KEITH J. KULIE
ATTORNEY AT LAW

29 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603

AREA CODE 312
CENTRAL 6-3351

March 2, 1970

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

RE: UIF -v- Blonder Tongue

Dear Dick:

Many thanks for sending a copy of the BT petition for rehearing.

For selfish reasons, I hope that this eventually resolves itself in BT's favor.

Sincerely,

Keith J. Kulie

k

RECEIVED
MAR 4 - 1970
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

litigation

February 27, 1970

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

Dear Bob:

* I enclose a copy of a cost bill from the Foundation. We aren't clear why they filed this but intend to make of record before the Court of Appeals the fact that Blonder-Tongue is not liable for this.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

February 27, 1970

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

Dear John:

* I enclose a copy of the petition for rehearing which we have filed on behalf of Blonder-Tongue. Bob and I will appreciate your comments regarding the Court of Appeals decision and the petition. The finding of use of a "half-truth" in Mayes patent without a finding of fraud or misuse seems strange. In addition, the handling of the availability of Quarterly Report No. 2 provided a good basis for seeking a rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

February 27, 1970

Mr. Keith Kulie
29 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

* I enclose a copy of the petition for rehearing which we have filed on behalf of Blonder-Tongue.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

February 27, 1970

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

Dear Bob:

* I enclose two copies of the petition for rehearing, etc.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

February 27, 1970

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

Dear Ike:

* I enclose two copies of the printed petition for rehearing which we filed today in connection with the Foundation lawsuit.

Best wishes.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

February 18, 1970

VIA AIR MAIL

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

Dear Mr. Rines:

* Enclosed is a copy of page 5 of the decision which I apparently did not send on Monday. I am also sending a copy of this page to Mr. Blonder in case I skipped it in his copy, too.

Very truly yours,

Secretary to R. S. Phillips

IAG/

* Enclosure

cc: Mr. I. S. Blonder

U/I v. B.T.

February 18, 1970

Mr. Keith Kulie
29 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

We finally got the Court of Appeals' decision * in the Blonder-Tongue suit. I enclose a copy. Unfortunately, the Court has sustained Judge Hoffman's finding that the Isbell patent was valid and infringed. I understand Bob Rines has been authorized to try to take the case to the Supreme Court, although I have not yet had an opportunity to discuss this with him.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

February 18, 1970

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

Dear John:

We finally got the Court of Appeals' decision
* in the Blonder-Tongue suit. I enclose a copy. Unfortunately, the Court has sustained Judge Hoffman's finding that the Isbell patent was valid and infringed. I understand Bob has been authorized to try to take the case to the Supreme Court, although I have not yet had an opportunity to discuss this with him.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines
Mr. W. E. Wyss

Litigation

January 26, 1970

Touch, Ross & Company
744 Broad Street
Newark, New Jersey 07102

RE: Blonder-Tongue Laboratories Inc.

Gentlemen:

There is no change in the information given you in our letter of November 4, 1969.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. Frank E. Smith

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

JANUARY 22, 1970

HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD
20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60608

GENTLEMEN:

KINDLY SEND DIRECTLY TO OUR AUDITORS, TOUCH, ROSS & COMPANY, 744 BROAD STREET, NEWARK, NEW JERSEY 07102 AN UPDATE LETTER TO YOUR ORIGINAL RESPONSE DATED NOVEMBER 4, 1969.

OUR AUDITORS W LL APPRECIATE A LETTER FROM YOU AT YOUR EARLIEST CONVENIENCE.

YOURS VERY TRULY,

BLONDER-TONGUE LABORATORIES, INC.

FRANK E. SMITH
CONTROLLER

FES:MU

RECEIVED
JAN 26 1970
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Note of
Memo

M E M O R A N D U M

Note WRM - 4-10-70

TO: R. S. Phillips
W. R. McNair

DATE: April 7, 1970

FROM: P. L. Sprunger

RE: UIF v. BT v. JFD

The petition for stay of mandate was served and filed today, April 7, 1970, and a copy was sent to Bob Rines. The Clerk advised me that the order denying petition for rehearing was entered on April 2, 1970; accordingly, the petition for certiorari is due July 1, 1970.

