

ESS

RECEIVED
OCT 20 1965

ELBERT A. WAGNER, JR., Clerk
United States District Court

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

UNIVERSITY OF ILLINOIS FOUNDATION, Plaintiff and Counter Claim Defendant,)
v.)
BLONDER-TONGUE LABORATORIES, INC. Defendant and Counterclaimant,)
v.)
J F D ELECTRONICS CORPORATION Counterclaim Defendant.)

Civil Action
No. 66 C 567

Defendant's Substitute Answers To
Plaintiff's Second Set of Interrogatories and
Answers To Plaintiff's Third Set of Interrogatories

Now comes Isaac S. Blonder on behalf of Blonder-Tongue Laboratories, Inc., and answers Plaintiff's Interrogatories above-identified upon the same authority as he answered Plaintiff's First Set of Interrogatories, as follows:

8. Has defendant, since October 5, 1965, manufactured for sale or sold either of the following antennas for television reception identified as:

- (a) The "Golden Dart All Channel UHF Antenna";
and
- (b) The "Golden Arrow All Channel Indoor UHF
Antenna"?

Yes.

9. If the answer to either of the sub-paragraphs of Interrogatory No. 8 is in the affirmative:

- (a) Does the antenna so identified have six or more straight (i.e., not folded) electrical dipole elements?
- (b) Does the antenna so identified have electrical dipole elements arranged in pairs?
- (c) Does the antenna so identified have electrical dipole elements arranged in pairs to form a set of three or more of such pairs?
- (d) Does the antenna so identified have a set of three or more pairs of electrical dipole elements forming substantially parallel straight dipoles?
- (e) Does the antenna so identified have a set of three or more pairs of electrical dipole elements of different lengths?
- (f) Does the antenna so identified have dipoles in which the inner ends of the electrical dipole elements forming the dipoles are connected by a pair of feeders?

(g) Does the antenna so identified have pairs of electrical dipole elements connected by a pair of feeders which are electrically transposed between connections?

(h) Does the antenna so identified have pairs of electrical dipole elements connected by a pair of feeders with each dipole element in a pair being connected to a different one of said pair of feeders?

(a), (b), (c), (e), (f), (h), Yes

(d), (g) No

10. If the answer to either of the sub-paragraphs of Interrogatory No. 8 is in the affirmative:

(a) Identify all drawings or other documents illustrating or describing said antennas;

(b) As to each drawing or document identified in sub-paragraph (a) above, state whether such drawing or document is in the custody or control of defendant and whether such drawing or document will be made available for inspection and copying; and

(c) Identify each individual who played a part in designing and testing each such product and indicate what part he played in said designing or testing.

(a) In addition to documents set forth in Answer to the first set of interrogatories, Blonder-Tongue documents SK-0527 (4/9/63), YC-2015 (12/63), No. 52 (late '65), 6510364 ('63), 3520-87 ('64), 6510481 ('65), 6510480 ('65).

(b) Yes

(c) Isaac S. Blonder, an inventor and supervisor of the design and research (and Abraham Schenfield, an inventor and project engineer (

11. If the answer to either of the sub-paragraphs of Interrogatory No. 8 is in the affirmative:

(a) When did defendant first give consideration to manufacturing each such product?

(b) Identify all documents relating to such initial consideration; and

(c) When did actual development of each such product begin?

(a) March or April 1963

(b) Those of answer to paragraph 10, above.

(c) About January, 1963.

12. If the answer to either of the sub-paragraphs of Interrogatory No. 8 is in the affirmative:

(a) Identify all drawings or other documents illustrating or describing all experimental or prototype versions of each such antenna which were actually made or otherwise considered; and

(b) Identify each individual who played a significant part in designing, building, testing, or otherwise considering the technical performance of each such antenna.

(a) and (b) See answers to paragraph 10, above.

13. If the answer to either of the sub-paragraphs of Interrogatory No. 8 is in the affirmative, state whether the antenna so identified is characterized by having six or more straight (i.e., not folded) electrical dipole elements arranged in pairs to form a set of three or more substantially parallel straight dipoles of different lengths, the inner ends of the pair of elements forming the dipole being connected by a pair of feeders, each dipole element in a pair being connected to a different one of said pair of feeders with consecutive dipole elements on each of said pair of feeders extending in opposite directions?

