

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

THE FINNEY COMPANY, a partnership)
)
) Plaintiff,)
)
) v.) CIVIL ACTION
) NO. 65 C 220
) NO. 65 C 671
) (Consolidated)
JFD ELECTRONICS CORPORATION,)
 a corporation, and)
)
THE UNIVERSITY OF ILLINOIS FOUNDATION,)
 a non-profit corporation,)
)
) Defendants.)

STATEMENT ON BEHALF OF JFD
ELECTRONICS CORPORATION

State of New York)
)
County of *KINGS*) SS:

Being duly sworn, Edward Finkel deposes and says:

That he is the executive vice-president of JFD Electronics Corporation (hereinafter referred to as "JFD"), one of the defendants in the above captioned action.

Among other products made and sold by JFD are certain lines of so-called log periodic antennas used for the reception of television and FM signals.

JFD has entered into agreement with the University of Illinois Foundation (hereinafter referred to as "UIF"), the other defendant herein, granting to JFD a license under certain issued, and to be issued, UIF patents (hereinafter referred to as "licensed patents") relating to log periodic antennas.

Your deponent makes this affidavit in compliance with an agreement made between counsel for JFD and counsel for plaintiff herein requiring JFD to furnish a verified statement setting forth the forms of patent notices used by JFD on cartons for JFD log periodic antennas and forms of patent notices used in promotional material for JFD log

periodic antennas.

In compliance with my directions examinations have been made of certain JFD business records and inquiries have been made of those JFD employees who would be most likely to have knowledge relating to the subject matter of the instant verified statement. Among those JFD employees who furnished your deponent with information used for preparation of the instant affidavit were James C. Sarayiotos, Harvey Finkel and Gene Krohn, the first being advertising manager of JFD and the latter two having supervisory positions at the facility in Oxford, North Carolina where JFD log periodic antennas are manufactured.

The results of said examinations and said inquiries failed to uncover any documents showing precisely when patent notices on cartons for JFD log periodic antennas were changed either as to form or by the mere addition of a patent number.

Patent notices substantially as in Forms A through E below have been used on the cartons for JFD log periodic antennas and/or promotional material distributed in connection with such antennas.

Form A

U.S. Patent Nos. 2,958,081 -- 2,958,879 --
3,011,168. Additional patents pending.
Produced exclusively by JFD Electronics under
license to University of Illinois Foundation.

Form B

LICENSED UNDER ONE OR MORE OF U.S. PATENTS
2,958,081; 2,958,879; 3,011,168; 3,108,280 and
ADDITIONAL PATENTS PENDING IN U.S.A. AND CANADA.
PRODUCED BY JFD ELECTRONICS CORPORATION UNDER EX-
CLUSIVE LICENSE FROM THE UNIVERSITY OF ILLINOIS
FOUNDATION.

Form C

Licensed under one or more of U.S. Patents
2,958,081; 2,958,879; 3,011,168; 3,108,280;
3,150,376 and additional patents pending in
U.S.A. and Canada. Produced by JFD Electronics
Corporation under exclusive license from the
University of Illinois Foundation.

Form D

LICENSED UNDER ONE OR MORE OF U.S. PATENTS
2,958,081; 2,958,879; 3,011,168; 3,108,280;
3,150,376; RE 25,740 AND ADDITIONAL PATENTS
PENDING IN U.S.A. AND CANADA. PRODUCED BY
JFD ELECTRONICS CORPORATION UNDER EXCLUSIVE
LICENSE FROM THE UNIVERSITY OF ILLINOIS
FOUNDATION.

Form E

LICENSED UNDER ONE OR MORE OF U.S. PATENTS
2,958,081; 2,958,879; 3,011,168; 3,108,280;
3,150,376; 3,210,767; RE 25,740 AND ADDITIONAL
PATENTS PENDING IN U.S.A. AND CANADA. PRODUCED
BY JFD ELECTRONICS CORPORATION UNDER EXCLUSIVE
LICENSE FROM THE UNIVERSITY OF ILLINOIS
FOUNDATION.

At those times when JFD was notified that a licensed patent was to issue and was notified of the particular patent number, notification was given to the JFD advertising department and to the JFD facility manufacturing log periodic antennas that patent notices on future production of cartons and promotional material for such antennas were to be changed to include the number of the new patent.

The patent notice of "Form A" appears to have been used initially in the advertisement appearing on page 3 of the publication Modern Electronic Service Dealer for January, 1963 (Vol.2, No.9).

The initial use of the "Form B" patent notice appears to have been in connection with certain copies of a flyer (Form No.622LP) dated 9/63. The earliest document located which indicates work in connection with the production of flyer 622LP is invoice No.1862 dated October 24, 1963, from the Garfield Press Inc., 200 Hudson Street, New York, New York.

