

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

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THE UNIVERSITY OF ILLINOIS FOUNDATION, :
Plaintiff and :
Counterclaim Defendant, :

-against-

BLONDER-TONGUE LABORATORIES, INC., :
Defendant and :
Counterclaimant, :

Civil Action
No. 66 C 567

-against-

JFD ELECTRONICS CORPORATION, :
Counterclaim Defendant, :

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CONTINUATION of EXAMINATION BEFORE TRIAL of
the Defendant and Counterclaimant, BLONDER-TONGUE
LABORATORIES, INC., by RICHARD B. HELHOSKI, held
at the offices of Messrs. Ostrolenk, Faber, Gerb
& Soffen, 10 East 40th Street, New York, N.Y., on
February 17, 1967, at 9:30 A.M., pursuant to
adjournment, before Isaac H. Shapiro, a Notary
Public of the State of New York.

STONE REPORTING, INC.
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SHORTHAND REPORTERS - NOTARIES
150 NASSAU STREET
NEW YORK, N. Y. 10038
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12 JEROME M. BERLINER, ESQ., of Counsel

13

14

15 IT IS STIPULATED AND AGREED by and between
16 counsel for the respective parties that the tran-
17 script of the record of the within examination
18 before trial may be subscribed and sworn to by
19 the witness before any officer legally authorized
20 to administer an oath with the same force and
21 effect as if subscribed and sworn to before a
22 Clerk or Justice of this court.

23

24

25

2 R I C H A R D B. H E L H O S K I, called as a
3 witness, being first duly sworn by the Notary Public,
4 testified as follows:

5 EXAMINATION BY

6 MR. BERLINER:

7 Q Please state your name and address for the
8 record, please.

9 A Richard B. Helhoski, 8 Arborway, Morristown,
10 New Jersey.

11 Q Who is your employer and in what capacity are
12 you employed?

13 A Blonder-Tongue Laboratories, Inc. I have just
14 received a change from the capacity of Director of Mar-
15 keting to General Manager, Special Accounts.

16 Q During what period of time were you Director of
17 Marketing?

18 A I have been with the company five years, so it
19 was 1962.

20 Q As Marketing Director, were you in charge of
21 sales?

22 A Yes, sir.

23 Q Were you in charge of sales for UHF converters
24 and signal amplifiers?

25 A Yes.

1
2 Q Were you also in charge of TV and FM antennas?

3 A Yes.

4 Q Did Jerry Balash report to you?

5 A Yes, he did.

6 Q In what capacity was he employed?

7 A As Product Manager of UHF converters, distribu-
8 tor products which you classify as signal amplifiers and
9 TV and FM antennas.

10 Q When did Blonder-Tongue go into the antenna
11 business?

12 A When they introduced what we know as the Dart
13 and Arrow antenna. The exact date I don't know. I would
14 have to guess. In 1963 or 1964. I am not sure of the
15 date, but it was the date we introduced the Dart and
16 Arrow antennas.

17 Q In connection with Blonder-Tongue sales of
18 antennas, have you received any reports that JFD would
19 refuse to sell Blonder-Tongue customers antennas if they
20 continued to buy Blonder-Tongue antennas?

21 A Implied, yes.

22 Q Who gave you these reports?

23 A Jerry Balash.

24 Q Were these reports written or oral?

25 A Some were oral, some were written. I might say

2 they naturally started out oral and then finally with the
3 instruction of "Put it in writing," came to being.

4 Q Specifically which customers were involved in
5 the reports or are referred to in the reports?

6 A One on the west coast. I can't recall his name.

7 Q Is that Sacramento Electronics?

8 A I believe it is.

9 Q Any others that are involved?

10 A I can't recall now.

11 Q Do you know how many written reports were made
12 and delivered to you?

13 A Specifically or exactly, no, but I can say that
14 it is in the neighborhood of three. I will guess it was
15 three.

16 Q Have you discussed JFD's activities in connec-
17 tion with the antenna sales with anyone outside of
18 Blonder-Tongue?

19 A Only the customers. In other words, I will be
20 discussing with the distributor the purchase of the
21 Blonder-Tongue line. He may already be a JFD account, so,
22 from the standpoint of what he likes about their product
23 line, why he utilizes what he carries of the line.

24 Q And I take it you have direct contacts with some
25 distributors?

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2 A I have had and do have contact with some distrib-
3 utors. /

4 Q Do you have any contact with any retail outfit?

5 A Unless you classify Sears Roebuck as a retail
6 account, no.

7 Q Do you have contact with Sears Roebuck?

8 A Yes, I do.

9 Q Do any of these contacts with customers or
10 potential customers --

11 A Are you talking about retail?

12 Q Either retail or distributors.

13 A You make the distinction, have I ever discussed
14 JFD with our customers. Our customers are distributors.
15 We, however, have an unusual situation in that we sell
16 Sears which is considered a retail organization rather
17 than a distributor.

18 If you classify Sears as a retailer, I do talk
19 to Sears. Otherwise I don't recall discussing JFD with
20 Sears.

21 I have not discussed JFD with Sears other than
22 to ask Sears' Mr. Frank Underwood if he would be inter-
23 ested in carrying our television line at which point he
24 said no, he is very happy with his present line and the
25 subject was dropped forever thereafter.

2 Q Is Leder Electronics classified as a distributor?

3 A Yes, they are.

4 Q Well, in your discussions with distributors, has
5 JFD come up?

6 A Yes. For example, Allied Radio is a very large
7 distributor. They asked me for a letter of indemnity be-
8 cause of pending lawsuits and litigation. So, obviously,
9 we had some discussion.

10 Q Did any of these distributors say that JFD had
11 threatened not to supply further antennas if these dis-
12 tributors took on the Blender-Tongue line?

13 A No direct statement; however, implied.

14 Q Which one of these distributors implied that JFD
15 would not sell to them unless they dropped the Blender-
16 Tongue line or did not carry the Blender-Tongue line?

17 A I have to say, because it is implied, the impli-
18 cations that were passed by at least one account, what was
19 stated was that we should straighten out our problems with
20 log periodic antenna and the threats that were impending
21 because the distributors themselves -- and this is where
22 the implication comes -- "We don't want to be involved in
23 this type of situation" -- meaning there are other manu-
24 facturers to buy from.

25 This, of course, was stated by Allied Radio as

2 one of the major concerns.

3 Q And from that you drew the implication that JFD
4 would not sell to these distributors if they continued to
5 handle these Blonder-Tongue lines?

