December 28, 1971

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

Re: UIF v. BTL

Dear Bob:

Pete Mann called me to ask if we would object to an additional fifteen days for them to file their brief. The court would undoubtedly grant the time even if we objected and, accordingly, I saw no reason to object. I enclose a copy of the motion, affidavit and order.

Yours very truly,

Richard S. Phillips

RSP:vm
Encl.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

E. ROBERT SEAVER
CLERK OF THE COURT

December 22, 1971

Richard S. Phillips, Esq.
20 North Wacker Drive
Chicago, Illinois 60606

Basil P. Mann, Esq.
Two First National Plaza
Chicago, Illinois 60670

Re: Blonder-Tongue Laboratories, Inc. v.
University of Illinois Foundation, et al.
No. 338, October Term, 1970

Gentlemen:

There is no ambiguity in the Court's judgment in this case. It assesses one half of the total costs against the Foundation and JFD jointly. This means that each of them must pay to Blonder-Tongue one quarter of its costs.

Ordinarily the Court awards full costs to the successful party, but in this case Blonder-Tongue was awarded only half and this was done advisedly. In the circumstances, the respondents having been given the benefit of this action, it would seem that rather than questioning the Court's judgment they would each pay their share and close the matter.

Yours very truly,

E. Robert Seaver

E. Robert Seaver

cc: Jerome M. Berliner, Esq.

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DEC 27 1971
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R. C. Scott Reiss - 12/28

Blonder Tongue – Cont.

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Litigation
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December 17, 1971

Richard S. Phillips, Esq.
20 North Wacker Drive
Chicago, Illinois 60606

RE: Univ. of Ill. Foundation
vs.
Blonder-Tongue Lab., Inc.
and
J.F.D. Electronics Corp.

Dear Mr. Phillips:

We take this opportunity to forward the following information regarding the above mentioned appeal, with the thought you may find same useful as a supplement to your present file. We have herewith set out due dates for documents to be filed:

As you undoubtedly know the typewritten record was filed 12-6-71 in the United States Court of Appeals, under cause number 71-1879.

Appellant's brief and appendix are due on or before 1-15-72.

Your brief for appellees due thirty (30) days from date of filing of Appellant's brief and appendix. (Federal Appellate Rule 31 (a).)

If parties do not stipulate or agree as to contents of the appendix, the Appellant shall within ten (10) days after filing of record in the U.S.C.A. serve upon appellee a designation of the parts of the record he intends to include in the appendix and a statement of the issues he intends to present for review.

Appellee shall have ten (10) days after service to serve appellant as to additional contents of record he so desires in appendix. Federal Appellate Rule 30 (b).

However, should the appellant wish to defer the printing of the Appendix a motion may be filed under Federal Appellate Rule 30 (c) and upon an order being entered and granting same the Appendix would be due (21) twenty-one days after you file your Brief for Appellee.

(continued)

The Scheffer Press

12-17-71

Richard S. Phillips, Esq.

RE: Univ. of Ill. Foundation
vs.
Blonder-Tongue Lab., Inc. & J.F.D. Elec.

Appellant's Reply Brief due fourteen (14) days after filing of your brief for appellee.

Should there be any question pertaining to the above, please do not hesitate to call as it shall be our pleasure to serve you further.

Cordially yours,

THE SCHEFFER PRESS, INC.

H.S. Scheffer

President

HSS:di

December 17, 1971

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

Re: B-T v. UIF

Dear Bob:

I enclose a copy of an Order from the Court of Appeals directing that we answer the Foundation's Motion regarding the appendix on or before Monday, December 27.

Call me if you have any objections to the procedure requested by the Foundation.

Very truly yours,

Richard S. Phillips

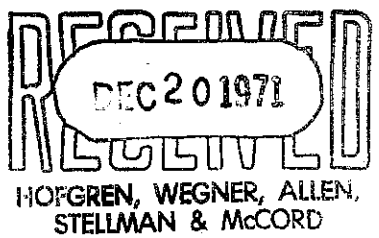
RSP:cm
Encls.

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

December 17, 1971



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

Dear Dick:

RE: BLONDER-TONGUE v. UNIVERSITY OF ILLINOIS

We enclose the entry of appearance form in the appeal filed by the University of Illinois 71-1879.

We note the reference of the order that Blonder-Tongue is to recover sums from the University of Illinois Foundation in connection with the Supreme Court decision and the certificate of costs in the Court of Appeals, as well. What is the status of our recovering these sums and your gestimate of time table.

Very truly yours,

RINES AND RINES

Robert H. Rines

RHR:la
Enclosure
cc: Ike Blonder
Ben Tongue

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
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LAW OFFICES
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OWEN J. MURRAY
DONALD E. EGAN
NATE F. SCARPELLI
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MICHAEL F. BORUN

December 16, 1971

RECEIVED
DEC 17 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Mr. E. Robert Seaver, Clerk
Supreme Court of the United States
Washington, D. C. 20543

Re: Blonder-Tongue Laboratories, Inc. v.
University of Illinois Foundation et al
No. 338, October Term, 1970

Dear Mr. Seaver:

After receiving a copy of your letter of December 14 to Mr. Phillips, I checked my previous correspondence with you and determined that through an inadvertent error a certain confusion has been injected into the matter of costs in this case.

My letter of October 18, 1971 was occasioned by Mr. Berliner's letter of October 13, in which he suggested that his client JFD should not pay any portion of the costs. My letter of October 18 was intended to set out our opposition to Mr. Berliner's proposal. Unfortunately, however, my letter confused the parties in the case. I intended to say:

> "We also believe this [apportionment of costs] to be proper, but do not agree that JFD should not bear its share. The costs awarded to Blonder-Tongue were no more intimately associated with the issues involving the Foundation than they were to the issues directly concerning JFD. Accordingly, it is suggested that an equal division of the costs between the Foundation and JFD should be ordered."

My letter was not an offer on behalf of the Foundation to pay all of the award of costs, but rather a suggestion that the payment should be in accordance with the order of the court, i.e., jointly. You apparently agree that joint payment of costs was ordered. As I understand the situation as it now exists, each of the Foundation and JFD must pay one-half of the award of costs. Any other apportionment would require that the Court's order be revised.

Very truly yours,

Basil P. Mann

BPM/kd

cc: Richard S. Phillips, Esq.
Jerome M. Berliner, Esq.

December 16, 1971

Mr. Robert H. Rines
Rines and Rines
10 Post Office Square
Boston, Massachusetts 02109

Re: UIF v. Blonder-Tongue

Dear Bob:

I enclose a copy of Motion on behalf of the Foundation seeking to proceed on the Appeal with fewer than the normal number of printed appendices of the trial record, to avoid the expense of re-printing unnecessary material. This seems like a reasonable request, and unless you disagree, I do not plan to oppose the Motion.

Very truly yours,

Richard S. Phillips

RSP:cm
Encl.

December 16, 1971

Mr. E. Robert Seaver
Clerk of the Court
Supreme Court of the United States
Washington, D. C. 20543

Re: Blonder-Tongue Laboratories, Inc. v
University of Illinois Foundation, et al
No. 338, October Term, 1970

Dear Mr. Seaver:

I should have been more specific in my letter of December 9th.

The Court awarded Blonder-Tongue one-half its costs. As I pointed out in my letter of October 8th, the University of Illinois Foundation and JFD Electronics were unable to agree on the apportionment of this payment between them. Mr. Berliner in his letter of October 13th explained the position of JFD that no costs should be taxed against them. Mr. Mann's letter of October 18th answering Mr. Berliner contains what appears to be three typographical errors on page 2, referring to Blonder-Tongue in lines 3, 5 and 7, where the reference should be to JFD. The Foundation has not offered to pay the entire cost award.

I would appreciate your confirming that the effect of the Order is to assess one-half the cost award against the Foundation and the other half against JFD.