The Clerk also stated that the record is sent directly from the Court of Appeals to the Supreme Court. We should send a letter to the Clerk indicating what items we want sent.

PLS/sls

(Notes of Memos)

Litigation UIRuBIv. JFD

4/6/70

Rule 4/a - Mandate shall issue 7 days after entry of order denying petition.

April 2 - - April 9

Sup. Ct. -

28 USC 2101(c) - ninety days after entry of judgment

56 L ed 535

70 L ed 819

85 L ed 177

U.S. v Healy 11 L ed 2d 527

February 16, 1970

VIA AIR MAIL

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

Dear Mr. Rines:

* Enclosed is a copy of the decision in the Blonder-Tongue appeal. It was received in this office on Saturday, February 14.

I think it is rather interesting that the Conspiracy 7 trial was concluded on Saturday and this decision is dated February 13.

Mr. Phillips is out of town and will be back on Wednesday of this week.

Very truly yours,

Secretary to R. S. Phillips

IAG/

* Enclosure

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

Blanchard Tompkins

See Amoco v Wilson. 168 F Supp 353
274 F 2d 145

Binding ~~test~~ (shall convict & notary) was
unconstitutional as applied with impropriety
in the plea (& trial) in suit

Cite
Keystone Drilling v General Excavating
78 L. Ed 293

prior suit - Sufficiency of testimony

present suit - other bad actors, pleading

Blonder Tongue —

See Amoco v Mitchell. 168 F Supp 335
274 F 2d 143

Binding (Rehearing & not cap.) was
contemporaneously filed with motion
in other patent (Thompson) in Sept

Cited
Keystone Doll v General Exhaust.
78 L. Ed 293

prior suit - Supreme Court -

prior suit - other bankruptcy, patents

Blanket Torpedo -

See Amman v Wilson 16 P Supp 33 3
274 F 2 145

Binding ~~Rule~~ (Rule 65 (d) & 65 (e)) does
encompass orders entered with jurisdiction
in the state (4th Comp.) in suit

Cite
Keystone Tube v General Extrusion
78 L. Ed 293

prior suit - Suppression of Testimony -

present suit - other bankruptcy, patent

Blonder Tongue –

See Armour v Wilson. 168 F Supp 35-3
274 F 2d 143

Binding ~~Ref.~~ (old unwelds + not cap.) was
unenforceable as pat. acted with impropriety
in the patent (Thompson) in Sec –

Cite
Keystone Driller v General Excavator –
78 L. Ed 293

prior suit – Sippman's testimony –

present suit – other, but related, patents

July 17, 1970

Mr. Keith J. Kulie
135 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

Thanks for forwarding the copy of the Foundation's brief. John Pearne has filed an amicus brief on behalf of * Finney and a copy is enclosed. I will keep you advised of anything further that takes place at our end.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines
Mr. J. F. Pearne

July 17, 1970

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 letter from Keith Kulie together with a copy of a motion which has been filed by the University of Illinois Foundation for a rehearing on their petition for certiorari in the Winegard suit.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. J. F. Pearne (*)

KEITH J. KULIE

ATTORNEY AT LAW

135 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603

AREA CODE 312
CENTRAL 6-3351

July 16, 1970



Richard Phillips, Esq.
20 N. Wacker Drive
Chicago, Illinois

Re: University of Illinois Foundation
vs. Winegard Company
File: 45-34

Dick:

Enclosed is a copy of the motion filed in behalf of UIF in conjunction with the case involving Winegard Company.

Fortunately, we had advised our client that an action of this type might occur if the Foundation was able to win one of the other cases here in the Seventh Circuit.

