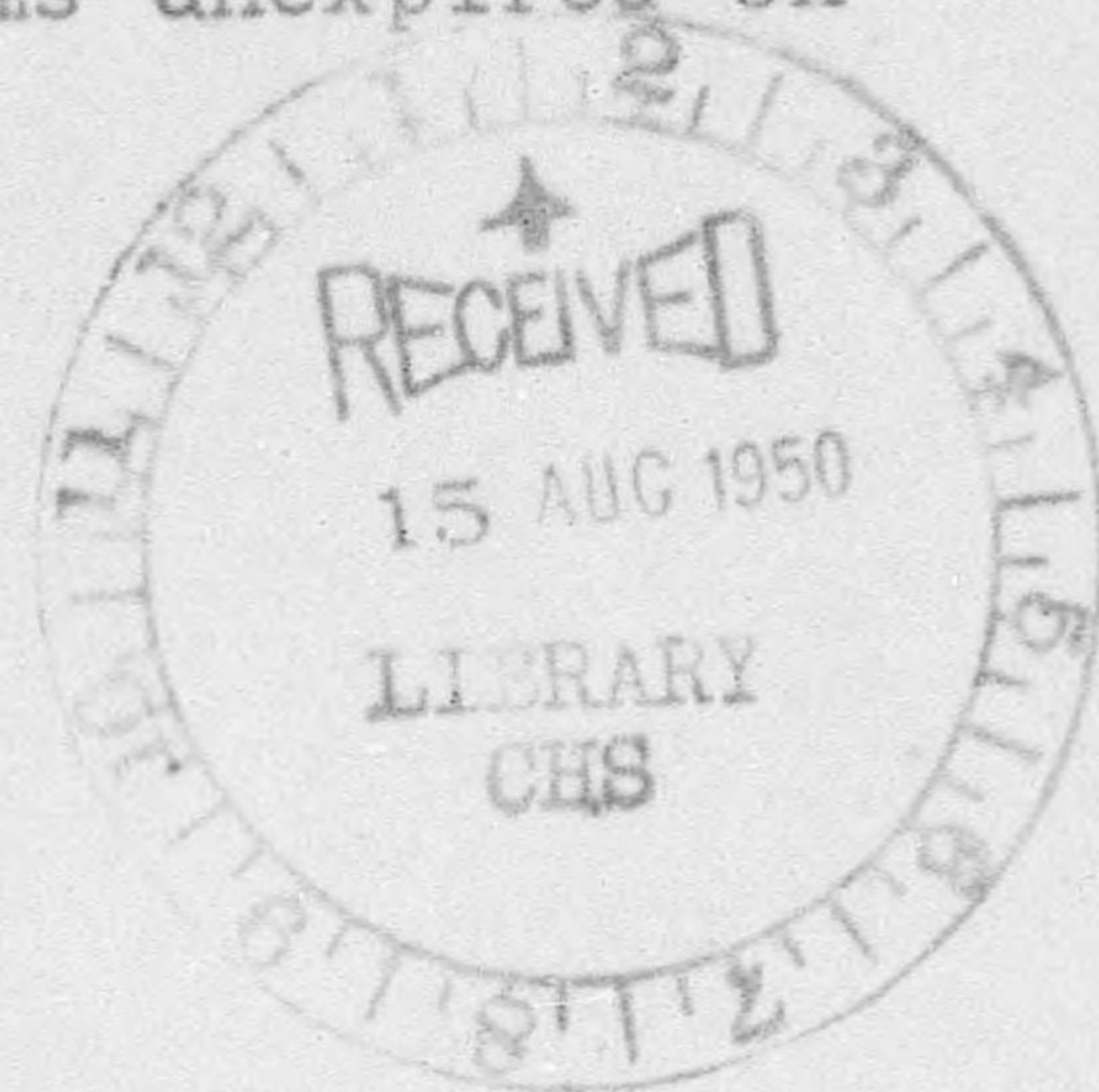


PATENTS

The following is a report on German-owned patents, patent license agreements, patent applications, utility-model applications pending, and trademark applications pending.

1. Patent property owned by German firms unexpired on 1 December 1948:

a. Patents	3,128
b. Trademarks	2,516
c. Utility Models	533
d. Design Patents	22



2. Patent property owned by German individuals unexpired on 1 December 1948:

a. Patents	424
b. Trademarks	368
c. Utility Models	58
d. Design Patents	1

3. Patent license agreements submitted by the Japanese Government show 3,317 patents licensed.

4. Seven hundred fifty (750) patents recently submitted by the Board of Patents not included in above.

5. One thousand one hundred fifty three (1,153) German-owned patents and 396 utility models listed above were cancelled for non-payment of annual fees. These may be revalidated under SCAP directive.

6. German patent applications pending 7 December 1941 and filed through 31 December 1946 have been disposed of as follows:

a. Patents rejected from applications	615
b. Patents invalidated of application	383
c. Applications withdrawn	35

170-310

German Refund Dec 48

d. Patents registered from application	2,882
e. Patents under examination from applications	366
Total	4,281

