

X-117

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

UNIVERSITY OF ILLINOIS FOUNDATION)

Plaintiff and
Counterclaim Defendant
Appellee,)

v.)

BLONDER-TONGUE LABORATORIES, INC.,)

Defendant and
Counterclaimant
Appellant,)

v.)

JFD ELECTRONICS CORPORATION)

Counterclaim defendant
Appellee.)

CAUSE NO. 17153

MOTION TO DOCKET SUBJECT APPEAL
ON THE JANUARY, 1969 DOCKET

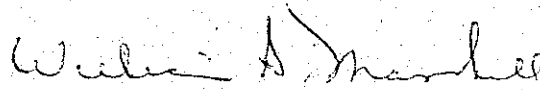
Plaintiff-Appellee, University of Illinois Foundation, through its counsel, moves this Court pursuant to Rule 27 of the Federal Rules of Appeal Procedure for an order requiring the Clerk of this Court to place this case on the January, 1969 docket.

Plaintiff-Appellee, seeks this order in order that an early hearing of this matter may be scheduled. An early hearing is requested in this matter in order that the decision of this Court may be used to decide Plaintiff-

While it has been ascertained by Plaintiff-Appellee that delay of consideration by the Supreme Court of Plaintiff-Appellee's Petition for Certiorari in the 8th Circuit case can be obtained, there is no assurance that consideration of the Petition could be delayed until such time as a decision in this appeal may be given by this Court, should this appeal be placed on the April, 1969 docket.

It is submitted that if the briefs in this action are submitted timely by Defendant-Appellant and no further extensions are granted by this Court, all of the briefs, as well as the record will be filed with this Court in sufficient time for the subject appeal to be heard during the January term. In view of the foregoing circumstances, it is respectfully requested that this case be placed on the January, 1969 docket.

Respectfully submitted,



William A. Marshall
One of the Attorneys for
Plaintiff and Counterclaim
Defendant Appellee,
MERRIAM, MARSHALL, SHAPIRO & KLOSE
30 West Monroe Street
Chicago, Illinois 60603
Area Code 312 - 346-5750

ACKNOWLEDGMENT OF SERVICE

Receipt is hereby acknowledged of two copies of the foregoing "Motion to Docket Subject Appeal on the January, 1969 Docket" this ____ day of _____, 1968.

HOPGREN, WEGNER, ALLEN, STELL-
MAN & McCORD
Attorneys for Defendant and
Counterclaimant

ACKNOWLEDGMENT OF SERVICE

Receipt is hereby acknowledged of two copies of the foregoing "Motion to Docket Subject Appeal on the January, 1969 Docket" this ____ day of _____, 1968.

SILVERMAN & CASS
Attorneys for Counterclaim
Defendant

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 Appellee,)
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A F F I D A V I T

WILLIAM A. MARSHALL, being first duly sworn,
deposes and says that:

He is a member of the Bar of the State of Illinois, is admitted to practice before the United States Court of Appeals for the Seventh Circuit, and is an attorney of record in this cause;

He has been advised in conversation with the Clerk of the Seventh Circuit Court of Appeals that this case will be placed on the April, 1969 docket unless a Motion for earlier scheduling is presented to this Court;

Affiant was one of the attorneys representing Plaintiff-Appellee in a related case recently decided by the Eighth Circuit Court of Appeals. In this action the Eighth Circuit Court of Appeals affirmed the decision of the lower court, holding United States Patent 3,210,767 invalid. A Petition for Rehearing in banc was denied on November 5, 1968;

United States Patent 3,210,767 is involved in the subject appeal and was held valid and infringed by the United States District Court Northern District of Illinois Eastern Division;

It is the present intention of Plaintiff-Appellee to file a timely Petition for Certiorari in connection with the decision of the Eighth Circuit Court of Appeals.

Further affiant saith not.

William A. Marshall
William A. Marshall

SUBSCRIBED and sworn to before me this 3rd
December
day of November, 1968.

Dorothea Schulz
Notary Public
My Commission Expires 11/21/70

ACKNOWLEDGMENT OF SERVICE

Receipt is hereby acknowledged of two copies
of the foregoing "Affidavit" of William A. Marshall
this ____ day of _____, 1968.

HOFGREN, WEGNER, ALLEN, STELLMAN
& McCORD
Attorneys for Defendant and Counter-
claimant

ACKNOWLEDGMENT OF SERVICE

Receipt is hereby acknowledged of two copies
of the foregoing "Affidavit" of William A. Marshall
this ____ day of _____, 1968.

SILVERMAN & CASS
Attorneys for Counterclaim Defendant