6 A I drew no conclusion because I don't care what
7 JFD does.

8 I am interested only what customers were inter-
9 ested in buying of our products and therefore have to give
10 them whatever is needed to satisfy them to keep buying
11 within our judgment and means, of course.

12 Q Did you receive any reports from Mr. Balash with
13 the direct statement that a distributor had been told by
14 JFD that JFD would not sell TV antennas to this distribu-
15 tor if the distributor sold Blonder-Tongue's lines?

16 A I can only say it is a long time since the
17 reports that were addressed to me and Mr. Gilbert were
18 written by Mr. Balash. However, I assume these are of
19 record and I can't make an answer.

20 The reports are written.

21 Q Other than Mr. Balash's were there any other
22 written reports given to you by any other employees of
23 Blonder-Tongue or anyone else?

24 A If my memory serves me, I don't know of any,
25 which does not mean there weren't any. I just don't recall.

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2 Q Have you received any reports to the effect that
3 JFD would not sell TV antennas to any customers who did
4 not also purchase JFD's line of UHF converters and signal
5 amplifiers?

6 A Only by implication. No customer made any
7 direct statement, as I answered before.

8 Q From what statement do you draw the implication?

9 A My earlier statement relative to Allied Radio.

10 Q Have you received reports or conferred with Mort
11 Leslie concerning JFD's tactics in selling TV antennas?

12 A I, of course, have had discussions with Mort
13 Leslie.

14 However, to my recollection, no discussions
15 relative to their tactics and of course I find that hard
16 to answer. I don't know what it implied.

17 Q Did Mr. Leslie ever tell you that JFD had a
18 policy that it would not sell to distributors who carried
19 Blender-Tongue products?

20 A No, he did not.

21 Q Did he ever say that JFD would not sell TV
22 antennas to a customer unless that customer also carried
23 UHF converters and signal amplifiers sold by JFD?

24 A We are back to implications again. Such state-
25 ments were not made direct. However, this is known in

2 their statement or in the world of selling, the pressure
3 of selling, pressing the customer to buy the entire line.

4 Q Are they Blender-Tongue's sales tactics?

5 A Unfortunately I should say no. One of the
6 inherent characteristics of this company is extremely low
7 pressure selling. It has been as long as I have been
8 with them and prior to that, to my knowledge.

9 In other words, customers of Blender-Tongue are
10 not only not forced to carry the entire line; he is asked
11 to buy only that which he needs and is told that he can
12 return stuff he buys and doesn't like, and it is as low
13 pressure of selling as I have ever seen in this industry.

14 Q Do you mean to imply that Blender-Tongue does
15 not seek to sell its entire line to the customer who asks
16 for TV antennas?

17 A It is one thing to seek and another to do.

18 Yes, I am sure the owners of this company would
19 like to sell their entire line to all big accounts; and
20 the other thing is the method by which they do business
21 and the policy in the company standing today, and has been
22 as long as I have been with it, is that if a customer buys
23 any Blender-Tongue product for the first time, meaning he
24 has never bought any before, and he doesn't like it, and
25 nobody says, "Does it perform?" He doesn't like it and he

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2 He returns it for full credit. That is not a high pressure
3 sale, obviously.

4 Q If you found out that one of your salesmen went
5 to a potential customer and said, "Blonder-Tongue is now
6 selling a UHF converter. This is our price schedule for
7 UHF converters," and you found out that the salesman made
8 no attempt to sell antennas or other Blonder-Tongue
9 products, would you keep that salesman on or would you
10 ask for an explanation?

11 A Embarrassing as it may seem, we have lots of
12 such salesmen. It is characteristic of our reps.

13 I can show you reps who sell one product out of
14 the line, let me say in large quantities, and not the
15 rest of the line, and I can show you other salesmen who
16 sell the hell out of the other products.

17 Q This is a matter of each of the rep organiza-
18 tions. It is not a matter of Blonder-Tongue.

19 A The rep works for Blonder-Tongue. A rep organ-
20 ization shares their sales talent with several manufac-
21 turers. Therefore they are, in effect, a part-time
22 commission salesman so they are directed by the company.
23 They sell what we want them to sell. They sell by the
24 methods which we direct them to sell and they are
25 respondent to our pressures, the only difference being we

1
2 share them with other manufacturers. If your pressures
3 are greater than the other guy's, you get more of his time
4 or the inverse is true.

5 Q Is the salesman of a rep on the payroll of
6 Blender-Tongue?

7 A No, he is not. He is paid a commission based
8 upon the sale of the Blender-Tongue products.

9 Q You expect a salesman to try to sell any
10 products in his line?

11 A Are you saying Blender-Tongue?

12 Q Blender-Tongue or any other product he may have
13 in the line.

14 A I put it to you this way:

15 If I hired a rep organization and he didn't
16 sell my product line, what would I want him for?

17 Q Then is it fair to say that you want the rep
18 organization to sell your entire line of products?

19 A Yes, I do want them to sell my entire product
20 line.

21 Q And you expect him to offer the entire product
22 line to customers?

23 A Yes, I expect him to show the entire line very
24 often to customers.

25 Q Were you ever dissatisfied with the way

1
2 Jerry Balash was handling the antenna line?

3 A In the over-all, no. I have a great respect for
4 Jerry's ability. I still do.

5 If you are talking about the day-to-day problems--
6 if you are late this morning, I am unhappy -- yes, there
7 would be these things occurring.

8 I am sure that Jerry and I have had our differ-
9 ences where I had one opinion and he didn't agree, and if
10 these things are classified as unhappy, yes, there were
11 moments.

12 Q Were there any instances more serious than
13 occasional tardiness?

14 A I didn't mean to take occasional tardiness as
15 criteria.

16 Q Something more serious than that?

17 A To my knowledge, no, other than the frustration
18 of getting an agreement to get a product line moving,
19 getting a report out on time which was late; beyond that,
20 no.

21 Q When John Linneman was hired by Blonder-Tongue,
22 did he assume any of Mr. Balash's duties?

23 A When John Linneman was hired by Blonder-Tongue
24 we had reached a conclusion that we needed something
25 within the company in the way of sales ability and technique

1
2 that apparently did not exist, although we were not sure.

3 Mr. Linneman walked in purely on his own. We
4 did not solicit him nor did we run any ads looking for a
5 man. It was one of these things where one bright sun-
6 shiny day in walks a man called John Linneman who, by his
7 application, turns out to have spent almost his entire
8 life selling antenna. He had been with GC. I can't
9 remember the rest of the companies, but a hell of a lot
10 of them. We saw an opportunity of putting a man on the
11 payroll who had sold antennas for a long time.