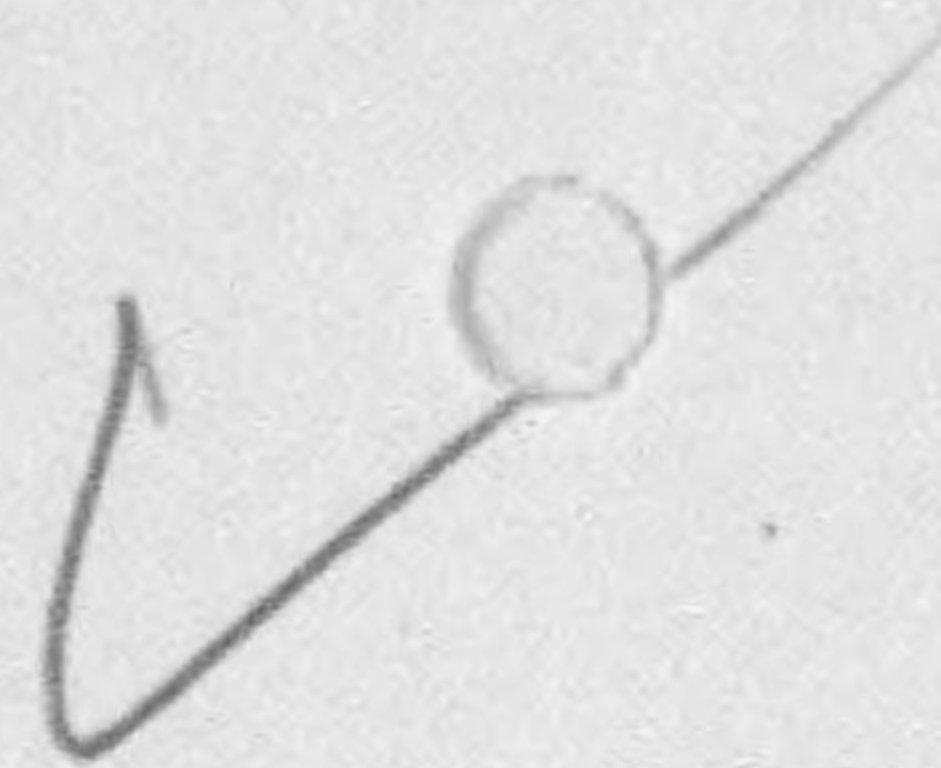
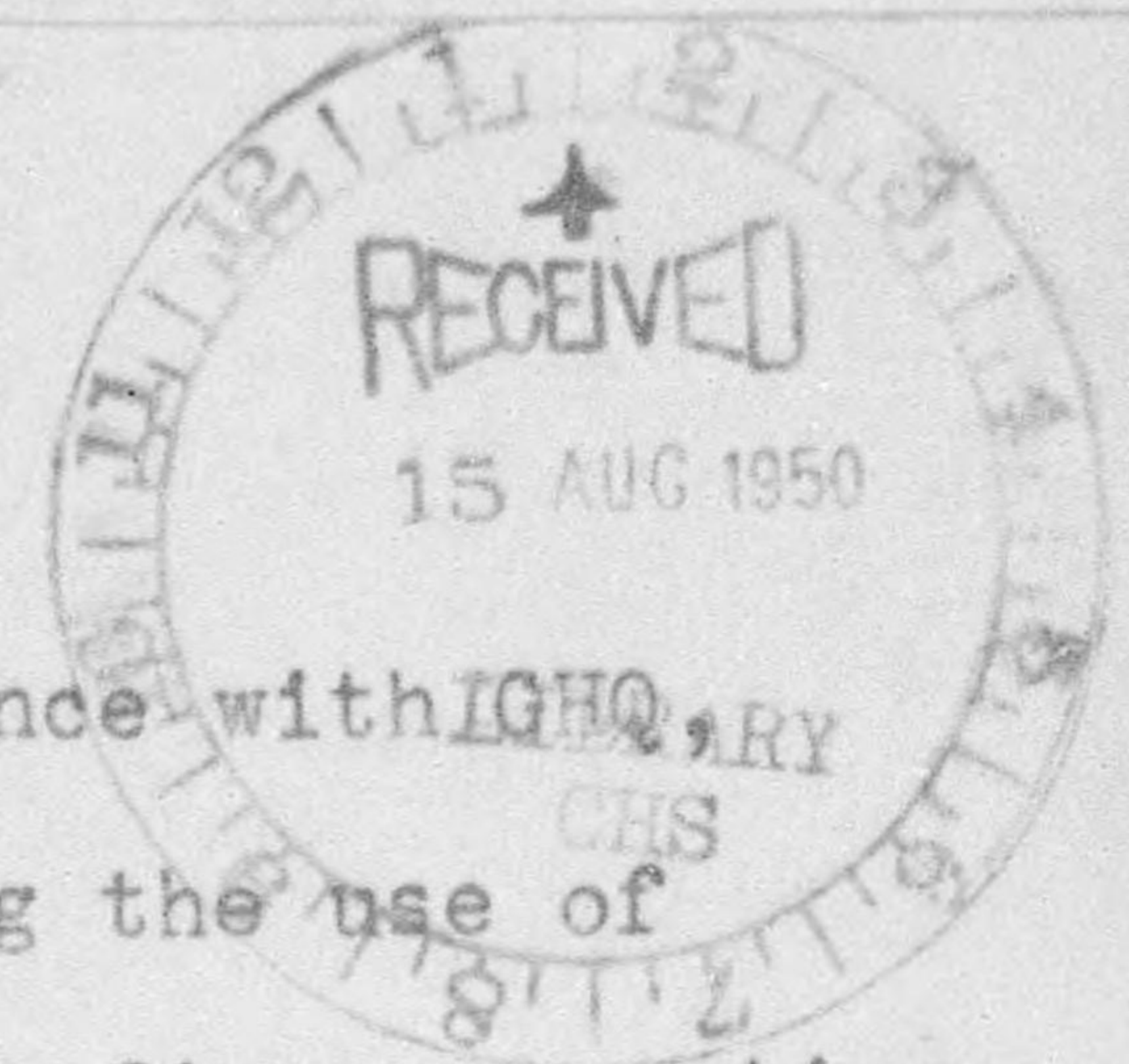
7. German utility model applications pending 7 December 1941 and filed through 31 December 1946 have been disposed of as follows:

a. Registered from applications	287
b. Rejected from the applications	96
c. Invalidated of applications	36
d. Abandoned from applications	1
e. Withdrawn from the application	1
f. Under examination from applications	<u>36</u>
Total	457

8. German trademark applications pending 7 December 1941 and filed through 31 December 1946 have been disposed of as follows:

a. Registered from applications (Firms - 208: Individual - 14)	222
b. Invalidated of applications (Firms - 26: Individual - 6)	32
c. Rejected from the applications (Firms - 17: Individual - 1)	18
d. Under examination from applications (Firms - 176: Individual - 7)	<u>183</u>
Total	455

PATENTS



*Germany
Patents
Dec 44*

170-309

The Japanese Government has submitted in accordance with SCAP directives, 40 license agreements concerning the use of German patents registered in Japan. Two Japanese firms operating under such agreements are now paying royalties into the SCAP Custody Fund; nine firms owe royalties estimated at approximately ¥ 30,000,000 for past use of German patents, the license agreements having expires as of or prior to 1 January 1949; five firms are operating under license agreements which have not yet expired and from these firms royalties estimate at approximately ¥ 5,000,000 are due. The remaining firms owe no royalties either because of the expiration of their license agreements or completion of all payments stipulated in the contract.

The total amount of royalties paid into SCAP Custody Fund since September 1945 amounts to ¥ 3,103,000.00 The estimated amount of uncollected royalties as indicated above for the use of German patents prior to 1 January 1949 is approximately ¥ 35,000,000. This amount must be regarded as tentative since the majority of these license agreements involve legal questions as to the extent royalties should be reduced or perhaps set aside altogether because of alleged failure of the licensor to perform obligations specified in the agreement. Furthermore, more than 90 per cent of all royalties due involve exchange rates between the yen and various other currencies and in a number of cases at the time payments became due no legal exchange rates existed. Consequently the appropriate exchange

rate is a matter of administrative decision or policy.

In the event final policy involves exploitation of German owned patents there are a substantial number of unlicensed patents which would become subject to licensing negotiations.

UN *patents*
Custodial Directive on Functions of the Patent Property Division CPC/PD
 On CEC, SCAP

CUSTODIAL DIRECTIVE NO. _____

This directive cancels all previous directives on patent property.

