiah Stamler v. Hon. Edwin Willis
3. 66 C 267 Skil Corp. v. Sears, Roebuck & Co.
4. 66 C 381 Hillside Enterprises v. World's Finest Chocolate, Inc.
5. 66 C 567 U. Illinois v. Blonder Tongue

Judge Hoffman's secretary told me that we should watch for cases 3 and 4 because the first two cases have been set for a date certain some time in October. No one in Hoffman's office knew the precise date because his minute clerk is on vacation. Case 3, therefore, may possibly precede the first two cases some time in September or October depending upon the condition of his criminal docket.

Vol I v. B.T

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

920 MIDLAND BUILDING

CLEVELAND, OHIO 44115

F. O. RICHEY (1878-1964)

HAROLD F. McNENNY
DONALD W. FARRINGTON
JOHN F. PEARNE
CHARLES B. GORDON
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER

LYNN L. AUGSPURGER

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

July 25, 1967

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: The University of Illinois Foundation v. Winegard Company

Dear Dick:

You will be interested in the enclosed copy of Judge Stephenson's order of July 18, 1967, on the motion of plaintiff in the above case for reconsideration and amendment of the decision of June 23, 1967. Considering how the plaintiff presented its motion, merely calling attention to an alleged error in footnote 14, and how defendant merely argued that footnote 14 was correct as written (neither party telling the Judge, even in substance, how he might amend his decision), I think the Judge did a very neat job of amending his decision without detracting from its original force. In fact, I feel that the Judge demonstrated greater ingenuity in coping with the problem than counsel for either of the parties.

Sincerely,

John

JFP:jh
Enclosure

cc: Robert H. Rines, Esq.

RECEIVED
JUL 25 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

FILED
JUL 18 1967
F. E. VAN ALSTINE
CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF IOWA

DAVENPORT DIVISION

UNIVERSITY OF ILLINOIS FOUNDATION,

Plaintiff,

vs.

WINEGARD COMPANY,

Defendant.

Civil No. 3-693-D

ORDER

This matter is now before the Court on the plaintiff's motion pursuant to Fed. R. Civ. P. 52(b) to amend the Court's finding of fact. More specifically, the plaintiff moves the Court to reconsider and amend footnote 14 of the opinion which was filed June 23, 1967.

After having considered the briefs of counsel and after having examined PX-68, referred to in plaintiff's motion, it is the view of the Court that the said footnote 14 would more accurately express the meaning intended by the Court, and more precisely conform to the evidence if it were amended as set out below.

IT IS ORDERED that footnote 14 of the memorandum opinion filed herein on June 23, 1967, be and the same is hereby amended, by deleting the last sentence thereof, and substituting in its place the following sentence, to wit:

> However, there is nothing in the file wrapper to indicate that, in ruling on the patentability of the Isbell patent, the patent examiners considered the published

RECEIVED
JUL 22 1967

work of DuHamel and Ore, the formula set out therein, or the log periodic theory of antenna design all of which was a part of the prior art at the time of the application. Reference was made thereto in the interference proceedings as indicated in PX-68.

Dated this 18th day of July, 1967.

/s/ Roy L. Stephenson
CHIEF JUDGE

July 21, 1967

Mr. John F. Pearne
McMenny, Farrington, Pearne & Gordon
920 Midland Building
Cleveland, Ohio 44115

RE: UIF v. BT v. JFD

Dear John:

* I enclose copies of the transcript of the depositions of Harry Gilbert, Richard Helhoski and Jerome Cohn.
* I also enclose copies of exhibits B-6, B-12 and J-6.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. Robert H. Rines

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

920 MIDLAND BUILDING

CLEVELAND, OHIO 44115

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

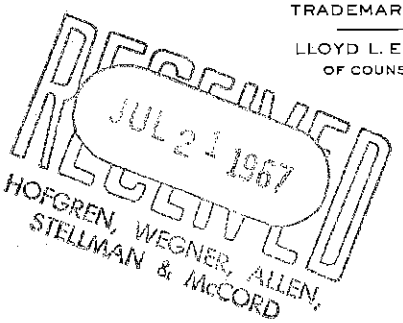
F. O. RICHEY (1878-1964)

HAROLD F. McNENNY
DONALD W. FARRINGTON
JOHN F. PEARNE
CHARLES B. GORDON
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER

LYNN L. AUGSPURGER

LLOYD L. EVANS
OF COUNSEL

July 20, 1967



Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: UIF v. BT v. JFD

Dear Dick:

Thank you for so promptly sending me your copy of the Finkel deposition taken in the above case. I was able to touch base with Bob Rines by telephone yesterday on various aspects of the log periodic litigation, and, in the course of our discussion, he suggested that I ask you also to send me your copies of the Gilbert, Helhowski, and Cohn (spelling of the last two names uncertain) depositions in the subject suit which deal with antitrust and unfair competition by JFD. The loan of your copies of those additional depositions will be greatly appreciated.

I have Xeroxed the Finkel deposition and am returning your copy herewith.

In reading through the Finkel deposition, I found that I do not have a copy of what appears to have been identified in a prior deposition as your Exhibit J-6 (an advertisement from Popular Electronics, September, 1965), your Exhibit B-12 (letter of 7/27/64 with a handwritten notation "handed by Finkel as a draft"), or, possibly, your Exhibit B-6 (apparently comprising several items: A JFD sales bulletin, a Home Furnishings Daily Reprint, and a U. of Illinois Foundation news release). These may be of some interest, and I would appreciate your also sending me copies of those particular exhibits if that can be done without too much difficulty.

Many thanks for your continuing help.

Sincerely,

John

JFP:jh
Enclosure

cc: Robert H. Rines, Esq.

July 18, 1967

Mr. John F. Pearne
McNenny, Farrington, Pearne & Gordon
920 Midland Building
Cleveland, Ohio 44115

Dear John:

In accordance with our telephone conversation, * I enclose our copy of the deposition Bob Rines took of Ed Finkel together with prints of the exhibits. I imagine you have most of them but am sending these on in case there may be something you have missed.

Please return the deposition when you have finished with it.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. Robert H. Rines

July 18, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

John Pearne was unable to reach you and called me to borrow the transcript of Ed Finkel's deposition. He is planning to take a deposition from Finkel in August or September.

I understand there has been a motion filed in the Winegard suit to modify the court's findings. In the decision, the Judge commented in a footnote that the file wrapper did not indicate that the Examiners were aware of the DuHamel and Orr publications regarding log periodic antennas. It is my understanding that this did come out during the interference proceedings but was not specifically a part of the ex parte prosecution. I will check from time to time with Keith Kulie and let you know what action is taken on the motion.

