

DRAFT
RHR:jg
23 May 1966

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

Civil Action
No.

BLONDER-TONGUE LABORATORIES, INC.

v.

JFD ELECTRONICS CORPORATION,
THE UNIVERSITY OF ILLINOIS FOUNDATION
and
THE UNIVERSITY OF ILLINOIS

*Unfair Competition
and Anti-Trust*

COMPLAINT

1. Plaintiff, Blonder-Tongue Laboratories, Inc., is a corporation duly organized and existing under the laws of the State of New Jersey, having a principal place of business at 9 Alling Street, Newark, New Jersey.

2. Defendant, JFD Electronics Corporation, on information and belief, is a corporation duly organized and existing under the laws of the State of New York, having a principal place of business at 1462 62nd Street, Brooklyn, New York, within the Eastern District of New York, wherein, and elsewhere within the United States, the acts of unfair competition, ^{and} anti-trust law

4 All three of the said defendants have, and during all the time hereinafter mentioned have had, a regular and established place of business at the said 1642 Broadway, Brooklyn, New York, within the Eastern District of New York, where, and elsewhere within the United States, they have jointly, severally, and still jointly, and as threatening to continue to commit, the acts of unfair competition except and anti-trust violative complaints of harm, in all cases of the business of.

[5. Do you want also to mention that all the defendants jointly, and also the plaintiff, is engaged in the manufacture, (use?) and sale of "Log Cabin" containers, and that not all of them are covered by Pat. 3,210,767? Otherwise, what is the basis of the SA?)

[It is my opinion that the N.J. Court will compel you to plead in Illinois, whether of extrajurisdiction, the suit, even if properly pleaded. All that you say is before the Illinois suit, and you can not deny Illinois right to characterize from before you filed the complaint.

So please and try, but you had better plead facts showing anti-trust and unfair-competition liability. "That our right of claim" is not only in anti-trust suit?

violations and patent infringement complained of herein were
and are presently being committed, unless and until restrained
by this Honorable Court.

3. Defendants, The University of Illinois and the University
of Illinois Foundation, on information and belief, representing
themselves as a non-profit educational institution and a non-
profit ~~educational~~ research foundation, respectively, and
exempted from federal taxation upon such representation, and

having principal offices at 224 Illini Union, Urbana, Illinois,
are doing business jointly with said Defendant, JFD Electronics
Corporation, at said 1462 62nd Street, Brooklyn, New York, within

the Eastern District of New York, where, and elsewhere within
the United States, they have committed and are presently
continuing to commit the acts of unfair competition, anti-trust
law violations and patent infringement complained of herein.

4. This action arises under the patent, anti-trust and
unfair competition laws of the United States (

Lanham Act),

*(Does that mean to them? In
Lanham Act?)*

*also to patent laws under
of Federal Court?*

*jointly with JFD
patent, anti-trust, Lanham Act?*

and by virtue of diversity of citizenship and an amount in ^{that the} controversy over ^{in this case proceeds} \$10,000.00, ^{of} including interest and costs, ^{and other} under the unfair competition and other laws of the State of New York.

First Count (Anti-Trust)

5. The defendant, The University of Illinois, on information and belief, through and jointly with its research foundation, the defendant, The University of Illinois Foundation, acquired title to United States Letters Patent No. 3,210,767, issued October 5, 1965, in the name of D.E. Isbell, for Frequency Independent Unidirectional Antennas (profert of a certified copy of which is hereby made).

6. The said defendants, the University of Illinois and The University of Illinois Foundation, entered into a commercial business agreement ~~was~~ with the defendant, JFD Electronics Corporation, to exploit the said Patent in the field of receiving antennas for television and FM broadcasting stations under the terms of which, on information and belief, the antennas for said field would be exclusively manufactured and sold by

This is a copy of the original document, which is in the possession of the University of Illinois.

No law violated here

W4?

Do you want to allege sale by all 2 defendants?

said JFD Electronics Corporation at the said 1462 62nd Street, Brooklyn, New York, and possibly elsewhere, and moneys received therefrom would be divided between the defendants JFD Electronics Corporation and the University of Illinois Foundation and the University of Illinois in accordance with certain percentage figures.

