

HEINL RADIO BUSINESS LETTER

INSURANCE BUILDING

WASHINGTON, D. C.

ISSUED TWICE A WEEK AND CONTAINING THE LATEST INFORMATION REGARDING THE RULINGS OF THE FEDERAL RADIO COMMISSION, RADIO LEGISLATION, DEPARTMENT OF COMMERCE REGULATIONS, CHANGES IN WAVELENGTH, CALL LETTERS AND POWER, PATENTS, EXPORTS, FEDERAL TRADE COMMISSION RULINGS AND OTHER MATTERS OF INTEREST TO BROADCASTERS AND MANUFACTURERS. :: :: **CONFIDENTIAL—NOT FOR PUBLICATION.** :: ::

INDEX TO ISSUE OF DECEMBER 17, 1931.

Two Resolutions Provide For Broadcasting Of Senate Business.....	2
Shuler To Seek Senate Seat.....	2
Raytheon Sues RCA For Fifteen Millions.....	3
Radio Committees Appointed.....	3
Radio Industry Will Oppose Special Sales Tax.....	4
Congressmen Use Records For Back-Home Broadcasts.....	5
Aylesworth Contends Broadcasters Not Subject To I.C.C. Jurisdiction.....	6
Patent Committee Appointed In The House.....	6
Business Letter Briefs.....	7
Applications Received By Federal Radio Commission.....	8
Decisions Of The Federal Radio Commission.....	10

No. 495

TWO RESOLUTIONS PROVIDE FOR BROADCASTING OF SENATE BUSINESS

There is apparently a sudden desire on the part of the Senate to broadcast its proceedings. This was disclosed by two resolutions introduced - the first, by Senator Howell, of Nebraska, and the second, by Senator Dill, of Washington.

Senator Howell's resolution read as follows:

"Resolved, That a special select committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the practicability of broadcasting proceedings of the United States Senate, and to report to Congress as soon as practicable the results of such investigation."

This resolution was objected to by Senator Robinson, of Arkansas, but it is believed that the objection is temporary.

Senator Dill introduced this resolution:

"Resolved, That the Sergeant-at-Arms of the Senate is hereby directed at as early a date as practicable, to equip the Senate Chamber with the proper electrical connections to which microphones for radio broadcasting may be attached, and also to install microphones, control switchboards, and all other apparatus necessary for connection of microphones with any broadcasting station or stations for the purpose of broadcasting speeches, debates or proceedings of the Senate as may be decided from time to time by the Senate Committee on Rules, and the necessary expense for such installation of electrical connections and equipment and for the maintenance and operation of the same is hereby authorized to be paid out of the contingent fund of the Senate.

"The Committee on Rules of the Senate is hereby authorized to make arrangements for the broadcasting of such proceedings of the Senate as the committee may determine through such radio broadcasting stations as it may be possible to arrange for broadcasting without expense to the Senate or the Government."

The Dill resolution was referred to the Committee on Rules.

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SHULER TO SEEK SENATE SEAT

There will be another Senator primarily interested in radio if the Rev. R. P. "Bob" Shuler, whose Station KGEF was recently ruled off the Los Angeles ether by the Federal Radio Commission, carries out his intention to run for the Senate.

"If I am elected", he said, "it is my purpose to fight through Congress a revision of the present radio law, so that

patriotic citizens shall have the privilege of speaking their conviction and sentiments."

The Rev. Shuler, through his attorney, Louis G. Caldwell, recently asked the Supreme Court of the United States to pass upon the refusal of the Court of Appeals of the District of Columbia to issue a stay order, preventing the closing of KGEF by the Federal Radio Commission.

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RAYTHEON SUES RCA FOR FIFTEEN MILLIONS

Charging conspiracy in restraint of trade and creation of a monopoly in violation of the Sherman anti-trust law, the Raytheon Manufacturing Company, of Cambridge, filed suit for \$15,000,000 against the Radio Corporation of America, in the Federal District Court, Boston, Mass., on Monday, December 14th. The plaintiff affirms that its business and property have been damaged in a sum above \$3,000,000. Under the anti-trust act, triple damages may be recovered.

In 1926, the plaintiff avers, it was engaged in the manufacture, distribution interstate commerce and sales of tubes known as the Raytheon rectifying tubes, for use in radio receiving sets, the net profits that year being \$454,935. The defendant is declared to have conspired "to suppress, restrict and destroy all competition of others" in interstate and foreign commerce in radio apparatus and to have "conspired with several independent owners of letter patent and of devices for radio receiving apparatus, to acquire as many as possible of these patents or exclusive licenses thereunder," as a result of which competition in the manufacture and sale of receiving set tubes was destroyed.

The declaration also states that in September or October, the Radio Corporation settled a similar suit (DeForest) for \$1,500,000 and remission of patent royalties to a claimant representing a group of manufacturers of radio receiving set apparatus.

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RADIO COMMITTEES APPOINTED

Here is the line-up for the new Congress of the Senate Interstate Commerce Committee, which handles radio matters in the Senate:

James Couzens, of Mich., Chairman; James E. Watson, of Indiana; Simeon D. Fess, of Ohio; Robert B. Howell, of Nebraska; Jesse H. Metcalf, of Rhode Island; Otis Glenn, of Illinois; Smith W. Brookhart, of Iowa; Hamilton F. Kean, of New Jersey; Daniel O. Hastings, of Delaware; H. D. Hatfield, of West Virginia; Ellison D.

