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application should give the serial number,  
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Please find below a communication from the EXAMINER in  
charge of this application.

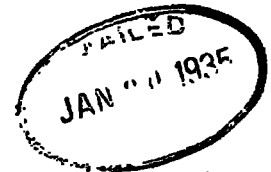
11-8623

Commissioner of Patents.

Applicant: William F. Friedman

Francis H. Vanderwerker &  
Charles A. Rowe,  
c/o Chief of the Air Corps,  
Imitations Bldg., Washington, D.C.

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



Responsive to a mendment filed Dec. 5, 1934.

Claims 1-10, 12, 14-34 are the claims in the case.

Claims 11 and 13, having been canceled, cannot now be  
reconsidered as requested.

Claims 1-10, 12, 14-25 appear allowable.

Claims 26 to 34 considered as method claims are rejected  
as unpatentable under *In re Tallmadge*, 37 App.D.C. 490. To con-  
stitute a new and useful art a process must be capable of prod-  
ucing a beneficial result without the aid of any particular mech-  
anism for where a process is simply the function or operation of  
a machine, it is not an invention, but at most the result of one.

*Cochrane et al. v. Deener et al.*, 1877 C.D. 242. "The  
patentability of a process is entirely independent of the in-  
strumentalities employed and it is immaterial whether or not the  
machinery pointed out as suitable to perform the process be either  
new or patentable".

*Sweetland*, 1922 C.D. 6. The claims for the alleged method  
reviewed and Held that they do not recite a patentable method but  
are for the obvious and "intended function or use of the apparatus  
covered by the claims of the patent.

The pertinency of these decisions is thought obvious.

These claims are further rejected as failing to define  
clearly as will appear from detailed criticism of claim 26.

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In line 1, "system" may mean "method" or apparatus, see dictionary under "system". Therefore, the claim down to "the method" in line 4 may be considered as setting forth apparatus. If so, the "method" of line 4 and following is improperly recited as a part of the system, i.e. apparatus. If, however, "system" means method the claim does not make sense since it in effect recites "In a method of doing something, the method of doing something else", since the "cryptographic system" of line 26 appears to be the old and well known cryptography of Hebern, for example, and the "method" of line 4 and following is applicant's method as performed by means of the part 5.

Examiner.