I will try to keep you advised of all activity in conjuction with this matter and hope you can continue to do the same for me in conjunction with the B-T petition.

Sincerely,

Keith J. Kulie

KJK/mn
Enc.

UIFUBTvJPD

LAW OFFICES
KEMON, PALMER & ESTABROOK
1331 G STREET, NORTHWEST
WASHINGTON, D. C. 20005

SOLON B. KEMON
CARROLL PALMER
WILLIAM T. ESTABROOK
W. SCOTT RAILTON

TELEPHONE 347-3870
AREA CODE 202
CABLE "KEMPAL"

RECEIVED
JUL 17 1970
McNENNY, FARRINGTON, PEARNE & GORDON

RECEIVED
JUL 21 1970
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

July 15, 1970

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

RE: Amicus Brief in Supreme Court
Blonder-Tongue Laboratories, Inc. V.
University of Illinois Foundation et al.

Dear John:

This will acknowledge the receipt of your letter of July 9 with enclosure relative to the above matter.

We would advise that we have corrected 31 copies of the brief and motion as filed with the Clerk of The Supreme Court in accordance with the instructions as contained in your letter.

As regards the nine other copies of the brief and motion, we have ascertained from the clerk that they have already been mailed to the various parties involved in the present proceedings.

In view of the foregoing it will seem that you will have to address a letter to the various parties involved informing them of the action that has been taken with respect to your motion and brief as regards the 31 copies that are with the clerk of the Supreme Court and then request that the various persons make these two corrections in the copy of the motion in brief which was mailed to them by the

clerk of the Court prior to the corrections being made.

We are returning herewith the copy of the brief and motion that was enclosed with your letter.

Very truly yours,

William T. Estabrook

William T. Estabrook

WTE:fjg

July 10, 1970

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

Dear Bob:

We have checked with the Clerk of the Court of Appeals and are advised that they have been notified by the Clerk of the Supreme Court of the filing of the petition for certiorari. Under Rule 41(b) F.R.A.P., the stay shall continue until final disposition by the Supreme Court.

Very truly yours,

Richard S. Phillips

RSP:iag

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

July 9, 1970

Sidney G. Faber, Esq.
Ostrolenk, Faber, Gerb & Soffen
10 East Fortieth Street
New York, New York 10016

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

Dear Sid:

Enclosed herewith are two copies of our motion for leave to file an amicus brief in the above case and the brief. The brief contains two minor typographical errors which we propose to have corrected by the Clerk of the Supreme Court, as follows:

Page 1 of the brief (page 5), footnote 1, "Ohio" should have been --Illinois--.

Page 2 of the brief (page 6), penultimate line, "cordingly" should have been --cording--.

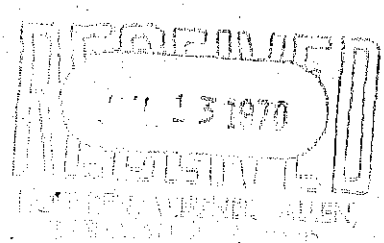
Sincerely,

John

JFP:jh
Enclosures

cc: Richard S. Phillips, ,Esq.
Robert H. Rines, Esq.

COPY



July 7, 1970

Mr. William A. Marshall
Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

RE: UIF v. BT v. JFD

Dear Bill:

* I enclose a notice of our filing a petition of certiorari on behalf of Blonder-Tongue. Please complete and file the attached appearance form.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

July 7, 1970

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

RE: UIF v. BT v. JFD

Dear Mr. Cass:

* I enclose a notice of our filing a petition of certiorari on behalf of Blonder-Tongue. Please complete and file the attached appearance form.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

July 7, 1970

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

Dear Bob:

* I enclose an appearance form for you to file in the Supreme Court. The petition has been assigned case No. 338, October Term 1970.