Smith, of South Caroline; Key Pittman, of Nevada; C. C. Dill, of Washington; Burton K. Wheeler, of Montana; Harry B. Hawes, of Missouri; Robert F. Wagner, of New York; Millard E. Tydings, of Maryland; Alben W. Barkley, of Kentucky; and W. M. Neely, of West Virginia.

There are but two new faces on the Committee - Hatfield and Neely, both of West Virginia.

Senator Wallace White, of Maine, co-author of the Radio Act, was not appointed to the Interstate Commerce Committee as had been expected. His committees are Commerce, Civil Service, Labor and Education. Senator White will doubtless be heard on radio matters from the floor when the occasion arises.

The membership of the Merchant Marine and Fisheries Committee of the House of Representatives, handling radio, includes:

Ewin L. Davis, of Tennessee; Schuyler Otis Bland, of Virginia; Clay S. Briggs, of Texas; George W. Lindsay, of New York; Oscar L. Auf der Heide, of New Jersey; Arthur P. Lamneck, of Ohio; Martin J. Kennedy, of New York; Robert D. Johnson, of Missouri; Frederick R. Lehlbach, of New Jersey; Arthur M. Free, of California; Frank Reed, of Illinois; Charles L. Gifford, of Massachusetts; Frederick W. Magrady, of Pennsylvania; Frank L. Bowman, of West Virginia; Robert H. Clancy, of Michigan; Charles A. Kading, of Wisconsin; James Wolfenden, of Pennsylvania; Victor S. K. Houston, delegate from Hawaii; and James Wickersham, delegate from Alaska.

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RADIO INDUSTRY WILL OPPOSE SPECIAL SALES TAX

Opposition of the radio industry to the proposal in Congress of a sales tax of five per cent on radios, phonographs and accessories was announced this week. The Receiving Set Committee of the Radio Manufacturers' Association, the national industry organization, issued a statement detailing the industry's opposition to the proposed special tax on radios and phonographs.

"The radio industry recognizes the revenue necessities of the Government and also the difficulties of equitable taxation", the statement read.

"The radio industry always has placed its facilities freely at the disposal of Federal, State and local governments, their officials and representatives for free public service. It has borne and will cheerfully bear its fair share of taxation.

"The radio industry will, however, unitedly oppose the proposed discriminatory sales tax of five per cent as an unfair, oppressive burden on the radio industry and public. The radio industry would favor a general sales tax of a small fraction of a

per cent on all manufactured products, but vigorously objects to and will oppose the proposed special sales tax of five per cent on radio.

"A general small sales tax on all manufactures would produce much greater revenue than the proposed five per cent sales tax on radio and a few other selected items. This year's Federal deficit is estimated at \$2,123,000,000. With our knowledge of the industry, under the greatly reduced radio sales in 1931, the Government's return from the proposed special sales tax on radio would probably be not more than one-third of one per cent of the Federal deficit.

"The radio industry, represented by the Radio Manufacturers Association, with the support of the Radio Wholesalers' Association, the National Federation of Radio Associations, including dealers and jobbers, and the National Association of Broadcasters, feels confident that its reasons for objecting to the unfair and discriminatory sales tax proposal will appeal to the fairness and sound judgment of Congress, the radio industry and the public. We desire to be fair to the Government and will ask that the Government be fair to radio."

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CONGRESSMEN USE RECORDS FOR BACK-HOME BROADCASTS

What looks like a new field for the electrical transcription people is suggested if other Senators and Congressmen follow the example of Senator Capper and his colleagues in making records to be broadcast for home consumption. Here is the scheme as explained by Don Craig, Jr., in the Washington News:

"Senator Capper's radio appearances run well into the hundreds. For two seasons he has been a regular feature of the Columbia network. But he heard what he sounded like on the air for the first time last Saturday.

"While at home in Kansas, Senator Capper made regular talks on his radio station, WIBW. When he came back to Congress last week, he decided that at any cost he ought to keep up his addresses to his constituents. The answer was electrical transcriptions.

"Saturday afternoon Capper, Representative McGugin and Representative Disney made records to ship back to their home station. Then they sat while the records were played over for them. Senator Capper was highly pleased with the result, but he made one admission:

"I guess the radio men are right", he commented. "I do talk a little too fast, don't I?"

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AYLESWORTH CONTENDS BROADCASTERS NOT SUBJECT TO I.C.C. JURISDICTION

Whether radio broadcasting companies may be classed as common carriers, and thus be brought under the jurisdiction of the Interstate Commerce Commission in rate matters, was argued before a Commission Examiner at a hearing at the Merchants' Association in New York on Monday, according to the New York Times, to determine the question of jurisdiction.

The hearing was called in connection with a complaint of Sta-Shine Products Company, Inc., Ridgewood, Brooklyn, against the National Broadcasting Company and Station WGBB, of Freeport, L. I., involving rates of the radio companies for broadcasting programs of the furniture and automobile polish concern.

M. H. Aylesworth, President of the National Broadcasting Company, contended that his company reserved the right to accept or reject any program and "to broadcast only for those we choose to serve." He compared this policy of the broadcasting company with the right of a newspaper or magazine to accept or reject advertising matter, and held that the broadcasting company could not be classed as a common carrier.

The Sta-Shine Products Company, through its counsel, Ernie Adamson, argued that the radio company, by leasing telephone wires for broadcasting, was a common carrier, but Frederick Wood, special counsel for the National Broadcasting Company, contended the broadcasting company was not engaged in point-to-point communications.

W. M. Chesaldine, the Examiner, explained that the hearing was concerned only with the question of jurisdiction, and if it were decided the Commission had authority, another hearing would be held to determine the reasonableness of rates.

