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2 ATTORNEYS AT LAW  
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4 LOS ANGELES, CALIFORNIA 90067  
5 553-5050

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RINES AND RINES  
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Attorneys for Defendant

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11	BLONDER-TONGUE ELECTRONICS,	)	
		)	
12	Plaintiff,	)	Civil Action No. 71-2459-HP
		)	
13	vs.	)	
		)	
14	HOWARD MERCER, Doing Business as	)	FIRST AMENDED ANSWER AND
15	MACOM INDUSTRIES,	)	COUNTERCLAIM TO THE FIRST
		)	AMENDED COMPLAINT
16	Defendant.	)	
		)	

17  
18 COMES NOW the defendant, HOWARD MERCER, doing business  
19 as MACOM INDUSTRIES, through its attorneys in answering the first  
20 amended Complaint on file herein, admits, denies, and alleges  
21 as follows:

22 1. Defendant admits the allegations of paragraph 1  
23 of the Complaint.

24 2. In answering paragraph 2, defendant admits that  
25 Defendant HOWARD MERCER is a resident of this district and is  
26 doing business as MACOM INDUSTRIES, at a regular and established  
27 place of business at 12530 Beatrice Street, Los Angeles, County  
28 of Los Angeles, in the State of California, which is in this  
29 district, but denies he has anywhere committed, is still  
30 committing and is threatening to continue to commit acts  
31 constituting infringement of any valid claim in Patent  
32 No. 3,083,349.

1           3. Defendant admits the allegations of paragraph 3  
2 of the Complaint.

3           4. In answering paragraph 4 of the Complaint, defendant  
4 admits that United States Patent No. 3,083,349 was issued  
5 March 26, 1963 to BLONDER-TONGUE ELECTRONICS of Newark,  
6 New Jersey, but denies generally and specifically all other  
7 allegations of paragraph 4.

8           5: In answering paragraph 5 of the Complaint,  
9 defendant denies that he has and still is infringing, anywhere,  
10 any valid claim in Letters Patent No. 3,083,349 by the manu-  
11 facturing, using and selling of transmission-line-clamp-and-  
12 connectors and the like, and denies generally and specifically  
13 all other allegations of paragraph 5.

14                           FIRST AMENDED COUNTERCLAIM

15           By way of Amended Counterclaim of defendant, HOWARD  
16 MERCER, doing business as MACOM INDUSTRIES, against the plaintiff,  
17 BLONDER-TONGUE ELECTRONICS, defendant alleges that:

18           1. HOWARD MERCER is an individual doing business as  
19 MACOM INDUSTRIES at a place of business at 12530 Beatrice Street,  
20 Los Angeles, California.

21           2. BLONDER-TONGUE ELECTRONICS is a corporation of the  
22 State of Delaware having a regular and established place of  
23 business at Oldbridge, New Jersey.

24           3. This action arises under the patent laws of the  
25 United States under Title 35 U.S.C. 271 et seq. and jurisdiction  
26 is founded under Title 28 U.S.C. 1338 and under the Declaratory  
27 Judgment Act, as amended, Title 28 U.S.C. 2201 and 2202.

28 Jurisdiction is based upon an actual justiciable controversy  
29 between plaintiff and defendant as to the validity of Letters  
30 Patent of the United States Number 3,083,349 and the allegation  
31 by plaintiff of infringement of defendant's manufacturing, using  
32 and selling of certain transmission-line-clamp-connectors and the  
33 like.

1           4. The plaintiff, BLONDER-TONGUE ELECTRONICS, on or  
2 about November 30, 1971, placed the defendant, HOWARD MERCER on  
3 notice of the alleged infringement of U. S. Patent No. 3,083,349,  
4 by serving the first amended complaint in this action upon the  
5 defendant.

6           5. Defendant alleges that the application for Letters  
7 Patent and/or Letters Patent of the United States No. 3,083,349  
8 did not disclose any invention in view of the knowledge and  
9 practice of the art at, and prior to, the date of filing of  
10 said application. The application for said Letters Patent  
11 contained, and said Letters Patent contains, only information  
12 which was obvious to one possessing the ordinary skill in the  
13 art to which said alleged invention pertains. Defendant  
14 alleges, on information and belief, that the material claimed  
15 in said Letters Patent was known to and in use by others in  
16 public use and/or on sale in the United States before the alleged  
17 invention or discovery by said patentee and for more than one  
18 year prior to the patentee's application for Letters Patent.  
19 Defendant is not at present fully advised of the details of said  
20 public use and/or sale of the alleged invention but begs leave of  
21 the Court to amend this Complaint when such information is obtained.

