

IN THE SUPREME COURT OF THE UNITED STATES

BLONDER-TONGUE LABORATORIES, INC., )  
Defendant and Counter Claimant-Appellant- )  
Petitioner, )

v. )

UNIVERSITY OF ILLINOIS FOUNDATION, )  
Plaintiff and Counterclaim Defendant- )  
Appellee, )

OCTOBER TERM, 1970

and )

No. 338

JFD ELECTRONICS CORPORATION, )  
Counterclaim-Defendant-Appellee, )  
Respondents. )

MOTION OF THE FINNEY COMPANY AS AMICUS CURIAE  
FOR LEAVE TO PRESENT ORAL ARGUMENT

To the Honorable Chief Justice and Associate Justices of  
The Supreme Court of The United States:

The Finney Company, a manufacturer of radio and tele-  
vision antennas in Bedford, Ohio, as amicus curiae, respectfully  
moves for leave to present an oral argument at the hearing of  
the above-entitled case. The argument proposed for presentation  
by the movant is one directed solely to the two important ques-  
tions of patent law presented in a brief amicus curiae on those  
issues (accompanied by a motion to file same), in process of  
being printed.

The Finney Company is the plaintiff in a pending  
declaratory judgment action seeking, inter alia, a judgment that  
the Isbell patent here in suit is invalid.<sup>1</sup> That declaratory

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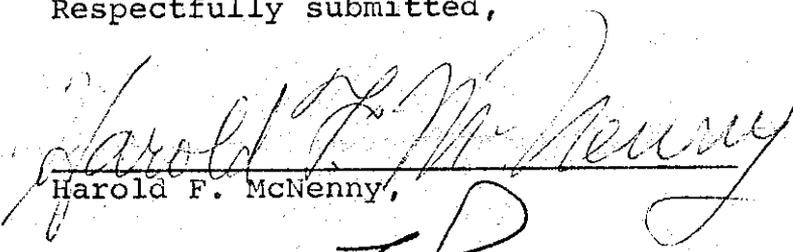
1 The Finney Company v. JFD Electronics Corp. and University  
of Illinois Foundation, Civil Action No. 65 C 671, United  
States District Court for the Northern District of Illinois,  
Eastern Division.

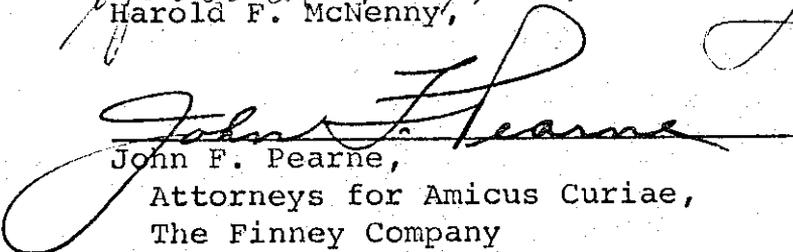
judgment action is one of several other pending suits in the same court involving the questions of validity and infringement of the same Isbell patent.<sup>2</sup> The two issues to which the aforesaid brief amicus curiae of The Finney Company has been addressed, and which it now seeks leave to argue orally before the Supreme Court, are inherently involved in all of those pending suits. Unless the errors believed to have been committed by the courts below in deciding those issues are corrected by The Supreme Court, the doctrine of stare decisis may persuade the trial and appellate courts of the Seventh Circuit to follow and perpetuate those errors in the other pending cases and unjustly impose the consequences on several additional parties.

The two issues which the movant proposes to argue orally are basic to the proper disposition of questions of patentability, both by the courts and by the Patent Office. Accordingly, clarification of the law on such issues seems particularly important. For this additional reason, the movant seeks the opportunity to aid in fully developing those issues.

Granting of this motion is earnestly requested for all of the reasons set forth above.

Respectfully submitted,

  
Harold F. McNenny,

  
John F. Pearne,

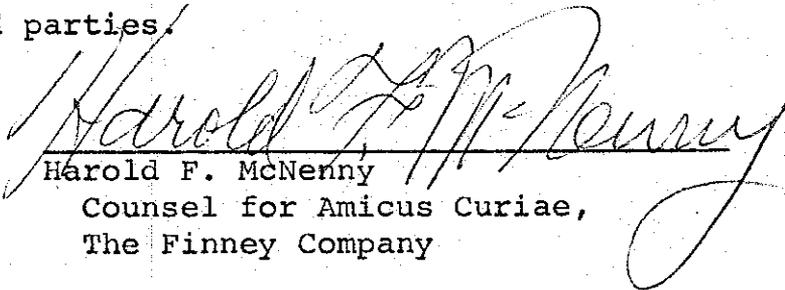
Attorneys for Amicus Curiae,  
The Finney Company

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<sup>2</sup> Petition of Blonder-Tongue Laboratories, Inc. for writ of certiorari, p. 9, note 2.

CERTIFICATE OF SERVICE

Service of copies of the foregoing motion has been made this 2nd day of December, 1970, upon each of the parties to the above-entitled cause by depositing copies thereof in a United States Post Office with first class air mail postage prepaid, the copies being respectively addressed to counsel of record for each of said parties.

  
Harold F. McNenny  
Counsel for Amicus Curiae,  
The Finney Company