* I also enclose a copy of an order from the Court of Appeals staying the mandate to and including July 10. We are advising the court that a petition has been filed.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

L. to gator

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
ROBERT A. STURGES
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER
LYNN L. AUGSPURGER

ALFRED D. DeH. LOBO
JOSEPH J. CORSO

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

July 6, 1970

RECEIVED
JUL 7 1970
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

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

Re: UIF et al. v. B-T

Dear Dick:

Enclosed herewith is a copy of a brief amicus curiae which will be filed with the Supreme Court in connection with the petition of Blonder-Tongue for a writ of certiorari. Sidney Faber has consented on behalf of JFD and will so endorse the brief. I know that you will, on behalf of Blonder-Tongue, and I am awaiting word from Bill Marshall on behalf of the Foundation.

If Bill Marshall does not consent to the brief on behalf of the Foundation, the brief will be preceded (in the same cover) by a motion for leave to file the brief, including a statement of the refusal of consent by the Foundation. If Bill Marshall does consent, a copy of the brief must be circulated for signatures of counsel for all three parties to the suit, acknowledging service and giving such consent. If I do not receive such consent from Bill this afternoon, refusal of consent will be sufficiently implicit, and the motion and brief will go to the printer tomorrow morning with the expectation that it will be mailed by the end of the day on Wednesday, July 8th.

If you have any suggestions for revision of the motion, please call me as soon as possible tomorrow, July 7th.

Sincerely,

John

7/7
Called Pearne
Will go out tomorrow

JFP:jh
Enclosure
cc: Robert H. Rines, Esq.
Mr. L. H. Finneburgh, Jr.

July 1, 1970

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

Dear Bob:

I talked this morning with Lou Hecht, our associate who took the petition and record to Washington on Monday. He filed it yesterday and found that it was fortunate that we had followed this procedure. The Supreme Court adopted new rules effective July 1 which change some of the procedural steps which must be followed. Apparently copies of the new rules are not yet readily available, even from the Clerk's office.

I did find that a summary of the changes
* had been published in Law Week. I enclose a copy.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

June 30, 1970

Mr. Donald E. Zinn
Sughrue, Rothwell, Mion,
Zinn & MacPeak
1776 K Street, N. W.
Washington, D. C. 20006

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

Dear Don:

We have been local counsel for Rines and Rines of Boston who represent Blonder-Tongue in the above case. A * petition for certiorari is being filed today and a copy is enclosed. The petition and record were hand-carried to Washington last night by one of our associates who has a couple of days work in the Patent Office.

We had just received the petition from the printer before he left yesterday afternoon and did not have an opportunity to double check it.

We have found a few typographic errors in the index. I would like you to have someone go to the Clerk's office and arrange to enter corrections in the 40 copies of the petition which are on file.

* The corrections are listed on the attached sheet and have been made in the copy of the petition which is enclosed.

I cannot enter an appearance in the case yet as I am not admitted to the Supreme Court. If you need written authorization from Rines to make these corrections, let me know. If you have to enter an appearance on behalf of Blonder-Tongue, please do so.

If there is any problem, call me.

Very truly yours,

RSP:iag
* Enclosures
cc: Mr. R. H. Rines

Richard S. Phillips

Corrections to the Index:

Line 1, after "United States" insert -- Court --.

Corrections to the Index of Cases Cited:

lst citation, change "Chemronics" to -- Chemtronics --.

last item (Jurisdiction of. . .), change "Univer" to -- United --.