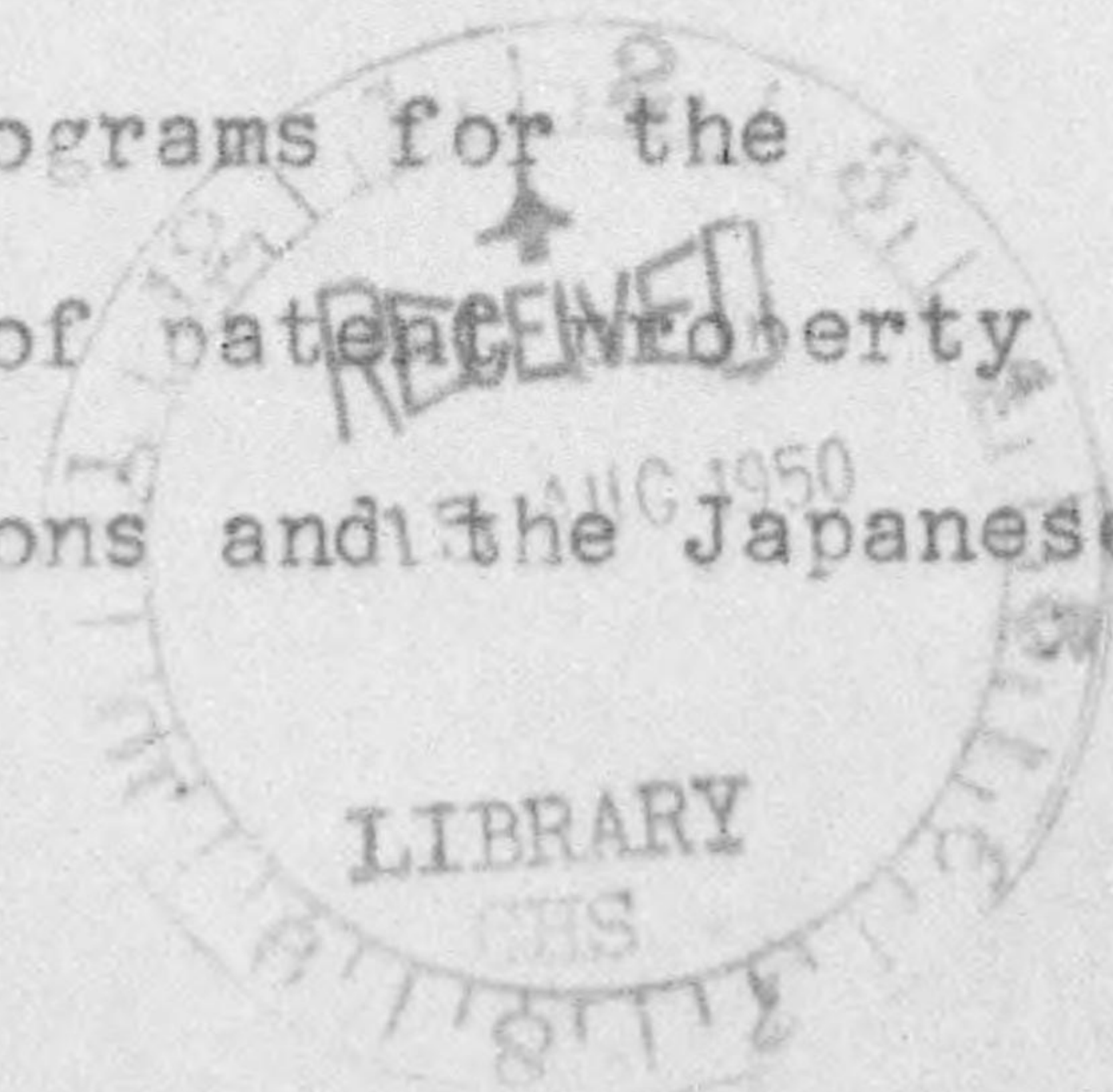
170-308

1. The Patent Property Division is hereby directed to advise the Civil Property Custodian on general policies concerning, and to establish and provide for implementation of procedures for, the control or custody and disposition of all patent property over which the Supreme Commander for the Allied Powers (SCAP) is directed to exercise authority. For purposes of this directive, patent property shall include, but not by way of limitation, patents, utility models, trademarks, designs and copyrights. It shall also include all assignments, agreements, licenses and contracts connected with or affecting the subject property, as well as all revenues received from a sale, license or assignment. The division will coordinate with ESS in the release to FEC nations of any technical information obtained by analysis of patent properties held in custody.

2. Functions of the Division in general are to;

a. Make recommendations, and establish procedures for control or custody and disposition of patent property of the United Nations, and nations whose status has changed as a result of the war, and their nationals, to include the restoration and revalidation of such property rights which may have been terminated during the war by law or otherwise.

b. Make recommendations, establish procedures, and execute or supervise execution of approved programs for the blocking, custody or control and disposition of patent property of designated Japanese persons and organizations and the Japanese



Custodial Direction No. _____

Government.

- c. Seek out complete records and data from the Japanese Government and any other source on all United Nations, German and Japanese Government-owned patent property in Japan.
- d. Make recommendations for action to reduce to control or custody, on a case-by-case basis, Japanese (public and private) external assets, involving patent property, of every kind and description outside of Japan.
- e. Execute, or supervise execution of approved programs for disposition of all patent property over which SCAP is directed to exercise authority.
- f. Upon request of Allied authorities in other occupied nations, with respect to patent property of the governments of the enemy nations and of their nationals resident in Japan, exercise the functions prescribed in the preceding paragraphs.
- g. Keep the Comptroller informed of all patent property under SCAP jurisdiction.
- h. Recommend the necessary patent property legislation to carry out the objectives of the occupation.
- i. Recommend interim SCAP policy to carry out these broad objectives.
- j. Recommend patent property provisions that will be required in the Japanese Treaty of Peace.
- k. Be prepared to furnish expeditiously all patent property data, statistics, and reports and all patent property policy recommendations required by CPC, SCAP, JCS, SANACC and FEC.

Custodial Directive No. _____

1. Effect simultaneous release from custody upon SCAP order patent property to all FEC nations.

m. Seek out all Japanese secret patents and technical information related thereto. Seek out all secret agreements for licensing between nationals of Axis nations.

3. The comptroller of the Custodian will be responsible for the maintenance of complete records and accounts:

a. Of all patent property taken under control or into custody or reported to the Supreme Commander for the Allied Powers, in accordance with his directives; and of all transactions pertaining thereto.

b. Of all disposal transactions directed by higher authority, including dispositions of claims, restoration and revalidation; and general distribution of patent property to FEC nations.

c. Of all changes in the titles to patents, utility models, designs, trademarks and copyrights.

Reference: File - Patent Property: Policy Procedures & Policy Recommendation

PROPERTY LIQUIDATION DIVISION

FAM/HS/jc
5 February 1949

170-307

MEMORANDUM FOR: CIVIL PROPERTY CUSTODIAN

FROM: Director, Property Liquidation Division

SUBJECT: Memorandum for Civil Property Custodian from Foreign Property Division, Patent Property Branch, In Re Licensing of German-owned Japanese Patents

The memorandum, undated, to the Civil Property Custodian from Foreign Property Division, Patent Property Branch, subject, "Licensing of German-owned Japanese Patents," has been reviewed by Property Liquidation Division; and these comments are offered in connection therewith:

1. With reference to par 1b of subject memorandum, Property Liquidation Division reiterates that the directives contained in Radio W 86177, 13 Sep 47, from WDSCA ECON to CINCFE, constitute the only policy concerning former German-owned patents which Civil Property Custodian is authorized to implement at the present time. In other words, Civil Property Custodian must, "...preservè these patents in present status 'administering' them under par 2 of ourad. This would include (1) Collecting of royalties under existing license agreements...and (2) the grant of temporary licenses where immediate use of the patent in your judgement is essential to achieve occupation objectives."

2. With reference to par 1c of subject memorandum:

a. It must be emphasized that the basic provision of Radio W 83502, 11 Jun 48, from CSCAD ACON to CINCFE--via, that patents in Japan of Category A Germans should for the time being be made available for use in Japan by grant of temporary, non-exclusive, royalty-free licenses--is a proposed policy only. Furthermore, Radio W 83502, by its very language, makes it explicit that the proposed policy is a



temporary policy which does not purport to settle the question of the ultimate disposition of the patents in question.

b. In memorandum, 14 Oct 48, to the Civil Property Custodian, Property Liquidation Division took, with respect to the policy of non-exclusive, royalty-free licensing, certain exceptions which are restated here:

- (1) Presently considered patent policy is highly inconsistent with the treatment we are giving to other categories of GEPC vested property; i. e. it involves abandonment of the principle of preservation and protection of GEPC vested property.
- (2) Licensing on a royalty-free basis entails the loss of GEPC patent royalty revenues currently being collected or accruing.
- (3) Non-exclusive licensing may have an adverse effect on the value of vested capital stocks where these are related to the previous exclusive use of vested patents.
- (4) Radio W-83502 discloses that benefits accruing to the signatory countries of the London Accord are not, in practice, available to occupied countries, Germany and Japan. The policy of non-exclusive, royalty-free licensing was therefore advocated for the purpose of preserving SCAP's control of German-owned patents, while making them available for use in Japan.
- (5) It may be assumed that the policy of royalty-free licensing was advocated to eliminate the potential drain on the Japanese economy which the collection of

royalty payments might impose. It may be further supposed that such relief as this policy would afford the Japanese economy would ultimately be reflected in decreasing demands for United States assistance in rehabilitating Japan. If these assumptions be true, then we would point out that the revenues (other than patent royalties) accruing to vested properties, and the proceeds received in the liquidation of other vested properties--all of which ultimately will be distributed to the GEPC nations at interest--are also a burden on the Japanese economy and will increase the burden of U.S. aid in Japan. Obviously, the payment of patent royalties is a normal manufacturing expense and such payment is essentially no different than the payment of rent, or interest, or dividends, insofar as the Japanese economy is concerned.

c. With respect to the foregoing factors, there is not in CPC's files any evidence to indicate that these factors have been brought to Washington's attention to aid them in the formulation of German patent policy. It is our belief that they should be considered before any final policy decision is made. The custodian's records, at least, should disclose that Washington has been advised of all circumstances and conditions existing locally and bearing on the problem.