* I enclose our June statement. We would appreciate very much having a payment made on this.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

John Pearce

Ed Fuhrd - J.F.D. - deposition - 4/18/67

Trinity -
9/29 call F

Litigation

June 30, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

We had anticipated that Judge Hoffman might set a tentative date for next fall. He did not do so. He indicated that it is his present intention to take his civil trial call in chronologic order when summer vacation is over. However, criminal cases must be disposed of first and there is no way of telling now when the civil cases may start. Our court goes back in session on Monday, September 11. We will check the last week in August and see what we can learn about Judge Hoffman's calendar.

In the meantime, I suggest you give consideration to an amendment of the answer and to the possible stipulation of some of the evidence.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

Uof I v BT Ltr gotten

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

920 MIDLAND BUILDING

CLEVELAND, OHIO 44115

F. O. RICHEY (1878-1964)

HAROLD F. McNENNY
DONALD W. FARRINGTON
JOHN F. PEARNE
CHARLES B. GORDON
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER

LYNN L. AUGSPURGER

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

June 27, 1967

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: The University of Illinois Foundation v. Winegard Company

Dear Dick:

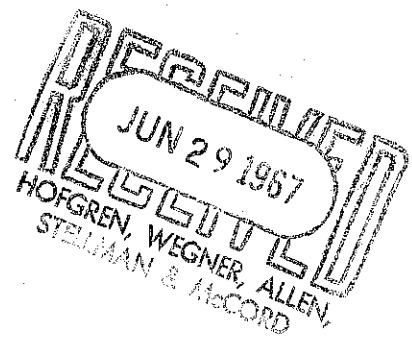
I assume you have probably learned through the Chicago grapevine of Judge Stevenson's decision of June 23rd in the above suit in Iowa, holding the Isbell patent invalid for obviousness in view of the prior art, while deciding none of the other issues of validity or infringement. If you have not already seen the decision, I am sure Keith Kulie would be delighted to supply you and Bob Rines with copies.

Sincerely,

John

JFP:jh

cc: Robert H. Rines, Esq.



Lit/g Cor

June 26, 1967

Mr. Isaac S. Blonder
Blonder-Tongue Laboratories Inc.
9 Alling Street
Newark, New Jersey 07102

RE: UIF v. BT v. JFD

Dear Ike:

According to my notes, Pete Mann had requested copies of technical reports relating to the Color Ranger antenna. I think this would include any report relating to its performance.

I would imagine Mann's reason for wanting them is to illustrate that your antenna has relatively constant gain and directivity throughout the television band.

I think he is probably entitled to the report, if you can find it. Of course, if you have looked and can't find it, I will be happy to refer him to Mr. Schenfeld.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

June 26, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: *UIF v. ET v. JFD*

Dear Bob:

Keith Kulie, attorney for Winegard, called me this morning to say that they had received a memorandum decision holding the Foundation patents invalid for lack of invention over the prior art. I should have a copy of the decision tomorrow or the next day and will send a copy on to you.

Judge Lynch has now set briefing times with regard to the motion for summary judgment in the suit against Finney. They hope to have a decision on the motion for summary judgment by October 1.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

BLONDER·TONGUE LABORATORIES INC.
9 ALLING STREET, NEWARK, NEW JERSEY 07102 · (201) 622-8151

June 20, 1967

Mr. Richard S. Phillips
Hofgren, Wegner, Allen
Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Dear Dick:

The report you requested in your letter of May 24 is a Company Confidential on our Color Ranger 5 & 3 and should not have been sent out in the first place. It is not a field report which was originally requested by Pete Mann.

I can't imagine why he needs these reports anyway or what function they serve in the suit. If JFD wants to know any of these figures, all they have to do is ask Abe Schenfeld whom they hired away from us and who made up these reports in the first place.

Sincerely,

BLONDER-TONGUE LABORATORIES, INC.

Isaac S. Blonder
Chairman of the Board

ISB:dd

CC: Mr. Robert H. Rines

RECEIVED
JUN 22 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

June 16, 1967

Mr. Isaac S. Blonder
Blonder-Tongue Laboratories Inc.
9 Alling Street
Newark, New Jersey 07102

Dear Ike:

* I enclose a copy of a letter to Bob regarding the postponement of the lawsuit until fall.

Pete Mann asked me to check again with you regarding the report which I requested in my letter of May 24, 1967.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. Robert H. Rines

UIF v. BTV FD
Litigation.

June 16, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

This confirms my telephone conversation with your father.

After waiting for more than an hour this morning, Judge Hoffman said that we would have to go over until next fall. For some reason, however, he put the case on the call for June 30 for the assignment of a date to come in in the fall. The judge commented that cases would go on the fall calendar in numerical order. The antitrust action which has a lower number I believe has already been set for sometime in October, and I don't know whether he intends to hold you until after that. We may get a better idea on the 30th. At any rate, you and Ike will have to forego the pleasure of spending part of the summer with us.

In reviewing our file, I realized that the counterclaim for declaratory judgment with respect to the Foundation patents does not set up specifically the statutory bar of Quarterly Report No. 2 nor the allegation that Mayes was not the inventor of Re.25,740. There may be some other matters of affirmative defense which should also be added. I discussed this with Jack and we thought it best to take no action until Judge Hoffman has gone on his vacation. When someone else is handling the motions during the summer, we can go in with an amended answer. Let me have your thoughts on this, particularly with regard to the specific matters which should be added.

Do you wish to bring in any of the evidence from the other lawsuits by way of stipulation? If so, I think we should do it now rather than in September.

Very truly yours,

RSP:iag

Richard S. Phillips

cc: Mr. Isaac S. Blonder

June 16, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

RE: UIF v. BT v. JFD

Dear Miss Johnson:

Trial of the lawsuit against Blonder-Tongue Laboratories has now been postponed until fall. I will be in touch with you as soon as we have any definite information regarding the trial date.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines

UIF v DTv JFD
Litigation

June 9, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I discussed your problem concerning Mr. Schenfeld with Jack. He agrees that without evidence that JFD hired him away, or that he is giving them confidential information, it would be better not to take any action at this time.

I checked the report of the Zenith v. Admiral suit in Oklahoma City. There was not the discussion of former employees which I had thought was included in the decision. The judge merely mentioned in passing that the Admiral engineer in charge of copying the Zenith remote control had formerly been with Zenith.

Very truly yours,

Richard S. Phillips

RSP:iag

Litigation —
U/I v. B.T. v/ FD

June 13, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

Judge Hoffman this morning asked that we come back on Friday. A criminal case is starting this morning. I doubt that it will be finished by Friday but we will keep track of it and let you know on Thursday if you should be here Friday morning.

There are other cases still active on the call and it is impossible to tell you now whether your case will be taken up before the court adjourns or put over until fall.

Very truly yours,

Richard S. Phillips

RSP:iag

L. to Rines

June 12, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I sat in for Judge Hoffman's trial call this morning. He has a personal injury case on trial and is holding another case to start as soon as this one is finished. His clerk advises me not to have witnesses available for Tuesday. I will be able to tell you more after we go before him tomorrow.

Very truly yours,

Richard S. Phillips

RSP:lag

Blonder Tongue
Litigation

May 29, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

Dear Miss Johnson:

I have not been in touch with you as we have been uncertain when the case would go to trial. It was reset this morning for June 13, but we will not know until the 8th or 9th what the chances are of its being tried at that time. If it is not tried during June, it will probably be postponed until September.

Mr. Rines, who is handling the trial for Blonder-Tongue, has told me that he will probably wish to have you testify. I will let you know as there are changes in the schedule.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines

L. t. g.

June 1, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIP v. BT v. JFD

Dear Bob:

I talked this morning with one of the attorneys whose office is involved in both the antitrust and patent cases which have lower numbers than yours on Judge Hoffman's trial call. Yesterday both cases were reset for Monday, June 5. Judge Hoffman inquired as to the probable length of the antitrust trial and indicated that it would in all likelihood be put over until next fall. A personal injury case is being tried now and another follows it. I will check what happens next Monday and let you know.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. John F. Pearne
Mr. M. Hudson Rathburn

May 25, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose a copy of a motion and affidavit we are serving and filing this afternoon.

It may be that Judge Hoffman has a soft spot for MIT graduates. Stranger things have happened.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

Call May 1 - Counsel + witnesses ready

May 16 - to - May 23 -
on 5/22 set for lower numbered cases 5-51

May 23 to May 25

May 25 to May 29

6/30 - Blonder - Series of closings on TV stations - originally scheduled for early part of May - rescheduled twice to accomodate the call. -

6/7 - 6/12 - MITS 75 pgs. Chairman. -

Has been putting off + rescheduling

eg. eg. St. Louis
NY
Manual
D.C.

JRA
Litigation

May 23, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

This confirms our telephone conversation. At the trial call this morning Judge Hoffman told us to report back on Thursday. I talked this afternoon with his clerk and found that the case presently on trial would not be finished today. There are two 1965 cases which are to report tomorrow. It is our information that both will go to trial and that both will be called before you. Of course, either or both of them might be settled or the court might juggle the order. The judge's clerk invited me to check back with him tomorrow after lunch. I will do so and call you with a report.

I understand that Ike will be unavailable next week and that you are unavailable the week following that. If the situation requires it, I will point this out to the court. I doubt that either circumstance will be given any weight.

Very truly yours,

Richard S. Phillips

RSP:iag

L, Tigation
UIFUBT

May 24, 1967

VIA AIR MAIL

Mr. I. S. Blonder
Blonder-Tongue Laboratories Inc.
9 Alling Street
Newark, New Jersey 07102

Dear Ike:

Pete Mann asked me to check on one aspect of the documents which you supplied in response to one of their requests. You have provided them with copies of two company confidential reports regarding tests of the Color Ranger. The documents we gave them covered tests of the Color Ranger 5 and the Color Ranger 3. The Color Ranger 3 report makes reference to a report on the Color Ranger 10 of which we do not have a copy. Would you have someone see if a report on the test of the 10 is available and, if so, send me a copy.

For your convenience in finding this material, I
* enclose copies of the two reports we have.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

BT-2-2-216

Mamm -

5/24/67

p 216 -

Compay. Confidata -

Color Rangers 3 - report -

Color Rangers 5 - he has

Color Rangers (0) - do we have,

JRP

V of I v. BT

L. 1, 90 f. 62

May 22, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

Although your case is not on the call until tomorrow, I went to Judge Hoffman's court this morning to see what was going on. He has a jury case on trial. It is just starting but I don't think it will take too long. I will know better tomorrow. There are at least four cases which will follow the one on trial before he gets to you. I am not sure what the first two are about as I had not run into them before. I will have additional information on this in a day or so. The third of the four cases is a patent case which may take a couple of weeks. The fourth is a private antitrust action. There was an attempt to shorten this by eliminating a Robinson-Patman claim by a motion on the pleadings, made this morning. Apparently a case was just decided in California which the defendant felt was a good precedent. The judge denied the motion as not timely, but may consider the case and permit argument on it before testimony is introduced. The third and fourth cases were told to report back on the 31st. I imagine we will be told to report at the same time.

If these cases ahead of you are not settled, it may be six weeks or even more before you are reached. On the other hand, a couple of settlements could move you to the top of the heap in a hurry.

Very truly yours,

Richard S. Phillips

RSP:lag

Litigation

May 16, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

Confirming my telephone call to your father, Judge Hoffman told us to come back next Tuesday. A patent case and a civil antitrust case are on his call for Monday. I will check the status of these two cases on Thursday and will attend the call the following Monday. I think it extremely unlikely that trial in your case will begin on Tuesday. I suggest, however, that you keep tabs on the whereabouts of your witnesses so that they can be reached without delay, if that should be necessary.

Very truly yours,

Richard S. Phillips

RSP:iag

PS: Judge Lynch, handling the Finney case, has held in abeyance action on the motion for summary judgment to see if your case goes to trial before Judge Hoffman. The schedule for briefing on the motion has not yet been set, and may not be.

litigation

May 12, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

This afternoon I talked with Judge Hoffman's clerk. He would not make a commitment regarding when the Foundation case might go to trial. There are four or five cases to be called on Monday, but he does not know what action will be taken in them. A criminal case will be called before yours on Tuesday. By Monday morning he should be able to tell me whether the criminal case will go to trial. In any event, I will watch the call Monday morning in order that we can let you know as promptly as possible if there is a chance that you will go to trial Tuesday or shortly thereafter.

Very truly yours,

Richard S. Phillips

RSP:iag

UIP v. DT
Litigation

May 10, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

Through an error, we received a second set of the articles by DuHamel and Berry, and DuHamel and Isbell from
* the library. We have a copy here so I am sending these on to you for your use.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

U/I v. BT
L. 1.9. Rec'd

McNENNY, FARRINGTON, PEARNE & GORDON
920 MIDLAND BUILDING
CLEVELAND, OHIO 44115



May 9, 1967

Robert H. Rines, Esq.
Rines & Rines
10 Post Office Square
Boston, Massachusetts

Re: The University of Illinois Foundation
v. Winegard Company

COPY

Dear Bob:

At Dick Phillips' suggestion during my telephone conversation with him today regarding the status of the Blonder-Tongue suit, I am enclosing herewith our copies of the briefs filed by the parties in the above-noted Winegard suit. I would appreciate your returning these copies when you have had an opportunity to peruse them and make copies if you wish.

The Foundation devoted less than two pages in its reply brief to an effort to brush-off Quarterly Engineering Report No. 2 as a statutory bar. They cited no law contrary to that cited by Winegard and, on the facts, seemed to rely primarily on the fact that the "Local Library" in the E. E. Dept. was not an official library. (See our Memorandum, pp. 29-34 and 42-43).