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PATENT COMMITTEE APPOINTED IN THE HOUSE

The following members of the House have been appointed to the Patent Committee:

Albert H. Vestal, Indiana; Randolph Perkins, New Jersey; Clarence J. McLeod, Michigan; Godfrey G. Goodwin, Minnesota; J. Murray Turpin, Pennsylvania; Fred A. Hartley, Jr., New Jersey; Victor Christgau, Minnesota; Robert F. Rich, Pennsylvania; William A. Pittenger, Minnesota.

Also, William Irving Sirovich, CHAIRMAN; Fritz Garland Lanham, Texas; Mell G. Underwood, Ohio; La Fayette L. Patterson, Alabama; Samuel Rutherford, Georgia; J. Bayard Clark, North Carolina; Joseph A. Gavagan, New York; Fletcher B. Swank, Oklahoma; William P. Cole, Jr., Maryland; Edward A. Kelley, Illinois; Martin Dies, Texas; Paul J. Kvale, Minnesota.

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:: BUSINESS LETTER BRIEFS ::
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Gustave Rothafel died last Tuesday night as he sat listening to the voice of his son, Roxy, appealing for aid to hospital patients.

The elder Rothafel was born in Germany on Christmas Day. He came to America as a young man, settling in Stillwater, Minn., where he established himself as an orthopedic shoemaker. His widow, another son, Max, and a daughter, survive.

A performance of the Metropolitan Opera Company will be broadcast for the first time Christmas afternoon, marking the initial broadcast on a two-year contract with the National Broadcasting Company, M. H. Aylesworth, President of NBC announced this week.

Senator Dill, of Washington, will introduce a bill after the Christmas recess of Congress to allow broadcasting stations on cleared channels to operate within 1,800 miles of each other. He contends that cleared channels are being wasted by being used on the two coasts instead of in the middle of the country.

An appeal asking that the Federal Radio Commission be reversed in its decision which denied a construction permit for a new station at Baton Rouge, La., was filed December 16th in the Court of Appeals of the District of Columbia.

John M. Littlepage, attorney for the appellants, A. B. Murray and T. P. Singletary, stated in the appeal that "the Commission erred in failing to find that public interest, convenience and necessity would be served by reducing the license power of Station KTBS, Shreveport, La., and assigning part of the units thus gained for use at Baton Rouge, in that such change would result in a more equitable distribution of the radio facilities in Louisiana."

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APPLICATIONS RECEIVED BY FEDERAL RADIO COMMISSION

December 12 - WOS, Missouri State Marketing Bureau, Jefferson, Mo., voluntary assignment of license to John D. Heiny; P. L. Carriger, M. A. Carriger, E. D. Stewart & A. E. Stewart, d/b as Shreveport Broadcasting Co., Shreveport, La., C. P. for a new station to use 1310 kc., 100 watts, unlimited time, facilities of stations KRMD and WTSL are requested.

The following applications have been returned to the applicant:

KGHI, O. A. Cook, Little Rock, Ark., for specified hours of operation (request of applicant); WDAG, National Radio and Broadcasting Corp., Amarillo, Texas, increase hours of operation to unlimited time (request of applicant).

December 15 - WAGM, Aroostock Broadcasting Corp., Presque Isle, Maine, modification of C. P. amended as to equipment and to request completion date extended to 1/20/32; KARK, Arkansas Radio & Equipment Co., Little Rock, Ark., install automatic frequency control; KCRC, Enid Radiophone Co., Enid, Okla., license to cover C. P. to move locally granted 7/21/31; WBHS, W. T., M. M., W. C. & V. F. Hutchens, d/b as The Hutchens Co., Huntsville, Ala., extend completion date of C.P. to 2/3/32; WBT, Station WBT, Inc., Charlotte, N. C., modification of C. P. requesting approval of present transmitter location for 25 KW equipment; Arthur E. Chapman & Claude R. Brand, Rapid City, S. D., C. P. for a new station to use 1200 kc., 100 watts, unlimited time except $\frac{1}{2}$ hour daily for WCAT, facilities of WCAT.

Also, WJBL, Commodore Broadcasting, Inc., Decatur, Ill., license to cover C. P. to rebuild transmitter granted 12/4/31; KTFI, Radio Broadcasting Corp., Twin Falls, Idaho, modification of license resubmitted amended to request change in frequency from 1320 kc., to 1240 kc., with present power, unlimited day time operation, $\frac{1}{2}$ time night (application formerly requested increase in power only); W. E. Whitmore, Clovis, N. Mex., C. P. for a new station to use 1370 kc., 100 w., share with KGFL; KXL, KXL Broadcasters, Portland, Oregon, license to cover C.P. for new equipment granted 10/9/31; KGy, St. Martin's College, Lacey, Washington, voluntary assignment of license to KGy, Inc.

The following application was returned at the request of the applicant:

WSIX, Jack M. & Louis R. Draughon, Springfield, Tenn., automatic frequency control.

