

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

implementation of certain of their provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 7, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 16, 1995, as amended on August 2, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in El Salvador and exported during the twelve-month period beginning on March 27, 1995 and extending through December 31, 1995.

Effective on November 14, 1995, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit ¹
351/651	535,000 dozen.
352/652	7,865,265 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95-27932 Filed 11-9-95; 8:45 am]

BILLING CODE 3510-DR-F

Cancellation of a Limit on Certain Wool Textile Products Produced or Manufactured in Hong Kong

November 6, 1995.

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

ACTION: Issuing a directive to the Commissioner of Customs cancelling a limit.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

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 United States Government has decided to rescind the restraint on imports of woven wool shirts and blouses in Category 440 from Hong Kong established on July 25, 1995 pursuant to Article 6.10 of the Uruguay Round Agreement on Textiles and Clothing.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to cancel the limit established for Category 440 for the period April 27, 1995 through December 31, 1995.

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 17322, published on April 5, 1995; and 60 FR 37881, published on July 24, 1995.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 6, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directive issued to you on July 18, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of wool textile products in Category 440, produced or manufactured in Hong Kong and exported during the period which began on April 27, 1995 and extends through December 31, 1995.

Effective on November 15, 1995, you are directed to cancel the limit established for Category 440 for the period April 27, 1995 through December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95-27933 Filed 11-9-95; 8:45 am]

BILLING CODE 3510-DR-F

Cancellation of a Limit on Certain Wool Textile Products Produced or Manufactured in India

November 6, 1995.

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

ACTION: Issuing a directive to the Commissioner of Customs cancelling a limit.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

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 United States Government has decided to rescind the restraint on imports of men's and boys' wool coats in Category 434 from India established on July 14, 1995, pursuant to Article 6.10 of the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to cancel the limit established for Category 434 for the period April 18, 1995 through April 17, 1996.

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 35899, published on July 12, 1995.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 6, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on July 7, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool textile products, produced or manufactured in India and exported during the period which began on April 18, 1995 and extends through April 17, 1996.

Effective on November 15, 1995, you are directed to cancel the limit established for Category 434 for the period April 18, 1995 through April 17, 1996.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs