

IN THE UNITED STATES PATENT OFFICE

In re application of
William F. Friedman, et al.,
Filed January 23, 1932,
Serial No. 588,344
Cryptographic System

Div. 53, Room 6897

February 26, 1935.

Hon. Commissioner of Patents,

Sir:

Responsive to Patent Office Action of September 7, 1934.

Claim 34, line 2, after "bank" and before the semicolon insert --, said sets of elements being electrically interrelated --
line 3, cancel "connections" and substitute -- electrical relation --

Claim 35, line 2 cancel "and" and substitute a comma.
Same line after "bank" and before the semicolon insert --, and including electrical connections between said sets of elements -- Line 6 before "an" insert -- a series of ciphering characters constituting --
Same line before "key" insert -- cipher --

Claim 36, line 2, cancel "and" and substitute a comma.
Same line after "bank" and before the semicolon insert --, and including electrical connections between said sets of elements -- Line 7, cancel "sequence" and substitute -- series --

Claim 37, line 2 cancel "and" and substitute a comma.
Same line, after "bank" and before the semicolon insert --, and including electrical connections between said sets of elements -- Line 6, cancel

~~Confidential~~

" sequence " and substitute - - series - -

Claim 41, line 8 cancel " involving " and substitute - -
including - -

Claim 42, line 8, cancel " involving " and substitute
- - including - -

Claim 43, line 8 cancel " involving " and substitute
-b- comprising - -

Claim 44, line 8 cancel " involving " and substitute - -
comprising - -

Claim 45, line 8 cancel " involving " and substitute
- - comprising - -

Claim 48, line 1 cancel " one of " and in the same line
change " elements " to - - element - -

Claim 49, line 1 cancel " one of " and in the same line
change " elements " to - - element - -

REMARKS

Claims 34 to 37 inclusive have been amended and in the form
now presented are so phrased as to provide antecedent basis for the word
- connections - . In other respects it is believed that these claims will
now avoid the objections noted by the Examiner.

In claims 41 to 45 inclusive the term "involving" has been replaced by the word "including" in certain instances and by the word "comprising" in certain other instances. Both of the words now adopted have acquired rather definite meanings in patent practice. Both words are deemed non-exclusive and in the present instance, it is not seen why a purely exclusive term should be used in these claims. It is not seen that the prior art requires a more restrictive term and the specification and drawings herein are ample to support and make plain the meaning of this step of the group of method claims in question.

Claims 48 and 49 have also been amended to avoid the criticism noted by the Examiner.

As to the view generally applying to the method claims Nos. 40 to 50 inclusive, which view is suggested by the comment that "after the apparatus has been operated it is the same as it was before", it is desired to point out that the method for which protection is sought is intended to operate upon certain instrumentalities to bring about a change of character and condition which applies more particularly to a message composed of plain text characters, and the method manipulates the instrumentalities in such a way as to change the relationship of such a message of plain text characters so as to finally eliminate the predictable or periodical factors. As previously emphasized, this concept has been discussed in previous arguments and it is not the apparatus which is changed, but what is achieved by the present method is to manipulate certain instrumentalities so as to eliminate the predictable

factors of a message whereby the cipher resultant of a plain text character is externally and aperiodically varied or changed by the method of controlling switching devices.

As to the objections to the use of the terms " external " and " internal " in so far as criticism of these terms applies to the method claims, it is asked that the Examiner will please refer again to the discussion found on page 6 of the argument in paper dated July 31, 1934. It is to be further understood that applicant can only reiterate what has been said in previous arguments in support of the claims in this case directed to the method. Applicant must rely in general upon the views very fully expressed both in the arguments in the present case and also in arguments submitted on the same subject in the companion application, Serial No. 682,096.

It is also desired to make of record in the present case several other decisions which are listed as follows:

Haseltine Corp. v. Wildermuth, 34 F.R. (2nd) 635
 Ex parte Trinks, 17 U.S. Pat. J. 139 Pat. 1,902,532
 Century Electric Co. v. Westinghouse E. Mfg. Co. 1914 C.D.^a 267 ;
 207 O.G. 1249; 191 F.R. 350
 Smith v Snow et al. 451 O.G. No. 3-487 (1935)

Applicant has earnestly endeavored to deal with all the points of objection noted by the Examiner and favorable reconsideration is courteously requested in the light of the foregoing.

Respectfully submitted,

William F. Friedman, et al.

By:

Attorneys