Applications Other Than Broadcasting

December 14 - W6XAH, Pioneer Mercantile Co., Bakersfield, Calif., modification of C. P. for extension of time from 10/24/31 to 2/24/32, visual broadcasting service; R.C.A. Communications, Inc.: W2XBI, Rocky Point, N. Y., W2XS, Rocky Point, N. Y., modification of license for change in frequencies to 25700, 34600, 51400, 60000-400000, 401000 and above, general experimental; W2XBL, W2XBC, Portables, initial location, Rocky Point, N. Y., modification of licenses for change in frequencies to 1604, 2398, 3256, 4795, 6425, 8650, 12850, 17300, 25700, 34600, 51400, 60000 to 400000, 401000 and above, general experimental, change in power to 100 w., and change in location; W2XT, Rocky Point, N. Y., modification of license for additional frequencies of 1604, 2398, 3256, 4795, 6425, 8650, 12850, 17300, 23100 kc.; W2XBJ, Rocky Point, N. Y., modification of license for change in frequencies to 6725, 6740, 6935, 6950, 7400, 7415, 8930, 8950, 9460, 9490, 10610, 10620, 13450, 13480, 13840, 13900, 14800, 15040, 15970, 16015, 17860, 17900, 17940, 18860, 18900, 18980, 20260, 21220, 21260 kc., special experimental.

Also, Mackay Radio & Telegraph Co.: WSF, license covering C. P. for 143, 131, 500, 418 kc., 1 KW, coastal service; WSL, Sayville, N. Y., license covering C. P. for 143, 500, 5525, 11050, 16580, 22100, 109, 120, 392, 5675, 8670, 11350, 11380, 16900, 22700, 13060 kc., 5 KW and 10 KW, coastal service; also, license covering construction of same, marine relay service; WLP, Northern States Power Co., Minneapolis, Minn., license covering C. P. for 3184 and 3190 after 2/1/32, 125 watts, power service; Pan American Airways, Inc., NC-9673, new license for aircraft on 333, 500, 1688, 3070, 5690, 8650 kc., 12 watts; Wade H. Dellinger, Charlotte, N. C., new C. P. for 43000 to 46000, 48500 to 50300, 60000 to 80000 kc., 1550, 41000, 51400 kc., 75 watts, visual broadcasting service.

The following application was withdrawn at request of applicant, letter dated 12/7/31: WIA, R.C.A. Communications, Inc., New Brunswick, N. J., renewal of point-to-point license.

December 15 - W2XDV, Atlantic Broadcasting Corp., New York, N. Y., modification of C. P. for extension of time to 2/10/32, general experimental; Northwest Airways, Inc., NC-7523, new license for aircraft on 3105, 3006, 2654, 5377.5 kc., 50 watts; W3XO, American Telephone & Telegraph Co., portable in N. J., renewal of special experimental license for 6640-7330, 8570-10400, 11550-12890, 13720-15250, 17280-19530, 20000-22070 kc., 10 watts, special experimental; KGPX, City & County of Denver, Colo., Denver, Colo., license covering C.P. for 2440 kc., 2442 kc., after 2/1/32, 150 watts, police; R.C.A. Communications, Inc., Rocky Point, N. Y., W2XBJ, renewal of special experimental license for 6725, 6740, 6935, 6950, 7400, 7415, 8930, 8950, 9460, 9490, 10610, 10620, 13450 13480, 13840, 13900, 14800, 15040, 15970, 16015, 17860, 17900, 17940, 18860, 18900, 18980, 20260, 21220, 21260 kc., 80 KW; KHANM, Pan American Airways, Inc., renewal of aircraft license for NC-81-V, for 333, 500, 1688, 3070, 5690, 8650 kc., 12 watts.

The following application was withdrawn at request of applicant, letter dated 12/8/31: Charles A. Lindbergh, KHCAL, renewal for 333, 500, 3130, 5615, 8450, 13240 kc., 12 watts, aircraft service.

DECISIONS OF THE FEDERAL RADIO COMMISSION

Applications Granted (December 15th)

WRBL, WRBL Radio Station, Inc., Columbus, Ga., C. P. to change equipment to conform to requirements of G.O. 111, 115 and 116; KELW, Magnolia Park, Ltd., Burbank, Cal., C. P. to make changes in equipment to conform to G.O. 111, 115 and 116; KXRO, KXRO, Inc., Aberdeen, Wash., C. P. to install new transmitter, improvements to conform to G.O. 111, 115, and 116; KOMO, Fisher's Blend Station, Inc., Seattle, Wash., authority for direct measurement of antenna input in compliance with G.O. 115; WJJD, Supreme Lodge of the World, Loyal Order of Moose, Mooseheart, Ill., extension to Feb. 1, 1932, of special authorization to operate until 8:30 P.M., C.S.T., with understanding that power of station will be reduced from 20 KW to 10 KW, at 7 P.M., and that no further request will be made for operating time after 8:30 P.M.; WOS, Missouri State Marketing Bureau, Jefferson City, Mo., voluntary assignment of license to John D. Heiny.

Also, W10XAC, A. B. Chamberlain, Atlantic Broadcasting Corp. New York City, authority to use station W10XAC on December 18th and 19th; KDXD, Clayton Dollar Steamship Lines, San Francisco, Cal., authority to operate station for 60 days, frequencies 375 and 500 kc. calling 375, 425, 410 and 454 kc., working, 1 KW power; American Radio News Corp.: KIP, S. San Francisco, Cal., modification of C.P. for extension of commencement date to May 9th, and extension of completion date to Dec. 1st, and to change location to near Redwood City, Cal.; KGXQ, granted as above except for change in construction period to "within 30 days after May 18, 1932, to Dec. 17, 1932"; WOO, American Tel. and Tel. Co., Long Lines Dept., Ocean Gate, N.J., license to cover new point to point service on transmitter constructed for WOO; WEEQ, Aeronautical Radio, Inc., Atlantic City, N.J. license, point-to-point aeronautical license service, also granted aeronautical license; W5XA, Rev. Lannie W. Stewart, Shreveport, La., experimental license; W8XP, Westinghouse Electric & Manufacturing Co. portable, modification of experimental license for additional frequencies; KUZG, Mackay Radio & Telg. Co., (renewal of license) "Admiral Chase", granted renewal of license for 90 days from Jan. 9, 1932, pending investigation as to alleged violation of rules and regulations in regard to maintaining a log.