No.

14. Is either the "Golden Dart All Channel UHF Antenna" or the "Golden Arrow All Channel Indoor UHF Antenna" described by U. S. Patent No. 3,259,904, issued July 5, 1966 to Isaac S. Blonder and Abraham Schenfeld and assigned to Blonder-Tongue Electronics?

Yes.

15. If the answer to Interrogatory No. 14 for either of the antennas so identified is in the negative, in what manner do the antennas differ from the description of the I. S. Blonder, et al patent?

No answer required.

16. Referring to paragraph 5 of defendant's counter-claim:

- (a) State the facts on which defendant bases its belief that plaintiff entered into a "commercial business arrangement" with JFD to exploit the antenna designs referred to, said "arrangement" being other than or in addition to a patent license agreement under plaintiff's patents in the antenna field.
- (b) Identify any documents establishing said facts and indicate whether these documents will be made available for copying by plaintiff.
- (a) The copious and prominent use of the name of the University of Illinois, and the University of Illinois Foundation, and members of the staff of said university in widespread advertising of JFD; the identity between members of the staff of the University of Illinois and the JFD Research Center, and arrangement for use of University under-graduate, graduate and post graduate students in JFD antenna research and development; the apparent intermixing of research and development results between the University and JFD laboratories; the providing of press release assistance for the benefit and use of JFD by the Foundation and the manner of policing the patent in suit by the Foundation.

- (b) 1. "At the Moment of Truth" JFD advertisement (11/63)
2. Advertisement in Radio & Television Weekly (2/10/64)
3. Reprint from News Gazette, Champaign, Ill. (7/23/64)
4. "70 Million Visitors" JFD ad (1964)
5. "Compare" JFD ad (1965)
6. JFD Distributor Price Schedule (5/1/65)
7. JFD ad "Again from JFD" (1966)
8. "Remarkable New JFD" literature (1966)
9. "JFD Camp" circular (1966)
10. News Release of University of Illinois Foundation
(April 7, 1966)

All will be produced for copying.

17. Referring to paragraph 6 of defendants counterclaim:
- (a) State the facts on which BT bases its belief that plaintiff "undertook the primary responsibility... of aiding the commercial sales of the antennas of JFD...by news releases and other advertising media."
 - (b) State the facts on which BT bases its belief that plaintiff threatened "all manufacturers in the industry (and thus counterclaimant BT) with suit if any so-called log-periodic antennas were made and sold by them."
 - (c) Identify specifically all announcements and mailings allegedly sent by plaintiff to customers of manufacturers of antennas other than JFD concerning intended suits, indicating specifically the date each announcement was sent and the person or organization to whom it was sent.

(d) Identify all documents in BT's possession or control relating to the facts called for in subparagraphs (a), (b), and (c) above and indicate whether said documents will be made available for copying by plaintiff.

(a) Same as answer to 10 (a)

(b) See item 10 in answer to 10 (b).

11. "What does JFD have" ad (1966)

12. JFD Sales Bulletin (4/19/66)

Further, Blonder-Tongue customers informed Blonder-Tongue that they were threatened by JFD salesmen with suit if they handled Blonder-Tongue antennas. Blonder-Tongue sales personnel were required by customers, as a result of such threats, either to supply letters of indemnification or the Blonder-Tongue antennas would be shipped back. Also, newspaper announcement of suits.

(c) See (b), above.

13. Sacramento Electronics material received from JFD (4/66).

14. Weller Electronic Sales and Main Line Cleveland material received from JFD (4/66)

(d) See (a) - (c), above.

All will be produced for copying.