7. Further in accordance with said commercial business agreement, on information and belief, the defendant, the University of Illinois Foundation, undertook the responsibility of policing said Patent and of aiding the commercial sales of the antennas of said JFD Electronics Corporation, in which, as before ~~stated~~ stated, it shared in the sales returns, by news releases and other advertising media using the name of the said Foundation and threatening all manufacturers in the industry with suit if similar antennas were made and sold by them and by announcements and mailings to customers of such other manufacturers of such suits and intended suits.

*Bette made none of the accusations
of 14 allegations*

Should we have made

8. On information and belief, all of said defendants, jointly with the other, conspired unlawfully to restrain competition in said field, and all have both jointly and severally engaged in acts unlawfully restraining such competition, within the meaning of the aforesaid Sherman and Clayton anti-trust laws, as amended, by at least the following acts and possibly others, ~~presently unknown to plaintiff~~ presently unknown to plaintiff, but as to which plaintiff prays leave to add by amendment to this complaint upon completion of discovery herein:

a. Copious advertisements in national, technical and popular publications and elsewhere, including within the Eastern District of New York, using the names of the defendants and knowingly falsely representing the scope of their patent coverage as embracing all antennas of the "Log Perrodic" type and generally threatening every antenna manufacturer (including plaintiff) and customers in said field with patent suit even before the issuance of the said Patent No. 3,210,767, illegally to restrain competition in the manufacture and sale of any "Log Perrodic" antennas, including those clearly outside such patent coverage.

*On the conspiracy, dect 1 ?
" " " " " " ?
Sher Clayton act involved?*

b. Conspiring to use and using the name and ~~pa~~ prestige of the supposedly non-profit tax-free educational and research institutions, the University of Illinois and the University of Illinois Foundation, in falsely representing to the public, in newspapers, sales catalogs and magazine advertisements, within the Eastern District of New York and throughout the country, that only the defendant JFD Electronics Corporation had a right to make "Log Perrodic" ~~antennas~~ antennas and that only the antennas of defendant JFD Electronics Corporation had certain desirable performance characteristics, thereby illegally influencing the public, through the prestige of the said Foundation, only to patronize the defendant JFD Electronics Corporation.

c. Conspiring to sue and suing plaintiff (and other manufacturers) under said Patent No. ~~3,210,767~~ 3,210,767, in the Northern District of Illinois, Eastern Division, in which the complaint therein shows defendants admittedly knew they had no jurisdiction over plainingiff, thus to enable defendant, the University of Illinois Foundation, with a few days after the filing of such complaint, to issue a news release announcing suit against the

Log Perrodic

Log Perrodic

*The word "Perrodic" is
used throughout, which is a
typo for "Perrodic" of US Patent 3,210,767*

plaintiff and to enable defendant, JFD Electronics Corporation, to issue a similar news release mentioning plaintiff's name as defendant, and thereupon circularizing copies of said news releases to many customers of plaintiff within the Eastern District of New York, and throughout the country, illegally to mislead ~~a~~ said customers into thinking that plaintiff had been properly sued and illegally to induce said customers to cease buying from plaintiff and to purchase only from defendant JFD Electronics Corporation.

d. Conspiring and performing the acts set forth in ~~the~~ a, b, ~~and~~ and c above, while knowing that plaintiff, long before the issuance of said Patent No. 3,210,767, had been marketing its antennas under its own "patent pending", ~~and~~ ^{and} fully knowing that plaintiff's said antennas were not infringements of said Patent No. 3,210,767 (even, ~~and~~, assuming it to be valid) wherefor defendants, indeed, never even ~~bothered~~ bothered to send any formal notice of infringement to plaintiff or formally to discuss the same with plaintiff.

*Was it not a patent 2000?
Patent Cont. - JFD Corp. (1960s)?*

Does this mean the other can

Is this an infringement?

e. Conspiring illegally to extend the scope of coverage of said Patent No. 3,210,767 and to mislead the public by deliberately changing the electrical and mechanical design and the appearance of many of the said antennas of JFD Electronics Corporation over to the design and appearance of plaintiff's "patent pending" antennas which had meantime appeared on the market and had acquired a ~~distinctive~~ distinctive reputation by the public as antennas of plaintiff, while defendants falsely represented to the public that these changed designs were defendants' own designs and were covered by defendants' said patent.

Second Count (Unfair Competition)

9. Plaintiff re-asserts the allegations of paragraphs 1 through 8 of this complaint.

10. Defendants, by the acts set forth in paragraph 8, have also thereby violated the laws of unfair competition of the State of New York and, more particularly, in connection with the acts set forth in paragraphs 8b and e, the Lanham Act, as well.

Patent Ant. - (cont. pag.)

*Does it comply with law, but still
to anti-trust acts*

11. Defendants have unfairly competed with plaintiff by ~~issuing~~ knowingly false representations to the public as to the rights of plaintiff to manufacture and sell its antennas and as to the source, origin and performance of the same.

12. Defendants have further pirated plaintiff's antenna designs and appearance, which have acquired a distinctive meaning among the purchasing public identifying plaintiff as the source of the same, and have deliberately redesigned many of defendants' antennas to embody plaintiff's said designs and appearance while misleading the public by representations that said designs and appearance were the creation and property of defendants.

Third Count (Patent Infringement)
(Patent No. _____)

13. Plaintiff re-asserts the allegations of paragraphs 1-12 hereof.

14. Plaintiff is the owner of its said "patent pending" which is now duly and legally maturing as United States Letters Patent No. _____, profert of a copy of which, upon issue, is made, entitled "Directive Antenna".

15. Defendants, as alleged in paragraphs 8e and 12 hereof, are inducing the public, within the Eastern District of New York and elsewhere in the United States, to purchase antennas of the defendant JFD Electronics Corporation, such as the Models LPB-VU18, ~~15~~ 15, 12, 9, 6 and the LPV-TV19, 16, 13, 10, 7, 5 and 3, and possibly others presently unknown to plaintiff, a clear infringement of the rights covered by said Patent No. ; and defendants, pursuant to their commercial business agreement, set forth in paragraphs 3 and 4 hereof, are manufacturing and selling, within the Eastern District of New York and elsewhere in the United States, antennas ~~Antennas~~ including said Models above, that embody the invention of and infringe said Patent No. , and will continue so to do unless enjoined by this court.

9. circuit: the 4th judge
it says patent is invalid
on 9

Fourth Count (Declaratory Judgment For
Patent Invalidity and/or Non-Infringement
of Patent No. 3,210,767)

16. Plaintiff re-asserts the allegations of paragraphs 1-15 of this Complaint.

17. From ~~paragraphs~~ paragraphs 8c and d hereof, it is evident that a justifiable controversy exists between the parties, under the patent laws of the United States, subject to the Declaratory Judgment Statute.

18. Plaintiff's antennas, accused of infringement of Patent No. 3,210,767 by defendants, do not use the invention or principal actually purported to be covered by the claims of said Patent, but, to the contrary, are designed in accordance with plaintiff's own Patent No. _____ and do not infringe Patent No. 3,210,767.

19. Defendant's said United States Letters Patent No. ~~3,210,767~~ 3,210,767 to D.E. Isbell is invalid and void since the said D.E. Isbell is not the first inventor of the subject matter purported to be covered thereby, the same having previously been invented and/or _____ and/or placed on public sale in this country more than one year prior to the application for said patent by the following, and possibly others, whom plaintiff prays leave to add by amendment to this complaint, upon discovery proceedings:

Wherefor, plaintiff prays for preliminary and permanent injunctions restraining the acts of unfair competition, anti-trust violation and patent infringement ~~complained~~ complained of herein, for a declaratory judgment that plaintiff's antennas do not infringe Patent No. 3,210,767 and/or that said Patent is invalid and void, and, in view of the wanton character of the illegal conduct of defendants, triple damages and attorneys fees, as provided for by statute, together with such other and further relief as may seem proper to the Court.