Set For Hearing

WORC-WEPS, Alfred Frank Kleindienst, Worcester, Mass., requests C. P. to change frequency from 1200 to 1350 kc., and increase power from 100 to 250 watts; also to change equipment (facilities of WAWZ, WMSG, WBNX and WCDA); WAIU, Associated Radiocasting Corp., Columbus, Ohio, requests C. P. to change equipment and increase power from 500 watts to 1 KW; KSMR, Santa Mario Radio, Bakersfield, Cal., requests modification of C.P. to change frequency from 1200 to 1310 kc.; WJBC, Delta Broadcasting Co., Inc., Vicksburg, Miss., requests modification of license to change frequency from 1360 kc., to 1430 kc., and hours of operation from daytime only to unlimited (facilities of WNBR-WGBC).

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PATENTS, PATENT SUIT AND TRADE-MARKS

The following patents were granted during the week ending December 15, 1931:

- 1,836,069. Antenna. Clarence W. Hansell, Rocky Point, N. Y., assignor to Radio Corporation of America. Filed January 18, 1927.
- 1,836,075. Stacked Spiral Resonator. Miller Reese Hutchison, Jr., Madison, N. J., assignor, by mesne assignments to Sonora Manufacturing Corp. Filed August 6, 1927.
- 1,836,076. Dynamic Speaker. Russell T. Kingsford, Wyncote, Pa., assignor to Atwater Kent Manufacturing Co., Philadelphia, Pa. Filed August 17, 1929.
- 1,836,124. Film For Phonographic Records. Heinrich Kuchenmeister, Berlin, Germany. Original application filed October 29, 1927. Divided and this application filed Feb. 26, 1929.
- 1,836,129. Signaling System. Ralph K. Potter, New York, N. Y., assignor to American Telephone and Telegraph Co. Filed November 3, 1927.
- 1,836,205. Method And Apparatus For Use in Connection With the Making of Sound Records. Ralph H. Townsend, Mount Vernon, N.Y. assignor to Paramount Publix Corp. Filed January 12, 1929.
- 1,836,206. Method and Apparatus for Use in Connection with the Making of Sound Records. Ralph H. Townsend, Mount Vernon, N.Y., assignor to Paramount Publix Corporation. Filed January 18, 1929.
- 1,836,222. Sound Reproducer. Charles E. Bonine, Melrose Park, Pa. Filed September 12, 1927.
- 1,836,260. Radio Apparatus. William Turnor Lewis, Racine, Wis. Filed April 26, 1929.
- 1,836,266. Electric Sound Reproducer. William S. McClintock, Jr., Chicago, Ill., assignor to The Ekko Company, Chicago, Ill. Filed December 26, 1929.
- 1,836,323. Method of Receiving, Amplifying and Detecting Oscillatory Energy. Leroy S. Hubbell, San Francisco, Calif. Filed May 1, 1928.
- 1,836,324. Interchangeable Sound Conductor for Phonographs. Rosario G. Iapadre, New Kensington, Pa. Filed November 27, 1928.
- 1,836,397. Method of and Apparatus for Locating the Direction of Sound. Frank Rieber, San Francisco, Calif. Filed July 28, 1927.

- 1,836,461. Radio Receiving System. Henry C. Forbes, Chicago, Ill. assignor to Zenith Radio Corporation, Chicago, Ill. Filed December 26, 1925.
- 1,836,490. Radio Control. Edward Brown Newill, Dayton, Ohio, assignor to General Motors Radio Corp., Dayton, Ohio. Filed May 31, 1930.
- 1,836,509. Ballast Resistance. Samuel Ruttenberg, Brooklyn, N. Y. Filed March 28, 1929.
- 1,836,556. Regulating Device For High Frequency Power Amplifiers. John C. Schelleng, Millburn, N. J., assignor to Western Electric Co., Inc., New York. Filed Nov. 4, 1924.
- 1,836,569. Electric Translating Device. John C. Benjamin, New York, N. Y., assignor to Bell Telephone Laboratories, Inc., New York, N. Y. Filed December 21, 1927.
- 1,836,583. Variable Condenser. Harold F. Elliott, Palo Alto, Calif., assignor, by mesne assignments, to Radio Corporation of America, New York, N. Y. Filed August 25, 1925.
- 1,836,590. Evacuated Vessel and Method of Manufacturing the Same. Carleton D. Haigis, Haddonfield, N. J., assignor, by mesne assignments, to Radio Corporation of America, New York, N. Y. Filed December 31, 1924.
- 1,836,591. Self-Cleaning Phonograph Needle. Charles W. Hall, Denver, Colo, assignor to Malcolm S. Losey of one-half. Filed November 10, 1930.
- 1,836,594. Radio Signaling System. Raymond A. Heising, Millburn, N. J., assignor to Bell Telephone Laboratories, Inc., New York, N. Y. Filed October 16, 1925.
- 1,836,805. Vapor Electric Device. Irving Langmuir, Schenectady, N. Y., assignor to General Electric Co. Filed July 12, 1926.
- 1,836,824. Wave Transmission with Narrowed Bands. John C. Steinberg, Sparta, N. J., assignor to Bell Telephone Laboratories, Inc., New York, N. Y. Filed October 18, 1930.
- 1,836,829. Electric Discharge Device. Howard W. Weinhart, Elizabeth, N. J., assignor to Bell Telephone Laboratories, Inc., New York, N. Y. Filed April 17, 1928.
- 1,836,839. Oscillation Generator. Roy E. Coram, Newark, N. J., assignor to Western Electric Co., Inc., New York, N. Y. Filed September 11, 1926.
- 1,836,841. Electric Wave Signaling System. Homer W. Dudley, East Orange, N. J., assignor to Bell Telephone Laboratories, Inc., New York, N. Y. Filed September 30, 1930.