June 30, 1970

Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603

Silverman & Cass
105 West Adams Street
Chicago, Illinois 60603

Gentlemen:

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

* I enclose a list of typographic errors in the Index of the petition for certiorari. We are having these corrected by hand.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

bcc: Mr. J. R. Pearne (*)

June 29, 1970

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

Dear Bob:

* Enclosed are ten copies of the petition to the Supreme Court. One of the young fellows in our office is leaving for Washington tonight and is taking it with him to file tomorrow.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

June 26, 1970

Mr. Isaac S. Blonder
Blonder-Tongue Laboratories Inc.
P/O Box 664
One Jake Brown Road
Old Bridge, New Jersey 08857

Dear Ike:

I find that Bob is out of the office and will not be back until next Wednesday. I wanted to let you know that the petition for certiorari is in the final stages of printing and that we should be able to mail it from here on Monday. I will send you a copy when it is completed.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

June 26, 1970

Gunthorp-Warren
123 North Wacker Drive
Chicago, Illinois 60606

ATTENTION: Mr. Earl Berg

RE: Blonder-Tongue Laboratories Inc. v.
University of Illinois Foundation
and JFD Electronics Corporation

Gentlemen:

* Accompanying this letter are a certified copy of the record of the above case in the Court of Appeals and our check for $100 to the Clerk of the United States Supreme Court.

In accordance with our telephone conversation, Please complete the printing of the petition for certiorari and its appendices, serve copies on opposing counsel and transmit to the Clerk of the Supreme Court 40 copies of the petition and appendices, together with the certified record, check and an affidavit of service in accordance with Supreme Court Rule 33.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

Litigation

June 16, 1970

Mr. Ben H. Tongue
Blonder-Tongue Laboratories Inc.
P. O. Box 664
One Jake Brown Road
Old Bridge, New Jersey 08857

Dear Mr. Tongue:

I find from our office manager that the services in April were actually $255. The additional $75 was carried over from March.

The services in March were concerned with the preparation and filing of the petition for stay of mandate in the Court of Appeals and a memorandum opposing the cost bills of the Foundation and JFD.

The services in April include the preparation and filing of a petition for an additional stay of the mandate, consideration of the decision of the Court of Appeals on rehearing, telephone calls and correspondence with Mr. Rines regarding the petition for certiorari to the Supreme Court and phone calls and correspondence with Mr. Rines and Mr. Pearne (counsel for Finney) with regard to the petition to the Supreme Court.

If I can give you any further information, please let me know.

Very truly yours,

Richard S. Phillips

RSP:iag

BLONDER·TONGUE LABORATORIES INC.
P/O BOX 664 • ONE JAKE BROWN RD. • OLD BRIDGE, N. J. 08857

June 10, 1970

Hofgren, Wegner, Allen, Stellman & McCord
2200 Opera Building
20 North Wacker Drive
Chicago, Illinois 60606

Gentlemen:

With reference to your invoice dated April 30, 1970 in the amount of $330.00 stating "Services - during April re University of Illinois v. Blonder-Tongue.

Will you please be kind enough to send us an outline of the services covered by this invoice.

Thank you for your co-operation.

Sincerely,

BLONDER-TONGUE LABORATORIES INC.

Ben H. Tongue
President

BHT/jg

RSP 170
PLS 45
MeN 40
MeN 17

omitted from March bill

TO HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD DR

2200 OPERA BUILDING
20 NORTH WACKER DRIVE
TELEPHONE FINANCIAL 6-1630
CHICAGO 60606

April 30, 1970

Rines & Rines
Blonder Tongue Laboratories
No. 10 Post Office Square
Boston, Massachusetts 02109

Services - during April re University of Illinois v. Blonder Tongue	$330.00	
		$330.00

TO HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD DR
2200 OPERA BUILDING
20 NORTH WACKER DRIVE
TELEPHONE FINANCIAL 6-1630
CHICAGO 60606

March 31, 1970

Rines & Rines
Blonder Tongue Laboratories
No. 10 Post Office Square
Boston, Massachusetts 02109

75

		Mc A	PLS-30 RSP-50
Services	- during March re UIF v. BT v. JFD - correspondence during March re petition for rehearing	$ 80.00	
Outlay	- Miscellaneous expenses:		
	Telephone toll charges, copies of patents, Xerox copies, and transportation	30.68	
	T O T A L		$110.68

Litigation
UIF v. BT v. JFD

June 12, 1970

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

Dear Bob:

* I enclose a copy of the order of the Court of Appeals staying the mandate to and including July 1.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

LITIGATION = UIF v. BT v. JFD

June 5, 1970

Mr. Keith J. Kulie
29 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

The petition has not yet been filed, but Bob Rines is working on it.