12 I sensed that at this point Mr. Balash would
13 feel resentment; that what we were doing was really
14 bringing in a guy to show him his job. I therefore
15 said to give Jerry a fair shake, as well as to truly find
16 out whether this guy Linneman knew what he was doing and
17 maybe we could learn something, that Linneman would
18 report to me rather than to Jerry Balash on the premise
19 that if Linneman failed, it would not be inferred that
20 Jerry Balash wouldn't remain to do the job. It was to
21 keep Jerry's slate clean. However, if Linneman succeeded,
22 everyone would enjoy success and who cares.

23 This is the best answer I can give you on that.
24 Have I answered your question?

25 Q How long after the initial contact between

2 Linneman and Blonder-Tongue was Linneman hired?

3 A I can't be specific, but I can say to you it
4 seems to me as if it were a couple of weeks, at the out-
5 side. Maybe even sooner. It sure wasn't a long time.

6 Q Well, during this two-week period, was Mr.
7 Balash aware that Blonder-Tongue was considering hiring
8 someone to assume some of Mr. Balash's duties?

9 A I don't know. I think so but I don't know.
10 You are going back in my memory.

11 Q Is it correct to say that you don't remember
12 any discussion concerning this with Mr. Balash?

13 A I would say it is correct. I don't recall.
14 It happened so quickly I can't say did he find out before
15 or after, if that is your question.

16 Q Was there an immediate reaction on Balash's
17 part when he learned that Linneman was hired?

18 A Not to me.

19 Q Did reports come back to you that there was
20 any particular reaction by Mr. Balash with respect to
21 the hiring of Mr. Linneman?

22 A Every company has a grapevine and if you listen
23 to the grapevine, I think you find every employee is
24 leaving the company at one time or another. If you
25 reacted accordingly, you would have no employees.

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2 I think the reason for that is the state of
3 shock that exists when an employee is first informed of
4 this change. People resist change and their first
5 reaction is, "I think I will just quit," and then the
6 rumor is started through the company and it is fed back.
7 Many times it dies.

8 Q But occasionally an employee does leave?

9 A Yes. I have left companies. I left RCA be-
10 cause I didn't get over the change.

11 Q Do you know if Mr. Balash, upon leaving Blonder-
12 Tongue, took any Blonder-Tongue records with him?

13 A I do not know.

14 Q Do you have reason to believe that he did?

15 A Let me go back. There is an apparent record
16 missing.

17 Q What record is that?

18 A The sales report figures and list of our
19 accounts which is an IBM run-off of what they purchased.
20 This report is missing.

21 I am not going to accuse Jerry Balash. I
22 don't mean to infer that. It is missing. That is a
23 fact coincident with Jerry's leaving.

24 Q Were many copies of this report prepared?

25 A This report was prepared in three copies; one

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2 for the Marketing, which is our office. The other copies
3 are broken into groups or sections so that each rep gets
4 his own territorial report and each regional manager, and
5 there are no others.

6 This is a highly confidential report. So, if
7 every rep or regional manager still has his copy, we
8 could consider pulling these together and reconstructing
9 the report.

10 It wouldn't be worth the effort because by
11 this time it would be destroyed or copied.

12 Q Then, is it correct to say that only one copy
13 of a report of this type is kept at Blonder-Tongue?

14 A It is correct to say that only one copy of
15 that report is kept at Blonder-Tongue.

16 Q Where is that type of report kept at Blonder-
17 Tongue?

18 A In the Marketing Department because it is an
19 active report that is utilized every day by a lot of
20 people.

21 For example, I have to say to you, suppose you
22 ask me what an account is buying; so, this is the report
23 I refer to immediately because I can't remember immedi-
24 ately what some account in the United States is buying.

25 Q When a new report is prepared, are preceding

1
2 reports discarded?

3 A No, they are put in the storage area of the
4 Marketing Department because we again refer to them for
5 various reasons for a period of time, at least a year.

6 Q Is it a particular report that appeared to be
7 missing at about the time Mr. Balash left or is it a
8 number of reports?

9 A No, it is that particular report. I don't know
10 of others, quite frankly, unless you refer to his letter
11 book copies. Incidentally, that is another thing. This
12 is not a report.

13 We have a policy in the Marketing Department
14 which I instigated when I started and that is that each
15 employee writes up a letter book of their office corre-
16 spondence. This is in order to find something when you
17 can't remember what you classified it as when you filed
18 it, but you can remember the approximate date that you
19 wrote it. By thumbing through that period that you wrote
20 it, you will come up with a copy.

21 I cannot find the letter book. That is not a
22 report, by the way.

23 Q Does Blender-Tongue charge different prices to
24 different classes of its customers?

25 A No, Blender-Tongue charges different prices

1 based on different volume of individual products purchased.

2 In other words, a guy that buys one pays one
3 price and the guy that buys a gross pays another.

4 Q Does Blonder-Tongue extend credit terms to
5 customers?
6

7 A Yes, we do.

8 Q Are these credit terms the same for every cus-
9 tomer?

10 A The policy, since I was at Blonder-Tongue, is
11 that there were two things that would not be set by the
12 Marketing Department; one was the passing of credit to
13 the customer and the other was the setting of prices.
14 And this came as a shocking reality of the company that
15 I was competitive to before I joined Blonder-Tongue
16 where the sales manager set the prices and the sales
17 manager passed the credit and that was Admiral, so, the
18 reason is very basic.

19 Any sales manager worth his salt has to have
20 some feeling for the customer and desire to make the
21 sale, so, therefore, to lower the price, if that is what
22 it takes to make the sale, is very convenient, and to
23 extend credit is very convenient. By divorcing these
24 two you get a balance of safety.

25 Q Do you know if Blonder-Tongue extends different

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2 credit terms to different customers?

3 A Do I know if they do?

4 Q Yes.

5 A Yes, I do know. In fact, I can tell you what
6 Blonder-Tongue's credit terms are.

7 Q What are they?

8 A Our standard credit terms are 2 per cent, 10th,
9 25th.

10 If a customer buys an unusually large amount of
11 products and his credit is good, we have been known to
12 extend these terms to 30, 60, 90 days and that's about
13 the end of it.