3. With reference to pars 2,3, and 4 of the subject memorandum, Property Liquidation Division does not concur in the statement that, "... Civil Property Custodian is now in a position to implement the policy outlined in reference radios by adoption of a licensing program."

Nonconcurrency is justified as follows:

- a. There is no one policy outlined in the reference radios; rather there are two policies, the one directly opposed to the other. Furthermore, the one policy has been laid down as an explicit, however temporary, directive; while the other is a proposal only.
- b. The licensing program outlined in pars 3 and 4 of the reference memorandum is an adaptation of parts of each separate and opposite policy. Such a program cannot be justified if either policy is to be implemented separately and entirely. Again, there is no authority, explicit or implied, for applying one policy to that group of patents which were encumbered by pre-war licenses, and another policy to those patents which were not so encumbered.

4. Property Liquidation Division offers the following additional factor for consideration in the patent property program:

- a. Recently (and informally) advanced proposals for the Liquidation of all GEPC vested properties has suggested a cutoff date, beyond which the provisions of Law No. 5 of the Allied Control Council for Germany would no longer apply. Thus, there must be contemplated the re-entry into Japanese economic life of German trade and technology, in the Allied interest of reviving the German economy. Indeed, this reentry is already foreshadowed in two matters which have come recently to the attention of the Property Liquidation Division:

- (1) Telefunken G.m.b.H. in Germany, through approved military channels, has applied for permission to initiate contract negotiations with its Japanese pre-war patent licenses.

(2) Mashinenfabrik Augsburg-Nurnberg, A.G. is preparing to make available to its Japanese licensees, its latest developments in the field of diesel engines.

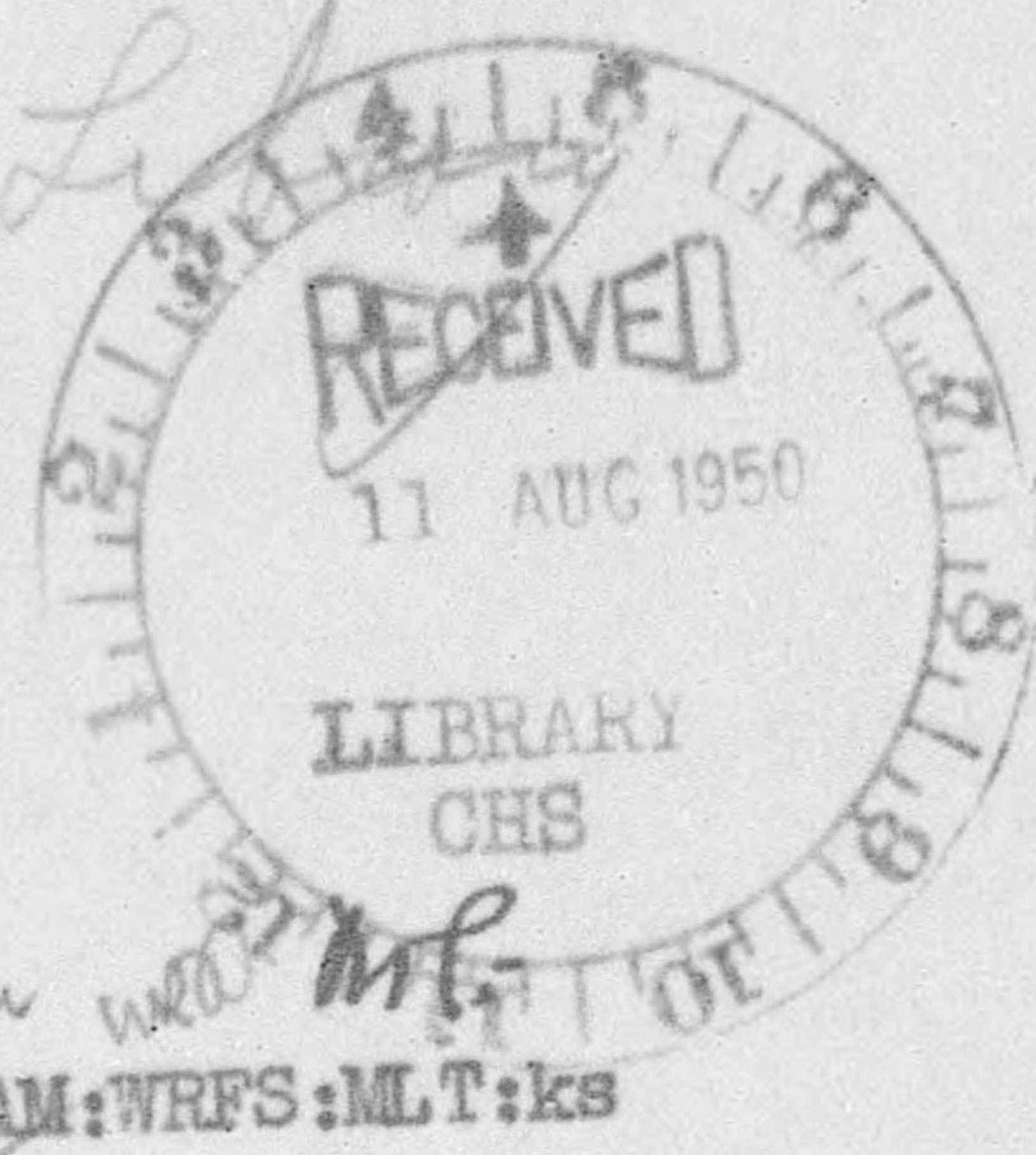
Clearly then, the application of a policy of non-exclusive royalty-free licensing might serve to render confused, if not chaotic, the future patent relationships between two enemy countries in whose economic rehabilitation the Allies desire to assist.

5. In conclusion, Property Liquidation Division recommends:
- a. That the policy laid down in Radio W 86177 be adhered to until a new policy is enunciated.
 - b. That Washington be advised as to all the local conditions and circumstances incident to the problem of vested patents, for guidance in the formulation of any new policy.

F. A. MORRISON
Director, Property Liquidation
Division

SOURCE: Policy File

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
APO 500



11 AUG 1950

072 (18 Jul 50)CPC/CD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
Ministry of International Trade and Industry,
Japanese Government

SUBJECT: Requests for Restoration of Trade-Mark Rights in Japan
by L. Sonneborn Sons, Inc., The Wheatena Corporation
and Henry Glass & Co. (all United States of America)

1. Reference is made to memorandum for the Japanese Government, file AG 072 (9 Sep 49)CPC/FP, SCAPIN 2042, 9 September 1949, subject, "Trade-Marks, Trade Names, and Marking of Merchandise in Japan," from General Headquarters, Supreme Commander for the Allied Powers.

2. In accordance with the memorandum referenced in paragraph 1 above, the Patent Agency is directed to take necessary action to restore to their owners the trade-mark rights described in the inclosed "Request for Restoration of Trade-Mark Rights" and to extend the terms of duration thereof as requested in the attached "Request for an Extension of the Term of Duration of Trade-Mark Rights."

3. A separate "Certificate of Restoration" for each trade-mark right, evidencing the restoration and extension of the trade-mark rights as required by paragraph 2 of reference in paragraph 1 above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers immediately upon execution.

