

prior to the grant of a patent thereon, applicant should make a formal assignment of title and have said assignment recorded, the assignee (i.e. the owner of the commercial rights) would then become responsible for the payment of the final government fee.

(b) On the other hand, if the formal assignment of title be deferred until after the actual grant of the patent, the payment of a final government fee would thereby be avoided.

John H. Gardner, Jr.,
Captain, Signal Corps.

Incl. C.

3d Memo Ind.

8

War Plans & Training Division, May 6, 1935 - To: Executive Officer.

Approval of request contained in paragraph 3 of Mr. Friedman's memorandum of April 19, 1935 is recommended subject to the provisions of 2d Memo Indorsement.

S. B. Akin,
Major, Signal Corps.

Incls. (no change).

2

4th Memo. Ind.

Executive Office, May 7, 1935 - To Major Akin.

Approved as recommended in 3d Memo Indorsement, hereon.

Dawson Olmstead,
Lt. Col., Signal Corps,
Acting Chief Signal Officer of the Army.

FILE	<small>DATE</small>
SIG. <i>CYR</i>	DATE <i>5/7/35</i>

3.

1st Memo Ind.

8

War Plans & Training Division, April 20, 1935. To: Research and Development Division.

Approval recommended provided it is understood that should the letters patent be granted the government will be able to obtain any and all machines desired without the payment of royalty.

S. B. Akin,
Major, Signal Corps.

Incl.

1 Incl. added - Memo.
from Mr. Friedman, to
Major Akin, 14/19/35.

w??

2d Memo, Ind.

10

Research & Development Division, OC31gO, May 2, 1935. To: War Plans & Training Division.

1. Where an invention is originated by an employe of the Government, as in this case, the Government acquires the usual license rights irrespective of whether he negotiates the sale of his commercial rights either before or after the filing of a formal patent application and the purchaser of such rights takes title subject to an irrevocable, non-exclusive license to the Government, which license should be executed at the time the formal patent application is executed.

2. The following procedure is recommended:

a That the patent application be filed thru the Patent Section of the Signal Corps and that attorneys representing the Government be made attorneys of record in the original application, but that patent counsel for the purchaser of the commercial rights prepare the specification, claims and drawings for the application. Handled in this way, the case would come under the Act of 1885 as amended and the payment of a filing fee would be waived.

3. Upon the actual filing of the application in the Patent Office, an associate power of attorney would be given to patent counsel representing the purchaser of commercial rights, with the understanding that said patent counsel would be responsible for the prosecution of application. All replies to patent office actions prepared by outside patent counsel should be transmitted to the Signal Corps Patent Section for actual filing in the patent office.

4. (a) If during the pendency of said patent application and