- 1,836,904. Wired Broadcast Distribution. Edward E. Clement, Washington, D. C., assignor to Edward F. Colladay, Washington, D. C. Filed May 18, 1926.
- 1,836,950. Static Eliminator. James A. Bishop, deceased, Mascoutah, Ill., by Lulu H. Bishop, administratrix, Mascoutah, Ill. Filed March 29, 1928. Renewed June 11, 1931.
- 1,836,966. Inductively Heated Cathode. Rudolf E. Hellmund, Swissvale, Pa., assignor to Westinghouse Electric & Manufacturing Co. Filed April 26, 1923.
- 1,836,990. Manufacture of Electron-Emitting Bodies. Ernest Yeoman Robinson, Enfield, England, assignor to Associated Electrical Industries, Ltd., Filed November 30, 1928, and in Great Britain Dec. 1, 1927.

Patent Suits

- 1,377,405, L. de Forest, Audion circuit, D.C., S. D., N. Y., Doc. E 39/385, DeForest Radio Co., et al. v. Triangle Radio Supply Co., Inc. Consent order of discontinuance (notice Oct. 17, 1931).
- 1,488,279, Pridham & Jensen, Electrodynamic receiver, D. C. N. J. Doc. E 3856, Magnavox Co. v. O'Neil Mfg. Corp. Dismissed under Rule 57, April 16, 1931.

Applications For Trade-Marks

- Ser. No. 320,112. A.C.-Verter Lab., Kansas City, Mo. Filed Oct. 15, 1931. Trade-Mark: "A.C.-VERTER". No claim is made for letters "A.C." apart from the mark as shown. For Radio Receiving Sets and current converting devices. Claims use since Oct. 8, 1931.
- Ser. No. 320,318. Samuel Roth, doing business as Federated Purchaser, New York, N. Y., Filed Oct. 22, 1931: "Acratone" for Radio Receiving Sets, Short Wave Converters, Radio Converters, Radio and Audio Amplifying Sets, and Public Address System. Claims use since 1930.
- Ser. No. 320,613. Trav-Ler Manufacturing Corp., St. Louis, Mo. Filed October 29, 1931. "TRAV-LER" for Unitary Transmitting and/or Receiving Apparatus suitable for the transmission and reception of Images, Pictures, Facsimiles, graphical representations or the like, and parts thereof consisting in Phot-Electric Cells, Light Sensitive Relays, Lamps, Radio Receiving and Transmitting Sets, Electric motors, and scanner devices. Claims use since Oct. 2, 1931.

Trade-Mark Registration Granted

- 289,944. Double Turntable Amplified Phonograph Instruments. The Platter Cabinet Co., North Vernon, Ind. Filed July 31, 1928. Published November 11, 1930.

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RECOMMENDED AMENDMENTS TO RADIO ACT OF 1927

The following amendments to the Radio Act of 1927 were proposed to the Congress in reports to the Senate and House radio committees by the Federal Radio Commission, under the signature of Charles McK. Saltzman, chairman. These recommendations were not a part of the annual report but were filed separately.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (f) of Section 1 of the Radio Act of 1927 (47 U.S.C.A., Sec. 81), is amended by inserting after the words "within the" the words "jurisdiction of the", so that as amended said subparagraph shall read: "or (f) upon any aircraft or other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act."

Sec. 2. That Section 2 of the Radio Act of 1927 (47 U.S.C.A., Sec. 82) be, and the same is hereby amended by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 2. For the purposes of this Act the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon and California.

"The Virgin Islands, Porto Rico, Alaska, Guam, Eastern Samoa, and the Hawaiian Islands are expressly excluded from the zones herein established, but this Act shall apply to them with equal force and effect."

Sec. 3. The first paragraph of Section 3 of the Radio Act of 1927 (47 U.S.C.A., Sec. 83) is amended by adding at the end thereof the following: "The chairman shall be elected annually. The Commission shall also elect annually a vice chairman, who shall act during the absence or disability of the chairman, or in case of a vacancy in the office of chairman, with all the powers and duties of the chairman."

Sec. 4. Paragraph (f) of Section 4 of the Radio Act of 1927 (47 U.S.C.A., Sec. 84) is amended by striking out the words "in the character of emitted signals" and inserting after the word "unless" the words "after a public hearing", so that as amended the proviso will read as follows: "Provided, however, That changes in the wave lengths, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, in the judgment of the Commission, such changes will promote public convenience or interest or will serve public necessity or the provisions of this Act will be more fully complied with."