Very truly yours,

Richard S. Phillips

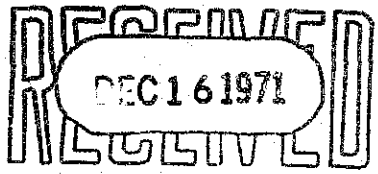
RSP:cm

CC: Basil P. Mann, Esq.
Jerome M. Berliner, Esq.
Robert H. Rines, Esq.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

E. ROBERT SEAVER
CLERK OF THE COURT

December 14, 1971



Richard S. Phillips, Esq.
20 North Wacker Drive
Chicago, Illinois 60606

Re: Blonder-Tongue Laboratories, Inc.
University of Illinois Foundation, et al.
No. 338, October Term, 1970

Dear Mr. Phillips:

Your letter dated December 9, 1971, has been received. I have perceived no disagreement as between JFD and the Foundation as to the apportionment of the costs assessed against respondents and for this reason I was not under the impression that any decision on my part was required. Mr. Mann, attorney for the Foundation, agreed, in his letter of October 18, that there should be "an equal division of the costs between the Foundation and Blonder-Tongue ---."

All that remains, then, is for the Foundation to reimburse Blonder-Tongue $4,261.45, representing half of the costs, and this will constitute compliance with the Court's order of May 3, 1971. While it is true that the order assesses one-half of the costs ($4,261.45) against respondents jointly, if one of the respondents pays this sum to petitioner, there is no need to revise the order. Only the Court could revise the order, of course.

Very truly yours,

E. Robert Seaver

E. Robert Seaver

cc: Basil P. Mann, Esq.
Jerome M. Berliner, Esq.

December 9, 1971

Mr. E. Robert Seaver, Clerk
Supreme Court of the United States
Washington, D. C. 20543

RE: Blonder-Tongue Laboratories, Inc. v.
University of Illinois Foundation et al
No. 338, October Term, 1970
Opinion dated May 3, 1971; 91 S.Ct. 1434

Dear Mr. Seaver:

We would appreciate a decision from you with regard to the disagreement between JFD and the University of Illinois Foundation concerning the allocation of the costs assessed in the above.

Very truly yours,

Richard S. Phillips

RSP:lag

cc: MR. B. P. Mann
Mr. J. M. Berliner
Mr. R. H. Rines
Mr. I. S. Blonder

LITIGATION = UIF v. Blonder-Tongue v.
JFD

December 7, 1971

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

Dear Bob:

* I enclose a copy of the certificate of the Clerk of the District Court regarding the record on appeal, together with certified copies of the docket entries.

* I also enclose an appearance form which you should sign and return.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

THE BUREAU OF NATIONAL AFFAIRS, INC., 1231 25th Street, Northwest, Washington, D.C. 20037 • Telephone 202 223-3500

December 7, 1971

RECEIVED
DEC 9 1971
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

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

Dear Mr. Phillips:

Thank you for your letter of November 29th in which you call our attention to the fact that your name should be substituted for that of John Rex Allen as counsel for the defendant at 171 USPQ 468.

We regret that we cannot make this change on page 468 of the bound volume inasmuch as this page already has been printed for inclusion in this volume. However, we will be glad to note the substitution on the Additions and Corrections page which will appear near the start of Volume 171 USPQ.

Very truly yours,

Alan B. Bagley

Alan B. Bagley
Managing Editor
The United States
Patents Quarterly

ABB:heg

November 29, 1971

The Bureau of National Affairs, Inc.
1231 Twenty-Fifth Street, N. W.
Washington, D. C. 20037

Gentlemen:

At 171 USPQ 468, in the listing of counsel for defendant, please substitute Richard S. Phillips for John Rex Allen. Mr. Allen has been dead for several years and I have been acting as local counsel on behalf of defendant.

Very truly yours,

Richard S. Phillips

RSP:iag

November 22, 1971

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

RE: UIF v. BT v. JFD

Dear Bob:

The record on appeal was to have been transmitted from the District Court to the Court of Appeals today. However, the clerk has been unable to find some of the documents and asked that the Foundation obtain a two week extension of time.

Apparently the Clerk of the Supreme Court has not yet acted on the disagreement between the Foundation and JFD regarding allocation of the Supreme Court costs. As soon as this is settled, we will push again for payment of the cost awards to Blonder-Tongue.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

Litigation

October 27, 1971

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

Dear Bob:

* I enclose a stipulation regarding the record for appeal to the Court of Appeals.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

LITIGATION - Univ. of Ill Found. v. Blonder-Tongue v. JFD

1007

October 19, 1971

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

Dear Keith:

Thanks very much for your kind comments.

I agree it would seem desirable to defend cases in the Eighth Circuit. However, from a broader point of view, I don't think that situation is beneficial to the patent system. Hopefully, a patentee may have a chance in the Eighth Circuit if he has invented an animal trap.

Sincerely yours,

Richard S. Phillips

RSP:iag

LITIGATION

October 18, 1971

Mr. E. Robert Seaver
Clerk of the Court
Supreme Court of the United States
Washington, D. C. 20543

RE: Blonder-Tongue Laboratories, Inc. v.
University of Illinois Foundation et al,
No. 338, October Term, 1970

Dear Mr. Seaver:

Thank you for your letter of October 13 regarding the assessment of costs in the above. Your letter crossed in the mail with a letter to you from the attorneys for JFD explaining why they feel no costs should be assessed against their client. If the University of Illinois Foundation proposes to answer the JFD argument, I assume they will do so promptly.

We appreciate your prompt consideration of this question.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. B. P. Mann
Mr. J. M. Berliner
Mr. R. H. Rines
Mr. I. S. Blonder

10/20/71

I sent copies to Mr.
Rines and Mr. Blonder.

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

LAW OFFICES
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CARL E. MOORE, JR.
ROBERT D. WEIST
MICHAEL F. BORUN

October 18, 1971

RECEIVED
OCT 20 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Mr. E. Robert Seaver, Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Blonder-Tongue Laboratories, Inc. v.
University of Illinois Foundation et al.
No. 338, October Term, 1970
Opinion Dated May 3, 1971, 91 S.Ct. 1434

Dear Mr. Seaver:

This is in response to the letter of October 13, 1971 by Jerome M. Berliner, Esq. concerning the apportionment of costs in this case.

In his letter, Mr. Berliner suggests that no costs should be taxed against his client, JFD Electronics Corp., because the Supreme Court did not rule on the counterclaims against JFD, although the judgment appealed by petitioner Blonder-Tongue was vacated by the Court.

It should be pointed out, however, that practically none of the costs expended by and awarded to Blonder-Tongue related to the only issue considered and decided by the Court, i.e., the Triplett rule. Not only was this issue not presented for review by Blonder-Tongue in its Petition for Certiorari, it even argued against the conclusion reached by the Court. Virtually none of the Appendix, which represented substantially all of Blonder-Tongue's costs, was necessary for the Court's decision. Nevertheless, Blonder-Tongue was awarded a portion of all of its costs, including those related to the counterclaims involving JFD.

In awarding only a portion of its costs to Blonder-Tongue, the Court apparently decided that, in view of the circumstances, it would be equitable that the parties share

Xerox copy to R.W. Kiser D.S. Blonder 10/20/71

the cost. We also believe this to be proper, but do not agree that Blonder-Tongue should not bear its share. The costs awarded to Blonder-Tongue were no more intimately associated with the issues involving the Foundation than they were to the issues directly concerning Blonder-Tongue. Accordingly, it is suggested that an equal division of the costs between the Foundation and Blonder-Tongue should be ordered.

Very truly yours,

Basil P. Mann
Attorney for University of
Illinois Foundation

BPM/kd

cc: Mr. Jerome M. Berliner
Mr. Richard S. Phillips

Lit 966

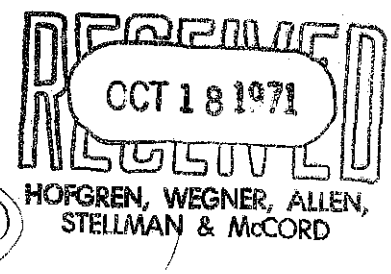
KEITH J. KULIE
ATTORNEY AT LAW

135 SOUTH LASALLE STREET · CHICAGO, ILLINOIS 60603

AREA CODE 312
CENTRAL 6-3351

October 15, 1971

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



Re: UIF v. Blonder-Tongue

Dear Richard:

This is a belated note of congratulations on the outcome of the Blonder-Tongue litigation.

I understand that brother Rines substantially abandoned you during the most recent activity and, of course, I am intimately familiar with your embarrassing activity before Judge Hoffman during the primary phase of this case. I am happy for you to have the case finally resolved favorably to your client and I am sure that it must give you some considerable comfort.