14 Q Did you make any suggestions concerning the
15 construction of the Dart antenna?

16 A If I did, I can't recall them and obviously I
17 was involved with it, I am sure, from the marketing
18 standpoint.

19 I can't specifically point to something on the
20 Dart antenna and say that is mine. I can't do that.

21 Q Was Jerry Balash the organizer of Blonder-
22 Tongue's complete antenna business?

23 A Yes, from the marketing standpoint. He did
24 not organize the production and he didn't organize the
25 design engineering. He did organize the sales effort,

1
2 the method of selling it, the approach.

3 Q Were you aware of what Balash had done in con-
4 nection with antenna sales up to the time Balash left
5 Blonder-Tongue?

6 A Yes.

7 Q Was Jerry Balash ever the sole and key execu-
8 tive in Blonder-Tongue's antenna business?

9 A You have a chain of command. You can go from
10 the owners of the company through the vice-president and
11 general manager, through me to Jerry Balash.

12 And by the very essence of chain of command
13 everyone above Jerry is responsible, but Jerry is the
14 only active executive of that company who is charged
15 with creating the program and it is almost miraculous
16 to expect a program to come from any other area.

17 Any ideas generated would have to come from him
18 up through the chain of command for approval or dis-
19 approval, so, to answer your question in that sense, yes,
20 Jerry was the sole individual responsible for the success
21 or failure of our antenna business.

22 Q Was that the condition, too, when John Linneman
23 was employed by Blonder-Tongue?

24 A I would say yes, because what happened here was
25 John Linneman was going out into the field, coming back

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2 with suggested programs which I was then giving to Jerry
3 to either read, write or disapprove.

4 My reason for that is I couldn't have any faith
5 in John Linneman because he was a brand-new employee. I
6 had no idea of his proven capacity or his inability. I
7 only had faith in an individual who spent his entire life
8 in this business and I was hoping to retrieve from that
9 some ideas that would improve our position in this busi-
10 ness.

11 John Linneman was not the product manager of
12 antennas.

13 Q And is it correct to say that when Mr. Linneman
14 made a suggestion that suggestion was fed to you and you
15 in turn fed it to Balash?

16 A That is correct.

17 Q Did the occasion ever arise where Balash didn't
18 want to follow the suggestions made by Linneman and you
19 said, "You go ahead and do it, Mr. Balash"?

20 A No.

21 MR. BERLINER: I have no further questions.

22 EXAMINATION BY

23 MR. RINES:

24 Q You referred, Mr. Helhoski, to some written
25 reports relating to implied or other JFB threats to

1
2 customers.

3 I would like to show you some documents and ask
4 you whether these have any bearing to your testimony.

5 A Yes, this is one of them.

6 MR. RINES: I would like the reporter to mark
7 that Exhibit H-1 for identification.

8 (Report above referred to was marked
9 Exhibit H-1 for identification.)

10 Q Will you identify this document which has been
11 marked Exhibit H-1 for identification and tell me if you
12 know where it came from.

13 A This of course refers back to some earlier
14 statements I made where we took the verbal conversation
15 of problems we were having.

16 When I say "we," I am saying Jerry Balash and
17 I, and put one, at least this particular one, in writing
18 because it states the exact day and the individual that
19 Jerry spoke to and the conversation that transpired.

20 This was addressed to Harry Gilbert, the Vice-
21 President and General Manager, only as a means of gaining
22 an insight of the problem that we were encountering to
23 see if he could help us in any way.

24 Q Who prepared that?

25 A Mr. Balash. It was typed by his secretary.

1
2 Mary Anne.

3 Q What was the customer involved in this trans-
4 action?

5 A That is Sid Love of Radio Electric in Phila-
6 delphia.

7 Q From refreshing your recollection from the
8 document, do you recall what was Mr. Love's problem?

9 A Yes, he was very hesitant about taking on our
10 antenna line even though he happened to be a very good
11 customer and of course Mr. Balash, who is a former native
12 of Philadelphia, was a little shook up and even in an
13 area where he was obviously well known, he couldn't get
14 anything to move. This territory is not strange to
15 Jerry. This is home.

16 Q What is the specific event that this brings
17 back to mind that had occurred that raised this problem
18 with Radio Electric Service and Mr. Love?

19 A As I recall it, Jerry was attempting to prove
20 to me and to the management that his difficulty in
21 introducing our antenna line was at least, in his
22 opinion, due to unfair practice on the part of a com-
23 petitor rather than a fair sales game and he was com-
24 plaining about it.

25 Q Who was that competitor?

1

2 A JFD Electronics Corporation.

3 Q And what was he complaining about?

4 A I think from this letter one can see that it is
5 pretty difficult to sell a customer when that customer
6 has been advised by the competitor that if he buys, he
7 will be sued and involved in a lawsuit.

8 Nobody wants to be involved in a lawsuit. They
9 will stand away from it. There are too many people to
10 buy from.

11 Q What was that competitor?

12 A JFD.

13 Q I notice in this report, Exhibit H-1 for iden-
14 tification which you say was prepared by Mr. Balash, that
15 he quotes himself as asking Radio Electric Service Com-
16 pany, "If we went to court over this, would you be will-
17 ing to testify as to the conversation with Coneen?"

18 First of all, do you know who Coneen was?

19 A No, I do not, other than to say the letter says
20 it is a JFD rep.

21 Q That is Mr. Balash saying that in the letter?

22 A Yes. I don't know Coneen.

23 Q Were you asked in connection with this litiga-
24 tion to go speak to Mr. Love about testifying as to these
25 conversations?

1

2 A Yes.

3 Q What resulted from your effort?

4 A Mr. Love would much prefer not to be involved
5 even to the implication, 'I am a good customer, leave me
6 alone. I don't want to be involved,' and obviously my
7 recommendation to management is to leave him out. You
8 can't win even if you get him involved. You have got to
9 hurt yourself.

10 Q Are you prepared to say why he changed his
11 mind as compared with the answer he gave to Mr. Balash
12 in Exhibit H-1 for identification?

13 A I think what happened, in talking to Mr. Balash
14 on February 28th, he didn't realize that all these
15 threats of lawsuits would be a reality. Now, of course,
16 when you are going back to him, it is a reality and he
17 changed his mind.

18 Q Did you talk with any other Blonder-Tongue
19 customers about testifying in this proceeding in connec-
20 tion with similar threats of JFD?

21 A Yes, the one on the west coast, Sacramento,
22 and his reaction is exactly the same as Sid Love's, with
23 one exception. He says, "Please don't bother me." He
24 is not quite as vehement about being left out.

25 Q I show you another document and ask you if you

1
2 can identify the same?