2 Incls

1. (3) "Request for Restoration"
w/PA (in dup)
2. (3) "Request for Extension"
(in dup)

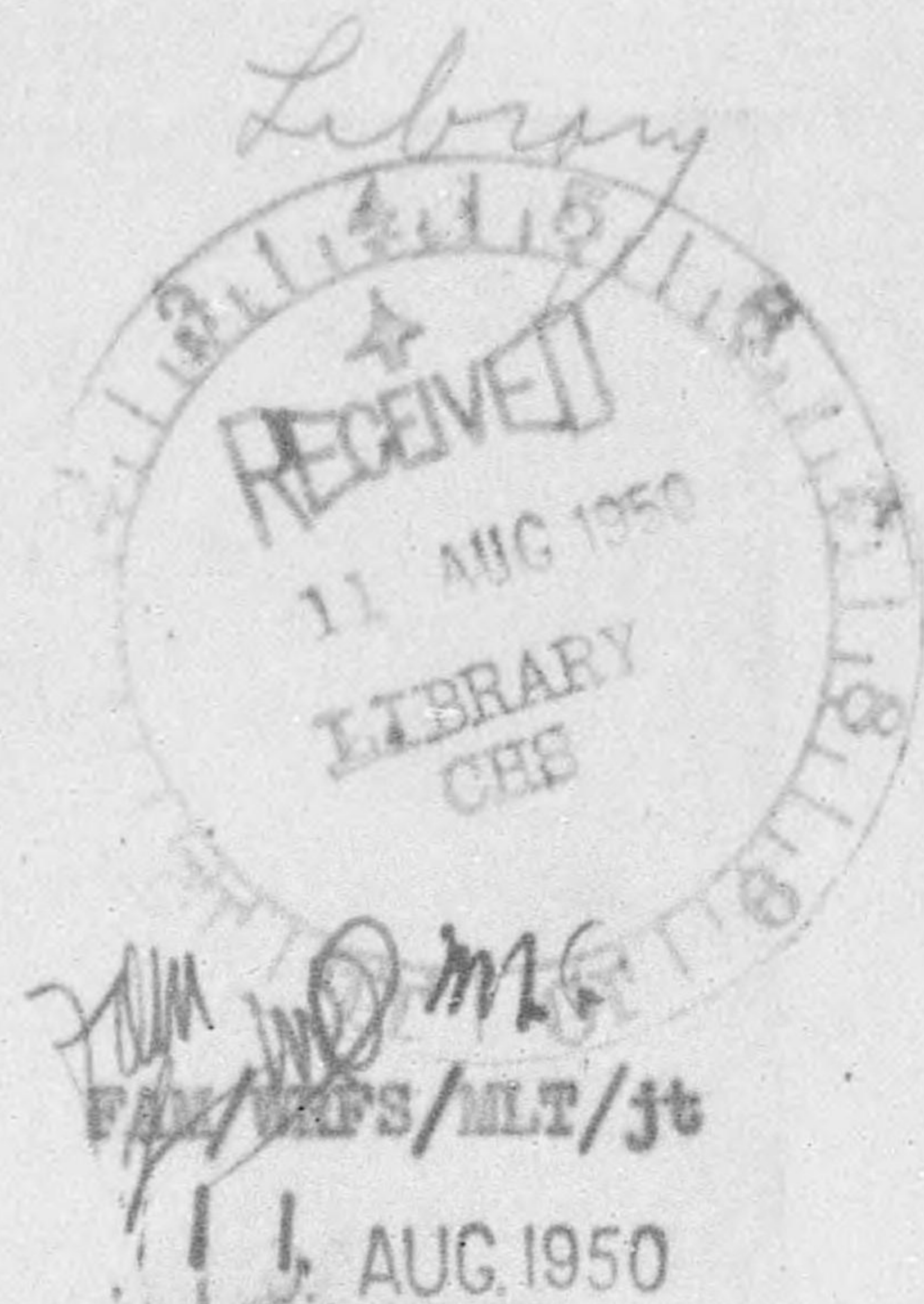
E. C. MILLER, Jr
Colonel, Infantry
Deputy Custodian

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GENERAL HEADQUARTERS
 SUPREME COMMANDER FOR THE ALLIED POWERS
 CIVIL PROPERTY CUSTODIAN
 APO 500



072 (20 Jul 50)CFC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
 Ministry of International Trade and Industry,
 Japanese Government

SUBJECT: Requests for Restoration of Trade-Mark Rights in Japan
 by Eberhard Faber Pencil Company and Labor Spring &
 Tire Corporation (Both United States of America)

1. Reference is made to memorandum for the Japanese Government, file AG 072 (9 Sep 49)CFC/FP, SCAPIN 2042, 9 September 1949, subject, "Trade-Marks, Trade Names, and Marking of Merchandise in Japan," from General Headquarters, Supreme Commander for the Allied Powers:

2. In accordance with the memorandum referenced in paragraph 1 above, the Patent Agency is directed to take necessary action to restore to their owners the trade-mark rights described in the inclosed "Request for Restoration of Trade-Mark Rights" and to extend the terms of duration thereof as requested in the attached "Request for an Extension of the Term of Duration of Trade-Mark Rights."

3. A separate "Certificate of Restoration" for each trade-mark rights, evidencing the restoration and extension of the trade-mark rights as required by paragraph 2 of reference in paragraph 1 above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers immediately upon execution.

Incls

1. (2) "Request for Restoration"
 w/PA (in dup)
2. (2) "Request for Extension"
 (in dup) w/PA (1)
 (in dup)

E. C. MILLER, Jr
 Colonel, Infantry
 Deputy Custodian

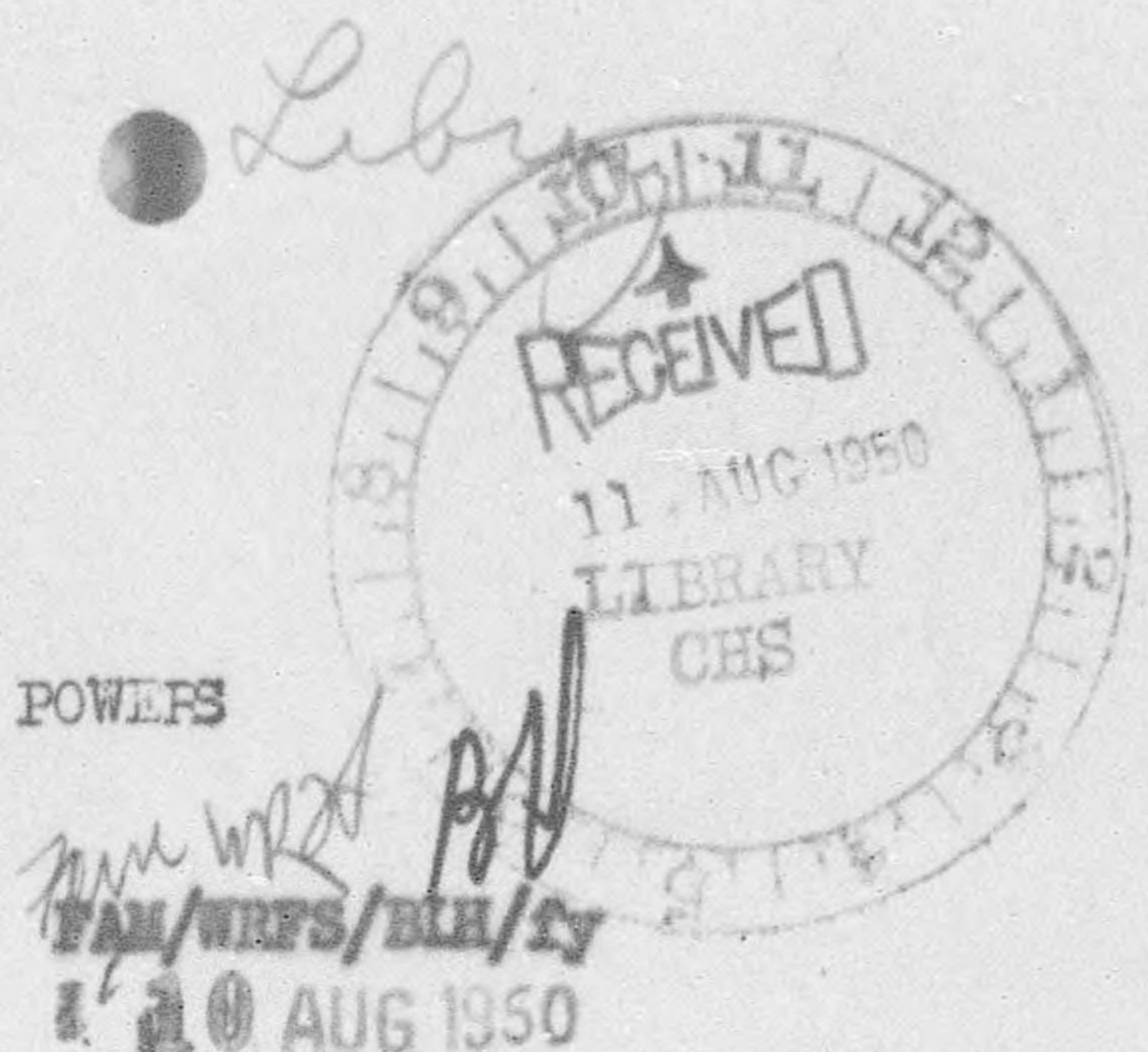
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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
APO 500