In view of the history of this litigation I have now adopted a very strong guideline as defense counsel in patent infringement cases. That guideline is that I shall not defend a case unless it is brought against a client in the Eighth Circuit. It seems to me that this is the best defense any attorney can provide for his client. Of course, I did not specifically point

KEITH J. KULIE

this out to the Winegard Company. I hope you will not take the liberty to do so.

Again, congratulations.

Sincerely,

Keith J. Kulie

KJK:cw

Blonder Tongue
Cour

DAVIS, HOXIE, FAITHFULL & HAPGOOD
30 BROAD STREET
NEW YORK 10004

RICHARD WHITING
WILLIAM F. SONNEKALB, JR.
CYRUS S. HAPGOOD
CASPAR C. SCHNEIDER, JR.
WILLIAM F. KILGANNON
DANIEL H. STEIDL
STANLEY L. AMBERG

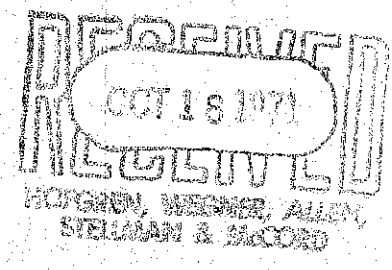
JAMES W. BOCK
JOHN B. PEGRAM
STEPHEN D. KAHN
HAROLD E. DRUMM

WILLIAM HAMMATT DAVIS (1946-1964)
JOHN HOXIE (1943-1971)
GEORGE E. FAITHFULL (1943-1970)

MARGARET WAGNER SMITH, COUNSEL

TEL: DIGBY 4-8450
(AREA CODE 212)
CABLE: EXPLICIT
TELEX 421236 (INT.)

October 14, 1971



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

Dear Mr. Phillips:

I thank you for your letter of October 7 concerning the latest decision in the Blonder-Tongue litigation. In view of the Supreme Court's mandate Judge Hoffman's opinion, while perhaps for him personally a bitter pill, appears correct.

I do appreciate your sending it to me.

Sincerely yours,

Stephen D. Kahn

SDK/cc

Stephen D. Kahn

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

E. ROBERT SEAVER
CLERK OF THE COURT

October 13, 1971

RECEIVED
OCT 18 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Richard S. Phillips, Esq.
20 North Wacker Drive
Chicago, Illinois 60606

Re: Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation, et al., No. 338, October Term, 1970

Dear Mr. Phillips:

This will acknowledge receipt of your letter of October 8, 1971.

Normally, when an order is entered such as that in this case the respondents share equally the costs that are assessed against them. If respondents herein present some valid reason why their liability for costs should be apportioned among them in some other way, please let me know.

Very truly yours,

E. Robert Seaver

E. Robert Seaver

OSTROLENK, FABER, GERB & SOFFEN
ATTORNEYS AT LAW
10 EAST 40TH STREET
NEW YORK, N. Y. 10016

SAMUEL OSTROLENK
1898-1968

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

EDWARD A. MEILMAN
HOWARD SCHULDENFREI

PATENTS
TRADE MARKS
RELATED CAUSES

TELEPHONE
(212) 685-8470

CABLE:
OSTROFABER NEW YORK

October 13, 1971

RECEIVED
OCT 15 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Mr. E. Robert Seaver, Clerk
Supreme Court of the United States
Washington, D. C. 20543

Re: Blonder-Tongue Laboratories Inc. v
University of Illinois Foundation et al
No. 338, October Term, 1970
(OPCS File No. JFD-3.223)
Opinion Dated May 3, 1971, 91 S.Ct. 1434

Dear Mr. Seaver:

Reference is made to the letter of October 8, 1971 (copy annexed) from Richard S. Phillips, Esq. requesting "clarification of the cost award order".

It appears that taxing costs against our client, JFD Electronics Corp., would be unjust in light of the Opinion of the Supreme Court.

At the District Court level, Plaintiff University of Illinois Foundation charged Defendant Blonder-Tongue Laboratories Inc., inter alia, with infringement of U. S. Patent No. 3,210,797. JFD was in no way involved in the Complaint. JFD was first brought into the suit at the District Court level when Blonder-Tongue counterclaimed against JFD for unfair competition, anti-trust law violation and infringement of one of Blonder-Tongue's own patents. All of the counterclaims against JFD were unrelated to infringement or validity of the Foundation's patent in suit.

All of the counterclaims against JFD were dismissed by the District Court. Blonder-Tongue appealed the dismissal to the Seventh Circuit Court of Appeals, and

COPY

the dismissal of the counterclaims against JFD was affirmed. JFD was, therefore, the "prevailing party" at both the District Court and Court of Appeals levels.

Blonder-Tongue again raised the counterclaims against JFD in the U. S. Supreme Court. But this Court refused to even consider these counterclaims. Justice White wrote a lengthy Opinion concerned only with the validity of the Foundation's patent in suit. It was only at the very end of the Opinion that the following appears, at 91 S. Ct., p. 1434:

> "In taking this action, we intimate no views on the other issues presented in this case. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court for further proceedings consistent with this opinion."

Because the Supreme Court refused to rule on the dismissal of the counterclaims against JFD, JFD became the "prevailing party" in the Supreme Court as well as in the two courts below.

It is submitted that no costs should be taxed against JFD at the Supreme Court level -- Title 28 U. S. Code, Sec. 1912. It is true, under Supreme Court Rule 57, sub-section 2, that in the event a Judgment is vacated, costs are to be allowed to the Petitioner, here Blonder-Tongue. We submit that such costs should not be taxed against JFD. Insofar as the counterclaims against JFD are concerned, JFD was the prevailing party. The Court of Appeals' Judgment in JFD's favor was, in effect, affirmed. JFD should be relieved of its obligation to pay costs on the Supreme Court level, pursuant to sub-section 1 of Supreme Court Rule 57.

COPY

Accordingly, we respectfully request that you correct the cost award order to relieve JFD of the obligation of paying costs at the Supreme Court level.

Very truly yours,

OSTROLENK FABER GERB & SOFFEN

Jerome N. Berliner

JNB - jab
Encl.
cc: Mr. Charles J. Merriam
Mr. Richard S. Phillips

COPY

LITIGATION - Univ. of Ill. Found. v. Blonder-Tongue v. JFD

October 13, 1971

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 of appeal we received this morning from the Foundation.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. I. S. Blonder (*)
Mr. J. F. Pearne (*)

October 6, 1971

Mr. E. Robert Seaver, Clerk
Supreme Court of the United States
Washington, D. C. 20543

Re: Blonder-Tongue Laboratories Inc. v.
University of Illinois Foundation et al
No. 338, October Term, 1970

Dear Mr. Seaver:

Attached is a copy of the order taxing costs in the above. Petitioner was awarded one-half its costs, to be recovered from "University of Illinois Foundation et al". The University of Illinois Foundation and JFD Electronics have questioned the manner in which payment of the costs is to be apportioned between them. Accordingly, on behalf of Blonder-Tongue Laboratories, we request clarification of the cost award order.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosure

cc: Mr. Charles J. Merriam
Mr. Sidney G. Faber

bcc: Mr. R. H. Rines
Mr. I. S. Blonder
Mr. B. P. Mann
Mr. M. C. Cass

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

LAW OFFICES
MERRIAM, MARSHALL, SHAPIRO & KLOSE
TWO FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60670

TELEPHONE
312-346-5750
TELEX 25-3856

OWEN J. MURRAY
DONALD E. EGAN
NATE F. SCARPELLI
CARL KUSTIN
MICHAEL P. BUCKLO
CARL E. MOORE, JR.
ROBERT D. WEIST
MICHAEL F. BORUN

October 7, 1971

RECEIVED
OCT 8 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

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

Re: UIF v. BT v. JFD

Dear Dick:

The uncertainty re the apportionment of costs arises in the order of the Supreme Court which states that Blonder-Tongue should recover from "the University of Illinois Foundation et al.", the "et al." obviously referring to JFD.

In any event, we are considering an appeal in this case and still believe that no costs should be paid until the judgment becomes final. Accordingly, if you feel that the costs should be paid before such time, I suggest you seek an order from the court.

