

TO: Chief, Plans & Policy Division FROM: Consultant DATE: 25 April 1952 COMMENT NO. 2

1. In my opinion, our difficulties in connection with this matter arise from faults in the current procedures of the Patent Office in regard to applications which may or do involve security questions or considerations. The principal difficulty is that it apparently takes a long time for an application to come to the attention of this Agency, in some cases, if I remember correctly, as much as a year. In the meantime the inventor may have also filed in foreign countries, doing so in all good faith and in the protection of his interests. After he has done so, it is rather futile for the U.S. to place a secrecy order on the inventor, so far as security is concerned, and in addition, such action lays the U.S. open to claims for compensation for heavy damages if the inventor complies with the secrecy order.

2. Hence, I recommend that the head of the Patents Branch in AFSA-03 make an investigation as to the current Patent Office procedures in these matters and present a report thereon, with recommendations. AFSA policy can only be determined by or based upon Patent Office procedures which will insure that an application of cryptographic significance will be examined by an AFSA representative within, say, five days of its receipt in the Patent Office.