

case with previously used methods involving cationic compounds which were only effective at very specific concentrations. The method of the present invention provides a means for enhancing performance and achieving substantial cost savings in a wide variety of drilling, tunneling, cutting and other similar operations.

Copies of the instant Australian patent are available from the Australian Patent Office or the Office of Federal Patent Licensing (Ph: 703/487-4738). The U.S. patent may be ordered from Commissioner of Patents and Trademarks, Box 9, Washington, D.C. 20231 at a cost of \$3.00.

Any inquiries and comments relating to the contemplated license must be submitted to Neil L. Mark, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, Virginia 22151. Properly filed competing license applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license.

Douglas J. Campion,

Director, Office of Federal Patent Licensing.
[FR Doc. 95-27938 Filed 11-9-95; 8:45 am]

BILLING CODE 3510-04-M

National Telecommunications and Information Administration

Meeting

AGENCY: The National Telecommunications and Information Administration (NTIA), Larry Irving, Assistant Secretary for Communications and Information, and the Federal Communications Commission (FCC), Reed E. Hundt, Chairman.

ACTION: Notice of the next meeting of the Spectrum Requirements, Interoperability, Technology, Operational Requirements, and Transition Subcommittees and the Steering Committee of the Public Safety Wireless Advisory Committee.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the next meetings of the five Subcommittees and Steering Committee of the Public Safety Wireless Advisory Committee. The NTIA and the FCC established a Public Safety Wireless Advisory Committee, Subcommittees, and Steering Committee to prepare a final report to advise the NTIA and the FCC on operational, technical and spectrum requirements of Federal, state and local Public Safety entities through the year 2010. All interested parties are invited to attend

and to participate in the next round of meetings of the Subcommittees and the Steering Committee.

DATES: December 13, 14 and 15, 1995.

ADDRESSES: December 13 and 14, 1995 in The Commodity Futures Trading Commission First Floor Hearing Room 1000 at 1155 21st Street (Lafayette Centre), Washington, D.C. 20036. On December 15, 1995 in the U.S.

Department of Transportation Nassif Building Room 2230 (See Note below for additional details) at 7th and E Streets, S.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: The five Subcommittees of the Public Safety Wireless Advisory Committee will hold consecutive meetings over a three day period, Wednesday through Friday, December 13, 14 and 15, 1995. The expected arrangement of the meetings, which is subject to change at the time of the meetings, is as follows:

December 13, 1995 the Operational Requirements and Technology Subcommittees will meet consecutively starting at 9 a.m. A separate Public Notice providing additional details about the Technology Subcommittee meeting and associated technology briefings has been released (reference Report No. WT 95-31). On December 14, 1995 the Interoperability and Spectrum Requirements Subcommittees will meet consecutively starting at 9 a.m. On December 15, 1995 the Transition Subcommittee will meet starting at 9 a.m. Note this meeting will be held in room 2230 of the U.S. Department of Transportation Nassif Building at 7th and E Streets, S.W. (See Note below for additional details). The agenda for each meeting is as follows:

1. Welcoming Remarks
2. Approval of Agenda
3. Administrative Matters
4. Work Program/Organization of Work
5. Meeting Schedule
6. Agenda for Next Meeting
7. Other Business
8. Closing Remarks

The Steering Committee of the Public Safety Wireless Advisory Committee will meet starting at 1:30 p.m. on December 15, 1995. This meeting will also be held in room 2230 of the U.S. Department of Transportation Nassif Building at 7th and E Streets, S.W. (See Note below for additional details). The agenda for the Steering Committee meeting is as follows:

1. Introduction/welcoming remarks
2. Presentation of definitions of Public Safety and Interoperability from the Interoperability Subcommittee
3. Presentation of draft report from Operational Requirements Subcommittee

4. Subcommittee progress reports
5. Other business
6. Closing remarks

Note: For meetings held at the Nassif Building, participants should go to the southeast building entrance and tell the guard that they are attending a meeting in room 2230. The Metro stop is L'Enfant Plaza, using the exit market "US Department of Transportation, 7th and D Streets S.W."

The tentative schedule and general location of future meetings of the Subcommittees of Public Safety Wireless Advisory Committee is as follows:

January 8, 9 and 10, 1996, at the University of California (Berkeley Campus)
February 28, 29 and March 1, 1996, in Orlando, Florida
April, 1996, in San Diego, CA
May, 1996 at Scott AFB, St Louis, MO
June, 1996 in Washington, D.C.

The tentative schedule and general location of the next full meeting of the Public Safety Wireless Advisory Committee is: June 1996, in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For information regarding the Subcommittees, contact: Interoperability Subcommittee: James E. Downes (202-622-1582); Operational Requirements Subcommittee: Paul H. Wieck (515-281-5261); Spectrum Requirements Subcommittee: Richard N. Allen (703-630-6617); Technology Subcommittee: Alfred Mello (401-738-2220); Transition Subcommittee: Ronnie Rand (904-322-2500 or 800-949-2726 ext. 600). The Co-Designated Federal Officers of the Public Safety Wireless Advisory Committee are William Donald Speights, NTIA (202-482-1652), and John J. Borkowski, FCC (202-418-0680). Information is also available from the Internet at the Public Safety Wireless Advisory Committee homepage (<http://pswax.ntia.doc.gov>).