22           6. Defendant avers that said Patent No. 3,083,349 is  
23 invalid and void because Isaac S. Blonder was not the original  
24 and first inventor or discoverer of the alleged invention described  
25 and claimed therein, or any material or substantial parts thereof,  
26 and that the alleged invention was shown and described in printed  
27 publications and patented in the United States and countries  
28 foreign to the United States before the alleged invention by the  
29 patentee, and for more than one year prior to the filing of the  
30 application for patent on which said patent issued; to wit, those  
31 listed below and others to be added hereto by leave of the Court  
32 after being ascertained by defendant.

1 PATENTS

2	<u>PATENT NO.</u>	<u>FILING DATE</u>	<u>ISSUE DATE</u>
3	2,745,065	3-15-55	5-8-56
4	2,540,383	5-27-49	2-6-51

5 PUBLICATIONS

6	<u>PUBLICATION</u>	<u>DATE</u>	<u>PAGE</u>	<u>EXHIBIT</u>
7	PF Reporter	February 1956	41	1
8	PF Reporter	January 1958	59	2
9	PF Reporter	April 1960	73	3

10 Copies of the relevant pages of the above three (3)  
11 publications are attached hereto as Exhibits 1, 2 and 3,  
12 respectively.

13 7. United States Letters Patent No. 3,083,349 is  
14 invalid and void because the alleged invention or discovery  
15 described and claimed therein does not amount to invention  
16 within the meaning of the Patent Laws of the United States.

17 8. United States Letters Patent No. 3,083,349 is  
18 invalid and void because it claims a mere aggregation of a  
19 number of old elements or parts which, in the aggregation,  
20 perform or produce no new and different function or operation  
21 than that theretofore performed or produced by said old elements  
22 or parts.

23 9. No product made, used or sold by HOWARD MERCER  
24 embodies the subject matter of, nor does any such product  
25 infringe, any legal or valid claim of said United States Letters  
26 Patent No. 3,083,349.

27 WHEREFORE, defendant prays that the Court decree:

28 (a) That United States Patent No. 3,083,349 is  
29 invalid and void and of no effect in law;

30 (b) That United States Patent No. 3,083,349 is not  
31 infringed by defendant and that the defendant is entitled to  
32 continue to manufacture, sell and market its transmission-line-  
33 clamp, as well as any other transmission-line-clamp-and-connector

1 as shown, described and claimed in said Letters Patent No.  
2 3,083,349 without threats, intimidation, or other interference of  
3 any kind or character by or from the plaintiff;

4 (c) That a preliminary injunction be issued, followed  
5 by a permanent injunction against the plaintiff enjoining them  
6 from in any manner threatening or intimidating defendant,  
7 defendant's customers, or others, whether by patent notices,  
8 threats, or otherwise charging infringement of said Letters  
9 Patent No. 3,083,349;

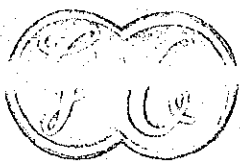
10 (d) That by way of further relief the Court grant  
11 preliminary and final injunctions enjoining and restraining  
12 plaintiff, its officers, agents, employees, associates and  
13 confederates from further asserting, contending, claiming  
14 or alleging that said Patent No. 3,083,349 has hitherto been or  
15 is now being infringed by defendant; and

16 (e) That defendant have judgment for its costs in its  
17 suit, attorney fees and for such other and further relief as may  
18 seem proper.

19 SPENSLEY, HORN, JUBAS & LUBITZ

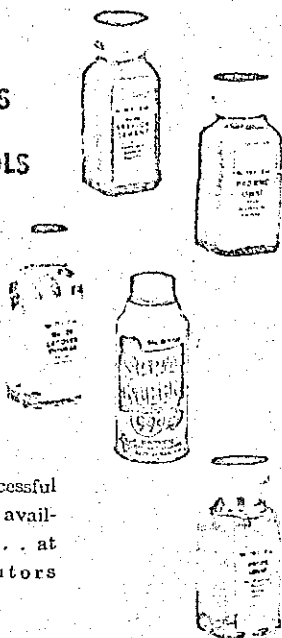
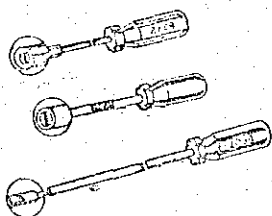
20  
21 By: 