I am still unimpressed by the job done by both parties to that suit. On the other hand, if the Judge reads Winegard's Reply Brief carefully, he should see the many inconsistencies and weaknesses of the Foundation's position and, I trust, find favorably for Winegard on both validity and infringement.

Sincerely,

John

JFP:jh
Enclosures

cc: Richard S. Phillips, Esq.

May 4, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I borrowed from Mike Cass a collection of the periodicals listed in their notice of prior art. I considered making copies only of the report pages on which they intend particularly to rely. However, after examining the reports, I thought it best to give you copies of
* the whole thing. A booklet with these copies is enclosed. This has everything except the article from the Champaign-Urbana Courier, May 12, 1961.

* I also enclose copies of JFD drawings 12449-0001, 12450-0001 and 12451-0001 which Mike gave me.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

* PS: I also enclose a copy of TR-39.

RINES AND RINES
ATTORNEYS AT LAW
NO. TEN POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

DAVID RINES
ROBERT H. RINES

CABLE SENIR
TELEPHONE HUBBARD 2-3289

May 2, 1967

VIA AIR MAIL

John Rex Allen, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: University of Illinois v. Blonder-Tongue et al

Dear Dick:

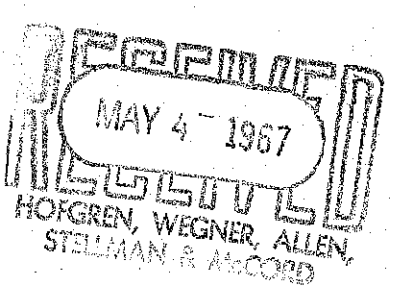
In reply to your letters of April 27th and 28th, we probably answered the earlier letter in our telephone conversation with regard to the later letter, we would like to have a copy of Report TR52 and a copy of the other publications listed in the JFD notice.

Very truly yours,

RINES AND RINES

RHR:H

By Robert H. Rines



Litigation

May 2, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I have borrowed from Keith Kulie the transcript of testimony in the Winegard suit and the Lawler deposition taken by JFD. I also have a copy of the Collins Radio publication by DuHamel and Orr, March 31, 1958. Shall I hold this material here or send it to you?

It might save time at the trial to select now the material you would like to bring in by stipulation.

Very truly yours,

Richard S. Phillips

RSP:iag

May 1, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Mass. 02109

Re: University of Illinois v. Blonder-Tongue et al

Dear Mr. Rines:

At the hearing this morning Judge Hoffman set the trial of our case over until May 16. Just prior to that he had a hearing on the antitrust case that precedes us and the trial of which he reset for May 15 advising counsel that it might not be reached on that date or for some time thereafter.

This antitrust case is the one I referred to previously. There is no hope of settlement. If it goes on trial it will take somewhere between a week and five weeks, and we will maintain our place behind it. It is therefore most unlikely that we will get on trial before June even if the antitrust case does start on the 15th.

Additionally, there are criminal cases on Judge Hoffman's docket which will take precedence over the antitrust case as it is a civil suit and there is therefore the possibility that our case won't go to trial until fall.

All we can do is keep in touch with the cases ahead of us and from time to time will let you know what the situation is.

Sincerely,

JRA:DB

May 4, 1967

Mr. Myron C. Cass
Silverman & Cass
105 West Adams Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Mike:

* I am returning herewith the publications I borrowed from you.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

920 MIDLAND BUILDING

CLEVELAND, OHIO 44115

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

F. O. RICHEY (1878-1964)

HAROLD F. McNENNY
DONALD W. FARRINGTON
JOHN F. PEARNE
CHARLES B. GORDON
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER

LYNN L. AUGSPURGER
STANLEY R. MILLER

April 27, 1967

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: UIF v. BT v. JFD

Dear Dick:

Many thanks for your letter of April 25th and the enclosed copy of the trial brief on behalf of Blonder-Tongue. I am pleased with the content and impressed with the crispness of its presentation.

Sincerely,

John

JFP:jmc

cc: Robert H. Rines, Esq.

RECEIVED
APR 28 1967
LEGAL
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

Litigation

April 25, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose copies of the trial briefs for the Foundation and JFD, together with some charts from JFD. I have not yet had an opportunity to read them, but will comment later.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

L. Fischer

April 25, 1967

Mr. Myron C. Cass
Silverman & Cass
105 West Adams Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Mike:

* I enclose a stipulation with regard to patents and other documents. Please sign the original and return it to me.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

CHARLES J. MERRIAM
WILLIAM A. MARSHALL
JEROME B. KLOSE
NORMAN M. SHAPIRO
BASIL P. MANN
CLYDE V. ERWIN, JR.
ALVIN D. SHULMAN
EDWARD M. O'TOOLE
ALLEN H. GERSTEIN
OWEN J. MURRAY
DONALD E. EGAN
NATE F. SCARPELLI

LAW OFFICES
MERRIAM, MARSHALL, SHAPIRO & KLOSE
THIRTY WEST MONROE STREET
CHICAGO, ILLINOIS 60603

TELEPHONE
FINANCIAL 6-5750

April 24, 1967

Mr. Richard S. Phillips
Hofgren, Wegner, Allen,
Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: UIF v. B-T v. JFD

Dear Dick:

I am returning the executed stipulation relating to patent copies, etc. I have retained a copy for our files.

Sincerely yours,

Basil P. Mann

BPM/cjh

Enc.

RECEIVED
APR 25 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

L.+.g.

April 25, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of the trial brief as it was filed. Jack and I made only a few minor changes in it. I sent a copy to John Pearne.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

RSP

Litigation

April 24, 1967

Mr. Robert H. Rines
Flamingo Lodge
Everglades National Park
Florida

Re: UIF v. BT v. JFD

Dear Mr. Rines:

This morning we appeared before Judge Hoffman while Pete Mann presented his motion with regard to the order of trial. Judge Hoffman was initially reluctant to sign the order but, after Pete assured him that this was not intended in any way to limit the Judge's discretion in the matter, he signed it. I then advised him of the Iowa case and he thanked me for it but said that he might be interested in reading the decision of the Judge but would obviously not be bound by it and therefore the trial would go on as planned. I then told him about the cases before Judge Lynch and, inasmuch as the motion for summary judgment hasn't as yet been filed, I saw no point in even mentioning it, particularly as the Judge quickly interposed with the comment that this would not affect the trial date.

We had previously checked with the clerk with regard to the likelihood of our going on trial. He gave us the same information as is contained in the attached letter from Mike Cass about which I told you last Friday and a copy of which has been sent to your Boston office.

In addition to the information contained in this letter, we find that the criminal case in which the Syndicate is involved was started last week, will continue through this week and may go partly or all the way through next week. This will probably mean that the cases that are set for trial this week will go ahead of us on the list so we just have no idea of where we are. Pete Mann and I will go in and see Judge Hoffman's clerk on Thursday and at that time will take down a list of all

the cases that are ahead of us and will split up these cases in order to discuss with the lawyers involved whether or not they will go to trial, how long the trial will last, etc.