Sincerely yours,

Basil P. Mann

BPM/kd

Xerox copy to
R.W. Knox
D.S. Blonder
10/8/71

October 8, 1971

Fireman's Fund Insurance Company
175 West Jackson Blvd.
Chicago, Illinois 60604

Attention: Mr. O'Connor

Re: University of Illinois Foundation
v. Blonder-Tongue Laboratories
Civil Action No. 66 C 567

Dear Mr. O'Connor:

As per phone conversation of today, enclosed is the original certified copy of Order Releasing Supersedeas Bond dated October 4, 1971, in the above case.

Very truly yours,

James W. Potthast

JWP:MMI
Encl.

October 6, 1971

Fireman's Fund Insurance Company
175 West Jackson Blvd.
Chicago, Illinois 60604

Attention: Mr. O'Connor

Re: University of Illinois Foundation
v. Blonder-Tongue Laboratories
Civil Action No. 66 C 567

Dear Mr. O'Connor:

Enclosed is a certified copy of Order Releasing Supersedeas Bond dated October 4, 1971, in the above case. We made payment of $400.00 for the bond in June, 1971 covering the period 7-25-71 to 7-25-72. We therefore would appreciate your cancelling the bond and sending us the rebate for same as soon as convenient.

Very truly yours,

James W. Potthast

JWP:MMI
Encl.

October 6, 1971

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
Two First National Plaza, Suite 2100
Chicago, Illinois 60670

RE: UIF v. BT v. JFD

Dear Pete:

I have checked the orders of the Supreme Court and the Court of Appeals with regard to costs and fail to understand your question regarding apportionment between the Foundation and JFD. Attached are copies of * the orders of both courts that Blonder-Tongue should recover portions of its costs from the Foundation.

I expect this to be paid promptly.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines
Mr. I. S. Blonder

LITIGATION - Un[redacted]. of Ill. Found. v.
Blonder-Tongue v. JFD

October 1, 1971

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

Dear Bob:

* I enclose a copy of the order Judge Hoffman entered today releasing the supersedeas bond. We will have the bond cancelled as soon as possible. I have been in touch with Basil Mann of Merriam's office again regarding the costs. He is raising a question of whether half the costs in the Supreme Court should be paid by JFD. I hope to straighten this out today or early next week and secure payment of the costs shortly.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. B. H. Tongue (*)

September 29, 1971

Mr. Keith J. Kulie
135 South LaSalle Street, Rm. 1845
Chicago, Illinois 60603

Dear Keith:

* I enclose a copy of Judge Hoffman's memorandum and judgment order in the Blonder-Tongue case. There is apparently a typographic error noted on page 5 which we have called to the Judge's attention.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

September 29, 1971

Mr. Theodore W. Anderson, Jr.
Pendleton, Neuman, Williams & Anderson
77 West Washington Street
Chicago, Illinois 60602

Dear Ted:

* I enclose a copy of Judge Hoffman's memorandum and judgment order in the Blonder-Tongue case. There is apparently a typographic error noted on page 5 which we have called to the Judge's attention.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

September 29, 1971

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

Dear Bob:

* I enclose two copies of Judge Hoffman's memorandum and judgment. There is apparently a typographic error which I have noted on page 5. We have called this to the Judge's attention and I anticipate that he will correct it.

I plan to present a stipulated motion for an order releasing the supersedeas bond Friday. Judge Hoffman did not award costs to any party, either at the conclusion of the trial in 1968, or in the judgment now entered. However, I hope to have the Foundation pay the costs awarded by the Court of Appeals and the Supreme Court shortly. If they continue to resist, I will go to the clerk for an order.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

September 29, 1971

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

Dear Ben:

* I enclose a copy of Judge Hoffman's memorandum and judgment order.

I plan to present a stipulated motion for an order releasing the supersedeas bond Friday. Judge Hoffman did not award costs to any party, either at the conclusion of the trial in 1968, or in the judgment now entered. However, I hope to have the Foundation pay the costs awarded by the Court of Appeals and the Supreme Court shortly. If they continue to resist, I will go to the clerk for an order.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

L. Riggs
cc

September 21, 1971

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
Two First National Plaza
Chicago, Illinois 60670

RE: UIF v. BT v. JFD

Dear Pete:

I suggest you check the Cyclopedia of Federal Procedure, 3rd Edition, Section 38.57, which states that an award of costs cannot be set off against a judgment. Furthermore, Blonder-Tongue paid the Foundation's costs promptly following the trial although it was proceeding with the appeal.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines -- I made a short search but did not find any cases clearly in point. Do you know of any?
Mr. I. S. Blonder

CHARLES J. MERRIAM
WILLIAM A. MARSHALL
JEROME B. KLOSE
NORMAN M. SHAPIRO
BASIL P. MANN
CLYDE V. ERWIN, JR.
ALVIN D. SHULMAN
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CARL KUSTIN
MICHAEL P. BUCKLO
CARL E. MOORE, JR.
ROBERT D. WEIST
MICHAEL F. BORUN

September 20, 1971

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

Re: University of Illinois Foundation
v. Blonder-Tongue

Dear Dick:

Referring to your letter of September 16, 1971, we still believe that the issue of interim costs should be postponed to a final accounting. Nevertheless, since it is apparently your decision to press this point and since the issue may have to be resolved on the basis of the law, I would appreciate learing from you informally the basis on which you base your purported right for payment at this time. I have been unable to find any clear cut decision either way, but if you can establish a good basis for your position we may be able to avoid taking it to court on a motion.

Very truly yours,

Basil P. Mann

BPM/kd

9/21/71
Messenger to
R.D. Kyes
R.S. Phillips

RECEIVED
SEP 21 19
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

§ 38.57 - Full

82A 246

70A 617

Cpr. Fed Proc.

3rd ED.

1

September 16, 1971

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
Two First National Plaza
Chicago, Illinois 60670

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

Dear Pete:

We had some correspondence in July regarding the payment of costs awarded to Blonder-Tongue from the Foundation by the Court of Appeals and the Supreme Court. Our client has asked that we request that the Foundation pay this sum now, rather than waiting until the final resolution of the case which may be some months in the future.

If payment is not made promptly, I have been authorized to file a motion for an order of court compelling payment.

Very truly yours,

Richard S. Phillips

RSP:iag

LITIGATION - UNIV. OF ILL. FOUND. v.
BLONDER-TONGUE v. JFD

September 13, 1971

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

Dear Bob:

Judge Hoffman this morning, after taking two hours to dispose of an assortment of motions and criminal matters, told Bill Marshall and me that he had not yet had an opportunity to consider the motions we have pending before him. He put the case over for three weeks with the additional observation that he hoped to reach his decision and call us in before that time.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

LITIGATION

September 13, 1971

Mr. John F. Pearne
McNenny, Farrington,
Pearne & Gordon
450 Tower East
Cleveland, Ohio 44122

RE: UIF v. BT v. JFD

Dear John:

We will have a few copies of the petition left
* and I enclose one.

Bill Marshall and I were before Judge Hoffman this morning but he had not yet reached a decision on the motions.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

McNENNY, FARRINGTON, PEARNE & GORDON

ATTORNEYS AT LAW

450 TOWER EAST

CLEVELAND, OHIO 44122

TELEPHONE
(216) 991-1500
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

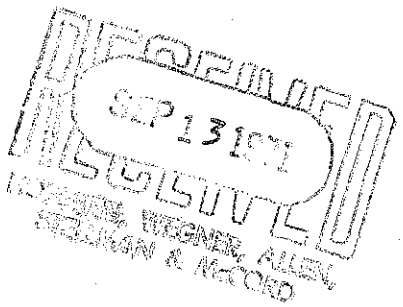
LLOYD L. EVANS
OF COUNSEL

F. O. RICHEY (1878-1964)

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

ALFRED D. DeH. LOBO
JOSEPH J. CORSO
JAMES A. BAKER
HOWARD G. SHIMOLA

September 10, 1971



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

Re: Blonder Petition for Certiorari

Dear Dick:

With your letter of June 23, 1970, on the above subject, you sent me a copy of the text of the petition as it went to the printer, but for reasons I cannot explain, I can no longer find it. Also, I do not find a copy of that petition as filed. If you can easily dig up a spare copy, I would appreciate receiving it.

