

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

THE UNIVERSITY OF ILLINOIS FOUNDATION,

Plaintiff,

v

BLONDER-TONGUE LABORATORIES, INC.

&

ALLIED RADIO CORPORATION,

Defendants.)

Civil Action No. 66C 567

MOTION TO DISMISS UNDER THE
PROVISIONS OF RULE 12(b)

and/or

MOTION FOR SUMMARY JUDGMENT
UNDER THE PROVISIONS OF RULE 56

Now come the defendants in the above-entitled cause and, by their attorneys, move to dismiss the complaint under the provisions of Rules 12(b) (and/or Rule 56) of the Federal Rules of Civil Procedure upon the ground that the plaintiff has failed to join an indispensable party as a plaintiff in this action; namely, as appears from the accompanying affidavit, the exclusive licensee of the patent in suit.

It is submitted, therefore, that this action should be dismissed forthwith.

HOPGREN, WEGNER, ALLEN, STELIMAN & McCORD

Of counsel:

RINES AND RINES

DAVID RINES

ROBERT H. RINES

Robert H. Rines

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Defendants.

Civil Action
No. 66C 587

AFFIDAVIT OF ROBERT H. RINES

Commonwealth of Massachusetts:

: ss.

County of Suffolk :

Being first duly sworn, Robert H. Rines deposes
and says as follows:

1. That his name is Robert H. Rines and that he is one of the counsel for the defendant, Blonder-Tongue Laboratories, Inc., named in the above-entitled civil action;
2. That, on information and belief, the annexed Exhibit I is a true copy of a news release issued by the plaintiff, the University of Illinois Foundation, within a few days of the filing of the above action, attesting to the fact that JVD Electronics Corporation of Brooklyn, New York, referred to in the said news release, is the exclusive licensee of plaintiff under the patent in suit in the field of receiving antennas for television and FM broadcasting, the same subject matter complained of in paragraph 6 of the Complaint.

ORIGINAL SIGNED
BY ROBERT H. RINES

Robert H. Rines

Sworn to and subscribed before me this 24th day of
May, 1966.

Notary Public

My Commission expires ROBERT NEEDLEMAN

(SEAL)

MY COMMISSION EXPIRES

DEC. 17, 1966