

spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and adult, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with the State of Idaho's sport-fishing activities. For modification 2, IDFG requests an incidental take of residual, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a kokanee fishery in Redfish Lake from April 1 through August 7, 1996. The fishery is proposed as a kokanee control measure.

A reduction of the kokanee population in Redfish Lake is desirable because kokanee compete directly with ESA-listed sockeye salmon for food and habitat. An abundant kokanee population threatens IDFG's effort to re-establish the endangered sockeye salmon's productivity in the lake. In 1995, NMFS issued modification 1 to permit 844 authorizing IDFG an incidental take of residual, endangered, Snake River sockeye salmon associated with a kokanee fishery in Redfish Lake for 17 days in July as a kokanee control measure (modification 1, permit 844, FR 60 40345). Angler retention of Redfish Lake kokanee was not allowed since 1992 because of the potential incidental harvest of ESA-listed residual sockeye, visually indistinguishable from kokanee. Modification 2 is requested for 1996 only. Permit 844 expires on April 30, 1998.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on any of these applications would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in these application summaries are those of the applicants and do not necessarily reflect the views of NMFS.

Dated: March 6, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 96-5750 Filed 3-11-96; 8:45 am]

BILLING CODE 3510-22-F

Patent and Trademark Office

Notice of Hearings and Request for Comments on Issues Relating to Patent Protection for Nucleic Acid Sequences

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearings and request for comments.

SUMMARY: The Patent and Trademark Office (PTO) will hold public hearings, and it requests comments, on issues relating to patent protection for nucleic acid sequences. Interested members of the public are invited to testify at public hearings and to present written comments on any of the topics outlined in the supplementary information section of this notice.

DATES: Public hearings will be held on Tuesday, April 16, 1996, from 9:00 a.m. until 1:00 p.m., and Tuesday, April 23, 1996, from 9:00 a.m. until 1:00 p.m.

Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than Friday, April 12, 1996, for the April 16 hearing, or Friday, April 19, 1996, for the April 23 hearing.

Speakers may provide a written copy of their testimony for inclusion in the record of the proceedings no later than Monday, May 6, 1996.

Written comments will be accepted by the PTO until April 23, 1996.

Written comments and transcripts of the hearings will be available for public inspection on or about Monday, May 13, 1996.

ADDRESSES: The April 16 hearings will be held from 9:00 a.m. until 1:00 p.m. at the University of California, San Diego, International Center, 9500 Gilman Drive, La Jolla, California.

The April 23 public hearing will be held from 9:00 a.m. until 1:00 p.m. in Suite 912, Commissioner's Conference Room, Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

Requests to testify should be sent to Esther Kepplinger by telephone at (703) 308-2339, by facsimile transmission at (703) 305-3601, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box Comments-Patents, Washington, D.C. 20231. No request for oral testimony will be accepted through electronic mail.

Written comments should be addressed to the Assistant Commissioner for Patents, Box Comments-Patents, Washington, D.C. 20231, marked to the attention of Esther Kepplinger. Comments may also be submitted by facsimile transmission at (703) 305-3601, with a confirmation copy mailed to the above address, or by electronic mail over the Internet to sequences@uspto.gov.

Written comments and transcripts of the hearings will be maintained for public inspection in Suite 520 of Crystal Park One, 2011 Crystal Drive, Arlington, Virginia. Transcripts and comments provided in machine readable format will also be available through

anonymous file transfer protocol (ftp) via the Internet (address: sequences@uspto.gov).

FOR FURTHER INFORMATION CONTACT: Esther Kepplinger by telephone at (703) 308-2339, by facsimile transmission at (703) 305-3601, by electronic mail at ekepplin@uspto.gov, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box Comments-Patents, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

I. Background

Biotechnology is projected to be an important growth industry from now until well into the twenty-first century, particularly in the United States, which has been a leader in this rapidly developing industry. The PTO has taken a very active role in working together with its customers to simplify and standardize PTO policies and procedures and to encourage and promote the growth of this industry. Nevertheless, PTO needs to continue to seek ways to improve its responsiveness to its customers and to more effectively address the needs of the industry. In order to address both current and future challenges, the PTO is seeking the assistance and advice of the public.