3 A Yes, this is the customer I referred to.

4 Q Would you give his full name?

5 A This is Skip Womack of Sacramento Electronics
6 Supply in Sacramento, California.

7 Q What is that document you have in your hand?

8 A This is a report from Jerry Balash to Mr.
9 Gilbert on the subject of JFD's patent infringement and
10 it gives the conversation between Skip and Jerry.

11 Q Who prepared that document?

12 A Jerry Balash. In fact, it is signed by him.

13 MR. RINES: I would like to mark this document
14 Exhibit H-2 for identification.

15 (Report above referred to was marked
16 Exhibit H-2 for identification.)

17 Q I show you also a letter dated May 18, 1966
18 under the head of Sacramento Electronics addressed to
19 Mr. Dick Helhoski having a JFD sales bulletin, April 19,
20 1966, attached, a newspaper clipping from Home Furnish-
21 ings Daily, April 18, 1966, attached, and a news release
22 on the stationery of University of Illinois Foundation
23 dated April 7, 1966, attached, which bear prior deposition
24 Exhibit Nos. B-6, 6A, 6B and 6C and ask you whether you
25 can identify these.

1
2 A Yes. As a result of my conversation with Skip,
3 Sacramento Electronics, that is, I asked him to send to
4 me with a copy to Rines & Rines the literature that
5 caused him to be concerned in the first place because he
6 didn't call them, he called us, and this bulletin signed
7 by Mr. Finkel dated April 19th and the copy of Home Fur-
8 nishings Daily and the letter of the University of
9 Illinois Foundation were all a part of what was in the
10 hands of Skip and the cover letter addressed to me was
11 his transmittal of this information to me.

12 MR. RINES: I would like to remark these prior
13 deposition Exhibits B-6, 6A, 6B and 6C as Exhibits
14 H-3, 3A, 3B and 3C for identification.

15 (Prior deposition Exhibits B-6, 6A, 6B
16 and 6C were remarked Exhibits H-3, H-3A, H-3B
17 and H-3C for identification.)

18 Q You have described the assignment that you gave
19 to Mr. Balash to put in writing some of these oral com-
20 plaints from your representatives.

21 Would you say that in the period of these Ex-
22 hibits H-1, H-2, H-3, that this was a part of the assigned
23 duties to Mr. Balash at Blonder-Tongue to make these in-
24 vestigations of JFD's activities?

25 A Mr. Balash's assigned duties were to place us

1
2 in the antenna business and as such he was charged with
3 finding out whatever every competitor did, not just JFD
4 but anyone, how they sold antennas, what was needed in
5 the way of promotional materials and funds, what, if any-
6 thing, was wrong with our product, what did people want
7 in a product that may not have existed in anything in
8 the field, and quite frankly I would describe it as the
9 over-all responsibility of a product manager.

10 What made Jerry concentrate on JFD was the
11 reaction he got from customers.

12 I am sure that if Sid Love did not resist Jerry
13 and make statements about JFD, he would not have taken
14 the approach he did, but as a good product manager, a good
15 salesman, which Jerry is, where there is smoke there is
16 fire, so when he hears it once, he hears it twice, that is
17 his reaction.

18 I can have a competitor. I can pay little
19 attention to him until I find out he is knocking me out
20 in one direction and I think I owe it to my employer to
21 inform him.

22 Q Is it fair to say he was investigating the
23 practices of JFD referred to in Exhibits H-1 through H-3
24 on behalf of Blender-Tongue?

25 A Yes.

2 Q I show you a further sheaf of papers, the first
3 of which is under heading of Weller Electronic Sales,
4 Inc., under date of May 2, 1966, to Dick Helhoski, and
5 having attached to it the JPD sales bulletin, University
6 of Illinois Foundation news release and Home Furnishings
7 Daily reprint previously discussed and previously bearing
8 deposition Exhibit Nos. B-5, 5A, 5B and 5C, and ask you
9 if you can identify the same.

10 A Yes. Weller Electronic Sales, Inc. is our
11 manufacturers sales rep in the State of Ohio. He also
12 covers part of Kentucky and Pennsylvania, but Ohio pre-
13 dominantly.

14 The letter's subject is Main Line Cleveland,
15 Cleveland, who happens to be a very large distributor
16 in Cleveland. They have RCA franchise for the sale of
17 television sets.

18 He sends to me in this letter again a copy of
19 Mr. Finkel's mailing which was the same as that of
20 Sacramento and he asked me to write to Adolph Friedman
21 of Main Line informing him that we would send him
22 indemnification as a result of JPD's literature.

23 MR. RINES: Would you mark the Weller Elec-
24 tronic Sales, Inc. group of documents Exhibits H-4,
25 4A, 4B and 4C for identification, please.

1
2 (Weller Electronic Sales, Inc. group of
3 documents above referred to were marked Exhibits
4 H-4, H-4A, H-4B and H-4C for identification.)

5 Q What bearing, if any, have these documents, Ex-
6 hibits H-1 through H-4, upon your answers to several of
7 Mr. Berliner's questions about the innuendo drawn from
8 the reports of customers as to JFD threats with regard
9 to the handling of Blonder-Tongue antennas and the line?

10 A I would say a very strong bearing because cus-
11 tomers are reluctant to get involved in any lawsuits and
12 are extremely reluctant to being very emphatic about "I
13 won't buy your product because I don't want to get in-
14 volved" and so these I classify as innuendoes. These
15 are the subtle ways of telling you, "You have got a
16 problem." It is a rare customer that will be so loyal
17 to any given manufacturer that he will stand up and go
18 to Court and fight for him. He doesn't need this aggra-
19 vation.

20 Q Do you have any doubt that the innuendo that
21 you received was what the customer intended you to
22 receive?

23 A There is no doubt in my mind.

24 Q Do you have any doubt as to the authenticity
25 of the documents, Exhibits H-1 through H-4?

2 A No, I do not.

3 Q Where do the originals come from?

4 A Our files.

5 Q By "our" you mean Blonder-Tongue's files?

6 A Yes, the company, yes.

7 Q You spoke in connection with Exhibit H-4 of an
8 indemnification to Main Line Cleveland.

9 I show you a letter dated May 5, 1966 on
10 Blonder-Tongue stationery and ask you if this has any
11 bearing in that connection.

12 A Yes. This was the response from Blonder-Tongue
13 to Mr. Weller's request. It is in fact the indemnifi-
14 cation sent to Mr. Adolph Friedman as per the request.

