

(As added Jan. 21, 1963, eff. July 1, 1963.)

NOTES OF ADVISORY COMMITTEE ON RULES—1963

Form 22-B is intended for use when, under amended Rule 14(a), leave of court is required to bring in a third-party defendant.

Form 23. Motion To Intervene as a Defendant Under Rule 24

(Based upon the complaint, Form 16)

United States District Court for the Southern
District of New York

Civil Action, File Number _____

A. B., plaintiff	}	<i>Motion to inter- vene as a defendant</i>
v.		
C. D., defendant		
E. F., applicant for intervention		

E. F. moves for leave to intervene as a defendant in this action, in order to assert the defenses set forth in his proposed answer, of which a copy is hereto attached, on the ground that he is the manufacturer and vendor to the defendant, as well as to others, of the articles alleged in the complaint to be an infringement of plaintiff's patent, and as such has a defense to plaintiff's claim presenting both questions of law and of fact which are common to the main action.¹

Signed: _____,

Attorney for E. F., Applicant for Intervention.

Address: _____

Notice of Motion

(Contents the same as in Form 19)

¹For other grounds of intervention, either of right or in the discretion of the court, see Rule 24(a) and (b).

United States District Court for the Southern
District of New York

Civil Action, File Number _____

A. B., plaintiff	}	<i>Intervener's Answer</i>
v.		
C. D., defendant		
E. F., intervener		

First Defense

Intervener admits the allegations stated in paragraphs 1 and 4 of the complaint; denies the allegations in paragraph 3, and denies the allegations in paragraph 2 in so far as they assert the legality of the issuance of the Letters Patent to plaintiff.

Second Defense

Plaintiff is not the first inventor of the articles covered by the Letters Patent specified in his complaint, since articles substantially identical in character were previously patented in Letters Patent granted to intervener on January 5, 1920.

Signed: _____,

Attorney for E. F., Intervener.

Address: _____

(As amended Dec. 29, 1948, eff. Oct. 20, 1949.)

NOTES OF ADVISORY COMMITTEE ON RULES—1948
AMENDMENT

The change in nomenclature conforms to the official designation of a district court and of a court of appeals in Title 28, U.S.C., §§43(a), 132(a); and the more appropriate reference to "United States Court House, Foley Square, City of New York" in Form 19 replaces the outmoded reference.

Form 24. Request for Production of Documents, etc., Under Rule 34

Plaintiff A. B. requests defendant C. D. to respond within _____ days to the following requests:

(1) That defendant produce and permit plaintiff to inspect and to copy each of the following documents:

(Here list the documents either individually or by category and describe each of them.)

(Here state the time, place, and manner of making the inspection and performance of any related acts.)

(2) That defendant produce and permit plaintiff to inspect and to copy, test, or sample each of the following objects:

(Here list the objects either individually or by category and describe each of them.)

(Here state the time, place, and manner of making the inspection and performance of any related acts.)

(3) That defendant permit plaintiff to enter (here describe property to be entered) and to inspect and to photograph, test or sample (here describe the portion of the real property and the objects to be inspected).

(Here state the time, place, and manner of making the inspection and performance of any related acts.)

Signed: _____,

Attorney for Plaintiff.

Address: _____

(As amended Mar. 30, 1970, eff. July 1, 1970.)

NOTES OF ADVISORY COMMITTEE ON RULES—1970
AMENDMENT

Form 24 is revised to accord with the changes made in Rule 34.

Form 25. Request for Admission Under Rule 36

Plaintiff A. B. requests defendant C. D. within _____ days after service of this request to make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial:

1. That each of the following documents, exhibited with this request, is genuine.

(Here list the documents and describe each document.)

2. That each of the following statements is true.

(Here list the statements.)

Signed: _____,

Attorney for Plaintiff.

Address: _____

(As amended Dec. 27, 1946, eff. Mar. 19, 1948.)

Form 26. Allegation of Reason for Omitting Party

When it is necessary, under Rule 19(c), for the pleader to set forth in his pleading the names of