072 (21 Jul 50)CPC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
Ministry of International Trade and Industry,
Japanese Government

SUBJECT: Demand for Restoration of Patent Property in Japan
Owned by **The National Cash Register Company**

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990, 8 April 1949, subject, "Procedures for Restoration of Patents, Utility Models, and Designs for Allied Nationals "

b. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/1, 16 May 1949, subject, "Procedures for Restoration of Patent Property in Japan to Allied Nationals "

c. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/3, 21 March 1950, subject, "Procedures for Restoration of Patents, Utility Models, and Designs to Allied Nationals."

2. In accordance with the memoranda referred to in paragraph 1a, 1b and 1c above, the Patent Agency is directed to take necessary action to restore to its owner the patent property described in the inclosed "Demand for Restoration" and to extend the term of duration of Patent No. 141,605 as requested in the attached "Request for Extension."

3. The "Certificates of Restoration," in quadruplicate, executed in compliance with stipulations set forth in paragraph 3d of reference 1b above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, immediately upon execution.

1 Incl
"Demand for Restoration"
w/"Demand for Extension"
(in dup)

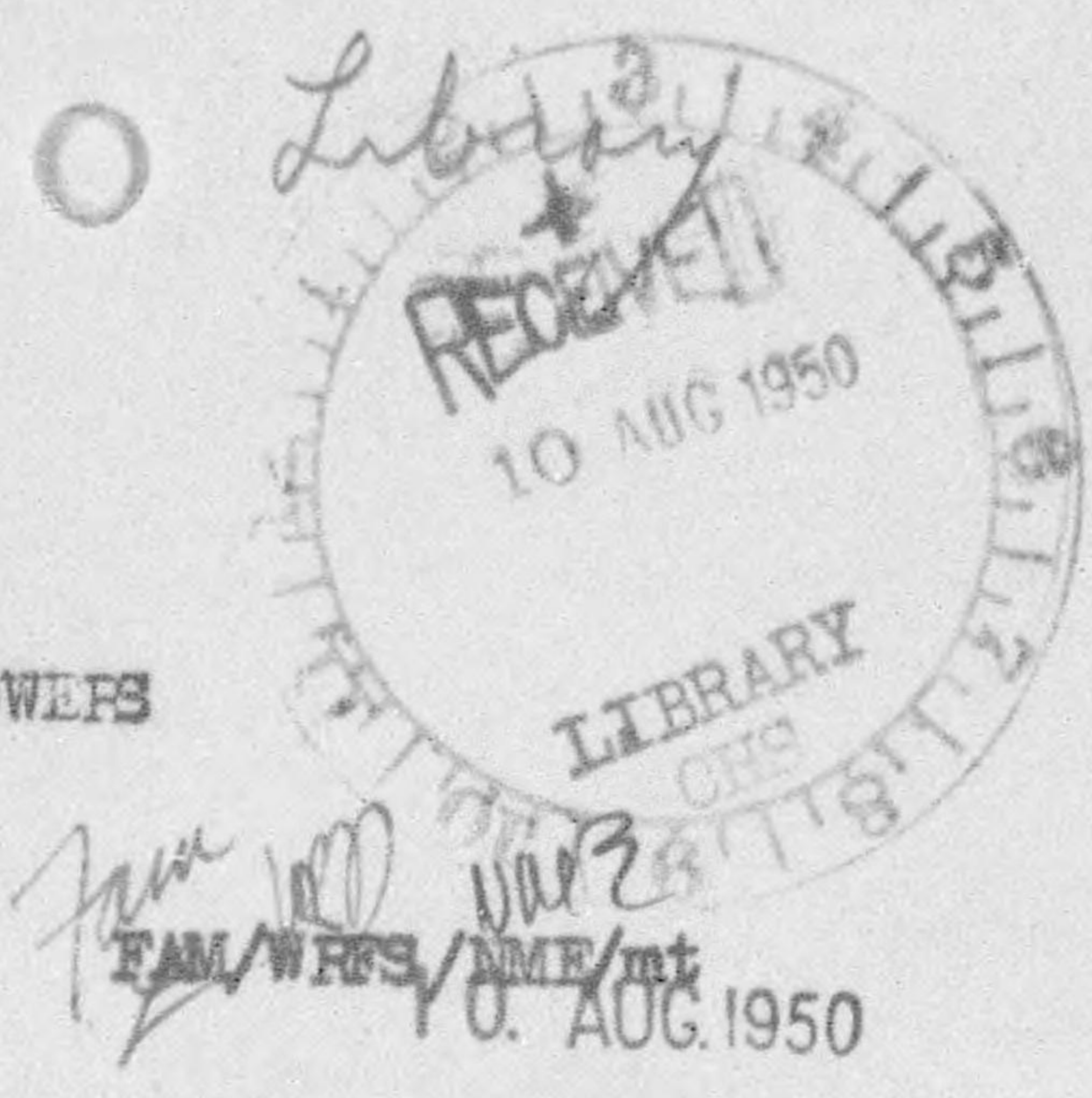
E. C. MILLER, Jr
Colonel, Infantry
Deputy Custodian

Distr: CHS (2)

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170-303

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
APO 500



072 (8 Jun 50)CPC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
Ministry of International Trade and Industry,
Japanese Government

SUBJECT: Demand for Restoration of Patent Property in Japan
Owned by **Texaco Development Corporation**

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990, 8 April 1949, subject, "Procedures for Restoration of Patents, Utility Models, and Designs for Allied Nationals"

b. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/1, 16 May 1949, subject, "Procedures for Restoration of Patent Property in Japan to Allied Nationals"

c. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/3, 21 March 1950, subject, "Procedures for Restoration of Patents, Utility Models, and Designs to Allied Nationals."

2. In accordance with the memoranda referred to in paragraph 1a, 1b and 1c above, the Patent Agency is directed to take necessary action to restore to its owner the patent property described in the inclosed "Demand for Restoration" and to extend the term of duration thereof as requested in the attached "Demand for Extension."

3. The "Certificate of Restoration," in quadruplicate, executed in compliance with stipulations set forth in paragraph 3d of reference 1b above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, immediately upon execution.