15 Q Of Exhibit H-4?

16 A Yes.

17 MR. RINES: Will the reporter please mark this
18 letter of May 5, 1966 as Exhibit H-5 for identifi-
19 cation.

20 (Letter dated May 5, 1966 above referred
21 to was marked Exhibit H-5 for identification.)

22 Q You spoke earlier, Mr. Helhoski, about Allied
23 Radio.

24 I show you a copy of a letter under the Blonder-
25 Tongue heading dated April 5, 1966 and ask you if you can

1

2 identify this letter.

3 A Yes. This is a letter in response to Mr. Fred
4 Wilensky. This was a telephone request from Fred that
5 they needed indemnification in order to consider our
6 product, that is, the antenna line product.

7 This is the letter written by Mr. Gilbert.

8 There is the letter --

9 MR. RINES: I would like to have that letter
10 marked Exhibit H-6 for identification.

11 (Copy of letter dated April 5, 1966 above
12 referred to was marked Exhibit H-6 for identi-
13 fication.)

14 Q And what is the second letter you started to
15 testify about?

16 A It is my letter to Mr. Wilensky acting as a
17 transmitter of Mr. Gilbert's letter expressing my sorrow
18 for his involvement and suggesting that they have their
19 attorney contact Mr. Bob Rines, our attorney, for further
20 explanation.

21 Q Who signed that letter?

22 A I did.

23 MR. RINES: I would like this letter marked Ex-
24 hibit H-7 for identification.

25 (Letter from Mr. Helhoski to Mr. Wilensky

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above referred to was marked Exhibit H-7 for
identification.)

3

4

Q As a result of these letters of indemnification,
Exhibits H-5 and H-6 for identification, did the particu-
lar customers involved give in to the threats of JFD that
they reported or did they continue to handle the Blonder-
Tongue antenna and complete associated line of Blonder-
Tongue converters and amplifiers and antenna accessories?

10

A Are you generalizing all customers or speaking
specifically?

11

12

Q No, just Exhibits H-5 and H-6.

13

A Main Line Cleveland, Allied Radio.

14

Main Line Cleveland did purchase our antenna,
However, they have since returned them and to my knowledge
are not selling this product line, the antennas.

17

Allied Radio has the Dart and Arrow in their
catalogue. However, they do not catalogue the other an-
tenna line but do carry an extensive amount of our dis-
tributor product lines such as the converters, accesso-
ries.

22

Q How about Main Line Cleveland? Do they handle
the Blonder-Tongue accessories, converters, subsequent
to the circumstances referred to in Exhibit H-5?

25

A Yes. However, this is a hard one to pin down.

2 They are a very large distributor who does very little
3 business with us.

4 I guess that is the best way to put it.

5 Q Do I understand your answer to mean that they
6 continue but do very little business with you?

7 A That is correct.

8 Q Now earlier you asked me whether I was referring
9 only to the two customers in Exhibits H-5 and H-6 for
10 identification and I said "Yes."

11 Would you tell us what you found to be the
12 effect of JFD's sales tactics to which you have testified
13 with respect to other customers and potential customers
14 of Blonder-Tongue?

15 A Yes, because we get involved with a great number
16 of customers and there is an unexplained or let us use the
17 word unspoken reason why the product doesn't get put into
18 a given market.

19 Q What do you mean now by "the product"?

20 A The antennas.

21 Q The Blonder-Tongue antennas?

22 A Yes. I have done a lot of selling in my day and
23 when I confront a customer with a product line made by a
24 reputable firm, which Blonder-Tongue is, and well-known in
25 the industry, he usually gives me a very logical reason

1
2 why he can't buy it, won't buy it. It is either because
3 of heavy inventory today or no market in his area.

4 These are logical things that can be checked out
5 by a personal visit to the account and sooner or later you
6 find someone who doesn't have any reason not to buy and
7 that is where you make your sale.

8 The antenna business to Blonder-Tongue has been
9 a frustrating experience to me because it doesn't follow
10 a logical pattern. The antenna customer will say, "It is
11 good but I don't want to buy" and it is a frustrating
12 experience.

13 Q Can you tell us of these customers that you
14 just referred to whom they buy from?

15 A Yes.

16 Q Who?

17 A They buy from all of the antenna manufacturers
18 including JFD, of course.

19 Q Do any of these customers that you are generally
20 referring to also handle the JFD antenna, accessories,
21 converters and other products of the line?

22 A Oh, yes.

23 Q I show you another letter dated December 10,
24 1965 and ask you if you can identify the same.

25 A Yes. This was again a request from our

1
2 manufacturers rep LCA by telephone to notify Atlas Elec-
3 tronics Corporation, New York, New York, of our indemni-
4 fication intent.

5 Q Do you know where that copy came from?

6 A Yes, out of our files, Blender-Tongue files.

7 MR. RINES: I would like to mark that letter
8 Exhibit H-8 for identification.

9 (Letter dated December 10, 1965 above
10 referred to was marked Exhibit H-8 for identi-
11 fication.)

12 Q At the time that he was working for Blender-
13 Tongue and as you previously testified, investigating
14 JFD's selling activities before referred to for Blender-
15 Tongue, can you tell us whether Jerry Balash expressed
16 to you any views as to the effect of JFD's activities on
17 his being able to sell the Blender-Tongue antenna line
18 in the market?

19 A Yes, and I think the very fact that he pre-
20 sented to Mr. Gilbert typed reports of his conversations
21 with certain accounts previously discussed, here is an
22 indication of the import that Jerry himself put on it
23 because Jerry is a product manager, he is a salesman.

24 I expressed earlier I have a great respect for
25 his ability. He is experienced. He is not in the habit

1
2 of getting emotional over meaningless things. He put more
3 import on it at the time he wrote these than we did be-
4 cause he was closer to it.

5 Q Would you say that he had more information with
6 respect to the selling tactics of JFD as a result of his
7 investigation than anyone else in Blender-Tongue?

8 A Absolutely.

9 Q Did there come a time when he left Blender-
10 Tongue?

11 A Yes.

12 Q Do you recall the circumstances?

13 A Yes, I do.

14 Q Would you relate them to us as best you
15 recollect?

16 A Yes. As I recall them, shortly after our
17 vacation, which is the first two weeks in July --

18 Q What year?

19 A The year passed, 1966 -- Jerry came into my
20 office and expressed the fact that he was resigning and
21 although I asked him, he did not say with whom he was
22 going to work.

