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NPIC/P&DS/D/6-1605

3 October 1966

MEMORANDUM FOR THE RECORD**SUBJECT: Patent-Searching Procedures**

1. In October 1964 [redacted] developed the concept of an automatically-masked vacuum platen. After a preliminary demonstration of the platen's feasibility in November of the same year, we completed a Record of Invention Form, dated 14 December 1964 (copy attached).

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2. Because of an urgent need to utilize the conception to solve an immediate operational problem, three cleared, local contractors were approached about fabricating a vacuum easel for the [redacted] Enlarger. After being informed of the invention in January 1965, two of the three contractors submitted quotations. Primarily because of the technical integrity [redacted] I recommended that it be contracted to develop and fabricate the required device (copy of relevant R&D Catalog Form attached). The contract was awarded on 23 June 1965.

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3. Meanwhile, in simultaneous actions [redacted] had begun proceedings to obtain a patent for the vacuum easel. However, the chairman of the CIA Patents Boards in a memorandum dated 12 January 1965 (copy attached), ruled that the Government had complete domestic rights, although he stated that, if recommended by the Director, NPIC, patent proceedings could be initiated to obtain [redacted] the rights not reserved for the Government.

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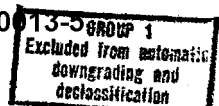
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4. In a memorandum dated 10 March 1965 (copy attached), the Director, NPIC, requested that complete domestic rights be granted to the inventors, but on 12 July 1965 these rights were again refused in a memorandum from the CIA Patents Board chairman (copy attached). It must be added that the chairman's memorandum also stated that "This Record of Invention has been forwarded to the Army JAG Office, Patents Division, for a preliminary patent search and the preparation of an application." This patent would have secured [redacted] and me all rights not reserved for the Government.

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5. No further correspondence took place between the inventors and the CIA Patents Board until over a year later, on 19 July 1966. A memorandum of that date from the Board Chairman contained a report on the preliminary search by the Army JAG Office and a recommendation

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not to proceed with a patent application because of the discovery of an existing patent which was claimed to be similar enough to prohibit application. Specifically, the Army cited Patent No [redacted]

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[redacted]

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[redacted] It was my opinion that, [redacted] device was somewhat similar, its existence would not prohibit a patent being granted for the subject device because the utilization of the [redacted] device [redacted]

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[redacted] was so dissimilar from the intended use of the subject invention. (A theory which proved to be true as evidenced by the subsequent granting of Patent [redacted] described below)

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6. Doubting that a complete search had been made, I spent two hours at the Patent Office performing my own search. As suspected, an applicable patent was found; in fact, it was exactly the same device that is the subject of this memorandum. Patent No [redacted]

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[redacted] was found in the same class and sub-class as the dissimilar patent located by the Army JAG Office.

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7. What is most important about these events is the inefficiency of the procedure involving patent applications. It took over a year to find out that a patent already existed for our device. If this knowledge had been more readily available, this office would have approached the holders of the patent, who are much more familiar with the technical difficulties involved in fabrication of a vacuum easel than was the contractor selected. As stated in the attached R&D Catalog Form, one of the main reasons for the selection of [redacted] contractor for the vacuum easel development was its technical ability to overcome the anticipated unknowns in fabrication of the easel. However, the experience gained in the patent proceedings alone probably would have qualified the holder of Patent [redacted] to be approached as a sole source supplier.

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8. The above facts lead to the following conclusions:

A. The patent searching procedure followed by this office is too slow and is inaccurate.

B. If more effective patent-searching procedures were established, unnecessary expenditures, such as the [redacted] contract referred to above, could be either avoided or substantially reduced.

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9. To avoid the shortcomings of the present procedure, I am preparing a recommendation to establish a procedure that will allow Technical monitors to obtain patent searches directly by a member of the Development Branch.



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Attachments:

- A. Record of Invention dated 14 December 1964
- B. R&D Catalog Form for Vacuum Easel Development," dated 1 March 1965
- C. Memorandum from Chairman, CIA Patents Board "Determination of Government Interest dated 12 January 1965
- D. NPIC/D/31-65 Memorandum, dated 10 March 1965
- E. Memorandum from Chairman, CIA Patents Board "Determination of Government Interest dated 12 July 1965
- F. Memorandum from Chairman, CIA Patents Board, dated 19 July 1966

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