I assume there is nothing to report on the awaited ruling by Judge Hoffman on the estoppel issue.

Sincerely,

McNENNY, FARRINGTON, PEARNE & GORDON

J. F. Pearne

JFP:jh

August 24, 1971

Mr. Walther E. Wyss
Mason, Kolehmainen, Rathburn & Wyss
20 North Wacker Drive
Chicago, Illinois 60606

RE: Collateral Estoppel

Dear Walt:

* I enclose copies of the following:

1. Blonder-Tongue's motion to amend its answer and the portion of the answer alleging the facts relative to collateral estoppel;

2. The Foundation's memorandum supporting its motion for judgment after remand together with an affidavit of Marshall, proposed findings of fact and conclusions;

3. Blonder-Tongue's motion in opposition to plaintiff's motion;

4. Plaintiff's reply;

5. Blonder-Tongue's motion for leave to file an additional memorandum and the memorandum. This motion was denied and Judge Hoffman did not take the answering memorandum.

Very truly yours,

Richard S. Phillips

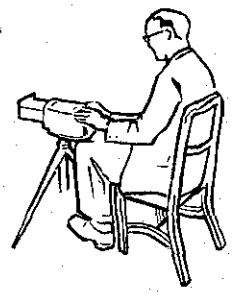
RSP:iag

* Enclosures

LITIGATION - Univ. of Ill. Found.
v. BLONDER-TONGUE v. JFD

Alderson Reporting Company, Inc.

General Stenotype Reporting



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EXECUTIVE VICE PRESIDENT AND SECRETARY
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ROBERT C. COCHRAN
MIKEL J. COPELAND
JOHN R. CORR

17 August, 1971

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

Dear Sir;

Please be advised that the cost of the transcript in the matter of Blonder-Tongue Laboratories v. University of Illinios is $260.70, plus postage of approximately $1.00.

If you still wish us to send you a copy of this argument, we will do so upon receipt of your check.

Sincerely,

P. Hoekzema

Duplicating Department,
Alderson Reporting Co.
300 7th St, SW
Washington, DC 20024

RECEIVED
AUG 19 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

Bob:

If you still want a copy of the argument, I suggest you order it directly.

R. S. Phillips

Verbatim Record of Official Proceedings

August 12, 1971

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

Dear Bob:

* I enclose a copy of a notice received from the court today. The admonition that counsel should be ready for trial did not seem proper for our situation. I have talked with Tony Brice, Judge Hoffman's clerk, to find out what they had in mind. Apparently this order form is one which is sent to all cases on the active calendar and, since ours is back on that calendar, we got a notice. Tony says to disregard the statement about being ready for trial and that if Judge Hoffman wishes additional evidence or argument in connection with our motions, he will let me know by phone before the 13th.

I plan on attending court on the 13th to see what happens. It is possible that Judge Hoffman will rule on the motions at that time.

If you should be in the vicinity, I would be pleased to have you join me.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. I. S. Blonder

August 11, 1971

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

RE: UIF v. BT v. JFD

Dear Bob:

You received a copy of the notice from the Clerk of the Court of Appeals for the 7th Circuit regarding the withdrawal of physical and documentary exhibits.

We withdrew the collection of original documentary exhibits at the time of preparation of the appendix for the Supreme Court, and I believe we still have it in our office. Defendant's exhibits 24, the model of the DuHamel and Orr antenna, and 29, the piece of transmission line connected with plaintiff's exhibit 10, the Golden Dart antenna, were sent to the Supreme Court and as far as I know are still there.

I went through the file in the Court of Appeals, and the exhibits which they still have, and found nothing further which I think we need worry about. There are several antennas still there, but they belong either to the Foundation or to JFD.

Very truly yours,

Richard S. Phillips

RSP:iag

RSP ✓
8 WP

United States Court of Appeals
For the Seventh Circuit
219 South Dearborn Street
Chicago, Illinois 60604

Kenneth J. Carrick
Clerk

Mr. H. Stuart Cunningham, Clerk
United States District Court
Federal Building
Chicago, Illinois 60604

August 3, 1971

Re: UNIVERSITY OF ILLINOIS FOUNDATION, Plaintiff & Counterclaim Defendant, Appellee
vs.
BLONDER-TONGUE LABORATORIES, Inc., Defendant & Counterclaimant, Appellant,
vs.
JFD ELECTRONICS CORPORATION, Counterclaim Defendant, Appellee.
U.S.C.A.-7 No. 17153
District Court No. 66C567

Dear Sir:

~~Herewith is the mandate of this Court in the above entitled appeal.~~ I am returning the original record of your District Court, which was transmitted to this office for use on appeal.

Please acknowledge receipt on the enclosed copy of this letter.

Sincerely yours,

KENNETH J. CARRICK, *Clerk*

William H. Pittman

By: William H. Pittman
Deputy Clerk

Date: _____

Received above ~~mandate~~ and record from the Clerk of the United States Court of Appeals for the Seventh Circuit.

_____
Clerk

Copies mailed to:

Mr. Wm. A. Marshall, Two First National Plaza, Chicago, Illinois 60670
Mr. John Rex Allen, 20 North Wacker Drive, Chicago, Illinois
Mr. Robert S. Rines, 10 Post Office Square, Boston, Massachusetts 02109
Mr. Jerome M. Berliner, 10 East 40th Street, New York, New York
Mr. Myron C. Cass, 105 W. Adams Street, Chicago, Illinois

RECORD = 1 volume pleadings, 21 volumes transcript, 5 envelopes depositions.

Gentlemen:

If any physical and large documentary exhibits have been filed in the above entitled cause, they are to be withdrawn within ten days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

by Aug 13

FPI MI—10-16-68-2M-2902

RECEIVED
AUG 4 1971
HOFGREN, WEGNER, ALLEN, STELLMAN & McCORD

litigation
UIFUDT

August 11, 1971

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

Dear Bob:

* I enclose a copy of an article about Paul Mayes from the Electrical Engineering Alumni publication of the University of Illinois. I thought this might be of interest to you.

I see from the BNA Patent, Trademark and Copyright Journal that petitions for certiorari have been filed in two cases seeking to extend the Blonder-Tongue reversal of Triplett v. Lowell. In one case the patent was held valid and infringed in the court of claims, following a full trial. In a subsequent case in California, it was held invalid on a motion for summary judgment and the 9th Circuit affirmed. The patentee argues that the estoppel should extend to defendants unless they can show that the prior defendant did not have a full, fair opportunity to litigate or that they have significantly different evidence to present. The other case involves an interference proceeding where the petitioner argues that the decision of the Board of Patent Interferences should stand unless the losing party can show lack of a full opportunity to present evidence.

The Blonder-Tongue name will certainly be well known in patent circles for many years. I don't know how much of the publicity will translate into sales dollars, but maybe it will compensate to some extent for the expenses they have had.

Very truly yours,

Richard S. Phillips

RSP:iag

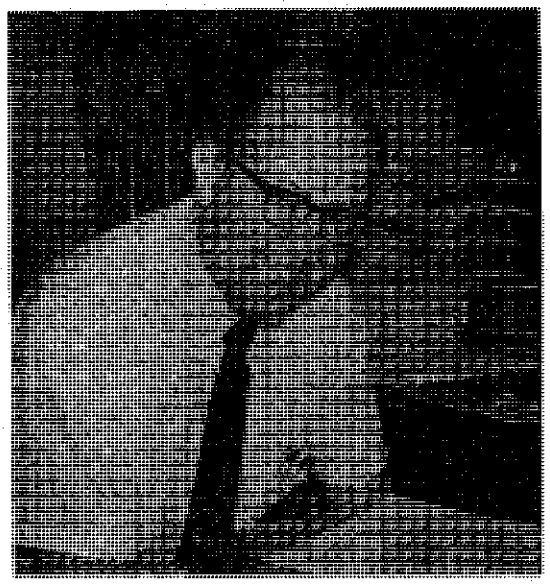
* Enclosure

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

He vigorously participates in professional activities. He served as Chairman of the IEEE Information Theory Group of the Chicago Area in 1967, Editor for Coding for the 1970 IEEE International Symposium on Information Theory, and is presently a member of the Administrative Committee of the Information Theory Group.

