

C-367/68 (8-25-W9)

DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON, D.C.

V

~~CONFIDENTIAL~~

September 30, 1932

From: Judge Advocate General.
To: Bureau of Engineering.

Subject: Summary of opinion in re: Electric Ciphering Machines -
Patent situation with regard thereto.

Reference: (a) Bu.Eng. confidential let. to J.A.G. dated 2 Sept.
1932, C-367/68 (8-25-W9).

1. The Secretary of the Navy has this day approved the opinion of the Judge Advocate General relative to the question of the scope of the patents to Hebern Nos. 1,510,441, 1,683,072 and 1,861,857; as to the liability for infringement by the device forwarded as enclosure (F) of reference (a) of the several patents constituting enclosures (B) to (E) of reference (a); and as to the patentability of the device disclosed in the Bureau of Engineering design for a coding machine, enclosure (F) of reference (a). The conclusion reached in the foregoing opinion is as follows:

"* * * * The Judge Advocate General is therefore of the opinion in regard to the questions propounded in paragraph 7 of the Bureau of Engineering letter of 2 September, 1932 as follows:

(a) that none of the patents enclosed with reference (a) covers basically the utilization of a rotating drum to change the circuits in a coding and decoding machine, but all merely cover the means whereby such drums are utilized;

(b) That the design described in the Bureau of Engineering design, enclosure (F) of reference (a), does not infringe any of the patents enclosed with reference (a);

(c) that the design shown in enclosure (F) of reference (a) appears to disclose patentable novelty in the cipher drum actuating mechanism;

(d) that the Bureau of Engineering would incur no liability under any of the patents forwarded with reference (a), by building and using the design shown in enclosure (F) of reference (a)."

/s/ O G Murfin

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