The initial use of patent notice "Form C" appears to be evidenced by mat No.341 prepared by Grammerly Lane Photoengraving Corp., 131 East 23rd Street, New York 10, New York. It is believed that initial charges for preparation of mat No.341 appear on invoice No.5650 dated 11/19/64 from the Grammerly Lane Photoengraving Corp. The earliest

invoice uncovered in connection with setting of type for patent notice "Form C" is invoice No.10183 dated 12/28/64 from the City Typographic Service, Inc., 305 East 45th Street, New York, New York. It is noted that the actual patent notice on mat No.341 is not identical line for line with the patent notice on the proofsheets attached to invoice No.10183.

The initial use of the patent notice "Form D" appears to have been in connection with mat No.360, with initial preparation of the latter apparently evidenced by charges appearing on invoice No.7912 dated 3/23/65 from the Grammer Lane Photoengraving Corp. Invoice No.12443 of the City Typographic Service, Inc. dated 3/4/65, has annexed thereto a proofsheets showing the patent notice of "Form D" and is the earliest invoice uncovered in connection with typesetting for "Form D". It is noted that the patent notices, "Form D", of the invoice No.12443 proofsheets and mat No.360 are not identical line for line.

The setting of type for patent notice "Form E" appears to have been done initially by City Typographic Service, Inc. as evidenced by a proofsheets annexed to invoice No.719 dated 11/11/65.

Upon information and belief, all suppliers of cartons for JFD log periodic antennas were given directions to change patent notices on the cartons in question at approximately the same time, and identical patent notices should have appeared on all log periodic antenna cartons produced during a given period regardless of antenna model designations. It appears that initial orders for the original cartons made specifically for a particular JFD log periodic antenna model and bearing a patent notice, were received on the respective dates from the respective suppliers listed below.

<u>JFD Antenna Model</u>	<u>Invoice No.</u>	<u>Invoice Date</u>
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All original cartons for LPV series purchased from:
Park Container Corp. at 85 5th Ave., Paterson, N.J.

LPV-4	PB-2289	Nov. 9, 1962
LPV-6	PB-2289	Nov. 9, 1962
LPV-8	PB-2289	Nov. 9, 1962
LPV-11	PB-2714	Dec.11, 1962
LPV-14	PB-3190	Jan.31, 1963
LPV-17	(same as carton size for LPV-14)	

All original cartons for LPV-U series purchased from:
Carolina Container Corp., High Point, N.Carolina-27261

LPV-U5	00893	Dec.18, 1963
LPV-U9	00893	Dec.18, 1963
LPV-U15	00892	Dec.18, 1963
LPV-U21	00894	Dec.18, 1963

All original cartons for LPV-VU series purchased from:
Carolina Container Corp., High Point, N.Carolina-27261

LPV-VU6	05581	Jan.26, 1965
LPV-VU9	14202	Sept.23,1964
LPV-VU12	14202	Sept.23,1964
LPV-VU15	14492	Sept.28,1964
LPV-VU18	14297	Sept.24,1964

All original cartons for LPV-ZU series purchased from:
Carolina Container Corp., High Point, N:Carolina-27261

LPV-ZU10	04584	March 4, 1964
LPV-ZU20	04748	March 6, 1964

All original cartons for LPL-FM series purchased from:
Owens Illinois Glass Co.,P.O. Box 1469,Salisbury,N.C.

LPL-FM4	440-7197	August 12, 1964
LPL-FM6	440-6421	July 20, 1964
LPL-FM8	440-6421	July 20, 1964
LPL-FM10	(same as carton size for LPL-FM8)	

Upon information and belief, all carton suppliers were directed to change the patent notices on the cartons in question at the same times that the JFD advertising department was advised to make changes in the patent notices under consideration.

Mead Container Corporation in Durham, North Carolina has supplied additional cartons for the LPV, LPV-U, LPV-VU and LPV-ZU series; Carolina Container Corporation has supplied additional cartons for the LPV series; and International Paper Co. in Statesville, North Carolina has supplied additional cartons for the LPV-VU series.

Park Container Corp. invoices PB1898 dated October 16, 1962, PB2845 dated December 26, 1962 and PB3106 dated January 29, 1963 show charges for dies used for printing on LPV cartons while invoices 00767 and 00768 of the Carolina Container Corp., both dated October 22, 1964, show charges for dies used for printing on LPV-U cartons. Since no additional invoices relating to dies for printing on cartons for log periodic antennas have been uncovered, it is believed that the costs for additional dies were absorbed by the respective carton suppliers.

It is noted that for the initial production run of at least one antenna model, such model was shipped in available cartons manufactured for use with other models. More particularly, it appears that the initial production of units LPL-FM6 were packaged in cartons made expressly for packaging of LPV units.

Copies of all invoices, proofsheets, mats and flyers referred to herein are annexed hereto.



Edward Finkel

Sworn to before me in this

^{4th} day of May, 1966

MARVIN WESTIN
Notary Public, State of New York
30-4231700
Qualified in Nassau County
Certified in Kings County
Commission Expires March 30, 1967

Marvin Westin

Notary Public