The Chiens were naturalized last year and now live (with four children, Emily, Tony, Andrew and Steve) on top of the tallest hill in South-East Urbana.

* * * * * * * *



PAUL E. MAYES

B.S., 1950, University of Oklahoma
M.S., 1952, Northwestern University
Ph.D., 1955, Northwestern University

Professor Mayes was born in one small town, received his mail from another, and went to school in a third, all located in the southwestern part of Oklahoma. His early interest in electronics was no doubt partly due to his distaste for farming. Presented with an inoperative, second-hand radio during his war-time teen-age years (when new ones were not available and all the repair men were away), he initiated a lifelong display of incompetence in economics by taking a $ 200.00 correspondence course in radio repair. He escaped from the farm by enrolling at O.U.; the easy course to pursue was Electrical Engineering. Mayes and thousands of returning veterans matriculated together and, subsequently, graduated together in the recession year of 1950. Employment prospects being bleak, he was advised by one of his professors (who had come from a farm a mile across the field and consequently knew Mayes from birth) to go to graduate school. A classmate, "Jerry" Ernst, recommended the University of Illinois where his brother Ed (now on the U. of I. faculty) was then a graduate student. However, Northwestern came through with an earlier offer of a graduate assistantship so Mayes and his new bride Lola packed their belongings and moved to the "big city".

At Northwestern, Mayes was assigned to the Microwave Lab under the guidance of Professor Robert Beam. In those pre-computer days he spent many hours calculating dispersion data for dielectric waveguides before venturing into the lab to study the efficiency of various methods of exciting propagating modes on dielectric rods. He also was involved in measuring losses due to radiation from bends in dielectric-rod waveguides and in developing techniques for calculating and measuring the near-field of two-dimensional conducting scatterers.

After receiving his Ph.D., Mayes joined the staff of the Antenna Lab of the University of Illinois. He has worked, with the help of numerous students, on slot antennas, antenna synthesis, frequency-independent antennas, small antennas and active antennas . Several of these antennas have been patented by the University of Illinois Foundation, the most famous being the log-periodic vee (LPV) which was developed into a highly successful antenna for TV reception. His log-periodic zigzag is also widely used, in central Illinois particularly, for receiving UHF TV signals.

Mayes has served as a technical consultant to a number of firms. JFD Electronics Corporation, which located a research laboratory in Champaign in 1962, developed the first 83-channel TV antennas using the LPV concept. More recently, Mayes has been intrigued with the idea of combining new solid-state devices with antennas. For more than two years his car radio has been operating from signals supplied by a transistor on a small disc which is mounted underneath the car. "It out-performs the original whip antenna," he explains, "and isn't as easily broken off."

Professor Mayes is a Senior Member of the IEEE, a member of Commission VI of URSI, a member of Sigma Xi, Tau Beta Pi and Eta Kappa Nu. He has published a textbook on electromagnetics and numerous research papers, two of which have received certificates as outstanding contributions. But his greatest source of pride is his family-- Gwynne, 18, a violinist and vocalist who enters the University of Illinois School of Music this fall; Linda, 16, an accomplished seamstress who sews most of her own and many of her sisters' clothes; Stuart, 14, who enjoys playing basketball, beating drums and eating, in that order; Pat, 12, another musician who plays piano, bassoon and clarinet and who aspires to be an organist; Steven, 9, a budding artist who enjoys eating and playing baseball, in that order; and David, 3, who undoubtedly will surpass his brothers and sisters in all things.

·-·-·-

August 6, 1971

Clerk of the Court
District Court
Southern District of Iowa
Davenport, Iowa

RE: University of Illinois Foundation
v. Winegard Company
No. Civ. No. 3-695-D

Dear Sir:

Please send to my attention a certified copy of the complaint and of the answer in the above.

* I enclose a check in the amount of $3 to cover the cost.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

July 29, 1971

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

Dear Ike:

Judge Hoffman ends his tour as emergency judge tomorrow and it is likely he will make a decision regarding the Foundation's motion for judgment before the court reconvenes in September. Accordingly, I decided we should not wait for Bob to come back from Europe. I have prepared a response to some additional arguments by the Foundation and a motion for judgment on your behalf, dismissing the complaint. Copies are enclosed.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

July 29, 1971

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

RE: UIF v. BT v. JFD

Dear Bob:

* Attached are copies of the material being served and filed Thursday afternoon, July 29, for a hearing before Judge Hoffman Friday morning, July 30. This is the last day Judge Hoffman is emergency judge, and I feel it is essential that this all be submitted to him now rather than waiting for the fall session of court which starts September 13.

I don't think anything further should or need be done at the present time. However, if you have any suggestions, let me know.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

July 29, 1971

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

RE: UIF v. BT v. JFD

Dear John:

I modified the memorandum sent you somewhat to incorporate some suggestions made by Jim Wood and to add a reference to the Monsanto decision which Walt Wyss saw and called me about this morning. I have not included a copy of the Winegard answer. If you don't have it in your papers and would like one, let me know. Jim Wood and I discussed using some of the briefs in the Winegard case and decided it was rather negative evidence and that it probably would not be helpful.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosure

cc: Mr. R. H. Rines

July 29, 1971

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

Dear Ike:

* I enclose a copy of a letter from Mann regarding our request for payment of the costs. I will keep after him on this.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. 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

LAW OFFICES
MERRIAM, MARSHALL, SHAPIRO & KLOSE
TWO FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60670
TELEPHONE
312-346-5750
TELEX 25-3856

OWEN J. MURRAY
DONALD E. EGAN
NATE F. SCARPELLI
CARL KUSTIN
MICHAEL P. BUCKLO
CARL E. MOORE, JR.
ROBERT D. WEIST
MICHAEL F. BORUN

July 22, 1971

Richard S. Phillips, Esq.
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD
20 North Wacker Drive
Chicago, Illinois 60606

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

Dear Dick:

Please refer to your letter of July 21, 1971 regarding costs in this case.

As I have stated to you in the past in response to your similar requests, we prefer to defer consideration of items such as interim awards of costs until the final resolution of the issues in the case, so that a final accounting can take care of all outstanding matters. This we feel is a more satisfactory procedure than handling these items individually on a piece-meal basis. In view of the relatively small amounts involved and the fact that this case will undoubtedly be finally decided in the near future, we do not feel that it would be an undue hardship on Blonder-Tongue to wait for a final accounting.

Incidentally, there is some question regarding the amount which the Supreme Court ordered the Foundation to pay. The order referred to both the Foundation and JFD, and in discussing the matter with the Clerk of The Supreme Court, I was told that the usual procedure in a case of this type would be for the parties, i.e., the Foundation and JFD, to divide the costs. Although I have not discussed the matter with JFD, I assume that this is the procedure which will be followed.

Sincerely yours,

Basil P. Mann

RECEIVED
JUL 28 1971
HOFGREN, WEGNER, ALLEN,
STELLMAN & McCORD

BPM/kd
cc: Mr. M. C. Cass

Litigation

July 28, 1971

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

Dear Bob:

I enclose the Foundation's reply which was served on us by mail this morning. They raised for the first time the question of identity of issue as a bar to the estoppel.

Our rules don't provide for an answering memorandum, so I have prepared a motion for special leave to file such a memorandum. It and the memorandum are enclosed. I plan on serving them Thursday for a Friday hearing on the motion. Please call me if you have any suggestions.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosures

July 28, 1971

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

RE: UIF v. BT v. JFD

Dear John:

* I enclose the Foundation's reply to our memorandum and a copy of an answering memorandum I have drafted. Under our rules, we are not entitled to have this filed as a matter of right, but I am hopeful that the court will take it since it treats only the new argument of identity of issue raised by the Foundation. I plan to file this Thursday and present the motion Friday morning, which is the last day Judge Hoffman sits as emergency judge. Please call me with your comments and suggestions. If you don't receive this until Friday morning, call me any time after 9:15 your time at 346-1692. I generally leave the office about 9:30 our time to go to court for a ten o'clock call.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

LITIGATION Univ. of Ill. Found. v.
BLONDER-TONGUE v. JFD

July 23, 1971

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

RE: UIF v. BT v. JFD

Dear Keith:

The Foundation made an unusual reaction to our motion to amend. In court Merriam said he wanted to oppose the motion on the ground that it was untimely. He later told me he thought the estoppel argument would fail because Winegard was not charged with infringement of claims 6, 7 and 8 at the trial.