Very truly yours,

Richard S. Phillips

RSP:iag

KEITH J. KULIE
ATTORNEY AT LAW

29 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603

AREA CODE 312
CENTRAL 6-3351

May 28, 1970

Richard Phillips, Esq.
20 N. Wacker Drive
Chicago, Illinois

Re: Blonder-Tongue v. UIF

Dear Dick:

Has the Blonder-Tongue petition been filed as yet? I find no notice of it in reference to periodic reports on petitions filed in the Supreme Court.

Sincerely,

Keith

Keith J. Kulie

KJK:cvw

RECEIVED
MAY 28 1970
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

Litigation

June 4, 1970

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

RE: UIF v. BT

Dear Bob:

We checked the notices in the Patent Office Gazette with regard to the Foundation patents. I enclose * a copy of the listing of entries.

How's the draft of the petition coming?

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. J. F. Pearne (*)

Litigation

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 11, 1970

Mr. Richard S. Philips
Hofgren, Wegner, Allen, Stellman and McCord
20 No. Wacker Drive
Chicago, Illinois 60606

Re: University of Illinois vs Blonder-Tongue
Petition for Certiorari

Dear Dick:

This confirms our telephone arrangements that we shall meet on the afternoon of May 14 to discuss the above matter.

Cordially,
RINES AND RINES

By _____
Robert H. Rines

RHR/ch

RECEIVED
MAY 13 1970
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

BT

Rehrig

4/29/70

Rehrig / Celebrezze } Probably amicus surely not necessary - Sup Ct. will take

Will look at petition - See if can identify

Gavin hyp. - Shell only

84 106 22 8/1/67

Steinbeck

Channel Master -

Jerald - 66C 636

Gavin - 67C 730

4/27/

Pearce - Dimicus -

Calimafde - Jerrold

Rosen - Channel Master

Reno – DT

4/23/70

Pearce Tolbert – Arnies 5

Comm Patent

1) Urge at to consider –

2). ~~Statement re protecting~~ P.O. re help truth.

Pol Law Assoc – Amicus. – Eg explore re help truth

Marshall Fox – 5 Pet/Cert 5

April 24, 1970

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 will consider your suggestion with his client and let me know in a few days whether he would plan on supporting a petition for certiorari.

Marshall is out and I talked with Mann regarding the position of the Foundation on the question. He said they had discussed the matter but had not yet reached a conclusion. Their tentative feeling is that they would not join in a petition but would not oppose it. They will give the matter further consideration and let me know.

* I enclose a copy of a letter I have written John Pearne and a copy of a few pages of a textbook describing the procedure to be followed in connection with amicus briefs related to a petition.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

April 24, 1970

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

Dear John:

* I enclose copies of pages 319-322 of Supreme Court Practice by Stern and Gressman. This describes the procedure with regard to an amicus brief in connection with a petition.

Apparently there is no great problem in filing such briefs; and they may be helpful in convincing the court of the importance of the issues to be decided. I think this would be particularly true in the present case if all of the other defendants in suits by the Foundation were to join in a brief.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines (*)

Litigation

April 16, 1970

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 order from the Court of Appeals staying the mandate 30 days.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

Litigation

KEITH J. KULIE
ATTORNEY AT LAW

29 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603

AREA CODE 312
CENTRAL 6-3351

April 7, 1970

Richard Phillips, Esq.
20 N. Wacker Drive
Chicago, Illinois

Re: UIF v. Blonder-Tongue

Dear Dick:

Thank you for a copy of the decision of the Court of Appeals included with your letter of April 6.