With the growth of the biotechnology industry have come significant changes in the process of research, development and commercialization of biotechnology inventions. For at least a decade, patent applications claiming nucleic acid sequences, such as genes composed of deoxyribonucleic acid ("DNA"), have been examined and granted patent rights by the PTO pursuant to 35 U.S.C. 131. These sequences typically encode known proteins or proteins for which an applicant has discovered a function. Scientific and technological advances have permitted researchers to identify large numbers of gene fragments rapidly. The ease of using automated techniques for sequencing large numbers of random nucleic acid fragments has resulted in the filing of a growing number of patent applications each claiming thousands of nucleic acid sequences. Handling patent applications containing large numbers of sequences creates a significant processing problem for the PTO. While the PTO has acquired sophisticated and costly computer hardware and software necessary to process and search applications containing such sequences, the search and examination of the sequences will significantly overtax the existing system and may necessitate the acquisition of many additional, expensive, massively parallel processor

computers to complete the search of the prior art and examination in a reasonable time. Human resources to analyze the computer search results greatly exceeds the computer time necessary to run the search.

PTO estimates that the computer search time for one hundred sequences, each of which do not exceed several hundred nucleotides in length, is about fifteen hours and the examiner time for evaluating the sequence search results is about sixty-five hours. Based on searching 100,000 sequences a year, the estimated cost for computer search time for one hundred sequences is \$1,800. Although the number of cases involving large numbers of sequences presently before the PTO is relatively small, it is estimated that the cost to search and examine these cases alone will be \$12 million. These estimates represent searches of commercially available databases by a massively parallel processor computer.

As in any technology, the PTO must search the entire scope of the claimed invention. Typical biotechnology patent applications drawn to DNA sequences claim the exact sequence disclosed but include various other broader claims. For example, typical claims include the sequence and any sequence having a certain percentage identity or homology to the sequence or any sequence which hybridizes to the sequence, with or without the conditions of binding being recited. Others recite the sequence or any fragment of the sequence having a particular length of nucleotides. These claims are largely responsible for the lengthy search and evaluation times and the high resultant costs to the PTO. Additionally, the presence of thousands of individual sequences per application represents an enormous search and examination challenge. This is particularly true if the sequences represent different proteins because the search for one sequence provides no useful data for another sequence.

The number of applications with large numbers of nucleic acid sequences continues to grow and, because of technological advances in the identification of genes, it is believed that the growth will continue.

Applications that claim excessively long sequences present similar challenges, since the claimed sequence must be broken up into numerous smaller sequences in order to be searched.

Appropriate policies must be established to address these challenges in ways that help protect the inventions of all applicants without creating an imbalance in the appropriation of resources within and among the

technologies and Examining Groups of the PTO. These policies must permit the timely and thorough examination of all applications which require the same physical and human resources for completion.

II. Issues for Public Comment

Interested members of the public are invited to testify or to present written comments related to the above topics, including the following issues:

1. Is there a more cost-effective way to search and examine applications containing large numbers of sequences or excessively long sequences, in view of the PTO's limited human and computer resources?
2. How should the significantly higher cost associated with searching applications claiming large numbers of sequences or very long sequences be underwritten? For example:
 - (a) By fees from all applications?
 - (b) By fees from the biotechnology industry applications only?
 - (c) By fees from those specific applications involving large numbers of sequences or extraordinarily long sequences?
3. To assist PTO in addressing the described challenges, do you have any specific suggestions which would facilitate the implementation of short-term solutions? Do you have any suggestions on how the PTO can address long-term solutions?

III. Guidelines for Oral Testimony

Individuals wishing to testify at the hearings must adhere to the following guidelines:

1. Requests to testify must include the speaker's name, affiliation, title, phone number, fax number, mailing address, and Internet mail address (if available).
2. Speakers will be provided between seven and fifteen minutes to present their remarks. The exact amount of time allocated per speaker will be determined after the final number of parties testifying has been determined. All efforts will be made to accommodate requests presented before the day of the hearing for additional time for testimony.
3. Requests to testify may be accepted on the date of the hearing if sufficient time is available on the schedule. No one will be permitted to testify without prior approval.

A schedule providing approximate times for testimony will be provided to all speakers the morning of the day of the hearing.