However, rather than argue either of these points, the Foundation did not directly oppose Blonder-Tongue's motion for leave to file an amended answer. Rather, they filed a motion for judgment after remand. * I enclose a copy of their motion and of our reply.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

July 22, 1971

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

Dear Ike:

The Foundation did not directly answer our motion to file an amended answer, which is what the Supreme Court said we should do. They asked Judge Hoffman, in effect, to ignore the Supreme Court and enter judgment for them. I enclose a copy of the
* answering argument we have filed.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

July 22, 1971

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

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

Dear Mike:

* I enclose two copies of each of two memoranda we are filing today. I attached our petition for certiorari to the court copy of the memorandum of defendant in support of its motion to file a second amended counterclaim. I do not have many copies of the petition left and as both you and Ostrolenk, Faber, Gerb & Soffen already have one, I did not believe it necessary to reproduce it again.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

cc: Mr. R. H. Rines

July 22, 1971

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 two memoranda we have filed, one discussing the Foundation's motion for judgment and our motion for leave to file an amended answer, and the other answering both the Foundation and JFD regarding the propriety of the amended counterclaim. I also enclose a
* copy of the memorandum filed by JFD.

The memorandum regarding estoppel incorporates suggestions made by my partner Jim Wood and by John Pearne.

Judge Hoffman is sitting as emergency judge until the end of July. It is possible he may act on these motions promptly.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosures

July 22, 1971

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 the memorandum as filed. Both the Foundation and JFD opposed my inclusion of an amended counterclaim. We have filed a short answering memorandum and I am sending you a copy for your information. I'll let you know as soon as Judge Hoffman acts on this.

Thanks again for your suggestions.

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosures

cc: Mr. R. H. Rines

LITIGATION

July 21, 1971

Mr. Basil P. Mann
Merriam, Marshall, Shapiro & Klose
Two First National Plaza, Suite 2100
Chicago, Illinois 60670

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

Dear Pete:

The decision of the Court of Appeals for the 7th Circuit awarded to Blonder-Tongue one-third of its costs in the Court of Appeals. We have filed a verified statement showing total costs in the amount of $5362.42. One-third of this amount is $1787.47. We have on several occasions, both in writing and orally, requested payment of this sum.

The order of the Supreme Court orders that Blonder-Tongue recover from the Foundation $4261.45.

On behalf of Blonder-Tongue, I hereby request prompt payment of the total, $6048.92.

Very truly yours,

Richard S. Phillips

RSP:lag

cc: Mr. M. C. Cass

bcc: Mr. R. H. Rines
Mr. I. S. Blonder

July 21, 1971

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

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

Dear John:

* I enclose a revision of the Blonder-Tongue memorandum. I plan to serve and file this on Friday. If you have any suggestions, let me know tomorrow or early Friday morning.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

July 20, 1971

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

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

Dear John:

* I enclose a copy of the draft of the Blonder-Tongue memorandum in opposition to the Foundation's motion for judgment. This has just come out of the typewriter and I have not yet read it. I had the feeling while dictating that the discussion of the Foundation's ex post facto argument needs some work.

I would appreciate any suggestions you might have.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

July 16, 1971

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

Dear John:

* I enclose copies of the papers, other than the reported decisions which you have and the memorandum regarding our counterclaim, which is of little importance.

After I dictated the letter to Rines, I put in a call to him and caught him between airplanes. He is on his way back to Europe for meetings with some Italian lawyers in London and to dip his big toe in the Loch Ness. He won't be back until the first of August. While I talked with him, I glanced through the Foundation's memo and concluded there was nothing in it sufficiently novel to require Bob's assistance in answering it.

I plan on drafting a response Monday or Tuesday and will send you a copy. Any comments or suggestions you have will be welcome.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

July 16, 1971

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

Dear Bob:

I enclose a collection of papers served today on behalf of the Foundation. These include a motion for judgment after remand, a proposed judgment order, supplemental findings of fact and memo. There is also a memorandum opposing the includion of the counterclaim in our amended pleading.

Our reply is due on Friday. Judge Hoffman is the emergency judge next week and I would prefer not to seek an extension of the time for reply. Can you come out Tuesday or Wednesday to work on this in accordance with my earlier suggestion?

Very truly yours,

Richard S. Phillips

RSP:iag

Enclosure

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

July 7, 1971

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

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

Dear Mike:

In accordance with our discussion, I enclose
* a further copy of a booklet with Xerox copies of the District Court and Court of Appeals decisions in the Winegard case.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

Sen & Con - CE - Wenjack Inquiry

54/08 Lewis

corresp

July 7, 1971

Clerk of the Court
District Court
Southern District of Iowa
Davenport, Iowa

RE: University of Illinois Foundation
v. Winegard Company
No. Civ. No. 3-695-D

Dear Sir:

I have need for a certified copy of the answer of the Winegard Company in the above. Please advise the cost.

Very truly yours,

Richard S. Phillips

RSP:iag

July 7, 1971

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

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

Dear Bob:

I have talked with Keith Kulie and reread the Winegard decisions since writing you last Friday. Keith did not set up a declaratory judgment counterclaim in the Winegard suit. They did, however, make the affirmative defense that "the patent" was invalid. It seems to me this put all the claims in issue even though the Foundation had not asserted three of them.

Judge Stephenson mentioned claims 6, 7 and 8, which were not asserted, at only one point in his decision. He did not refer to the Isbell claims in the section of the decision finding the patent invalid. In fact, he concluded that "the disclosure" of the patent lacked non-obviousness. Similarly, the Court of Appeals affirmed without in any way limiting their decision to the claims which had been asserted by the Foundation at the trial.

I have written the Clerk of the District Court in Iowa for a certified copy of the Winegard answer and hope to have it for the hearing before Judge Hoffman if Merriam tries to press this point.

Very truly yours,

RSP:iag

Richard S. Phillips

cc: Mr. J. F. Pearne
Mr. Keith Kulie - In the event I don't receive a certified copy of the answer from the Clerk in time, I would appreciate having a copy from your file.

July 2, 1971

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

Dear John:

Charles Merriam opposed our motion for leave to file an amended answer this morning on behalf of the Foundation. He argued that the motion should have been made within ten days of the receipt of the order from the Supreme Court by the district court clerk (June 17). Although he admits no time limit was set in the decision or specified in the rules, he argues that Rules 12a and 59 provide for a period of ten days in analogous situations.

Judge Hoffman gave him 15 days to file a memorandum and us five days to reply.

I do not think it likely that Judge Hoffman will imply a ten day limit.

Merriam plans to oppose the motion to amend, I believe on the ground that there were claims held valid in the Chicago suit which were not at issue in Iowa; therefore the validity questions are not identical.

The Foundation also plans an attempt to consolidate the other cases with Blonder-Tongue to settle the estoppel question for all defendants at one time. I do not know whether they will take any action on this prior to Hoffman's ruling on our motion.

Very truly yours,

Richard S. Phillips

RSP:iag

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

July 2, 1971

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

Dear Bob:

I appeared before Judge Hoffman this morning on the motion for leave to file an amended answer and counterclaim. Charles Merriam opposed on behalf of the Foundation, arguing that the motion should have been made within ten days of the receipt of the order from the Supreme Court by the district court clerk (June 17). He admitted that no time limit was set in the Supreme Court decision or in the letter from the clerk to the clerk of the district court; and that this situation is not covered by the federal rules. Judge Hoffman gave him 15 days to file a memorandum and gave us five days to reply.

I believe Merriam's argument will be based on the fact that Rule 12a provides that if a motion under Rule 12b is denied, the responsive pleadings shall be served within ten days; and that Rule 59 provides that a motion for new trial shall be made within ten days after entry of judgment.

I do not think it likely that Judge Hoffman will imply such a ten day limit where none is specifically set.

The Foundation apparently also intends to raise a question regarding the merits of the estoppel, in opposing our motion to amend the answer. I believe the principal basis will be that there were claims at issue in the suit against Blonder-Tongue which were not at issue against Winegard.