I was not surprised to learn that the Court decided not to reconsider or re-hear this matter.

I assume that Blonder-Tongue is proceeding to file a petition in the Supreme Court.

Sincerely,

Keith J. Kulie

KJK:cvw

RECEIVED
APR 9 1970
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

April 7, 1970

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 for Dick Phillips, and enclose a copy of the petition for stay of mandate served and filed today on behalf of Blonder-Tongue.

Yours very truly,

HOFGREN, WEGNER, ALLEN, STELLMAN & MC CORD

Powell L. Sprunger

PLS/sls
enclosure

April 6, 1970

Mr. Keith Kulie
29 South LaSalle Street
Chicago, Illinois 60603

Dear Keith:

RE: UIF v. BT v. JFD

* I enclose a copy of the decision of the Court of Appeals on the petition for rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

April 6, 1970

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 order of the Court of Appeals which I discussed with you this morning.

28 U.S.C. 2101(c) provides that a writ of certiorari in a civil action shall be applied for within 90 days after the entry of judgment. I have checked the cases and find that the 90 day period is calculated from the date of entry of judgment on a petition for rehearing, where the petition is timely filed, U.S. v. Healy, 11 L.ed.2 527.

The Court's order is dated April 2, and we believe it was entered on that date. This is being double checked and, if entry was on a different date, I will let you know. Assuming it was April 2, 90 days is July 1.

We will arrange for the Clerk of the Court of Appeals to transmit the certified transcript of record to the Clerk of the Supreme Court.

Rule 41(a) FRAP provides that a mandate shall issue 7 days after entry of an order denying a petition for rehearing. We are preparing and plan to file tomorrow a motion for a stay of the mandate.

Please let me know if I can be of assistance in preparation of the petition for certiorari.

Very truly yours,

Richard S. Phillips

RSP:iag
* Enclosure
cc: Mr. I. S. Blonder (*)

March 27, 1970

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 had no word yet from the Court of Appeals on the petition, although two weeks have gone by since the Foundation and JFD filed their responses. I was afraid the mail problems and the snowstorm we had yesterday might have delayed a letter from the Court. We checked with the Clerk and find that there has been no action by the Court.

I think this is a very unusual delay in action on a request for rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder
Mr. J. F. Pearne

March 17, 1970

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

RE: UIF v. BT v. JFD

Dear John:

I enclose a copy of a memorandum from JFD in opposition to the petition for rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosure

cc: Mr. R. H. Rines
Mr. W. E. Wyss

March 16, 1970

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 memorandum filed by JFD opposing the petition for rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

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

March 13, 1970

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

Dear John:

* I enclose a copy of the University of Illinois Foundation's answer to the Blonder-Tongue petition for rehearing.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

Litigation
UI F v BT v JFD

March 13, 1970

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

Dear Bob:

* I enclose a couple of copies of the University of Illinois Foundation's answer to the Blonder-Tongue petition.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

UIFVBTVJFD
Litigation

March 12, 1970

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

Dear Bob:

I have checked a recently published text we have, "Supreme Court Practice," 4th Edition, Stern and * Gressman, and enclose a copy of section 4.4 relating to the granting of certiorari where there is a conflict between decisions of courts of appeal. It seems to me we should be able to frame a petition emphasizing the importance of deciding the validity of the Isbell patent, if that should be necessary.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

March 10, 1970

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

Dear Bob:

We are finally making progress in the right direction.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosure (Order disallowing costs of UIF and JFD)

cc: Mr. I. S. Blonder (w/enc.)