22 Roger W. Blakely, Jr.  
23 Attorneys for Defendant  
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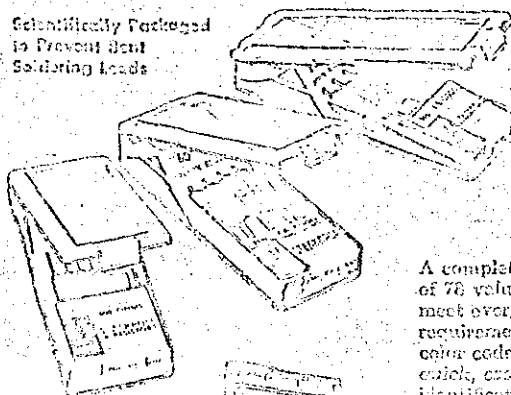
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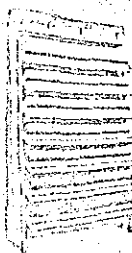
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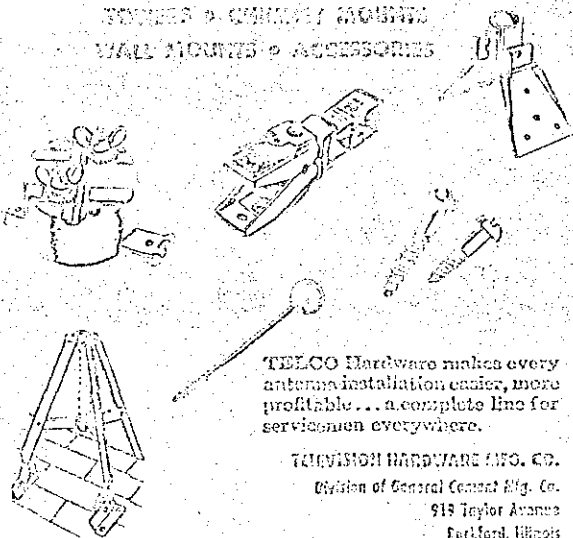
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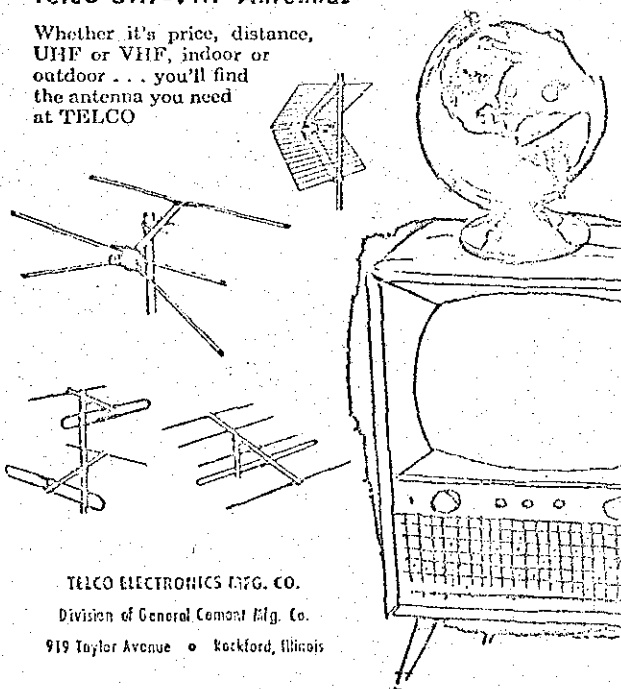
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## Suffering from Bends

(Continued from page 17)

mentioned before, insufficient sync pulse amplitude may be due to poor low-frequency response or sync clipping in the video circuit. Any condition ahead of the video amplifier that causes signal overload or any component that affects video amplifier bias can cause sync pulse clipping or distortion. However, picture pulling in such cases will usually be accompanied by unstable vertical synchronization.

The waveform of Fig. 5A represents a typical video signal containing a permissible amount of hum. This slight amount of signal distortion will not normally produce annoying symptoms, but should it reach the extent shown in Fig. 5B, picture pulling and

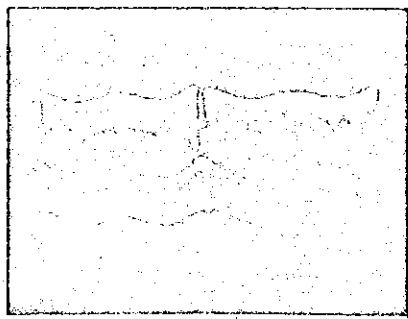


Fig. 6. Composite video signal with 120-cycle modulation—check B+ filtering.

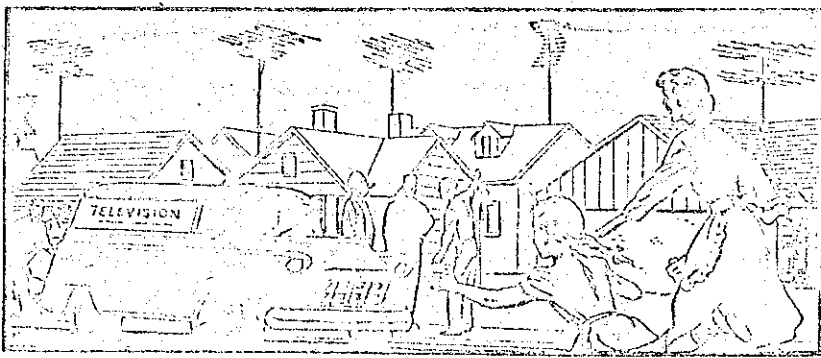
even brightness modulation can result.

In Fig. 5, the frequency of the modulation voltage is 60-cycles. Should the modulation voltage be 120-cycles, the distortion would appear as shown in Fig. 6. The only feasible source of 120-cycle modulation is a full-wave low-voltage power supply. In receivers employing this type of supply, one should check the filtering system as well as B+ decoupling to the RF, IF, and video circuits.

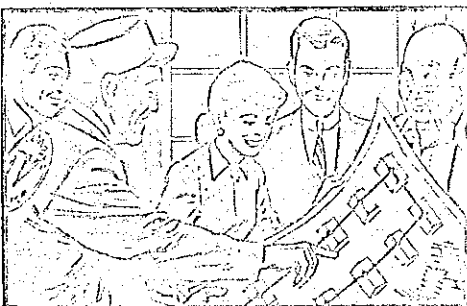
If 60-cycle distortion is found in the video signal, it might pay to check the AGC line, since an open AGC filter capacitor can cause the AGC voltage to vary at the vertical sync pulse rate and thus produce picture pulling. Other sources of 60-cycle voltage are the vertical sweep signal (lack of decoupling which permits the vertical sweep signal to modulate the B+ voltage), the filament supply (heater to cathode leakage), and the ripple or hum present on

PF REPORTER • January, 1958

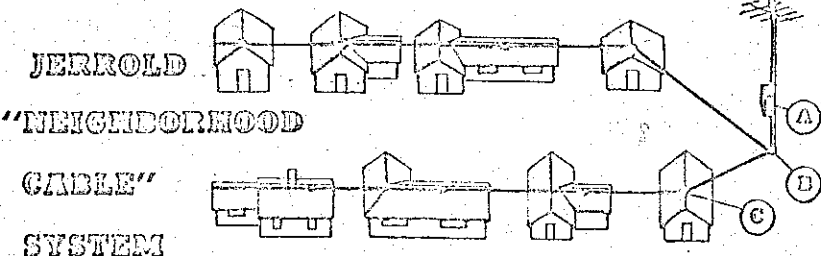
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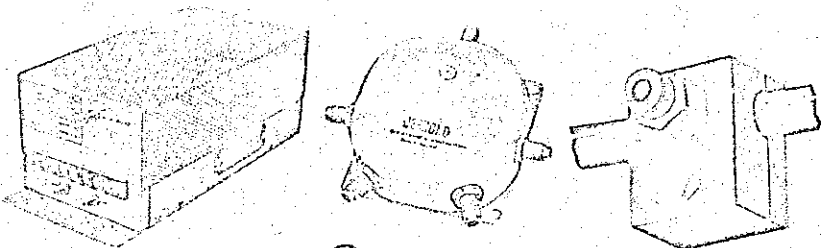
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followed by adjustment of any noise-inverter or similar controls.

