

### 3 JUDGES TO HEAR VIDEO COLOR SUIT

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**Case Set for Nov. 14 in R.C.A.  
Fight to Bar C.B.S. Method  
—DuMont Blames U. S.**

CHICAGO, Oct. 30 (AP)—A three-judge Federal Court was named today to hear a suit to block the Columbia Broadcasting System color telecasting method. A ruling by a three-judge constitutional court may be appealed directly to the Supreme Court.

After naming two judges to serve with himself, Judge Philip L. Sullivan of United States District Court set Nov. 14 for a hearing of the suit, brought by the Radio Corporation of America against the Federal Communications Commission.

Nov. 20 was the date set by the commission upon which the C. B. S. may start its color telecasting on a commercial basis.

In addition to the principal issue—setting aside the F. C. C. approval of the C. B. S. mechanical method of transmitting and receiving color—the three-judge court will rule on an R. C. A. request for an injunction to hold up color telecasting until the suit is disposed of; a request by the Government for a summary judgment upholding the F. C. C. decision, and a request by

the Pilot Radio Corporation of New York to enter the case on R. C. A.'s side.

Judge Sullivan chose Chief Judge J. Earl Major of the United States Circuit Court of Appeals, Chicago, and Judge Walter J. LaBuy of the United States District Court, Chicago, to serve with him.

The judge ruled that the C. B. S. could intervene in the suit in behalf of the F. C. C.

In asking for summary judgment, the Government reported the commission had made detailed

findings and conclusions regarding three color systems proposed to the commission. R. C. A.'s suit declared the C. B. S. system was objectionable because owners of black and white television sets could not receive color telecasts in either black and white or color without adding equipment.