

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

NOTICE OF MOTION

TO: Mr. Basil P. Mann
MERRIAM, MARSHALL, SHAPIRO & KLOSE
30 West Monroe Street
Chicago, Illinois 60603 — Attorneys
University of Illinois Foundation

and

Mr. Myron C. Cass
SILVERMAN & CASS
105 West Adams Street
Chicago, Illinois 60603 — Attorneys for
JFD Electronics Corporation

U. S. C. A. — 7th Circuit
FILED
OCT 9 - 1968
KENNETH J. CARRICK
for Clerk

PLEASE TAKE NOTICE that pursuant to Rule 26(b) of
the Federal Rules of Appellate Procedure, we are filing this

day with the above Court the attached Motion for Enlargement of Time for the Defendant Appellant to Serve and File It's Appendix and Brief in the above cause.

HOPGREN, WEGNER, ALLEN, STELLMAN & McCORD

By

Attorneys for Defendant Appellant
20 North Wacker Drive
Chicago, Illinois
Telephone: 346-1630

_____, 1968

OF COUNSEL:

Robert H. Rines
David Rines
RINES AND RINES

No. Ten Post Office Square
Boston, Massachusetts 02109

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MOTION FOR ENLARGEMENT OF TIME FOR
DEFENDANT APPELLANT TO FILE APPENDIX
AND BRIEF

Defendant Appellant, Blonder-Tongue Laboratories, Inc., through its counsel, moves this Court, pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure, for an order enlarging the time prescribed by the Rules for the Defendant Appellant to file its Appendix and Brief.

The Defendant Appellant seeks an enlargement of 60 days, to and including December 13, 1968, to file its Appendix and an additional 31 days thereafter, to and including January 13, 1969, to file its Brief.

The Appeal in the above cause was filed on September 3, 1968, and this is the first request for extension of time for filing the Appendix and Brief.

An Affidavit in support of the Motion is submitted herewith.

HOFGREN, WEGNER, ALLEN, STELLMAN & MC CORD

By Attorneys for Defendant Appellant

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A F F I D A V I T

WILLIAM R. McNAIR, being first duly sworn, deposes
and says:

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

That the Appeal in the above case was filed with the
United States Court of Appeals for the Seventh Circuit on
September 3, 1968; and that the Defendant Appellant's

Appendix and Brief are presently due to be served and filed on October 14, 1968;

That within the time prescribed by the Rules, namely on September 13, 1968, Defendant Appellant served and filed it's designation of appendix and statement of issues. The Appellee did not (and has not), within 10 days thereafter, file any additional designation of the record.

Following the expiration of the 10 day period for the Appellee to file an additional designation of the record, counsel for the Defendant Appellant submitted a copy of the designation to the Gunthorp-Warren Printing Company and directed them to initiate the preparation of the Appendix.

Counsel for Defendant Appellant has been advised by the Gunthorp-Warren Printing Company that, as presently appears, it will take approximately 60 days to prepare the printed Appendix in this cause.

Principal counsel for Defendant Appellant is Mr. Robert S. Rines of Boston, Massachusetts, and he has advised local counsel that he desires to have the printed Appendix prior to the completion of the preparation of the

Brief in order that he may make reference in his Brief
to appropriate page numbers in the Appendix.

Further affiant saith not.

William R. McNair

SUBSCRIBED and sworn to before me this _____
day of October, 1968.

Notary Public

ACKNOWLEDGMENT OF SERVICE

Receipt is hereby acknowledged of one copy of the foregoing "Notice of Motion", "Motion for Enlargement of Time for Defendant Appellant to File Appendix and Brief", and supporting "Affidavit" this 9 day of October, 1968.

MERRIAM, MARSHALL, SHAPIRO & KLOSE

By Basil P. Mann
Attorneys for Plaintiff and
Counterclaim Defendant Appellee

SILVERMAN & CASS

By Herbert J. Singer
Attorneys for Counterclaim
Defendant Appellee