

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1970

No. 338

BLONDER-TONGUE LABORATORIES, INC.,

Defendant and Counter Claimant-
Appellant, Petitioner,

vs.

UNIVERSITY OF ILLINOIS FOUNDATION,

Plaintiff and Counterclaim
Defendant-Appellee,

and

JFD ELECTRONICS CORPORATION,

Counterclaim-Defendant-
Appellee, Respondents.

MOTION FOR LEAVE TO PRESENT ORAL
ARGUMENT ON BEHALF OF AUTOMATIC
ELECTRIC COMPANY, AMICUS CURIAE

To the Honorable Chief Justice and Associate
Justices of The Supreme Court of The United States:

AUTOMATIC ELECTRIC COMPANY hereby moves, pur-
suant to Rule 44(7), for permission to present oral
argument for a period not exceeding ten minutes in the
above entitled case.

The reasons for this Motion are as follows:

Read
11/7/71

On December 31, 1970 AUTOMATIC ELECTRIC COMPANY filed a MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE and BRIEF AMICUS CURIAE OF AUTOMATIC ELECTRIC COMPANY. This was done as soon as possible after AUTOMATIC ELECTRIC COMPANY learned that the Petitioner did not support the view that Triplett v. Lowell, 297 U. S. 638 (1936) should be overruled.

Before filing its Motion and Brief, AUTOMATIC ELECTRIC COMPANY had requested the acquiescence of the parties to such a brief but the request was denied, the parties indicating that the denial was based, at least in part, upon the expressed intention of AUTOMATIC ELECTRIC COMPANY to support the proposition that the holding of Triplett should no longer be applied.

AUTOMATIC ELECTRIC COMPANY has now obtained a copy of the letter of December 18, 1970 from the Solicitor General's Office indicating that a Brief will be filed "which undertakes to examine the problem raised by the Court" and requesting that twenty minutes be allocated to the Solicitor's Office for oral argument. To date, the Solicitor General's Brief has not been filed. AUTOMATIC ELECTRIC COMPANY is also aware of the letter on behalf of the American Patent Law Association moving the Court for permission to present an oral argument not exceeding ten minutes. In its request, the American Patent Law Association indicates that it will advocate a position

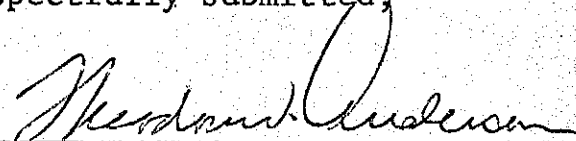
"that the Triplett case not be overruled" although it also states that the position of the American Patent Law Association will be "markedly different from that of the parties in suit".

We believe that no party will, at the oral argument, advocate the position that the doctrine of the Triplett case should be overruled. Furthermore, we know of no one, other than AUTOMATIC ELECTRIC COMPANY, who has sought or will seek an opportunity to be heard and will, if heard, present the negative point of view on the Triplett holding.

AUTOMATIC ELECTRIC COMPANY believes that its point of view is shared by a very large segment of the country and that this point of view will not be presented to the Court during the oral argument unless this Motion is granted. The argument of AUTOMATIC ELECTRIC COMPANY will provide assistance to the Court not otherwise available.

Respectfully submitted,

By



Theodore W. Anderson,
Counsel for Amicus Curiae
Automatic Electric Company

CERTIFICATE OF SERVICE

Service of copies of the foregoing MOTION FOR LEAVE TO PRESENT ORAL ARGUMENT ON BEHALF OF AUTOMATIC ELECTRIC COMPANY, AMICUS CURIAE has been made this 5th day of January, 1971, upon all parties to the entitled action by depositing copies thereof in a United States Post Office, with first class air mail postage, respectively addressed to counsel of record for each of said parties.

Theodore W. Anderson

Attorney for Amicus Curiae,
Automatic Electric Company.