

**TITLE 28 - APPENDIX
FEDERAL RULES OF CIVIL PROCEDURE
APPENDIX OF FORMS**

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 XX

A. B., plaintiff

v.

Motion to inter-

C. D., defendant

W vene as a

E. F., applicant for

defendant

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: XXXXXXXXXXXXXXXX,

Attorney for E. F., Applicant for Intervention.

Address: XXXXXXXXXXXXXXXX

Notice of Motion

(Contents the same as in Form 19)

United States District Court for the Southern District of New York

Civil Action, File Number XX

A. B., plaintiff

v.

C. D., defendant

W Intervener's Answer

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: XXXXXXXXXXXXXXXXXXXX,

Attorney for E. F., Intervener.

Address: XXXXXXXXXXXXXXXXXXXX

Footnotes

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

(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.