March 9, 1970

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

Dear John:

It is my understanding from Bob that Mr. Blonder has authorized a petition to the Supreme Court if that should be necessary.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

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
ROBERT A. STURGES
WILLIAM A. GAIL
RICHARD H. DICKINSON, JR.
THOMAS P. SCHILLER
LYNN L. AUGSPURGER

JOSEPH J. CORSO

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

March 2, 1970

RECEIVED
MAR 3 - 1970
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

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

Re: U. of Ill. Found. v. Blonder-Tongue

Dear Dick:

Many thanks for keeping me posted regarding the above suit. I was disappointed in the Court of Appeals decision as regards the very points raised in Blonder-Tongue's petition for rehearing and wondered what the District Court would do with the case in view of the lack of clarity of the ruling by the Court of Appeals which is pointed out in the petition for rehearing. But for the traditional summary disposition of petitions for rehearing, I should think that the Court of Appeals would at least seek to clarify its position on the points raised by that petition. What it will actually do, however, is anybody's guess at this time.

From the point of view of The Finney Company, the Court of Appeals decision was most helpful in essentially eliminating the Mayes et al. patent from consideration in the Finney Company suit and in emphasizing the importance of log-periodic length and spacing relationships, neither of which has been present in any of The Finney Company antennas. Thus, it would appear that The Finney Company should have easy sailing on the issue of infringement of the Isbell patent and validity of the Mayes et al. patent. If the latter is invalid for obviousness, the Carrel et al. patent

(involved in our suit but not in yours) should be even more clearly invalid for obviousness, as we have felt from the beginning.

A letter from Walt Wyss indicates that you expect to file a petition in the Supreme Court for a writ of certiorari to the Seventh Circuit Court of Appeals, if your petition for rehearing by the latter court does not accomplish its objectives. Is this your present expectation?

Very truly yours,



JFP:jh

cc: R. H. Rines, Esq.
Mr. L. H. Finneburgh, Jr.

Litigation - UIF v. BT v. JFD

March 6, 1970

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

Dear John:

Just a note to let you know that the Court of Appeals has given the Foundation and JFD 10 days to file a reply to the petition for rehearing. At least the petition was not rejected summarily.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines
Mr. W. E. Wyss

UIF v BTV & FD

March 6, 1970

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

Dear Ike:

The conciseness and clarity came from Bob. I just wanted you to know that the brevity came because Isabelle and I managed to shoehorn 15 pages of draft into the 10 pages permitted by the Rules. I hope we didn't leave out the wrong parts.

Sincerely yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

Litigation
UIFVBTUJFD

RECEIVED
MAR 6 - 1970
MORGREN, WEGNER, ALLEN,
STELLMAN & McCORD

Fe March 3, 1970

Robert H. Rines, Esquire
Rines and Rines
10 Post Office Square
Boston, Mass. 02109

Dear Bob:

Beauty is in the eye of the beholder, and nothing is more beautiful than your Petition for Clarification, etc.

The conciseness, clarity and brevity of your brief is a real model for the legal profession. Indeed, the whole case from beginning to end, could be the subject of a seminar at one of our better law schools. Obviously, no longer Harvard.

Since you wrote this thing for the benefit of the Supreme Court, when do we get there?

Sincerely,

Isaac S. Blonder
Chairman of the Board

ISBtjg

cc: Richard S. Phillips, Esq.

RECEIVED
MAR 6 - 1970
MORGREN, WEGNER, ALLEN,
STELLMAN & McCORD

Litgat
UIF, BTV JFD

February 25, 1970

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

Dear Bob:

* I enclose a copy of a notice of taxing costs and cost bill from JFD.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

March 5, 1970

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

Dear Bob:

* I enclose a copy of a reply from JFD to our memo opposing their cost bill.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

L. F. Gaboe

March 5, 1970

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

RE: UNIVERSITY OF ILLINOIS v. BLONDER-TONGUE

Dear Mr. Rines:

For your files, enclosed herewith are the following documents which we have recently filed in the Court of Appeals for the Seventh Circuit:

a.) Verified Statement of Cost Under F.R.A.P. 39(a)

b.) Petition to Stay Mandate

c.) Memorandum Opposing Cost (of other parties)

Yours very truly,

HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

William R. McNair

WRM:ps
Enclosures