IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNIVERSITY OF ILLINOIS FOUNDATION, Plaintiff and Counterclaim Defendant, - v - BLONDER-TONGUE LABORATORIES, INC., Defendant and Counterclaimant, - v - JFD ELECTRONICS CORPORATION, Counterclaim Defendant.	)	Civil Action No. 66 C 567

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A F F I D A V I T

RICHARD S. PHILLIPS, being sworn, says:

I am a member of the firm of Hofgran, Wegner, Allen, Stellman & McCord, local counsel for Defendant, Blonder-Tongue Laboratories, Inc., in the indicated action. The case for Blonder-Tongue has been prepared by Robert H. Rines of Boston and he will conduct the defense.

The complaint charges infringement of two patents relating to antenna structures. The answer and counterclaim asserts invalidity and non-infringement, and charges plaintiff and the third party defendant with unfair competition, violation of the antitrust laws and infringement of defendant's patent,

also relating to an antenna structure.

Evidence on behalf of defendant with regard to the technical aspects of the litigation will be presented by Dr. Lan Jen Chu, one of the foremost antenna authorities in the world. Isaac Blonder, Chairman of the Board of defendant, will testify regarding Blonder-Tongue's antennas, the Blonder-Tongue patent and the unfair competition and antitrust allegations. Other witnesses from scattered points throughout the country will testify regarding the unfair competition and antitrust.

On February 20, 1967, the case was called for trial and held until May 1, 1967. Seven times since then counsel for all parties have reported ready for trial, most recently on December 18, 1967. Three times during this eight month period, it has been necessary to request special resetting. Once for litigation commitments of plaintiff's attorneys, once for litigation commitments of defendant's attorney, and once for illness of Dr. Chu. At all other times since last May, counsel and witnesses have endeavored to arrange their other business matters to accommodate the court's schedule and to be available if the case should have gone to trial when called. On each occasion that the case was called, counsel has been advised one or two days prior to the call that witnesses should not appear.

I am informed by Mr. Rines that Dr. Chu has business interests in Taiwan, manufacturing products for shipment to

the United States. Technical problems have caused a work stoppage. His presence is required to aid in the resumption of production. He delayed a trip in anticipation that the trial would start on the 18th of December. When we were advised that it would not start the 18th, nor the 20th, he could delay no longer and arranged to depart for Taiwan on December 25, 1967. While he is there, in addition to the business matters requiring his attention, he has appointments with several people at Taiwan National University. Dr. Chu plans to remain in Taiwan for several weeks.

I am further advised by Mr. Rines that Mr. Blonder delayed a business trip to the West Coast in anticipation of the start of the trial on December 18. When the trial did not start on the 18th or 20th, he was forced to leave for the West Coast and will be there until the first week in January.

I am further advised by Mr. Rines that he had arranged other litigated matters on his schedule in anticipation of the trial starting December 18 or shortly thereafter. He presently has scheduled the following matters:

January 2, 1968: General Radio Company v. Kepco, 65 CIV 901, District Court EDNY, pretrial conference and motion opposing further discovery;

January 22, 1968: Chu Associates v. the United States, U. S. Court of Claims, trial. Mr. Rines has been given notice for discovery in this case by the Justice Department, starting January 10, 1968;

First week in February, 1968: Evans v. McDonnell Aircraft, appeal hearing, CA 8.

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SUBSCRIBED and sworn to before me this _____ day of _____, 1967.

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Notary Public