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DEPARTMENT OF THE ARMY

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SIGLG-3L.G 12 July 1948

Security Review of Patent Applications

Army-Navy Patent Advisory Board
C/O Office of Judge Advocate General of the Army
Patents Division
Washington 25, D. C.
ATTENTION: Maj. H. E. Galleher, Jr., Secretary

1. On 27 April 1948, Col. George W. Gardes, Judge Advocate General Department Member of the Board, held a meeting in his Office at which Mr. T. E. Cosgrove, Alternate Ordnance Department Member, and Mr. Lawrence Glassman, Signal Corps Member of the Board, raised certain questions arising from the apparent discontinuance by the Patent Office of the procedure for submitting to the Armed Forces for review patent applications including subject-matter coming within categories considered classified. Questions were also raised as to the possibility of the Army's sponsoring a statute designed to facilitate security protection of patent applications, and as to improvement in security procedures at the Patent Office. Maj. H. E. Galleher, Jr., Secretary and Alternate Judge Advocate General Department Member of the Board, was also present.

2. At this meeting, the following conclusions were reached:

a. Colonel Gardes stated that ANPAB would write to each branch of the Army, Navy and Air Force represented on that Board, and request the views of such branch as to the reinstatement by the Patent Office of the procedure of submitting to the Armed Forces for security review, applications coming within certain categories, and would also request a list of these categories in the event that the branch thought that the procedure should be reinstated. If, as would almost certainly prove to be the case, ANPAB decided that the procedure should be reinstated, Colonel Gardes would arrange for a meeting with the Commissioner of Patents to get his views on this matter.

b. During the same meeting with the Commissioner of Patents, Colonel Gardes would discuss the possibility that the Army would sponsor a new statute which would provide for the actual excision of the classified portions of a patent application where such portions were not essential to the completeness of the disclosure. This excision would be accompanied by appropriate safeguards, such as consent of the Commissioner of Patents

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and of the owner of the application; and would be done only at the request of the Armed Forces. It was contemplated also that the statute would provide for complete destruction (again with appropriate safeguards) of a patent application which contained very highly classified information so much distributed throughout the application that it was most unlikely that the application would ever be permitted to issue as a patent. Such a statute would make it possible to remove some applications from secrecy more quickly, and to destroy references to classified information.

c. Colonel Gardes also stated that he would discuss either with the Commissioner of Patents or Assistant Commissioner of Patents Mr. Thomas F. Murphy, the question of the adequacy of the security protection given by the Patent Office to classified patent applications and, if possible, would make a survey of the type of protection afforded in some of the Patent Office divisions having a considerable number of such applications.

2. No request has yet been received by the Signal Corps from AFAB for a list of the categories of patent applications which the Signal Corps would like to have the Patent Office submit for security review. Since the Signal Corps is strongly interested, on its own behalf and that of the Army Security Agency, in having this review procedure reinstated as quickly as possible, the Signal Corps list of categories is given below:

a. Devices and systems used in or having any connection with secret signaling or secret communication by any means of transmission.

b. Electromagnetic wave remote control devices and systems which are applicable to guided missiles.

c. Electronic devices and systems applicable to military countermeasures. (This includes deceptive devices, intentional signal-jamming generators; and systems and techniques for obtaining a desired signal in the presence of intentional jamming. It does not include ordinary noise generators for laboratory test purposes or techniques for obtaining a desired signal through natural interference.)

d. "Death ray" devices and systems in which electrical particles or wave radiations are claimed to cause deleterious effects on human beings or machines.

e. Radiological detection and measuring instruments.

3. The Signal Corps will forward to the Army Security Agency for review, those applications involving subject-matter of special interest to that Agency.

4. If the category listed in Par. 2e above is being reviewed by the Atomic Energy Commission, it will not be necessary to have a Signal Corps review of cases in this category.

5. It would be appreciated if action could be taken promptly by your Board to reinstate this security review procedure, at least as far as the categories listed in Par. 2 above are concerned.

LAWRENCE GLASSMAN
Signal Corps Member,
Army-Navy Patent Advisory Board