23 I recall pursuing it just a little with him
24 because I thought I knew Jerry Balash. He didn't strike
25 me as the type of an individual who would come and

1
2 resign and not know where he was going, so I accepted his
3 resignation with certainly no choice.

4 Since I have a habit of guiding employees who
5 get emotional and because Jerry had the whole vacation to
6 think about it and so he should be well rested, there was
7 no reason for any emotional response. However, you can't
8 guide someone out of a decision to leave a company and go
9 with another unless you know who that company is.

10 Q Did you specifically ask him at this time whom
11 he was going to work for?

12 A Yes.

13 Q Did he answer?

14 A I can't recall his answer directly but it was
15 evasive.

16 Q Did he mention JFD Electronics Corporation?

17 A He did not. Approximately a week went by and
18 the feed from the grapevine came back.

19 Q During this week was Jerry Balash still on the
20 payroll of Blonder-Tongue?

21 A Oh, yes.

22 Q Continue.

23 A Somewhere through the following week through
24 the feed line it came back that Jerry was going with JFD;
25 in fact, my first hearing of the news was from my west

1
2 coast regional manager, Graham Sisson.

3 Q Did you speak to Mr. Balash when you received
4 this news from the west coast?

5 A Yes. We went to lunch and after lunch I con-
6 fronted him with the knowledge that he was going with
7 JFD and he thereupon admitted it.

8 I asked him why and he expressed his frustra-
9 tion with his job at Blonder-Tongue and expressed the
10 fact that he had received an \$18,000 salary.

11 Q An offer?

12 A Yes, and an automobile and was to be their
13 regional manager for that west coast area.

14 He then explained that at JFD the regional
15 manager works out of their Brooklyn office, not out of
16 the west coast, and he expressed a few other matters;
17 that he had a meeting with Ed Finkel and they had
18 resolved their payroll differences very quickly and in
19 fact their personnel secretary -- I am quoting Jerry --
20 "is just now trying to straighten out the paper work
21 of my hiring."

22 Q Did he say who hired him at JFD?

23 A Ed Finkel.

24 Q How did the \$18,000 salary compare with the
25 salary he was getting at Blonder-Tongue?

2 A His salary at Blonder-Tongue was \$13,000.

3 Q Almost a fifty per cent increase?

4 A Yes, plus an automobile.

5 Q Was the salary that he was getting at Blonder-
6 Tongue one that was out of line from your experience
7 with salaries paid in this industry to people doing the
8 work he was doing there?

9 A No, considering the incentive in addition.

10 Q Had Mr. Balash complained to you that his
11 salary was too low?

12 A Mr. Balash had complained to me that he did not
13 like to work under an incentive plan. As he would put
14 it, pay him in salary and he will do the work.

15 I have no doubt that Jerry would give his all.
16 However, it is practice in the company that employees of
17 that type work on a substantial incentive rather than a
18 meaningless one.

19 Q Would you continue with the conversations he
20 reported that he had with Mr. Finkel?

21 A I think the only other pertinent thing which
22 at the time didn't seem pertinent but does today -- I
23 didn't ask him -- he volunteered "I didn't go to them.
24 They came to me," were exactly his words.

25 Q Who is "they"?

1
2 A He meant JFD. These were his words and this was
3 incidentally said as we were crossing the street to the
4 plant.

5 Q Had you received any earlier reports with respect
6 to contact between Jerry Balash and representatives of JFD
7 at the Atlantic City Telerama in June of 1966?

8 A Yes. Again because we rely very heavily upon
9 the recommendations of the product manager we cooperated
10 a number of UHF markets with JFD.

11 Q Was this Mr. Balash's suggestion that Blonder-
12 Tongue do that?

13 A Yes. And the reasoning that Jerry gave was
14 that in every case the JFD distributor was very strong
15 and that it would be to our advantage to cooperate at a
16 dealer meeting sharing the cost where Blonder-Tongue
17 would talk about converters and JFD about antennas.

18 There were a number of such meetings held. I
19 can't recall where. I am sure Jerry can name them, at
20 which the Atlantic City conference was just one of them
21 that Mr. Rines named.

22 Q During these cooperations with JFD in which
23 they were talking about their antennas as you said and
24 Blonder-Tongue about its converters that are connected
25 with the antennas, did you receive any reports from JFD

2 people that JFD was going to sue Blonder-Tongue for
3 entering the antenna market?

4 A No. If I had, I would not be cooperating with
5 them.

6 Q Did you receive any reports from your staff as
7 to any relationship evidenced at the Atlantic City
8 seminar in June of 1966 between Mr. Balash and any JFD
9 sales representative or manager?

10 A Not until long after Jerry left.

11 Q Would you recount that to us?

4
12 A Yes. As employees will discuss past employees,
13 Mr. Jerry Cohn at this particular sitting was able to
14 shed some light on things that occurred in Atlantic City
15 that meant nothing to him at the time which now seem to
16 have a bearing and as expressed it was Jerry's comment
17 that Mr. Balash spent a good deal of time with the JFD
18 representative.

19 Let me say in my impression more than normal.

20 Q What was that representative's name?

21 A I can't recall his name now.

22 Q Was it Mr. Herbert Yasky?

23 A Yes.

24 Q Did you receive any reports when this was ex-
25 plained to you about where Mr. Balash was located in off

1
2 hours during that seminar in Atlantic City?

3 A Yes, in Mr. Yasky's suite.

4 Q What about San Francisco N.E.W. Show in June of
5 1966?

6 A You would want me to recall what happened?

7 Q Yes, that may bear on the subject matter.

8 A Well, that show was unusual in that it was
9 scattered all over the City and we were forced to have an
10 exhibition room in one of the hotels; I can't recall the
11 name now, plus a booth.

12 Upon arrival at the San Francisco Show we had
13 what was a half a ballroom. It was a ballroom where they
14 slide a screen between it and make two separate ballrooms.

15 I arrived late and I don't recall why, and upon
16 arrival I was informed by Mr. Balash that while setting
17 up the exhibition area, the other half of the ballroom
18 was utilized by JFD to hold a rep meeting.

19 Q Do you know whether Mr. Balash had any conver-
20 sations with JFD personnel at that meeting?

21 A I do not know specifically.

22 Q At the time of the Atlantic City seminar, was
23 Mr. Balash still on the Blonder-Tongue payroll without
24 having at that time given any notice of an intention to
25 resign from Blonder-Tongue?

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A Yes, absolutely.

MR. RINES: I have no further questions.