Dated: November 3, 1995.

William Donald Speights,
PSWAC Co-Designated Federal Official,
National Telecommunications and
Information Administration.

[FR Doc. 95-27888 Filed 11-9-95; 8:45 am]

BILLING CODE 3510-60-M

Patent and Trademark Office

[Docket #: 951019254-5254-01]

RIN 0651-XX05

Proposed Changes in Procedures Relating to an Application Filing Date

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice; Request for comments.

SUMMARY: The Patent and Trademark Office (PTO) requests written public comment on a proposed change in procedures relating to the treatment of *prima facie* incomplete applications. Currently, applications filed without all the pages of the specification or without all of the figures of the drawings are treated as *prima facie* incomplete and not accorded a filing date. The PTO is considering changing this procedure to accord a filing date to any application that contains something that can be construed as a written description, any necessary drawing, and a claim.

DATES: Written comments will be accepted by the PTO until January 12, 1996.

ADDRESSES: Written comments should be addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231. Comments may also be sent by facsimile transmission to (703) 308-6916, with a confirmation copy mailed to the above address, or by electronic mail over the Internet to filedate@uspto.gov.

FOR FURTHER INFORMATION CONTACT: Robert W. Bahr by telephone at (703) 305-9285, by facsimile at (703) 308-6916, or Jeffrey V. Nase by telephone at (703) 305-9285, or by mail addressed as indicated above.

SUPPLEMENTARY INFORMATION: The PTO is considering changes in procedures relating to the treatment of *prima facie* incomplete applications. Currently, applications filed without all the pages of the specification (Section 608.01 of the Manual of Patent Examining procedure (MPEP)) (*e.g.*, with page numbering revealing that page(s) are missing), or without all of the figures of the drawings (MPEP 608.02) (*e.g.*, without drawing figures that are mentioned in the specification), are treated as *prima facie* incomplete and not accorded a filing date. The Initial Application Examination Division (formerly the Application Processing Division) in the Office of Initial Patent Examination (formerly the Office of National Application Review) mails a Notice of Incomplete Application indicating that a filing date has not been assigned to the application, and indicating that: (1) The filing date will be the date of receipt of the missing items, and (2) any assertion that the missing item was submitted, or not necessary for a filing date, must be by way of petition (with the \$130 fee). MPEP 506.02. To obtain the date of deposit of the application as the filing date, the applicant must: (1) Establish receipt in the PTO of the allegedly

missing item (generally by way of postcard receipt in accordance with MPEP 503), in which case the petition fee is refunded, or (2) petition to have the application accepted as deposited, in which case the petition fee is not refunded.

A petition to have the application accepted as deposited requires: (a) An amendment deleting all references to the missing item and correcting the sequential numbering of the pages or drawings in the application, (b) a request to cancel the missing item, if such missing item has been submitted after the date of deposit, and (c) a supplemental oath or declaration by the applicant stating that the invention is adequately disclosed in, and a wish to rely on, the application as thus amended without the missing item and the references thereto in the specification, for purposes of an original disclosure and filing date. The supplemental oath or declaration by the applicant is a statement in writing evidencing that the applicant has been informed of the content of his or her application as filed on the original date of deposit and that the actual content has been reviewed and understood.

As a significant number of applicants are willing to accept the application without the "missing part," the procedure of requiring the applicant to file a petition to obtain the date of deposit as the filing date results in numerous filing date petitions. The preparation by applicants and the consideration by the PTO of some 3000 such petitions a year is time consuming and burdensome. In addition, in most instances there is no controversy as to the content of the *prima facie* incomplete application (*i.e.*, a grantable petition requires only the above-mentioned corrective amendment(s) and supplemental oath or declaration). Finally, the \$130 petition fee does not cover the administrative cost of treating such *prima facie* incomplete applications and petitions.

Accordingly, the PTO is considering changing the procedure for the treatment of applications filed without all the pages of the specification or without all of the figures of the drawings. These changes in practice would not require any amendment to the rules of practice.

The Initial Application Examination Division will continue to review application papers for completeness in the manner that such papers are currently reviewed.