In other words, by Thursday we should have a pretty general idea as to when we are going to trial. It seems most likely that we won't go to trial on May 1st or during that week. However, there is no point at this time in asking for a new date as the Judge just won't hear us until the situation is better known. As a matter of fact, somebody tried it this morning and got nowhere.

Please let me know where you will be on Thursday so I can communicate with you.

Yours very truly,

HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

John Rex Allen

JRA:DB
Enc.

cc: Rines and Rines
Boston, Mass.

P.S. The draft of your brief just arrived. Dick and I are working on it.

April 21, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

* I am returning herewith two executed copies of the stipulation regarding the COLOR RANGER 10 and GOLDEN DART antennas.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. Robert H. Rines (*)

CHARLES J. MERRIAM
WILLIAM A. MARSHALL
JEROME B. KLOSE
NORMAN M. SHAPIRO
BASIL P. MANN
CLYDE V. ERWIN, JR.
ALVIN D. SHULMAN
EDWARD M. O'TOOLE
ALLEN H. GERSTEIN
OWEN J. MURRAY
DONALD E. EGAN
NATE F. SCARPELLI

LAW OFFICES
MERRIAM, MARSHALL, SHAPIRO & KLOSE
THIRTY WEST MONROE STREET
CHICAGO, ILLINOIS 60603

TELEPHONE
FINANCIAL 6-5750

April 21, 1967

APR 24 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Mr. Richard S. Phillips
Hofgren, Wegner, Allen,
Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: University of Illinois Foundation
v. Blonder-Tongue Laboratories, Inc.
v. JFD Electronics Corporation
Civil Action No. 66 C 567

Dear Dick:

Enclosed are the original and four copies of a stipulation concerning the use of the Color Ranger-10 and the Golden Dart antennas as representative of Blonder-Tongue's production.

I have already read the stipulation to Bob Rines during a phone conversation today and he has approved it.

Would you please, therefore, execute and return the original and two of the copies at your earliest convenience.

Sincerely yours,

Pete

Basil P. Mann

BPM/cjh

Enc.

LAW OFFICES
Silverman & Cass
PATENTS · TRADEMARKS · COPYRIGHTS
105 W. ADAMS STREET · CHICAGO, ILLINOIS, U.S.A. 60603
TELEPHONE 726-6006
AREA CODE 312
CABLE: SILCAS

I. IRVING SILVERMAN
MYRON C. CASS
SIDNEY N. FOX
GERALD R. HIBNICK, IND. BAR

April 20, 1967

Our Ref. 6-418

Jerome M. Berliner, Esq.
Ostrolenk, Faber, Gerb & Soffen
Ten East Fortieth Street
New York, New York 10016

Re: UIF v. B-T v. JFD
No. 66 C 567

Dear Jerry:

I ascertained from Judge Hoffman's Clerk that as of today there are four cases ahead of us on the list of cases to which we were assigned and that there are eight cases remaining from the previous list to which we were added. These latter eight cases will be called during the coming week so that by Thursday, we should have a better idea where we stand for trial.

I further ascertained that there are two criminal cases set for trial on May 1st. There is a judicial conference scheduled for May 8th and 9th so there will be no convening of the Court on those days.

As of this time, it does not appear that we will be called for trial on May 1st. Judge Hoffman's Clerk told me, however, that he will try to give us a more definite time approximation by Thursday, April 27th.

Best regards,

SILVERMAN & CASS

Mike Cass

Xerox copy to R. S. Kines 4/21/67

MCC/gm

cc: Basil P. Mann, Esq.
Richard S. Phillips, Esq.

Litigation - Corr

April 21, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

I have finally heard that the stipulation relating to patent copies, etc., is satisfactory with JFD. I enclose * the ribbon and three copies. Please sign the ribbon and return it to me.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

LAW OFFICES

AXEL A. HOFGREN
ERNEST A. WEGNER
JOHN REX ALLEN
WILLIAM J. STELLMAN
JOHN B. McCORD
BRADFORD WILES
JAMES C. WOOD
STANLEY C. DALTON
RICHARD S. PHILLIPS
LLOYD W. MASON
TED E. KILLINGSWORTH
CHARLES L. ROWE
JAMES R. SWEENEY
W. E. RECKTENWALD
J. R. STAPLETON

WILLIAM R. McNAIR
JOHN P. MILNAMOW
DILLIS V. ALLEN
W. A. VAN SANTEN, JR.
JOHN R. HOFFMAN

HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

20 NORTH WACKER DRIVE
CHICAGO 60606

TELEPHONE
FINANCIAL 6-1630
AREA CODE 312

April 21, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

I have finally heard that the stipulation relating to patent copies, etc., is satisfactory with JFD. I enclose * the ribbon and three copies. Please sign the ribbon and return it to me.

Very truly yours,

Richard S. Phillips

RSP:lag

* Enclosures

LAW OFFICES
Silverman & Cass
PATENTS · TRADEMARKS · COPYRIGHTS
105 W. ADAMS STREET · CHICAGO, ILLINOIS, U.S.A. 60603
TELEPHONE 726-6006
AREA CODE 312
CABLE: SILCAS

I. IRVING SILVERMAN
MYRON C. CASS
SIDNEY N. FOX
GERALD R. HIBNICK, IND. BAR

April 20, 1967

Our Ref. 6-418

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Re: UIF v. BT v. JFD - No. 66 C 567

Dear Dick:

I enclose a Xerox copy of a letter from JFD's attorneys re your requested stipulation. If you will prepare the stipulation as delineated in the enclosed letter, I will arrange to have it executed.

Cordially yours,

SILVERMAN & CASS

Mike

MCC/gm
Encl.
cc: Jerome M. Berliner, Esq.

RECEIVED
APR 21 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

OSTROLENK, FABER, GERB & SOFFEN
ATTORNEYS AT LAW
TEN EAST FORTIETH STREET
NEW YORK, N. Y. 10016

SAMUEL OSTROLENK
SIDNEY G. FABER
BERNARD GERB
MARVIN C. SOFFEN
SAMUEL H. WEINER
JEROME M. BERLINER
LOUIS WEINSTEIN
MARC S. GROSS
STEWART J. FRIED

MICHAEL S. PINELES
(ILL. & PA. BARS ONLY)
ROBERT C. FABER

PATENT CAUSES

AREA CODE 212
MURRAY HILL 5-8470

CABLE ADDRESS
"OSTROFABER" NEW YORK

April 19, 1967

Myron C. Cass, Esq.
Silverman & Cass
105 West Adams Street
Chicago, Illinois 60603

Re: JFD 3.223 - UIF v. B-T v. JFD

Dear Mike:

Reference is made to Dick Phillips' letter dated April 13, 1967 with respect to a stipulation regarding soft copies, publications and the like.

The stipulations heretofore proposed by Phillips are acceptable. In particular, I am referring to the following proposed stipulations 1 and 2.