BY MR. BERLINER:

Q In answer to one of Mr. Rines' questions you indicated that Mr. Balash participated in an incentive plan at Blender-Tongue and you indicated that the incentive plan was substantial.

Will you give me an idea of how much Mr. Balash's income was from the incentive plan, say for the year 1965?

A I would have to guess. I can't give you a specific answer. However, I can give you the basis of the incentive plan.

MR. RINES: Would you please, on the basis of the plan, answer the amount.

MR. BERLINER: That would be fine.

THE WITNESS: It is between two and \$3,000.

Q That would have been for the year 1965?

A That is correct.

Q And for the year 1966, had Mr. Balash remained at Blender-Tongue for the entire year, would this amount have increased?

A I would say for the year 1966 it would have been somewhat closer to the \$2,000 mark.

1

2 Q For 1965 it would have been closer to \$3,000?

3 A Yes, a number strikes in my mind like \$2,800

4 but don't hold me to it.

5 Q Do you know who arranged the cooperative pre-

6 sentations between JFD and Blonder-Tongue?

7 A Mr. Balash.

8 Q Did that occur on all occasions?

9 A Yes, sir.

10 Q How far back had these cooperations gone?

11 A To the best of my memory, I would say approxi-

12 mately June 1965, I would say for a one-year period.

13 Q Were these cooperations arranged with your
14 approval?

15 A Yes, they were.

16 Q Was there any resistance on the part of anyone
17 at Blonder-Tongue for this cooperation?

18 A Harry Gilbert had some feelings about cooper-
19 ating with a manufacturer who also had an antenna line
20 and a converter and we surpressed this in his mind, Jerry
21 and I, because we were dealing with dealers and we were
22 able to come in with a multiplicity of manufacturers
23 showing a cooperative approach rather than this dog eat
24 dog approach and also we had no agreements to stay out of
25 the market with our antennas nor did we ask them not to

1
2 sell converters. We only said that during this meeting we
3 would each talk about our own products and not the other.

4 Q I am reading from Exhibit H-2 for identification
5 which is dated April 29, 1966. This is Mr. Balash speak-
6 ing.

7 "We know that JFD is infringing on some of our
8 patents."

9 Do you know whether that statement was correct
10 at the time it was made?

11 A I do not know if that statement was correct at
12 the time it was made.

13 Q Do you know who supplied Mr. Balash with infor-
14 mation that JFD was infringing Blender-Tongue patents?

15 A Yes, the company publishes a list of its patents
16 to all executive people such as Mr. Balash and regional
17 managers.

18 I have such a list in my briefcase as to patents
19 held by Blender-Tongue so it is known to all of our key
20 executives as to what patents we hold.

21 Q And does that list indicate any particular com-
22 petitive products that are infringing?

23 A No, the listing of the patent, the number of the
24 patent and a very brief description of what the patent is,
25 and the intent is to be able to show our customers the

1
2 pride of our product.

3 Q Do you know what a patent claim is?

4 A From a layman's standpoint I have an opinion.

5 Q Do you have any idea of what a patent claim is
6 from a legal standpoint?

7 A No.

8 Q In answering some other questions of Mr. Rines
9 you indicated that you had been frustrated in certain of
10 your sales efforts in that you had customers who were
11 purchasing your converters or amplifiers but they wouldn't
12 purchase your antennas.

13 MR. RINES: I don't recall any such testimony.

14 Q Mr. Helhoski, is it so that you were attempting
15 to sell antennas to potential customers and that even
16 though these customers were buying Blonder-Tongue con-
17 verters or amplifiers they would not buy Blonder-Tongue
18 antennas?

19 A Yes.

20 Q And some of these particular customers that
21 would not buy Blonder-Tongue antennas, is it so that
22 they were buying JFD antennas?

23 A Yes.

24 Q In some cases was it true that these same cus-
25 tomers were buying Weingard antennas?

2 A Yes.

3 Q And in some cases was it true that these same
4 customers were buying Jerrold antennas?

5 A I don't know.

6 Q Do you know if Jerrold makes an antenna and
7 markets it under the name of Taco?

8 A Yes, I do know.

9 Q Did these customers that we were talking about
10 who did not buy Blonder-Tongue antennas buy Taco antennas?

11 A I am trying to say to you that Jerrold, Taco,
12 is not a major factor in the antenna business.

13 They also build a very high quality special
14 purpose antenna which although our customers need a very
15 limited number of, they buy them predominantly from
16 Jerrold. So when you ask me to consider the fact that
17 Jerrold is a competitor, I would say to you no, and that
18 is why I base my answer.

19 Q I wasn't asking you to characterize whether
20 Jerrold was a competitor.

21 I just wanted to know whether there were some
22 instances where a dealer or distributor to whom you
23 would try to sell Blonder-Tongue antennas would not buy
24 Blonder-Tongue antennas but was handling Taco antennas.

25 A I know of none. In that sense everybody buys

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Taco antennas. I explained that to you.

Q How about those Taco antennas that were com-
petitive to the Dart, Arrow and Ranger made at Blonder-
Tongue?

A I know of none.

Q As to any of these customers who would not buy
Blonder-Tongue antennas, do you know if they purchased
Finney antennas?

A I don't know.

Q Do you know that they didn't purchase Finney
antennas?

A I don't know if they didn't.

Q Do you know if any of these customers who had
not purchased Blonder-Tongue antennas purchased Channel
Master antennas?

A Yes, many of these customers that purchased
Channel Master antennas did not buy ours.

MR. BERLINER: I have no further questions.

MR. RINES: Thank you, sir.

Subscribed and sworn to
before me this _____ day
of _____ 1967.

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CERTIFICATE

3 State of New York)

) ss

4 County of New York)

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I, Isaac H. Shapiro, a Notary Public duly commissioned and qualified in and for the County of Kings, State of New York, do hereby certify that pursuant to adjournment there came before me the following person, to wit, RICHARD B. HELMOSKI, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon the interrogatories submitted and his examination reduced to writing under my supervision; that the deposition is a true transcript of the record of the testimony given by the witness; that there were marked upon this deposition Exhibits H-1, H-2, H-3, H-3A, H-3B, H-3C, H-4, H-4A, H-4B, H-4C, H-5, H-6, H-7 and H-8 for identification.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition has been taken, and further that I am not a relative or employee of any attorney or counsel

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employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 2nd day of March, 1967.

James H. Shapiro
Notary Public
State of New York
No. 24-3613000
Commission expires
March 30, 1967.

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Witness:

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RICHARD B. HELHOSKI

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For Identification

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