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In re application of
W. F. Friedman et al.,
Serial No. 70,412,
Filed March 28, 1936,
Cryptographs

Div. 55, Room 6807

April 28, 1939.

Hon. Commissioner of Patents,

Sir:

Attention is called to the fact that this application has been placed under the provisions of Section 4894, Revised Statutes, as amended, U.S.C., title 35, section 37, and it is desired that the application be continued under the provisions of said section for a further period of three years, bearing in mind that the three year period will expire in the present case on June 24, 1939. Reference is made in this connection to the formal notification of March 29, 1939.

In conformity with the requirements of Section 4894, there is filed herewith a letter from the Secretary of War dated April 24, 1939, requesting that the application be continued under the three year rule.

Reference is made by way of response to the official communication of June 24, 1936. It is noted that division has been required in this case. It is requested that the requirement for division be waived for reasons hereinafter set forth:

This application has been filed under the Act of 1883, as amended, April 30, 1928, and apart from the fact that the transfer of title to the Government was made when invoking section 4894, the case has the

usual status under the No-Fee Act. The application has been prepared at Government expense and, following the customary procedure, no fees are paid to the Patent Office in such cases. If divisional applications should be required, the Government would be put to additional expense and an additional burden would be placed on the Patent Office for any divisional application or applications which might be filed and without compensation therefor. Moreover, the War Department would be put to additional expense incident to the preparation of separate or divisional applications.

Based upon the ruling of the Classification Examiner, and also upon an unpublished Commissioner's Order mentioned in Office Action of April 8, 1934, (see Butler application, Ser. No. 375,011, Div. 18), which governs the practice in Government cases falling in this category, it is requested in the present case that the divisional requirement be waived.

Respectfully submitted,

W. F. Friedman et al.,

By: (signature) *Thomas A. Rowe*

Attorney