Applications Filed Without All Drawings or Pages of Specification

There is no requirement in the statutes or regulations that an application include sequentially numbered pages, or all of the pages, or all of the drawings referred to in the specification to obtain a filing date. That is, while 37 CFR 1.52(b) provides that the pages of the application should be numbered consecutively, the regulations do not provide that compliance with 37 CFR 1.52 is necessary to obtain a filing date. Therefore, applications which contain something that can be construed as a written description, where drawing figure(s) are referred to in the written description, at least one drawing figure, and at least one claim, but are filed with page numbering revealing that page(s) are missing or without all of the drawing figures which are mentioned in the specification will be treated by mailing a notice that indicates that the application papers so deposited have been accorded a filing date, but are lacking some of the pages of specification or drawings described in the specification. The mailing of such a notice will permit applicants to either: (1) Promptly establish prior receipt in the PTO of the item(s), or (2) promptly submit the omitted item(s) and request a later filing date.

The notice will also indicate that:

(a) An applicant asserting that the mentioned item was in fact deposited in the PTO with the application papers must file a petition (and \$130 petition fee, which will be refunded if it is determined that the item was in fact received by the PTO) with evidence of such deposit within two months of the date of the notice (37 CFR 1.181(f)),

(b) An applicant desiring to "complete" the application and accept the date of completion as the filing date must file any missing items (with a supplemental declaration referring to such items) and a petition under 37 CFR 1.182 (with the \$130 petition fee) requesting the later filing date within two months of the date of the notice (37 CFR 1.181(f)), and

(c) An applicant willing to accept the application as deposited in the PTO need not respond to the notice, and the failure to file a petition (and \$130 petition fee) under options (a) or (b) above within two months of the date of the notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO.

The application will be retained in the Initial Application Examination Division for a period of two months from the mailing date of such a notice

to permit the applicant to either establish prior receipt in the PTO of the item(s), or submit the omitted item(s) and request a later filing date within this two-month time period. As an applicant may, but is not required to, respond to such a notice, extensions of time under 37 CFR 1.136 will not be applicable to this two-month time period. At the expiration of this two-month non-extendable time period the application will be forwarded to the appropriate examining group for examination of the application. The application will be accorded a filing date as of the date of deposit of the application papers in the PTO. The original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

Due to the effect that a loss of filing date can have on an application, currently the PTO generally treats untimely filing date petitions on their merits since the application, as incomplete, will have undergone no further processing or examination. In the procedure set forth in this notice, however, the PTO will strictly adhere to the two-month period set forth in 37 CFR 1.181(f), and dismiss as untimely any petition not filed within this two-month period. This strict adherence to the two-month period set forth in 37 CFR 1.181(f) is necessary since: (1) Such applications will now be forwarded for examination at the end of this two-month period, (2) according to the application a filing date later than the date of deposit may affect the date of expiration of any patent issuing on the application under Public Law 103-465, and (3) the filing of a continuation-in-part application is a sufficiently equivalent mechanism for adding additional subject matter to avoid the loss of patent rights.

Applications Filed Without at Least One Claim

35 U.S.C. 111(a)(2) provides, in part, that an "application shall include (A) a specification as prescribed by section 112 of this title; (B) a drawing as prescribed by section 113 of this title; and (C) an oath by the applicant as prescribed by section 115 of this title," and 35 U.S.C. 111(a)(4) provides that the "filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 112, second paragraph, provides that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as

his invention." Therefore, 35 U.S.C. 111 and 112, second paragraph, provide that the filing date of an application is that date on which a specification including at least one claim(s) is filed in the PTO. *In re Mattson*, 208 USPQ 168 (Comm'r Pat 1980). Since a claim is a statutory requirement for a filing date, applications filed without a claim will not be accorded a filing date. In situations in which an application is filed without a claim, the Initial Application Examination Division will continue to mail a notice of Incomplete Application, and the treatment of such applications will remain unchanged.

Applications Filed Without Any Drawings

35 U.S.C. 111(a)(2) provides, in part, that an "application shall include * * * a drawing as prescribed by section 113 of this title" and 35 U.S.C. 111(a)(4) provides, in part, that the "filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 113 in turn provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Drawings are usually not necessary for an understanding of the subject matter in process and composition applications (*i.e.*, applications having claims directed to a process or composition (MPEP 608.02)). As such, applications having at least one process or composition claim and describing drawing figures in the specification, but filed without drawings, will be treated as an application filed without all of the drawings referred to in the specification as discussed above and processed for examination. Applications having at least one process or composition claim which do not describe drawing figures in the specification will simply be processed for examination. In a situation in which the appropriate examining group determines that drawings are necessary under 35 U.S.C. 113, the filing date issue will then be reconsidered on reference from the examining group.

In design applications, the Initial Application Examination Division will continue to mail a notice of Incomplete Application indicating that the application lacks the drawings required under 35 U.S.C. 113, and the applicant may: (a) File a petition (and \$130 fee) asserting that the missing item was submitted, or not necessary for a filing date, or (b) "complete" the application and accept the date of completion as the filing date.

Dated: November 3, 1995.

Bruce A. Lehman,

*Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.*

[FR Doc. 95-27874 Filed 11-9-95; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in El Salvador

November 7, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 351/651 is being increased by application of swing, reducing the limit for Categories 352/652.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 40162, published on August 7, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the