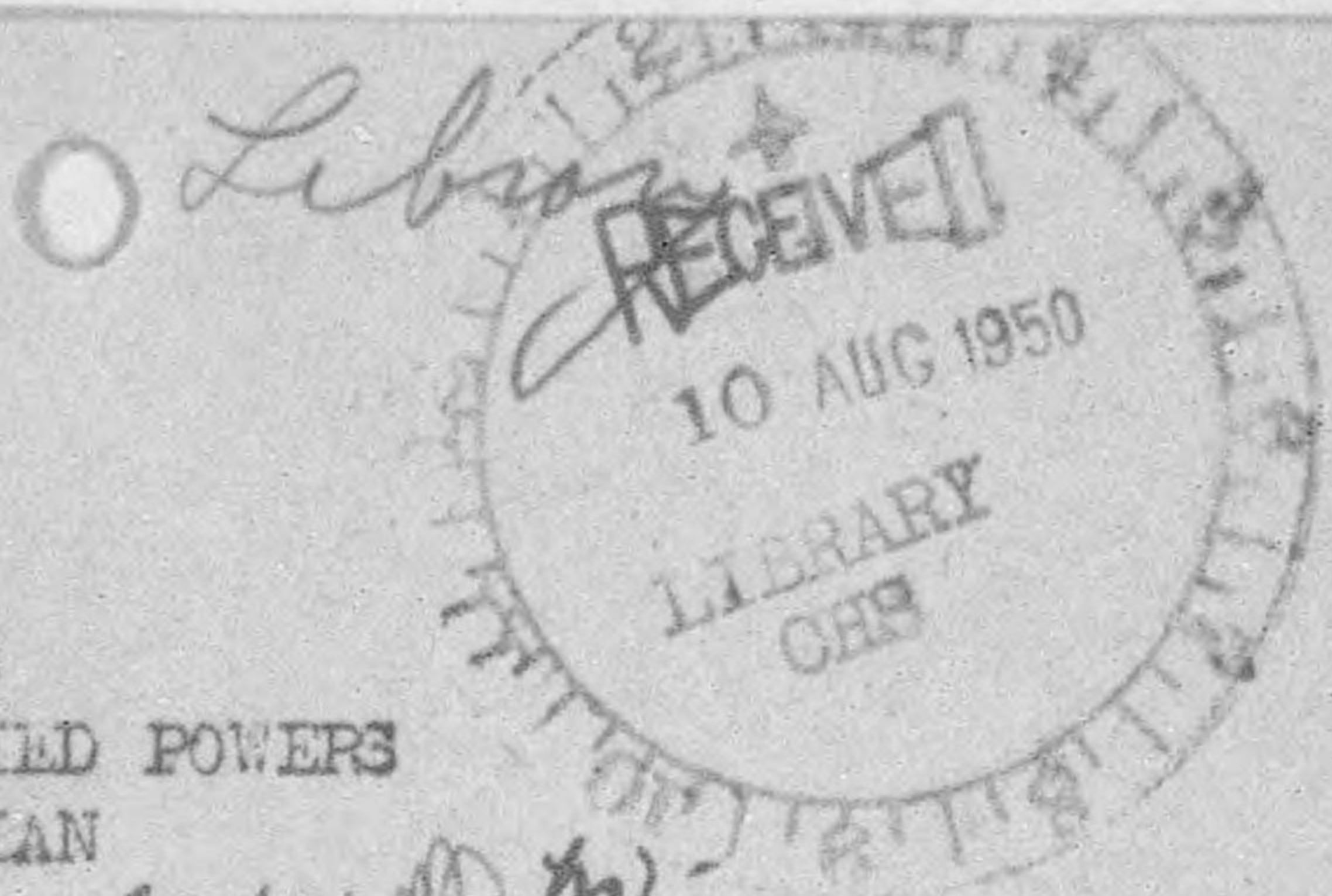
1 Incl
"Demand for Restoration"
w/ "Demand for Extension"
(in dup)

E. C. MILLER, Jr
Colonel, Infantry
Deputy Custodian

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
APO 500

From [unclear] ml:
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10 AUG 1950

072 (18 Jul 50)CEC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
Ministry of International Trade and Industry,
Japanese Government

SUBJECT: Requests for Restoration of Trade-Mark Rights in Japan
by Hovis Limited, C. & T. Harris (Calne) Limited, Peter
Scott & Co. Limited and Fox Brothers & Company Limited
(All United Kingdom)

1. Reference is made to memorandum for the Japanese Government, file
AG 072 (9 Sep 49)CEC/FP, SCAPIN 2042, 9 September 1949, subject, "Trade-
Marks, Trade Names, and Marking of Merchandise in Japan," from General
Headquarters, Supreme Commander for the Allied Powers.

2. In accordance with the memorandum referenced in paragraph 1 above,
the Patent Agency is directed to take necessary action to restore to their
owners the trade-mark rights described in the inclosed "Request for Restora-
tion of Trade-Mark Rights" and to extend the terms of duration thereof as
requested in the attached "Request for an Extension of the Term of Duration
of Trade-Mark Rights."

3. A separate "Certificate of Restoration" for each trade-mark rights,
evidencing the restoration and extension of the trade-mark rights as re-
quired by paragraph 2 of reference in paragraph 1 above, shall be forwarded
to the Office of the Civil Property Custodian, General Headquarters, Supreme
Commander for the Allied Powers immediately upon execution.

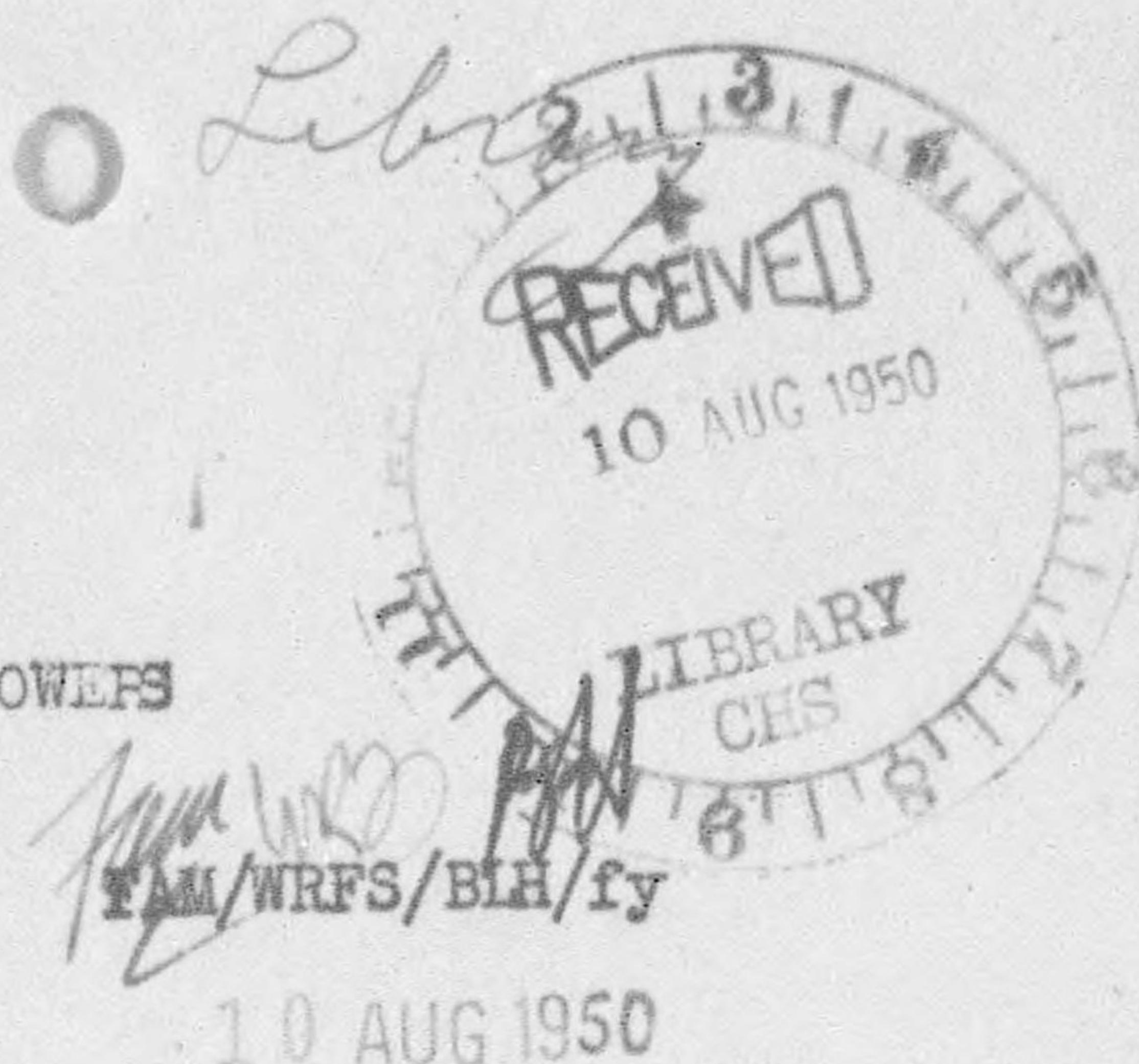
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- 2 Incls
- 1. (4) "Request for Restoration"
w/PA (in dup)
- 2. (4) "Request for Extension"
(in dup)