18. Referring to paragraph 7 of defendant's counter-claim:

- (a) Identify specifically, giving the date and the medium, all advertisements in which the name of plaintiff appears which falsely represent the scope of its patent coverage and indicate specifically the portions of said advertisements which set forth this false representation and/or which threaten manufacturers of antennas with patent suits.
- (b) Identify specifically the newspaper, sales catalog, and magazine advertisements which BT alleges set forth the representation that "only said JFD had a right to make log-periodic antennas."
- (c) Identify specifically every instance of false and misleading statements attributed to plaintiff which libeled and disparaged competitors' business and antenna products and, in addition, all such statements that no competitor could use a log-periodic principle or get the allegedly desirable performance attainable therewith.
- (d) Identify specifically the portions of the Complaint herein which show "that said Foundation knew it had no jurisdiction over counter-claimant BT."
- (e) State specifically all facts on which defendant bases its allegation that plaintiff knew that the antennas sold by BT were not infringements of Patent No. 3,210,767.
- (f) State all facts on which defendant bases its allegation that plaintiff conspired to change the design of "JFD antennas over to the design of BT's own antennas," including the specific JFD antennas which thus were modified to incorporate the design of BT's antennas, as well as all facts indicating that plaintiff played any role whatsoever in any such modifications of JFD antennas.

(a) Re false representation of scope of patent:

Items 1, 2, 4, 5 under answer to 16(b)--"patented geometric concept $L_{(n+1)}/L_n = \sqrt[n]{\lambda}$ "; patented Log-Periodic design formula"; "patented log-periodic cellular formula"; that the antennas advertised in these items used "the patented geometric concept" in "dipole lengths and spacings"; "all elements are designed according to the patented log periodic formula."

Also, same false representations in:

15. "Some homes" JFD ad Radio & TV Weekly (9/7/64)
and NEBA Journal

16. JFD ad, Home Furnishings Daily (9/24/65)

Re threats, see answers to 17.

(b) See items 2, 4, 5, under answer to 16(b); item 11 under answer to 17(b), and item 16, above.

17. Popular Electronics ad (12/6/65)

18. "Don't be 1/2 Set" JFD ad

(c) See answers to (a) and (b), above.

(d) Paragraph (2) of complaint

(e) The clear wording of the claims and the fact that plaintiff knew specifically the Blonder-Tongue Golden Dart and Golden Arrow constructions. Never notified Blonder-Tongue of infringement until this suit was brought.

- (f) See items 3, 4, 6, 7, 8, 11, above cited re involvement of University of Illinois personnel in the changed designs of the specific JFD antenna models set forth in paragraph 14 of the counterclaim, and continued citation of University of Illinois Foundation patents as covering these models.
- (g) (1 and 2) See answers to 18(a).
- (h) Following the filing of this suit and at a time when Blonder-Tongue sales efforts were at its maximum, and at the time when the said manager of BT's antenna business was collecting evidence of JFD's unfair competition practices for Blonder-Tongue, the sales manager reported that he had been offered more money by JFD and was, therefore, going to leave for JFD.
- (i) See answers above; all will be produced for copying.

19. Referring to paragraph 8 of defendant's counterclaim, identify the particular sections of the Sherman and Clayton Acts under which defendant's anti-trust count allegedly arises.

This is a matter to be addressed to counsel.

20. Referring to paragraph 10 of defendant's counterclaim:

- (a) State the specific section and subsection of the patent laws of the United States under which defendant's alleged count for patent infringement arises as against plaintiff.

- (b) Is plaintiff accused of infringement by reason of
- (1) making the purported invention?
 - (2) using the purported invention?
 - (3) selling the purported invention?
 - (4) inducing others to infringe?
 - (5) selling a component of the purported invention?

(a) This is a matter to be addressed to counsel.

(b) Plaintiff, University of Illinois Foundation is accused of inducing others to infringe and of infringing through sharing in the selling activities and its returns.

Isaac S. Blonder

Isaac S. Blonder

State of New Jersey:

County of Essex : ss

Sworn to and subscribed before me this 19 of October, 1966.

Donald M. Shachat

Notary Public

(SEAL)

My commission expires:

DONALD M. SHACHAT
NOTARY PUBLIC OF N. J.
My Commission Expires Aug. 27, 1967

CERTIFICATE OF SERVICE

I hereby certify that I have, this 20th day of October, 1966, mailed one copy of the foregoing Defendant's Substitute Answers to Plaintiff's Second Set of Interrogatories and Answers to Plaintiff's Third Set of Interrogatories to each of the following:

Merriam, Marshall, Shapiro & Klose
30 West Monroe Street
Chicago, Illinois 60603
(Attorneys for Plaintiff and Counter Claim Defendant)

Silverman & Cass
105 West Adams Street
Chicago, Illinois 60603
(Attorneys for Counterclaim Defendant).