"--1. Soft copies of patents, or reproductions thereof, reproductions of publications and of documents may be introduced in evidence in lieu of the originals, with the understanding that the originals, if available to one of the parties, will be produced for inspection upon request.

2. Dated documents and records will be presumed to have been made on the date thereof and publications will be presumed to have been published on the date thereof, unless the contrary be shown.--"

Sincerely,

OSTROLENK, FABER, GERB & SOFFEN

Jerry

Jerome M. Berliner

JMB:cg

RECEIVED
APR 1967
SILVERMAN & CASS
CHICAGO, ILL.

April 28, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose copies of the JFD charts in full color, as they will be presented in court. We received only one colored set but I thought it would be of more use to you than to me.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

Silverman & Cass

April 27, 1967

Dear Dick:

Re: UIF v. BT v. JFD

Here are the JFD Charts 1 - 2A-2E fully colored, the same as charts filed with the Court.

Mike

RECEIVED
APR 25 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

April 28, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I didn't find anything particularly startling in the Foundation's or JFD's trial briefs. There are a couple of places where JFD gets a little sloppy and refers to the development of the log periodic principle by the University.

With regard to the Blonder patent, JFD is placing a great deal of reliance on technical report TR 52. Do you have a copy of this? We do not. I am sure I can get a copy from Pete Mann if they have an extra or at least borrow one so that it can be duplicated. Do you have copies of the other publications listed in the notices from JFD? If you would like me to get them, let me know.

Very truly yours,

Richard S. Phillips

RSP:iag

April 27, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

Pete Mann called with regard to their possible use of Ron Grant as a witness at the trial. The sole purpose of his testimony will be to identify some documentary records of performance tests of Blonder-Tongue antennas. Grant supervised the tests which were made at the JFD lab in Champaign. Someone else, probably Mayes, will testify regarding the meaning of the results. Pete wonders if you will accept the test results without Grant's testimony. He says that Mayes can testify with regard to the equipment and procedures which were used, but that he did not direct these specific tests.

I am picking up today the depositions and trial testimony of Lawler and Marjorie Johnson and possibly a copy of a Collins technical report. Do you want me to send you copies of all of it or should I merely hold it until we get together?

Very truly yours,

Richard S. Phillips

RSP:iag

4/27/67

Performance Test - BT antenna -

Ron Grant directed -

Harris or Mayes would explain.

Mayes could testify regarding equipment etc.

Scarpelli -

Pete Mann would like to know if Bob would accept test results without testimony by Grant - Mayes can testify regarding the equipment and procedures, but did not direct the tests

April 10, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I had a call from Pete Mann in reply to the letter I wrote him after you called last Friday. He is not sure he can work out stipulation language regarding the Isbell invention which will satisfy both you and him. I suggested that he call you directly to discuss it. He did not go into detail but indicated that they take the position Isbell's contribution was the application of the log periodic principal to an antenna with dipole elements.

He is more interested in learning which antenna models can be considered as representative. He intends to have some charts and diagrams made and would like to turn the material over to his draftsman. Please call Jack or me (I will be out of town Tuesday) when you have checked this with Ike.

Very truly yours,

Richard S. Phillips

RSP:lag

cc: Mr. Robert H. Rines
(c/o Mr. I. S. Blonder)

April 7, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

I have talked with Bob Rines. He is willing to stipulate that the element length and spacing of the Blonder-Tongue antennas conform with a log periodic formula if the stipulation also makes it clear that such an element relationship was not invented by Isbell, Mayes or Carrel. If this is agreeable with you, would you like to draft the stipulation?

Bob will be at the Blonder-Tongue plant next week and will let us know after he has been there whether your suggesting regarding representative antennas is satisfactory.

Very truly yours,

Richard S. Phillips

RSP:iag

bcc: Mr. Robert H. Rines

→ JRA

April 18, 1967

VIA AIR MAIL

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I have talked with Marjorie Johnson. She will be quite willing to testify in the Blonder-Tongue suit if you wish, either by way of deposition ahead of time or at the trial. Apparently her time is reasonably free so that she could come to Chicago whenever the case actually goes to trial. In the Winegard suit she received her expenses plus $10.00 an hour for the time she spent conferring with attorneys and on the witness stand. She expects to receive the same in any of the other cases in which she testifies. Her telephone number in Rock Island, Illinois, is Area Code 309 786-7347.

Very truly yours,

Richard S. Phillips

RSP:lag

4/8/67

Marjorie Johnson –

$10/hr witness fees –

R.I. - 309

786-7347

U/I, Blonder Tongue

April 14, 1967

Miss Marjorie A. Johnson
3405 Twenty-First Street
Rock Island, Illinois

Dear Miss Johnson:

I am writing you on behalf of Blonder-Tongue Laboratories, Inc., a company which has been sued by The University of Illinois Foundation for infringement of Isbell patent 3,210,767. The case will probably go to trial early in May. We may want you to come to Chicago and testify about the report from the Antenna Lab as you did at the recent trial in Iowa. Your expenses, of course, would be paid.

I would appreciate your calling me, collect, to let me know whether you might be free to come to Chicago for this. I can't give you the specific date at this time. If it would be more convenient, please call me at home. My telephone number is CR 2-2024.

Very truly yours,

Richard S. Phillips

RSP:lag

4/7/67

Rines -

✓ Check Hoffman Federal -

3 sep log periodic ✓ they agree that
synth & spec elements not Lobtec Mayes -

representative as Comm -

Copy of affidavit
- testimony) re library.

Contact library re elect -

PATENTANWÄLTE
DIPL.-ING. F. WEICKMANN, DR. ING. A. WEICKMANN
DIPL.-ING. H. WEICKMANN, DIPL.-PHYS. DR. K. FINCKE
DIPL.-ING. F. A. WEICKMANN

8 MÜNCHEN 27, DEN MÖHLSTRASSE 22
RUF (0811) 483921/22

April 6, 1967
ch

RECEIVED
APR 11 1967
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD
FOREIGN DEPT.

Airmail

Messrs.
Hofgren, Wegner, Allen
Stellman & McCord
20 th North Wacker Drive

Chicago 60606

Re: German Patent 729 912

Dear Sirs,

Referring to your letter dated March 24,1967 we are enclosing the wanted copy of German Patent 729 912. Our debit-note is enclosed.

Very truly yours,

(Dr.A.Weickmann)

Encls.

Marg,

If this patent comes to you, it belongs to RSP for the Blonder-Tongue suit.

Isabelle

March 24, 1967

VIA AIR MAIL

Weickmann, Weickmann,
Weickmann & Fincke
Mohlstrasse 22
8 Munchen 27, GERMANY

Gentlemen:

Please send us one copy of German patent 729,912.

Very truly yours,

Richard S. Phillips

RSP:iag

April 4, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I am writing as I have been unable to reach you by phone.