Paragraph (k) of said section is amended by striking out the first sentence and by inserting in lieu thereof the following:

"The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and the ends of justice. The Commission may hold public hearings and order testimony to be taken by deposition, at any designated place, in connection with any proceeding or investigation under the provisions of this Act; and require by subpoena the attendance and testimony of witnesses and the production of documentary evidence, from any place within the jurisdiction of the United States, at any designated place of hearing. Any member of the Commission, or any examiner or other officer or employee thereof, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place within the jurisdiction of the United States designated by the Commission. In case of failure to comply with any subpoena or in case of the contumacy of any witness appearing at any hearing before an examiner, the Commission, or a division or employee thereof, the Commission may invoke the aid of any district court of the United States. Such a court may thereupon order the witness to comply with the requirements of the subpoena, or to give evidence which is relevant to the matter in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

"A majority of the Commission shall constitute a quorum for the transaction of business, but no Commissioner shall participate in any hearing or proceedings in which he has a pecuniary interest. The Commission may, from time to time, make or amend such general rule or orders as may be requisite for the order and regulation of the proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party to any proceeding may appear before the Commission or any division thereof or before an examiner or other member, officer, or employee of the Commission holding any hearing and be heard in person or by attorney. Every vote and official act of the Commission, or of any division thereof, shall be entered of record, and its proceedings shall be published. request of any party interested.

In every case where a hearing or investigation is held pursuant to the requirements of this Act, the Commission shall file with its decision or order, and make public an opinion or memorandum opinion in writing stating the reasons for its decision or order, and where a hearing or investigation has been held upon the merits of any matter, shall file with its decision or order and make public a written report in respect thereto which shall state the findings of fact and conclusions of the Commission. A copy of such order or decision, together with the opinion and findings and conclusions if made, shall be forthwith served upon each party to the proceeding.

"The Commission may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

"Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witnesses shall be paid by the party at whose instance they are called.

"No person shall be excused from attending and testifying or answering any lawful inquiry or from deposing or from producing documentary evidence before the Commission, or any member, examiner, or other officer or employee thereof, or in obedience to the subpoena of the Commission, whether such subpoena is signed or issued by one or more Commissioners or by any other person duly authorized, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or upon the taking of any deposition hereprovided for, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled under oath so to testify, answer, or produce evidence, documentary or otherwise, Provided: That no natural person so testifying shall be exempt from persecution and punishment for perjury committed in so testifying."

Sec. 15. Section 4 of the Radio Act of 1927 (47 U.S.C.A., Sec. 84) is amended by inserting after subsection (k) a new subsection as follows:

" (1) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute or there is a reasonable possibility that they may constitute a menace to air navigation."

Sec. 5. Section 9 of the Radio Act of 1927 (47 U.S.C.A., Sec. 89) is amended by striking out the third paragraph thereof and inserting in lieu thereof the following:

"No license granted for the operation of a radio station shall be for a longer term than one year, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed one year, but action of the Commission with reference to granting of such application shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

Said Section 9 of the Radio Act of 1927 is further amended by inserting in the first sentence of the second paragraph of said Section 9 as amended by "An Act continuing for one year the powers and authority of the Federal Radio Commission under the Radio Act of 1927, and for other purposes", approved March 28, 1928, between the word "States" and the words "the District of Columbia" the word "and" in lieu of the comma now appearing and by striking out in said sentence the words "the Territories and possessions of the United States"; and by inserting in the last sentence of said paragraph as amended the word "or" between the word "State" and the word "District" in lieu of the comma now appearing between said words, and by striking out the comma and the words "Territory, or possession" after the word "District" in said sentence and by inserting after the last sentence of said paragraph a new paragraph to read as follows:

"The provisions of this section shall not apply to the Virgin Islands, Porto Rico, Alaska, Guam, Eastern Samoa, and the Hawaiian Islands."

Sec. 6. Section 10 of the Radio Act of 1927 (U.S.C.A., Sec. 90) is amended by striking out the first sentence and by inserting in lieu thereof the following: "The licensing authority may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: Provided, however, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States may be issued under such conditions as the Commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: Provided, further, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States."

That the following is inserted as paragraph 3 of said section: "No person, firm, company or corporation shall be permitted to transmit by wire any program originating in the United States intended to be retransmitted by radio broadcast stations in any foreign country without first obtaining permission from the Federal Radio Commission upon proper application therefor."

Sec. 7. Section 12 of the Radio Act of 1927 (47 U.S.C.A., Sec. 92) is amended by striking out the whole of said section and inserting in lieu thereof the following:

"Sec. 12. The station license required hereby shall not be granted to, and after the granting thereof such license shall not be transferred in any manner, either voluntarily or involuntarily, or indirectly or transfer of control of any company, corporation, or association holding such license, to (a) any alien or the representative of any alien; (b) to any foreign government or the representative thereof; (c) to any company, corporation, or association organized under the laws of any foreign government; (d) to any company, corporation, or association of which any officer or director is an alien, or of which more than one-fifth of the capital stock may be voted by aliens or their representatives, or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country; Provided, however, that nothing herein shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party.

"The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person, firm, company, association, or corporation, unless the Commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing."

Sec. 8. Section 14 of the Radio Act of 1927 (47 U.S.C.A., Sec. 94) is amended by striking out the words, "any station license shall be revocable by the Commission" and by inserting in lieu thereof the following: "Any station license may be revoked, modified, or suspended for a period not to exceed thirty days by the Commission."

Said section is further amended by striking out all of the proviso and by inserting in lieu thereof the following: "Provided, however, that no license shall be revoked, modified, or suspended until the licensee shall have been notified in writing of the proceedings for such revocation, modification, or suspension, the cause for the proposed action, and shall have been given reasonable opportunity to show cause why an order of revocation, modification, or suspension should not be issued; Provided, further, That the Commission may, by unanimous vote of its members, suspend or modify a station license pending the hearing and determination of any such order to show cause, if the public interest,

convenience, or necessity require such suspension or modification. In case of such suspension or modification pending hearing, the Commission shall give the licensee immediate notice thereof and said licensee shall upon demand be entitled to an immediate hearing upon the question of the continuance of such suspension or modification pending the hearing and determination of the proposal for revocation, modification, or suspension."

