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Paper No. 16

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DEPARTMENT OF COMMERCE
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RICHMOND 20, VIRGINIA

All communications re this
application should give the
date of filing, and name of
the applicant

MAY 1945

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

Casper W. Ooms ~~XXXXXXXXXXXXXXXXXX~~

GPO 16-27315-3

Commissioner of Patents.

OC: 4 1945
Applicant: William F. Friedman, et al

William D. Hall
Patent Section
Signal Corps.
War Department
Washington, D.C.

Ser. No. 70,412
Filed Mar. 23, 1936
For CRYPTOGRAPHS

Responsive to amendment filed September 12, 1945.

The claims in the case are now 1-44. Claims 1-20,
22-33 and 36-39 stand allowed.

Claim 21 "according to a law dependent on the
output" seems to state that there are several applicable
but different laws any one of which may be operative
for any setting of the parts. It seems impossible that
more than one "law" can be operative at a time, for
example in the set up illustrated. Would not the law
Express the thought better than "a law"?

Lines 1 and 2, which "elements" are electrically
interrelated? The claim is directed to patentable matter.

Claims 34 and 35 are again rejected. There is no
invention in any of the steps whether done by a machine
or done by hand with a pencil and paper and an A-B-C
code book or otherwise. There is no limit to the
number of times the plain message may be coded, and the
code further coded. The rejection of these claims of record
is repeated. After operating any other cryptographic
machine, as for example, any of these of record there is
no invention in operating applicant's. Obviously each
machine will have to be operated according to the structure
present, just as the operator of a present day typewriter
will find it necessary to operate old semi-circular
Hammond or double keyboard Smith Premier machines according
to the structures there present. It is not patentable inven-
tion to make the proper movement.

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Claim 40 recites "commutators" but does not set out what kind of commutators are meant. The examiner making this action first learned the term from a tiny motor run from a battery. The claim then recites means to vary the rotatory relationship between commutators. Antecedent Basis is lacking for "rotatory relationship". The claim then sets out some more commutators and means for supplying signals and finally means for "utilizing" the outputs without stating what is done in "utilizing". The claim is rejected as setting out apparatus having no practical utility. The claim does not define the invention first because it does not set out what the apparatus is and second does not set out what it is for.

Claims 41 and 42 "maze or the like" is indefinite because alternative and these claims are therefore rejected.

Claims 41-44 are rejected on the same grounds as claims 34 and 35.

It is queried how applicant would apply his method to controlling any of the electrical apparatus of record for example Korn's. It seems that applicant's methods must be applicable only to his own apparatus and if so they are not patentable since there is no invention in using apparatus as it was intended to be used. The invention in this case lies in the apparatus and not in the steps required to use the apparatus for its intended purpose.

Examiner.