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Please find below a communication from the EXAMINER in
charge of this application.

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Commissioner of Patents

Applicant: William F. Friedman

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Washington, D. C.

Ser. No. 682,096
Filed July 25, 1933
For Cryptographic System

References made of record:

- Dirkes et al., 1,912,183, May 30, 1932, 178-17 Tape
- Morehouse, 1,356,546, Oct. 26, 1920, 178-22
- Hebern, 1,683,072, Sept. 4, 1928, 35-13
- Friedman, 1,522,775, Jan. 13, 1925, "

Art not specifically cited is made of record to
indicate the state of the art.

Claims 1,2,3,4 are rejected as obviously anticipated
by Hebern.

Claim 5 is rejected as failing to define the inven-
tion in that the "magnet" of line 6 must be an electro-magnet.
See "magnet" in Webster's Unabridged (1924) dictionary at
page 1296. The claim only by implication and not positively
states that the commutators are moved by respective electro-
magnet and pawl-and-ratchet mechanisms. The claim is therefore
further rejected as failing to define.

Claims 6, 7 are rejected as obviously unpatentable
over Hebern since as will be set forth that which in language
distinguishes applicant's device is not an accurate statement,
namely, a keying element which is independent of the cryptograph.
The whole device shown is essential to the operation of the
parts and the keyboard 1, the transmitter 5, and electro-magnets
4 are not independent of each other or of the rest of the device.
These claims are also rejected as inaccurate.

Claims 8,9,10 are rejected as inaccurate in language
just criticized.

Claims 9,10 are rejected as unpatentable over claim 8 since as disclosed in Morehouse the use of two tapes is well known in analogous apparatus.

Claims 11 and 13 are rejected as failing to define the invention since they merely list several articles or sets of articles but set forth no structural cooperative relationship among them.

Claims 11-21 are rejected as unpatentable over Hebern in so far as they definitely state structure.

Claims 17,19,20,21 are rejected as failing to define structure in the means for effecting . . . displacements . . . in an aperiodic manner".

Claim 18 is rejected as inaccurate in "external" and "independent", line 6, above set forth.

Claim 20 is rejected as inaccurate in "external".

Claims 21,22 are rejected as intangible in "sequende" and "characters". The claims are rejected as inaccurate in "non-repeating" since as applicant states on page 11 the device if operated long enough will repeat itself.

Claims 23-25 having expressions above criticized are rejected as failing to define the invention.

Claims 26-34 are rejected as unpatentable under Foreman, 326 O.G. 684, relating to a method of sawing log. This decision states that patentable novelty of method claims cannot be based on positive recitations of structural limitations included therein. Sweetland 1922 C.D. 6 since the steps claimed "are for the obvious and intended function or use of the apparatus" described in the claims to the article.

These claims are rejected as unpatentable under Turner, 1894 C.D. 30, or Cochran et al. v. Deener et al., 1877 C.D. 242, which are agreed with Robinson's well known statement of what is

required to constitute a patentable process in the words:

"An art is an act or a series of acts performed by some physical agent upon some physical object and producing in such object some change either of character or condition".

Obviously no changes of character or condition are effected by the practice of the alleged method.

The claims are all rejected on the ground of multiplicity under Oswald, 1935 C.D. 20.

Claim 2 is not thought patentably distinct from claim 1 nor 11 from 12. In 12 the same elements are set forth as in 11 and in addition, the use of the transmitter which is the only conceivable use for the same element in claim 11.

On allowance of any claim or upon appeal, revision as to form may be required. (Order 2749, May 27, 1932.)

Examiner.