E. C. MILLER, Jr
Colonel, Infantry
Deputy Custodian

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GENERAL HEADQUARTERS
 SUPREME COMMANDER FOR THE ALLIED POWERS
 CIVIL PROPERTY CUSTODIAN
 APO 500



072 (8 Jul 50)CPC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
 Ministry of International Trade and Industry,
 Japanese Government

SUBJECT: Demand for Restoration of Patent Property in Japan
 Owned by **Combustion Engineering-Superheater, Inc.**

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990, 8 April 1949, subject, "Procedures for Restoration of Patents, Utility Models, and Designs for Allied Nationals "

b. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/1, 16 May 1949, subject, "Procedures for Restoration of Patent Property in Japan to Allied Nationals "

c. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/3, 21 March 1950, subject, "Procedures for Restoration of Patents, Utility Models, and Designs to Allied Nationals."

2. In accordance with the memoranda referred to in paragraph 1a, 1b and 1c above, the Patent Agency is directed to take necessary action to restore to its owner the patent property described in the inclosed "Demand for Restoration" and to extend the term of duration thereof as requested in attached "Demand for Extension."

3. The "Certificates of Restoration," in quadruplicate, executed in compliance with stipulations set forth in paragraph 3d of reference 1b above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, immediately upon execution.

2 Incl^s

1. "Demand for Restoration"
 w/"Demand for Extension"
 (in dup)

2. Certificates of merger (in dup)

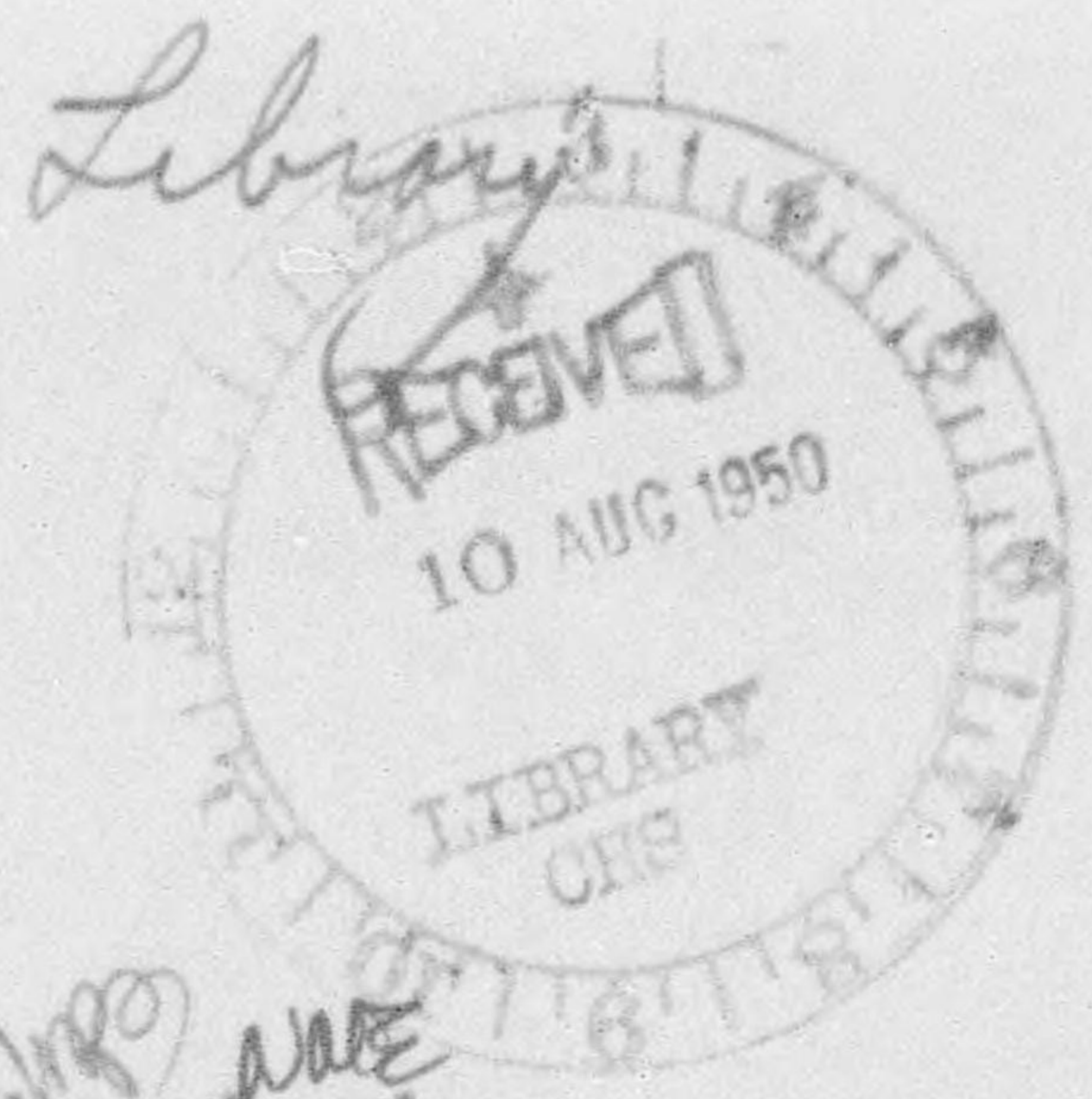
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E. C. MILLER, Jr
 Colonel, Infantry
 Deputy Custodian

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL PROPERTY CUSTODIAN
APO 500

072 (20 Mar 50)CPC/OD

MEMORANDUM FOR: Patent Property Administration Section, Patent Agency,
Ministry of International Trade and Industry,
Japanese Government

SUBJECT: Demand for Restoration of Patent Property in Japan
Owned by Raymond Saulnier

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Power:

- a. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990, 8 April 1949, subject, "Procedures for Restoration of Patents, Utility Models, and Designs for Allied Nationals"
- b. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/1, 16 May 1949, subject, "Procedures for Restoration of Patent Property in Japan to Allied Nationals"
- c. File AG 072 (8 Apr 49)CPC/FP, SCAPIN 1990/3, 21 March 1950, subject, "Procedures for Restoration of Patents, Utility Models, and Designs to Allied Nationals."

2. In accordance with the memoranda referred to in paragraphs 1a, 1b and 1c above, the Patent Agency is directed to take necessary action to restore to its owner the patent property described in the inclosed "Demand for Restoration" and to extend the term of duration thereof as requested in the attached "Demand for Extension."

3. The "Certificates of Restoration," in quadruplicate, executed in compliance with stipulations set forth in paragraph 3d of reference 1b above, shall be forwarded to the Office of the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, immediately upon execution.

1 Incl
"Demand for Restoration"
w/ "Demand for Extension"
(in dup)

E. C. MILLER, Jr
Colonel, Infantry
Deputy Custodian

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SEC