The major consideration in adjusting any sync control, regardless of its name, is to set the operating point of some stage for maximum sync stability on all received channels. Noise-inverting features come into play only when the noise level approaches the level of the sync signal. For this reason, a noise-inverter control should always be adjusted on the weakest or most noise-influenced station received in your area. The general practice is to preset the control to its farthest counterclockwise position, and then to turn it clockwise until the picture just begins to be unstable. The control is then backed off until a steady picture is restored. Following this, the picture from the strongest station should be checked for stability, and the sync control turned farther counterclockwise if necessary to insure good lock-in on all received channels.

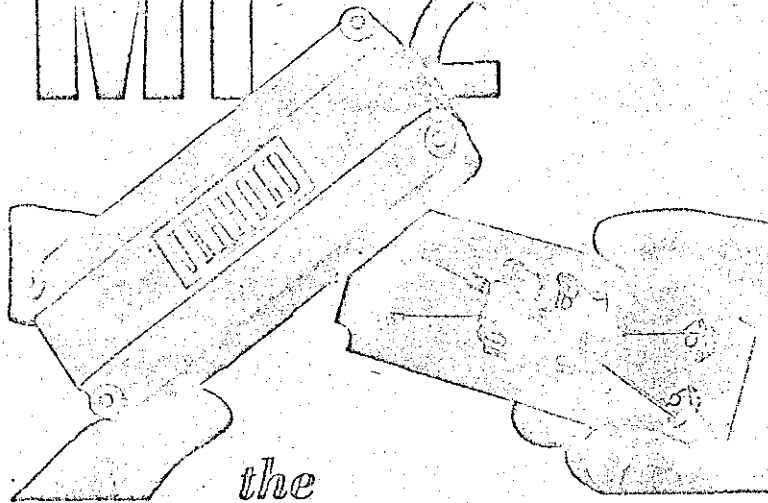
New sync tubes often mean a boost in sync amplitude. This could cause the horizontal oscillator to shift frequency enough to affect the range of the horizontal hold control; therefore, be sure to check this control's action, and readjust the horizontal-frequency slug if required. A check of vertical-hold range is also a good preventive measure. Perhaps the vertical oscillator is on the verge of drifting off frequency, and the customer won't be able to distinguish this trouble from the sync trouble you just finished repairing. Whenever a vertical oscillator circuit seems overly critical to adjust, replacing the oscillator tube could save you from making a free callback.

#### Sound IF and Detector

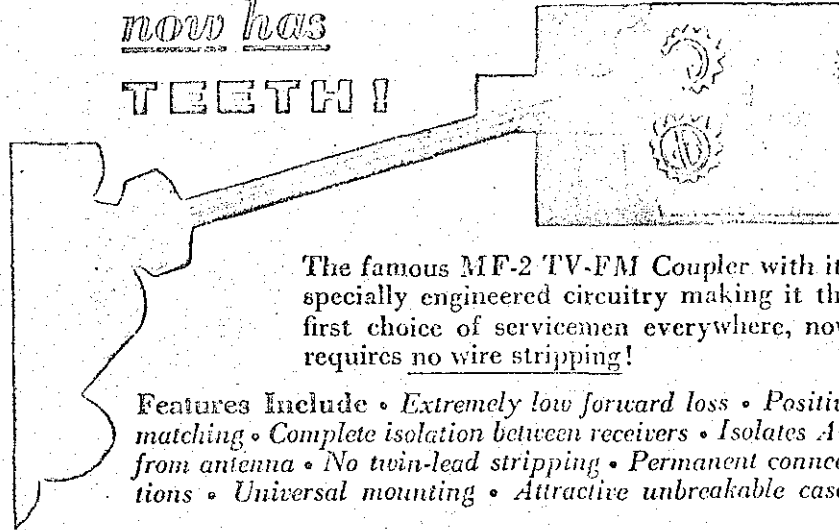
Tubes used in these stages may vary enough in internal capacitance to cause mild detuning. A slight touch-up of alignment may be the difference between clean sound and an irritating trace of buzz. Gated-beats (6BN6) and locked-oscillator (6DT6) detectors, along with their associated sound IF's, can often be repeaked in the home by using regular station signals as an indicator. For accurate results, the signal strength must be held down to an extremely low level (except in the

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MF-2



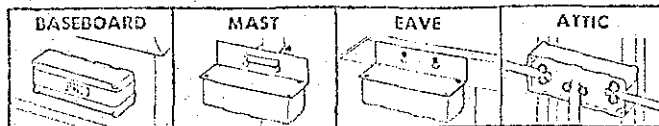
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