Speakers are advised that the schedule for testimony may be subject to change during the course of the hearings.

IV. Guidelines for Written Comments

Written comments should include the following information:

1. Name and affiliation of the individual responding.
2. If applicable, an indication of whether comments offered represent views of the respondent's organization or are the respondent's personal views.
3. If applicable, information on the respondent's organization, including the type of organization (e.g., business, trade group, university, non-profit organization) and general areas of interest.

Information that is provided pursuant to this notice will be made part of the public record. In view of this, parties should not provide information they do not wish publicly disclosed. Parties who would like to rely on confidential information to illustrate a point being made are requested to summarize or otherwise provide the information in a way that will permit its public disclosure.

Parties offering testimony or written comments should provide their comments in machine readable format, if possible. Such submissions should be provided by electronic mail messages over the Internet, or on a 3.5" floppy disk formatted for use in either a Macintosh or MS-DOS based computer. Machine readable submissions should be provided as unformatted text (e.g., ACSII or plain text), or as formatted text in one of the following file formats: Microsoft Word (Macintosh, DOS or Windows versions) or WordPerfect (Macintosh, DOS or Windows versions).

V. Guidelines for Comments via Internet

Comments received via the Internet should include the same information requested in the guidelines set out for written comments.

VI. Other Information

Questions regarding the facilities and lodging in the La Jolla, California, area should be directed to the University of California, San Diego, Special Events, by telephone at (619) 534-6386, or by fax to (619) 534-0905. Parking permits are required for on-campus parking and may be purchased in advance through the Parking Office or on April 16 at Information booths at the university. Questions regarding parking should be directed to the Special Events Parking Office at (619) 534-9682, or by fax to (619) 534-9685.

Dated: March 6, 1996.
 Bruce A. Lehman,
*Assistant Secretary of Commerce and
 Commissioner of Patents and Trademarks.*
 [FR Doc. 96-5840 Filed 3-11-96; 8:45 am]
BILLING CODE 3510-16-M

**COMMITTEE FOR THE
 IMPLEMENTATION OF TEXTILE
 AGREEMENTS**

**Establishment of Import Restraint
 Limits for Certain Cotton, Man-Made
 Fiber, Silk Blend and Other Vegetable
 Fiber Textile Products Produced or
 Manufactured in the United Arab
 Emirates**

March 5, 1996.

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

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

EFFECTIVE DATE: March 14, 1996.

FOR FURTHER INFORMATION CONTACT:
 Janet Heinzen, 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 Governments of the United States
 and the United Arab Emirates agreed to
 extend their Bilateral Textile
 Agreement, effected by exchange of
 notes dated March 29 and July 21, 1994
 for two consecutive one-year periods,
 beginning on January 1, 1996 and
 extending through December 31, 1997.

In the letter published below, the
 Chairman of CITA directs the
 Commissioner of Customs to establish
 limits for the 1996 period. The 1996
 levels for Categories 315 and 361 are
 zero.

These limits may be subject to
 revision pursuant to the Uruguay Round
 Agreements Act and the Uruguay Round
 Agreement on Textiles and Clothing
 (ATC) on the date that the United Arab
 Emirates becomes a member of the
 World Trade Organization.

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 notices 60 FR 65299,
 published on December 19, 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 bilateral
 agreement, but are designed to assist
 only in the implementation of certain of
 its provisions.

Troy H. Cribb,

*Chairman, Committee for the Implementation
 of Textile Agreements.*

Committee for the Implementation of Textile
 Agreements

March 5, 1996.

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

Dear Commissioner: Under the terms of
 section 204 of the Agricultural Act of 1956,
 as amended (7 U.S.C. 1854); pursuant to the
 Bilateral Textile Agreement, effected by
 exchange of notes dated March 29 and July
 21, 1994, as extended, between the
 Governments of the United States and the
 United Arab Emirates; and in accordance
 with the provisions of Executive Order 11651
 of March 3, 1972, as amended and extended,
 you are directed to prohibit, effective on
 March 14, 1996, entry into the United States
 for consumption and withdrawal from
 warehouse for consumption of cotton, man-
 made fiber, silk blend and other vegetable
 fiber textiles and textile products in the
 following 72 categories, produced or
 manufactured in the United Arab Emirates
 and exported during the twelve-month
 period beginning on January 1, 1996 and
 extending through December 31, 1996 in
 excess of the following levels of restraint:

