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CSGAS-14

20 September 1949

MEMORANDUM FOR: CHIEF, ARMY SECURITY AGENCY

SUBJECT: Replacement of the CCM

REFERENCE: (a) AFCIAC Document 13/4 of 14 Sept 49

1. a. In connection with reference (a), it is deemed advisable to note that the ECM-SIGABA is covered by a number of patents or patent applications.

b. Certain of these patents or patent applications are owned by the Teletype Corporation. The exact number of these cases, their serial numbers, and specific nature are unknown to this Agency, as they are being handled under Navy control.

c. There are certain other patents or patent applications, covering certain subsidiary features which were invented by Navy personnel. Details of ownership are not known to this Agency.

d. The basic cryptographic principles employed in the equipment are covered by the following patent applications, still in a secrecy status under the "Three-Year Rule" (Sec. 4594, R.S., as amended) and also under Public Law No. 700 (War-time secrecy for patent applications):

<u>App. Serial No.</u>	<u>Inventors</u>	<u>Date filed</u>
682,096	Friedman	25 July 1933
70,412	Friedman & Rowlett	23 Mar 1936

In each of these two cases the U. S. Government owns the entire right, title and interest in the invention, throughout the U.S. and territories and dependencies thereof, but not elsewhere; the inventors have an irrevocable, assignable, and exclusive license to make, use and/or sell and to license others to make use and/or sell the invention. Attached hereto is a copy of the assignment in each case. (Incl. 1 and 2).

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e. It is understood that in order to obtain a release from or a modification of the secrecy order applying to a patent application held up under Public Law No. 700, unanimous concurrences therefor must be obtained from the members of the Armed Services Patent Advisory Board.

(See form attached)

2. In connection with the general subject of the disclosure to the British of classified information concerning patents and inventions, attention is called to the U.S. - U.K. Security Agreement, a copy of which is attached hereto as Incl. 3.

3. If a decision is made to release the cryptographic principles underlying the ECM-SIGABA to the British, the undersigned desire that nothing be done which will jeopardize the possibility of their obtaining monetary compensation from the British in return for a license to make use of the inventions covered by Patent Applications Serial Nos. 682,096 and 70,412.

WILLIAM F. FRIEDMAN

3 Incls

FRANK B. ROWLETT

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U.S. 208

ASSIGNMENT

WHEREAS I, William F. Friedman, of Washington, District of Columbia, whose address is Care Office of the Chief Signal Officer, Munitions Building, Washington, D. C., have invented a certain improvement in cryptographic system, for which I have made an application for Letters Patent of the United States, Serial No. 682,096, filed July 25, 1933; and

WHEREAS, the invention was made while I was an employee of the War Department, and pertains to a device useful in the National Defense; and

WHEREAS, the Government of the United States is desirous of acquiring the entire right, title and interest in and to the said invention and in and to any patents that may issue thereon;

NOW, THEREFORE, in consideration of the premises and one (\$1.00) dollar, the receipt of which is hereby acknowledged, I, William F. Friedman, have sold, assigned, and transferred, and by these presents do hereby sell, assign and transfer unto the Government of the United States of America, as represented by the ^{Acting} Secretary of War, the entire right, title and interest, throughout the United States of America, and the territories and dependencies thereof, and not elsewhere, in and to the said invention relating to improvement in cryptographic system, as described, claimed and illustrated in the aforesaid application, Serial No. 682,096, and all Letters Patent issued thereon and any continuations, divisions, renewals, and reissues or extensions

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thereof; reserving to myself and legal representatives an irrevocable and assignable license, without payment of royalty, said license to be exclusive, except as to manufacture, use and/or sale by or for the United States Government, to make, use and/or sell and to license others to make use and/or sell the subject matter of said invention relating to improvement in cryptographic system, to the full end of the term or terms for which Letters Patent or any divisions, reissues, renewals, extensions or continuations thereof are or may be granted; the said entire right, title and interest to be held by the Government of the United States of America, as represented by the Secretary of War and his successors in office, to the full end of the term or terms for which said Letters Patent and any divisions, reissues, renewals or extensions thereof are or may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

William F. Friedman

Sworn to and subscribed by the said William F. Friedman
before me this 11th day of September, 1936.

