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Serial: 083

25 JAN 1954

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SUBJECT: Request for Publications

TO: Assistant Chief of Staff, G-2
Department of the Army
The Pentagon

1. Reference is made to your memorandum, subject as above, dated 22 October 1953, in which you request comments and recommendations for reply to Robert Leland, Inc., in response to their request for information pertaining to the Converter M-209.

2. I note that SHARP Signal Directive No. 4 is referred to in your memorandum as establishing Converter M-209 for use by NATO. I believe there is a misinterpretation of the device authorized by the Directive, and that the Directive is intended to mean the Converter M-209 as modified by the French. The Converter M-209 with the French Modification has been approved by the Standing Group for third level NATO use. The Standing Group has not authorized the Converter M-209 for NATO use.

3. In connection with manufacture of Converter M-209 components by Robert Leland, Inc., I understand that the U.S. patent covering the basic Converter M-209 is Patent #2,089,603. It is also my understanding that the U.S. Government owns full rights in this patent and that it is the government's established practice not to restrict private exploitation of government owned patents (except for security reasons or other reasons of public policy.) It appears to me that there is no legal reason why the government should not permit, or why it should affirmatively undertake to prevent, private manufacture under its patent. It may be that the components which Robert Leland, Inc., proposes to manufacture are covered by Patent #2,247,170, covering an improved version of the Converter M-209. The U.S. holds only a non-exclusive license to make, use, and sell the device covered by this patent, which would probably not protect a manufacturer making the devices other than for the account of this government. There is also a question of possible infringement of foreign patents. It should be noted, however, that questions of patent infringement under U.S. or foreign law would be the responsibility of Robert Leland, Inc., and would not, in my opinion, involve this government.

4. I recommend that such manufacturing specification for the Converter M-209 which will be useful, be made available to Robert Leland, Inc., for the

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~~CONFIDENTIAL~~ **CONFIDENTIAL** Serial: 083

purpose of manufacturing components of the Converter M-209 for the French Government, and that Robert Leland, Inc., be advised of the following matters:

- a. The possible risk of infringing patents granted in France and owned by Mr. Boris Hagelin from whom the U.S. rights were purchased.
 - b. That parts made according to the manufacturing specifications may require hand working to fit machines held by France. The reason for this is that tools used in making the Converter M-209 become worn before production was completed; consequently, later machines, which may or may not be those held by the French, do not necessarily hold to the specified tolerances.
5. In Inclosure 3 to your memorandum it is implied that certain of the drawings were not available at the Signal Corps Supply Agency, Philadelphia. There are in this Agency certain of the manufacturing drawings for the Converter M-209. These will be made available on request. Together with those available at the Signal Corps Supply Agency, Philadelphia, it may be possible to assemble the required manufacturing specifications.
6. In my opinion, TM 11-380 will not be of any assistance to Robert Leland, Inc., for the purpose stated (Incl. 1 to your memorandum) and I recommend that it not be released to that company.

(sgd) Ralph J. Canine

RALPH J. CANINE
Lieutenant General, US Army
Director

cc: AG
C/S
S/ASST 
DSC/P
C/SEC
Legal Advisor
P/P

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M/R: The reply to G-2 was deferred until Mr. Friedman had returned and talks with Mr. Hagelin had proceeded to the point where the above action would not appear to be prejudicial to further talks. Robert Leland, Inc., has asked for loan of manufacturing specifications for the M-209 so that components of the M-209 can be manufactured for France. G-2 has requested comments. G-2 is advised about the patents covering the M-209, and the legal actions which might result if Robert Leland, Inc., were to go ahead with manufacture. Robert Leland, Inc., should be informed of the possible risk of infringement. Otherwise, there seems to be no reason for not letting Robert Leland, Inc., use the manufacturing specifications. Certain mechanical difficulties which may be encountered are mentioned. Offer is also made to assist in assembling a set of manufacturing specification. Mr. Weider (NSA-43) has a nearly complete set (not reproducible) and states a reproducible set is on file in NSA-31. It is recommended that TM 11-380 (Operating Instructions for the M-209) not be furnished Robert Leland, Inc., as they request.