Both the Foundation and JFD question the continued inclusion of the counterclaim. I told them that we did not intend to try to introduce any additional evidence or reargue the counterclaim matters at this stage of the proceedings, but that these questions were presented to the Supreme Court and the Supreme Court had not ruled on them. Accordingly, we are not dropping them at this time.

The Foundation's 15 days to file a memorandum is up on July 17, a Saturday. This automatically extends it to the 19th. Our reply will be due Saturday, the 24th, which will give us until Monday, the 26th. The mails being what they are, it will be almost impossible for me to send it to you and get your comments back in time to do any good. I think it would be helpful for you to participate in preparing our reply. Can you come out to Chicago July 20 or 21 for this purpose?

The Foundation also plans an attempt to bring up the other cases and consolidate them with Blonder-Tongue so that the question of aollateral estoppel based on the Winegard decision can be determined with respect to all the defendants in one proceeding.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. I. S. Blonder

July 2, 1971

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

Dear Keith:

The Foundation opposed our motion to amend the Blonder-Tongue answer on the ground it should have been made within ten days of the receipt of notice of the decision by the district court clerk. There is no time set in the Rules, but the Foundation argued that Rules 12a and 59 provide for ten days in similar situations. Judge Hoffman gave the Foundation 15 days to file a memorandum and gave us five days to reply.

According to Merriam, the Foundation also intends to argue that the validity issue was different as the three claims not asserted against Winegard were asserted and found valid against Blonder-Tongue. They are also going to try to consolidate all of the cases for a determination on the estoppel question.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

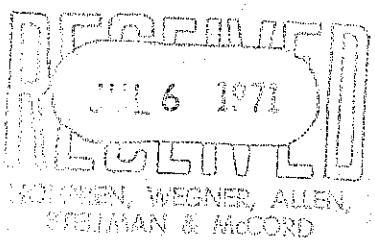
RINES AND RINES

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

DAVID RINES
ROBERT H. RINES

CABLE SENIR
TELEPHONE HUBBARD 2-3289

July 1, 1971



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

Dear Mr. Phillips:

We have your letter dated June 22, 1971 and the enclosure. As you know, Mr. Rines is out of the country but should be returning in about two weeks.

At any rate, we do not believe that any of the matters brought up in your letter require any action at this end at this time.

We enclose for your file a copy of a Certificate from the Seventh Circuit in connection with the same case on the matter of cost, as well as a copy of a letter dated June 15, 1971 relating to the same matter.

Would you be good enough to take whatever steps are necessary in connection with the enclosures.

Very truly yours,

RINES AND RINES

Lori Antonelli

Lori Antonelli
Secretary

la
Enclosures

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 15, 1971

E. ROBERT SEAVER
CLERK OF THE COURT

Robert H. Rines, Esquire
Counselor at law
No. Ten Post Office Square
Boston, Mass. 02109

RECEIVED
JUN 17 1971
RINES AND RINES
NO. TEN POST OFFICE SQUARE, BOSTON

RE: Blonder-Tongue Laboratories, Inc.
v. University of Ill. Foundation
et al., No. 338, Oct. Term, 1970

Dear Mr. Rines:

A certified copy of the judgment of this Court in the above-entitled case has been mailed today to the Clerk of the United States District Court for the Northern District of Illinois.

The total costs in this Court for printing record and Clerk's costs is as follows:

Clerk's costs	$	150.00
Printing of record		8,372.90
Total	$	8,522.90

Your client is given recovery for one half of the total costs which amounts to $4,261.45. This amount may be collected through the United States District Court for the Northern District of Illinois or direct from opposing counsel or parties.

Very truly yours,

E. ROBERT SEAVER, Clerk

By Evelyn R Limstrong

(Mrs.) Evelyn R. Limstrong
Assistant

AIRMAIL

RECEIVED
JUN 24 1971
RINES AND RINES
NO. TEN POST OFFICE SQUARE, BOSTON

United States Court of Appeals

FOR THE SEVENTH CIRCUIT
Chicago, Illinois 60604

I, KENNETH J. CARRICK, Clerk of the United States Court of Appeals for the Seventh Circuit, do hereby certify that ~~the foregoing pages contain a true copy of~~ there was filed in the office of the Clerk of this Court on February 27, 1970 a verified statement of costs under F.R.A.P. 39(a) in which William R. McNair stated that expenditures were made on behalf of appellant, Blonder-Tongue Laboratories, in the amount of Five Thousand Three Hundred Sixty Two and 42/100 Dollars ($5,362.42) for printing the appendix, brief on appeal and reply brief in,

Cause No. 17153

UNIVERSITY OF ILLINOIS FOUNDATION, Plaintiff and Counter Defendant-Appellee,

vs.

BLONDER-TONGUE LABORATORIES, INC., Defendant and Counter Claimant-Appellant,

vs.

JFD ELECTRONICS CORPORATION, Counterclaim-Defendant-Appellee.

as the same remains upon the files and records of the United States Court of Appeals for the Seventh Circuit.

IN TESTIMONY WHEREOF I hereunto subscribe my name and affix the seal of said United States Court of Appeals for the Seventh Circuit, at the City of Chicago, this 21st day of June A. D. 19 71.

Kenneth J. Carrick (mae)
Clerk of the United States Court of Appeals
for the Seventh Circuit.

LITIGATION - B[redacted]. UIF& JFD

June 22, 1971

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

Dear John:

* I enclose a copy of a brief communication from the Supreme Court to the District Court remanding the Blonder-Tongue case for further proceedings. We are proceeding with the preparation of an amended answer.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

June 22, 1971

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

Dear Keith:

* I enclose a copy of a brief communication from the Supreme Court to the District Court remanding the Blonder-Tongue case for further proceedings. We are proceeding with the preparation of an amended answer.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. R. H. Rines

June 22, 1971

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

Dear Bob:

* I enclose a copy of a communication directed from the Supreme Court to the District Court, which was just received by the Clerk last Thursday. I am proceeding with the preparation of an amended complaint and presently plan to move the court for permission to file it next week. I would expect the court to grant that motion and to allow the Foundation 20 or 30 days in which to file an amended reply.

I have already talked with Pete Mann regarding the costs, one-half of which has been assessed against the Foundation. I believe he is planning to petition the Clerk of the Supreme Court to assess some portion of the costs against JFD. I am afraid this will delay the payment of the costs somewhat. However, I will do whatever I can to get the money as soon as possible. If the Foundation appears to be intentionally delaying, I will file a motion with the court for an order that the costs be paid.

Very truly yours,

Richard S. Phillips

RSP:iag

* Enclosure

cc: Mr. I. S. Blonder
Mr. B. H. Tongue

Litigation

June 3, 1971

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

RE: UIF v. BT

Dear John:

I will be happy to keep you up to date regarding progress of our suit. The mandate has not yet come down from the Supreme Court, but I expect it any day.

Very truly yours,

Richard S. Phillips

RSP:iag

cc: Mr. R. H. Rines

L. +

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

ALFRED D. DEH. LOBO
JOSEPH J. CORSO
JAMES A. BAKER
HOWARD G. SHIMOLA

TELEPHONE
(216) 623-1040
CABLE ADDRESS
RICHEY

PATENT AND
TRADEMARK LAW

LLOYD L. EVANS
OF COUNSEL

May 28, 1971

RECEIVED
MAY 29 1971
HOFGREN, WEGNER, ALLEN
STELLMAN & McCORD

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

Re: University of Illinois Foundation v.
Blonder-Tongue

Dear Dick:

I have now received Bob's letter of May 24th confirming the information you gave me on the telephone a couple of days ago regarding the plan of Blonder-Tongue to move for judgment as suggested by the Supreme Court. I would greatly appreciate your advising me promptly upon learning that the mandate from the Supreme Court has been transmitted and keeping me posted on the progress of further proceedings in your case, preferably by sending me copies of papers filed by any of the parties. Since we shall probably be going through the same steps in The Finney Company case in due course, it would be helpful to us to know in advance the content of your papers and responses filed by your opponents. I hope doing this will not be an undue burden.

Sincerely,

McNENNY, FARRINGTON, PEARNE & GORDON

John

J. F. Pearne

JFP:jh

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