

IN THE UNITED STATES PATENT OFFICE

Copy

Application of	*	
WILLIAM F. FRIEDMAN	*	
Serial Number	*	18 August 1948
551,172	*	
Filed	*	Division 53
25 August 1944	*	
For	*	<u>PETITION TO REVIVE</u>
AUTHENTICATING DEVICE	*	
* * * * *		

The Honorable Commissioner of Patents
Washington 25, D. C.

Sir:

Now comes Henry B. Stauffer, attorney for William F. Friedman, Applicant in the above-identified application for patent which became abandoned 3 February 1948 for failure to prosecute, and avers that:

- (1) When the application was filed, the Applicant was, and he now is an employee of the United States Government (Signal Corps), and that Mr. William D. Hall, Office of the Chief Signal Officer, was the attorney of record.
- (2) The application was filed under the provisions of the Act of 3 March 1883, as amended.
- (3) A first Patent Office action rejecting the claims was given 3 February 1945.

(4) On or about 25 July 1945 your Petitioner, then an officer in the Army of the United States, stationed at the Army Security Agency, a field installation of the Signal Corps, prepared an amendment responsive to the said Patent Office action and forwarded the same to the attorney of record for filing in the United States Patent Office.

(5) At approximately the same time the amendment was prepared, it was decided that the application should be prosecuted under the "three-year" proviso of Section 494 of the Revised Statutes, as amended (35 USC 571), and that a request to this effect was forwarded to the Patent Office by the then Acting Secretary of War on or about 29 August 1945.

And your Petitioner further avers that:

(1) On or about 26 August 1947 your Petitioner became the attorney of record in the above-identified application, but that the file of the application was not at once delivered to him from the Signal Corps.

(2) On or about 5 December 1947 your Petitioner was advised that the extension granted in the application in accordance with the "three-year" practice would expire 3 February 1948.

(3) With the knowledge that an amendment had been prepared in 1945 and believing that the same had been seasonably filed, your Petitioner took no further action.

And your Petitioner further avers that:

- (1) In May and June, 1948, it was decided to transfer from the Signal Corps to the Army Security Agency, now a separate entity, the Signal Corps files of certain applications for patent, and that this said application, serial number 551,172, was one of those so transferred.
- (2) The physical transfer was accomplished on 25 June 1948.
- (3) Within a few days thereafter, while the Signal Corps files were being assimilated with Army Security Agency files, the unfiled amendment of 25 July 1945 was discovered.

And your Petitioner is informed and believes and, therefore, avers that it is Signal Corps practice to deposit "three-year" applications for patent within a special vault apart from other cases and to prepare amendments therefor after being notified by the Patent Office that the extensions therein are about to expire; that a single tickler system was maintained for applications; that no separate tickler system is maintained for applications that are kept in the special vault; and that some person, not known, apparently placed the amendment of 25 July 1945 within the file folder of application serial number 551,172 just before the folder was deposited in the said vault instead of forwarding the same to the Patent Office for filing. The allegations of this paragraph will be verified by Mr. Harry M. Saragovitz, successor to Mr. William D. Hall, who left the Signal Corps on or about 20 June 1947.

And your Petitioner further avers that he, Petitioner, was unaware of the aforesaid Signal Corps policy and, moreover, believed, as

above averred, that the amendment of 25 July 1945 had already been filed and so did not advise the Signal Corps of the receipt of the aforementioned Patent Office notice of the expiration of the extension of time in application serial number 551,172.

Petitioner submits that, under the circumstances above set forth, the delay in prosecuting the above-identified application for patent was unavoidable and requests that the said application be revived, and that the previously unfiled amendment of 25 July 1945, hereto attached, which is believed to be completely responsive to the Patent Office action of 3 February 1945, be entered. The "Remarks" of this amendment have been slightly expanded from their original form.

Respectfully,

Henry B. Stauffer
 Henry B. Stauffer
 Attorney for Applicant

STATE OF VIRGINIA }
 County of Arlington) ss

On this 18th day of August, A. D. 1948, before me, a Notary Public in and for the County of Arlington and State of Virginia, appeared the above-named petitioner, Henry B. Stauffer, personally known to me who in my presence executed the foregoing petition and acknowledged that the same is true to the best of his knowledge and belief.

Pass
 Notary Public, Arlington County, Va.
 Commission expires: 20 November 1950

STATE OF _____ }
 County of _____ } ss

I, Harry M. Saragovitz, being first duly sworn, depose and say:

- (1) That I have been employed in the Legal Division, Office of the Chief Signal Officer; since prior to the filing date of application for patent serial number 551,172;
- (2) That I succeeded William D. Hall as attorney in the above-identified application for patent; and
- (3) That the facts contained in Paragraph Two (2), lines 11 through 23, Page 3, of the foregoing Petition to Revoke are true.

Harry M. Saragovitz
 Harry M. Saragovitz

Subscribed and sworn to before me this 31st day of August 1948.

(SEAL)

Spencer
 Notary Public, Ar. Co., Va.
 Com. exp.: 20 Nov. 1950