

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

THE UNIVERSITY OF ILLINOIS FOUNDATION, )  
 )  
 ) Plaintiff and )  
 ) Counterclaim Defendant, )  
 )  
 ) - v - )  
 )  
 ) BLONDER-TONGUE LABORATORIES, INC., )  
 ) CIVIL ACTION )  
 ) Defendant and )  
 ) Counterclaimant, ) NO. 66 C 567 )  
 )  
 ) - v - )  
 )  
 ) JFD ELECTRONICS CORPORATION, )  
 )  
 ) Counterclaim Defendant. )

MOTION OF DEFENDANT FOR JUDGMENT  
AND ARGUMENT IN SUPPORT THEREOF

Now comes defendant by its attorneys and moves the Court for judgment dismissing the charge of infringement of Isbell 3,210,767, as barred by the final decision finding Isbell invalid, University of Illinois Foundation v. Winegard, 271 F.Supp. 412; affirmed 402 F.2d 125, certiorari denied 394 U.S. 917 (1969); motion for rehearing denied May 17, 1971.

ARGUMENT

Plaintiff in its Reply dated July 27, 1971, to defendant's Memorandum, waives the right to amend its pleadings

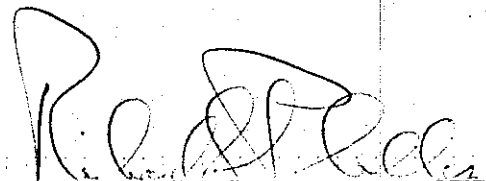
or to supplement the record with evidence which might show why an estoppel should not be imposed. The only evidence which has been offered by plaintiff is an affidavit of William A. Marshall reciting some of the chronology of the various actions involving the Isbell patent. This is all a matter of public record. The evidence does not establish that plaintiff was denied

" . . . a full and fair chance to litigate the validity of his patent . . . "  
78 L.Ed.2d 802

in the Winegard case.

In accordance with the opinion of the Supreme Court, judgment should be rendered for defendant dismissing the complaint.

July 29, 1971.



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