Category	Twelve-month restraint limit ¹
219	1,044,065 square me- ters.
226/313	1,785,378 square me- ters.
315	—0—.
317	28,801,787 square meters.
326	1,685,400 square me- ters.
334/634	212,778 dozen.
335/635/835	146,068 dozen.
336/636	184,407 dozen.
338/339	526,271 dozen of which not more than 350,846 dozen shall be in Categories 338—S/339—S ² .
340/640	326,260 dozen.
341/641	285,690 dozen.
342/642	226,964 dozen.

Category	Twelve-month restraint limit ¹
347/348	390,944 dozen of which not more than 195,471 dozen shall be in Categories 347—T/348—T ³ .
351/651	163,130 dozen.
352	300,726 dozen.
361	—0—.
363	5,618,000 numbers.
369—S ⁴	78,204 kilograms.
369—O ⁵	562,442 kilograms.
638/639	212,778 dozen.
647/648	304,982 dozen.
847	191,500 dozen.

¹ The limits have not been adjusted to ac-
 count for any imports exported after December
 31, 1995.

² Category 338—S: only HTS numbers
 6103.22.0050, 6105.10.0010, 6105.10.0030,
 6105.90.8010, 6109.10.0027, 6110.20.1025,
 6110.20.2040, 6110.20.2065, 6110.90.9068,
 6112.11.0030 and 6114.20.0005; Category
 339—S: only HTS numbers 6104.22.0060,
 6104.29.2049, 6106.10.0010, 6106.10.0030,
 6106.90.2510, 6106.90.3010, 6109.10.0070,
 6110.20.1030, 6110.20.2045, 6110.20.2075,
 6110.90.9070, 6112.11.0040, 6114.20.0010
 and 6117.90.9020.

³ Category 347—T: only HTS numbers
 6103.19.2015, 6103.19.9020, 6103.22.0030,
 6103.42.1020, 6103.42.1040, 6103.49.8010,
 6112.11.0050, 6113.00.9038, 6203.19.1020,
 6203.19.9020, 6203.22.3020, 6203.42.4005,
 6203.42.4010, 6203.42.4015, 6203.42.4025,
 6203.42.4035, 6203.42.4045, 6203.49.8020,
 6210.40.9033, 6211.20.1520, 6211.20.3810
 and 6211.32.0040; Category 348—T: only HTS
 numbers 6104.12.0030, 6104.19.8030,
 6104.22.0040, 6104.29.2034, 6104.62.2010,
 6104.62.2025, 6104.69.8022, 6112.11.0060,
 6113.00.9042, 6117.90.9060, 6204.12.0030,
 6204.19.8030, 6204.22.3040, 6204.29.4034,
 6204.62.3000, 6204.62.4005, 6204.62.4010,
 6204.62.4020, 6204.62.4030, 6204.62.4040,
 6204.62.4050, 6204.69.6010, 6304.69.9010,
 6210.50.9060, 6211.20.1550, 6211.20.6810,
 6211.42.0030 and 6217.90.9050.

⁴ Category 369—S: only HTS number
 6307.10.2005.

⁵ Category 369—O: all HTS numbers except
 6307.10.2005 (Category 369—S).

Imports charged to these category limits for
 the period beginning January 1, 1995 and
 extending through December 31, 1995 shall
 be charged against those levels of restraint to
 the extent of any unfilled balances. In the
 event the limits established for that period
 have been exhausted by previous entries,
 such goods shall be subject to the levels set
 forth in this directive.

Should the United Arab Emirates become
 a member of the World Trade Organization
 (WTO), the limits set forth above will be
 subject to adjustment in the future pursuant
 to the provisions of the Uruguay Round
 Agreements Act, the Uruguay Round
 Agreement on Textiles and Clothing and any
 administrative arrangements notified to the
 Textiles Monitoring Body.

In carrying out the above directions, the
 Commissioner of Customs should construe
 entry into the United States for consumption
 to include entry for consumption into the
 Commonwealth of Puerto Rico.