Pete Mann has asked whether you will stipulate that certain of the Blonder-Tongue antennas are representative of the entire line. He suggests that the Ranger 10 and the Golden Dart be used for the purpose of discussion during trial; and that the question of infringement of all the antennas be determined on the basis of these two models.

We also discussed the possibility of a stipulation that the length and spacing of the Blonder-Tongue antenna elements conforms with the log periodic formula. It is my understanding that this is true and that the question of infringement turns on the meaning of "co-planar". Please call me on this as soon as possible.

Very truly yours,

Richard S. Phillips

rsp/iag

cc: Mr. Basil P. Mann

4/3/67

14 Gun -

notes - [illegible]

Rogers C - representative

Outdoor Dept - representatives

Will Kerr agree that they are representatives ?

Skeletons that they are happier in leaglet spray.

BLONDER·TONGUE LABORATORIES INC.
9 ALLING STREET, NEWARK, NEW JERSEY 07102 · (201) 622-8151

March 30, 1967

RECEIVED
APR 3 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Mr. Richard S. Phillips
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Dear Dick:

The drawings you were sent show more than one antenna. That is probably why he was confused.

If he will look at the drawings in more detail, he will find he has been sent everything.

Sincerely,

BLONDER-TONGUE LABORATORIES, INC.

Isaac S. Blonder
Chairman of the Board

ISB:dd

CC: Mr. Robert H. Rines

March 30, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose a revised notice from the Foundation including their list of witnesses.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

March 27, 1967

Mrs. Helen K. Thomas
219 South Dearborn Street
Chicago, Illinois 60604

RE: University of Illinois Foundation v.
Blonder-Tongue v. JFD

Dear Mrs. Thomas:

On behalf of Blonder-Tongue, we have agreed to waive the signature of Mr. Blonder to the transcript of his deposition, taken last October.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Myron C. Cass
Mr. Basil P. Mann
Mr. Robert H. Rines

March 27, 1967

Mr. Isaac S. Blonder
Blonder-Tongue Laboratories, Inc.
9 Alling Street
Newark, New Jersey 07102

Dear Ike:

I had a call from Mann questioning whether he had received all of the drawings relating to the physical dimensions of the Ranger antennas. He has two specific questions. The Color Ranger 7 is shown on your drawing 2187-1G as having only three elements. Is this correct?

The materials you have sent me do not include dimensions for Color Ranger 15.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines

March 27, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose a copy of a draft of a stipulation regarding patent copies, publications and the like which I suggested to Cass and Mann. Cass says he may have a couple of things he would like to add to it. I am waiting for further word from him.

Mann would rather not stipulate to the blanket admission of all materials from other cases. He would rather consider specific items on a piecemeal basis. He said he knows of nothing in another case to which they would object. He also said that as far as he knows, the witnesses from the Winegard suit can be made available.

Do you want to select specific testimony or other records from the Winegard suit?

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

March 23, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

Dear Pete:

* I enclose a draft of a suggested stipulation regarding use of soft copies of patents and the like. I gave a copy to Mike and he is going to send me any additional stipulations he would like. Please let me know whether this stipulation is satisfactory with you and what additional provisions you would like. I will then have it typed for execution.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

176P2502

March 24, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I talked this afternoon with Pete Mann regarding the drawings we have supplied of Blonder-Tongue antennas. He inquired whether you would be willing to stipulate specific models as representative of all of them, so far as infringement is concerned. We also discussed the possibility of a stipulation that the element length and spacing is in accordance with the log periodic formula. It is my understanding that the dimensions do fit the formula and that the only question regarding infringement is with regard to the co-planar limitation in the claims. Would you be willing to stipulate to this?

Very truly yours,

Richard S. Phillips

RSP:lag

March 24, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Pete:

* Enclosed are Blonder-Tongue drawings C-2187-1G and C-2331-D, showing antenna element dimensions.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

Marg,

If this patent comes to you, it belongs to RSP for the Blonder-Tongue suit.

Isabelle

March 24, 1967

VIA AIR MAIL

Weickmann, Weickmann,
Weickmann & Fincke
Mohlstrasse 22
8 Munchen 27, GERMANY

Gentlemen:

Please send us one copy of German patent 729,912.

Very truly yours,

Richard S. Phillips

RSP:iag

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

920 MIDLAND BUILDING

CLEVELAND, OHIO 44115

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

F. O. RICHEY (1878-1964)

HAROLD F. McNENNY
DONALD W. FARRINGTON
JOHN F. PEARNE
CHARLES B. GORDON
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER

LYNN L. AUGSPURGER
STANLEY R. MILLER

March 21, 1967

RECEIVED
MAR 22 1967
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen, Stellman & McCord
20 North Wacker Drive
Chicago, Illinois 60606

Dear Dick:

Many thanks for your two letters of March 16th and your subsequent letter of March 20 sending me copies of the Mayes depositions taken on behalf of Blonder-Tongue and exhibits referred to in the course of those depositions. There is a considerable amount of information in those depositions of interest to me in connection with The Finney Company suit. However, one of the portions of particular interest relates to the report Exhibit B-49 — describing work at Collins Radio and showing how the Isbell antenna was derived from the wire structure of DuHamel. Since I do not yet have a copy of that particular exhibit, I would greatly appreciate your supplying me with a copy or loaning me your copy for duplication in our office if it is particularly voluminous.

Sent to Pearne 3/22

I assume that Bob Rines brought you up to date on our conference at the Cleveland Airport while he was en route to Boston early last week. We reviewed together at that time some of the evidentiary material I have collected and which I thought would be of particular interest to him. Since much of that material is in the affidavit of Marjorie Johnson, her testimony at the trial of the Winegard suit, and the testimony of Dr. Mayes and Mr. Lawler taken on behalf of The Finney Company, copies

of which you may already have procured from Keith Kulie, I have not duplicated that material for you or Bob. It seemed that I might only duplicate material already in your possession if I should do so. However, much of the material of interest will be incorporated in the Motion for Summary Judgment I am now preparing and hope to complete shortly. I promised Bob to send him a copy of that motion for comment before I file it.

I do not recall the dates in the near future when Bob plans to be out of the country again. It would be helpful to me to know those dates so that, if possible, I can get a copy of my Motion for Summary Judgment in his hands for comment before he leaves.

Sincerely,

John

JFP:jh

cc: Robert H. Rines, Esq.
Rines & Rines
10 Post Office Square
Boston, Massachusetts

March 23, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I talked with John Pearne and got from him a list of the prior art he feels to be most pertinent. I am incorporating this in the list of exhibits.

He had talked to Ray DuHamel by telephone sometime ago and decided against using him as a witness. Ray has some financial interest in the patents and gave the indication that he might not be completely unprejudiced. John has not talked with Isbell or Carrel. I listed all three as possible witnesses.

Very truly yours,

Richard S. Phillips

RSP:iag

March 23, 1967

(BY MESSENGER)

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: Color Ranger Antennas

Dear Pete:

* I enclose copies of the following Blonder-Tongue drawings:

C-2866A	Boom-(15) Element Director
C-2868B	Boom Ass'y. Color Ranger 15
C-2864B	Boom Ass'y.-Main Right
C-2865A	Boom-(15) Support
C-2863C	Boom-(15) Element Main Left
C-2185B	Boom-(10) Element
C-2330-B	Boom-(3) Element
C-2186-A	Boom-(5) Element
C-2187-1G	Elements (Tubing)
C-2187-2A	Elements (Tubing)

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

March 21, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

* I enclose a copy of a motion by JFD to dismiss its crossclaim with prejudice.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. I. S. Blonder (*)

March 20, 1967

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

Dear Pete:

* I enclose copies of the following Blonder-Tongue drawings:

C-2185B	Boom - (10) Element
C2186-A	Boom - (5) Element
C-1756-C	VHF Separator

I talked again with Mr. Blonder and learned that there are five models of the Ranger. In addition to the 5 and 10 element units shown in the above drawings, there are 3, 7 and 15 element models. He will send me, probably today, drawings of all booms and data regarding the element length. He does not think he has available any assembly drawings but is double checking this.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

March 15, 1967

Mr. Julius E. Foster
420 Lexington Avenue
New York, New York 10017

Dear Mr. Foster:

We received this afternoon a copy of the Balash deposition. The transcript does not include an index of the exhibits, nor do we have copies of them. I would appreciate receiving copies of these exhibits so that I can identify them properly in preparing a composite list of exhibits for trial.

I understand I should receive shortly copies of the depositions of Helhoski, Cohn and the engineer who wrote an article about antennas for QST. In connection with each, I will need at least an index of exhibits and would prefer to have copies of them.

Very truly yours,

Richard S. Phillips

RSP:iag

March 2, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

I wrote you on February 13 regarding waiver of signature of Mr. Blonder's deposition. We discussed it after that and you said you did not know whether he had any changes to suggest. Please let me know as soon as possible whether there are changes or whether we can stipulate to a waiver of signature so that the depositions can be filed.

OK

Very truly yours,

Richard S. Phillips

RSP:iag

Mann —

9/20/67

1). Blueprint - Color Ranger -

January 13, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

Dear Bob:

I received today from the attorneys for JFD a large stack of blueprints of the JFD antennas. These are prints of the drawings which you looked at briefly when you were here for the depositions at Merriam's office. Do you want me to keep these drawings here, send them to you or send them to Ike?

Fox asked whether you had yet found any test data regarding boom spacing. He also inquired whether you might have the negative photographs listed in his letter * of December 21 to me, copy attached. I think I sent you a copy when I got the letter, I am not sure.

Very truly yours,

Richard S. Phillips

RSP:lag

* Enclosure

LAW OFFICES
Silverman & Cass
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105 W. ADAMS STREET · CHICAGO, ILLINOIS, U.S.A. 60603
TELEPHONE 726-6006
AREA CODE 312
CABLE: SILCAS

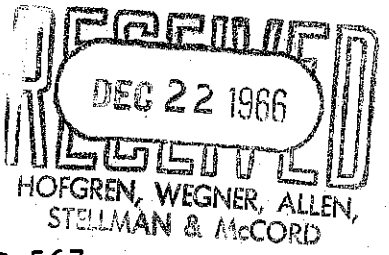
I. IRVING SILVERMAN
MYRON C. CASS
SIDNEY N. FOX

JAMES L. KNIGHT
GERALD R. HIBNICK, IND. BAR

December 21, 1966

Our Ref. 6-418

Richard S. Phillips, Esq.
Hofgren, Wegner, Allen,
Stellman & McCord
Suite 2200
20 North Wacker Drive
Chicago, Illinois 60606



Re: UIF v. BT v. JFD - No. 66 C 567

Dear Dick:

Would you be so kind as to check your files and ask Bob Rines to check his files in respect of a group of negative photostats we had prepared of the following documents produced by Blonder-Tongue Laboratories, Inc.:

B 210	Drawing No. C-1758-B	Boom-VHF #37
B 211	Drawing No. C-1757-C	Elements (Tubing) Family Dwg.
B 219	Drawing	Examples of Trademark Representations
B 177	Drawing No. M-1552 E	Clamp, Outdoor UHF Antenna
B 220	Tissue (Large)	Illustrating Adoption of Trademark "Ranger"

You will recall that I received the originals of the above on December 9, 1966 in your office and agreed to obtain photostatic copies thereof. This was accomplished and Myron Cass handed positive copies thereof to Pete Mann on December 13, 1966. We retained the negatives. You will also recall that the originals above were given either to you or to Bob Rines at the recent depositions in Champaign.

Xerox Copy to
R. S. Rines
1/13/67

Now we find that the complete set of negatives is missing from our files. It is possible that these negatives could have gotten mixed in with the originals when the same were turned over in Champaign. There was a lot of material passed back and forth at the time. Please advise.

On checking our files, we note also that original B-documents B-217, 218 and 228-233 were inadvertently retained. These documents are enclosed herewith.

Our very best wishes for a Happy Holiday Season.

Very truly yours,

SILVERMAN & CASS

Sidney N. Fox

Sidney N. Fox

SNF/gm

Encl.

March 2, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts 02109

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose copies of the Foundation's answers to the interrogatories. Apparently they have changed their position and are answering the interrogatories based on the information from testimony in the Winegard suit. Apparently the report was not reviewed by the contractor before printing and only the master copy of the final text was prepared. It is my understanding the answer to 10(b)(1) does not agree with the testimony in the lawsuit. I think the custodian of the collection testified that if a member of the general public asked to see something in the collection, they would be permitted to see it.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

March 1, 1967

Mr. Robert H. Rines
Rines and Rines
No. Ten Post Office Square
Boston, Massachusetts

RE: UIF v. BT v. JFD

Dear Bob:

* I enclose a copy of a pre-trial order regarding exhibits and witnesses to which Jack Allen agreed with Pete Mann.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

February 27, 1967

Mr. John F. Pearne
McNenny, Farrington, Pearne & Gordon
920 Midland Building
Cleveland, Ohio 44115

Dear John:

I had misunderstood Jack Allen's message regarding Bob Rines' schedule. He is coming to Chicago Monday morning, March 13, and staying overnight for a meeting on another matter Tuesday morning. We can get together with you Monday afternoon, Monday evening, or Tuesday afternoon, at your convenience.

Rines' telephone number is Area Code 617, HUbbard 2-3289 in case you wish to talk with him ahead of time. Let me know how your plans develop. I will look forward to seeing you again.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Robert H. Rines - I have talked with Keith Kulie regarding access to the Winegard record. He has a brief due on March 17 but will not be using the record every day. He will let me know when it is available and we will try to have a copy for you before or by our meeting on the 13th.