John J. Murray

Notary Public



RECORDED

Transfers of Patents
U. S. Patent Office

SEP 17 1936

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Conway P. Coe

COMMISSIONER OF PATENTS

U.S. 140

A S S I G N M E N T

WHEREAS we, William F. Friedman, of Washington, District of Columbia, and Frank B. Rowlett, of East Falls Church, Arlington County, Virginia, whose address is Care Office of the Chief Signal Officer, Munitions Building, Washington, D.C., have invented certain improvements in Cryptographs, for which we have made an application for Letters Patent of the United States, Serial No. 70,412, filed March 23, 1936; and

WHEREAS, the invention was made while we were employees of the War Department, and pertains to a device useful in the National Defense ; and

WHEREAS, the Government of the United States is desirous of acquiring the entire right, title and interest in and to the said invention and in and to any patents that may issue thereon,

NOW, THEREFORE, in consideration of the premises and one (\$1.00) dollar, the receipt of which is hereby acknowledged, we, William F. Friedman and Frank B. Rowlett, have sold, assigned, and transferred, and by these presents do hereby sell, assign, and transfer unto the Government of the United States of America, as represented by the Secretary of War, the entire right, title and interest, throughout the United States of America, and the territories and dependencies thereof, and not elsewhere, in and to the said invention relating to improvement in Cryptographs, as described, claimed and illustrated in the aforesaid application, Serial No. 70,412, and all Letters Patent issued thereon and any continuations,

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divisions, renewals, and reissues or extensions thereof ; reserving to ourselves and legal representatives an irrevocable and assignable license, without payment of royalty, said license to be exclusive, except as to manufacture, use and / or sale by or for the United States Government, to make, use and/ or sell and to license others to make use and/ or sell the subject matter of said invention relating to improvement in Cryptographs, to the full end of the term or terms for which Letters Patent or any divisions, reissues, renewals, extensions or continuations thereof are or may be granted ; the said entire right, title and interest to be held by the Government of the United States of America, as represented by the Secretary of War and his successors in office, to the full end of the term or terms for which said Letters Patent and any divisions, reissues, renewals or extensions thereof are or may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

William F. Friedman

Frank B. Rowlett

Sworn to and subscribed by the said William F. Friedman
and Frank B. Rowlett before me this 2d day of
April, 1936.

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Transfers of Patents
U. S. Patent Office

APR 14 1936

Conway P. Cole
COMMISSIONER OF PATENTS

John H. Williams
Notary Public

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DEPARTMENT OF THE ARMY
Office of The Adjutant General
Washington 25, D. C.

AGAO-S 350.05 (1 Oct 48) CSGID

8 October 1948

SUBJECT: United States - United Kingdom Security Agreement

TO: Chief of Ordnance
Chief of Engineers
Chief Signal Officer
The Surgeon General
Chief, Chemical Corps
The Quartermaster General
Chief of Transportation

1. The United States Chiefs of Staff will make every effort to insure that the United States will maintain the military security classifications established by United Kingdom authorities with respect to military information of U.K. origin, and the military security classifications established by U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and, will not disclose such military information to a third nation without U.K. consent. The British Chiefs of Staff will make every effort to insure that the United Kingdom will maintain the military security classifications established by the U.S. authorities with respect to military information of U.S. origin, and the military security classifications established by the U.K.-U.S. agreement with respect to military information of joint U.K.-U.S. origin or development; will safeguard accordingly such military information; will not exploit such information for production for other than military purposes; and will not disclose such military information to a third nation without U.S. consent. This agreement applies to military information disclosed by the United States to the United Kingdom or by the United Kingdom to the United States or exchanged between the United States and the United Kingdom on and after the date of acceptance of this agreement by the United Kingdom.

2. The United States Chiefs of Staff and the British Chiefs of Staff agree that insofar as the U.S. and the U.K. are concerned, the safeguards indicated above also apply to information developed by the U.S. and U.K. jointly in collaboration with a third nation.

3. It is agreed in respect of classified information communicated by one country to the other, that the recipient country shall use its best endeavors within the framework of its laws and rules to prevent any loss of patent rights in the information. Specific(sic) it is declared and agreed that:

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Incl 3

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AGAO-S 350.05 (1 Oct 48) CSGID Continued 8 October 1943
 Subj: United States - United Kingdom Security Agreement

a. Any rights of the originator to obtain patent protection in the recipient country in respect of the information communicated are not and will not be prejudiced by virtue of the introduction of the information into such country.

b. The information, so long as it remains classified, will not be used or disclosed by the recipient country in any manner likely to prejudice the rights of the originator to obtain patent protection in respect thereof, but if the recipient country desires to use or to disclose the information in any manner likely so to prejudice the rights of the originator, then the recipient country will immediately notify the country of origin of the full circumstances of such intended use or disclosure, and such use or disclosure shall not be effected until approval is given by the country of origin.

c. Each country when so requested by the other and to the extent consistent with its laws and rules will use its best endeavors.

- (1) to have maintained in secrecy any patent application filed in the recipient country in respect of the information for so long as may be desired by the country of origin, and
- (2) to supply reports of the manner in which the information embodied in a patent application has been used or disclosed.

4. For the purpose of this agreement the United Kingdom, the British Dominions, and India are considered to be separate nations.

BY ORDER OF THE SECRETARY OF THE ARMY:

/s/ Edward F. Mitsell
 EDWARD F. WITSELL
 Major General
 The Adjutant General

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 Directors Divisions of the
 General Staff U.S.A.

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