Sec. 9. Section 16 of the Radio Act of 1927 (47 U.S.C.A., Sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 16. (a) An appeal may be taken to the Court of Appeals of the District of Columbia from any decision or order of the Commission granting or denying, in whole or in part, an application for a construction permit, a station license, a renewal of station license, or a modification of station license, and from any decision or order of the Commission revoking, suspending or modifying, or refusing to revoke, suspend, or modify a construction permit or station. Such appeal may be taken by any party to the proceeding in which the order was made, whether by applicant, licensee, permittee, or intervener, except that in case of a decision or order suspending or revoking a station license, the appeal may be taken by the licensee only.

"(b) Such appeal shall be taken by filing with said Court, within twenty days after the decision or order complained of is effective, a notice in writing of such appeal and a statement of the reasons therefor, together with (1) proof of personal service of a true copy of said notice and statement upon the Commission, and of service thereof by registered mail upon all other parties to the proceeding in which the order complained of was made (such service to be deemed complete upon the deposit in the United States mails of a duly registered envelope addressed to the party to be served, or his attorney, at the address of either as shown by the records of the Commission, containing a copy of said notice and statement), and (2) a bond in such sum as the Court may direct, conditioned that the party appealing will pay the costs of the proceedings if such costs be finally assessed against him. Unless a later date is specified by the Commission as part of its decision or order, the decision or order complained of shall be considered to be effective as of the date on which public announcement thereof is made at the office of the Commission in the City of Washington.

"(c) Within thirty days after the service of said notice upon it, the Commission shall file with the Court the originals or certified copies of all papers and evidence filed with or presented to it in the proceeding in which the order appealed from was made, together with a copy of its decision or order, opinion, findings of fact, and conclusions.

"(d) Any party to the proceeding before the Commission, by filing with the Court a notice of appearance, together with proof of service thereof by registered mail upon the party appealing and upon the Commission, within thirty days after the service of such notice upon him, or any other person permitted by the Court to intervene upon a showing of interest in the subject

matter and reasonable cause for failure to appear before the Commission, may join in the appeal or appear as a party respondent. Any person may at any time be made a party to the proceedings by the Court if his presence is necessary or proper to a complete determination of the cause.

" (e) At the earliest convenient time the Court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, had, in event the Court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the Court; Provided, however, that the review of the Court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious.

"(f) The Court may, subject to the foregoing limitation, upon notice to the Commission and to all other parties to the appeal, after hearing, and for good cause shown, enter an order staying action of the Commission under the order appealed from, in whole or in part, upon the giving of a bond by the party applying for the stay in such amount and with such terms and conditions as the Court may deem proper. Pending a hearing upon the application for stay, the Court may enter a temporary stay for a period of not to exceed fifteen days.

"(g) The jurisdiction of the Court of Appeals of the District of Columbia under this section to review any decision or order of the Commission shall be exclusive, and the judgment of said Court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari as provided in Section 240 of the Judicial Code, as amended, and that nothing in this section shall be construed to prevent the application of Section 239 of the Judicial Code, as amended, (relating to certification of questions of law), to cases in the Court of Appeals of the District of Columbia arising under this section."

Sec. 10. Section 30 of the Radio Act of 1927 (47 U.S.C.A., Sec. 110) is amended by inserting in the first proviso thereof after the word "Alaska" the words "Guam, Eastern Samoa".

Sec. 11. Section 32 of the Radio Act of 1927 (47 U.S.C.A., Sec. 112) is amended by striking out the last four words and by inserting in lieu thereof the following: "each and every day during which such offence occurs."

Sec. 12. No person shall broadcast by means of any radio broadcast station for which a license is required by law of the United States, any information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any information concerning any ticket, certificate or instrument representing any chance, share or interest in or dependent upon the event of any lottery, gift

enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of prizes awarded by means of any such scheme, and any person so doing, upon conviction thereof, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

Sec. 13. (a) The Secretary of Commerce shall have authority, through its supervisors and inspectors, to summarily seize any radio transmitting apparatus used or operated by any person for radio communication or radio transmission of energy in violation of the provisions of the Radio Act of 1927, as amended. If any supervisor or inspector of radio appointed by the Secretary of Commerce has reasonable cause to believe that any such apparatus, so unlawfully used or operated, is concealed in any dwelling house or other place, and affidavit is made as required by law, a search warrant may be issued as provided in Title XI of Public Law No. 24, of the Sixty-fifth Congress, approved June 15, 1917, and any property seized under such search warrant shall be subject to such disposition as the court may make thereof. Supervisors and inspectors of radio appointed by the Secretary of Commerce are hereby declared to be officers of the United States to whom such search warrants may be issued.

(b) The Secretary of Commerce may cause proceedings to be instituted for the forfeiture of such apparatus, with or without a previous seizure, in any district court of the United States within the district where the same is found, or has been seized either summarily or upon a search warrant, by a process of libel. The proceedings upon such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand a trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States and conducted by the District Attorney. If such apparatus is found to have been used or operated for radio communication or radio transmission of energy in violation of the Radio Act of 1927, as amended, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States. Upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such apparatus shall not be used or operated in violation of the Radio Act of 1927, as amended, the court may order direct that such by apparatus be delivered to the owner thereof.

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