insular producers are set forth in Section 303.14 of the regulations.

The Departments have verified the data submitted on application form ITA–334P by producers presently located in the Virgin Islands and inspected the current operations of all producers in accordance with Section 303.5 of the regulations.

In calendar year 1995 the Virgin Islands watch assembly firms shipped 1,760,923 watches and watch movements into the customs territory of the United States under Pub. L. 97–446 as amended by Pub. L. 103–465. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 1995 plus the creditable wages paid by the industry during calendar year 1995 to residents of the territory totalled $5,164,107. These data include unverified data provided by a producer which closed operations in 1995.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 1996 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands. The allocations reflect adjustments made in data supplied on the producers' annual application forms (ITA–334P) as a result of the Departments' verification.

The duty-exemption allocations for calendar year 1996 in the Virgin Islands are as follows:

Name of Firm/Annual Allocation

Belair Quartz, Inc.—500,000
Hampden Watch Co., Inc.—250,000
Progress Watch Co., Inc.—500,000
Unitime Industries, Inc.—500,000
Tropex, Inc.—400,000

Susan G. Esserman,

Assistant Secretary for Import Administration.

Allen Stayman,

Director, Office of Insular Affairs.

[FR Doc. 96–5915 Filed 3–12–96; 8:45 am]

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National Oceanic and Atmospheric Administration

[I.D. 030796F]

Atlantic Tuna Fisheries; Yellowfin Tuna Statistics

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: As required under the Fisheries Act of 1995, NMFS is publishing preliminary statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980. These statistics are published to inform the public of trends in yellowfin tuna recreational and commercial landings.

DATES: Submit comments on or before May 13, 1996.

ADDRESSES: Comments regarding these preliminary statistics should be sent to William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope ''Yellowfin Tuna Statistics.''

FOR FURTHER INFORMATION CONTACT: William Hogarth at 301–713–2339, fax number: 301–713–0596.

SUPPLEMENTARY INFORMATION: As required under the Fisheries Act of 1995, Title III, Atlantic Tunas Convention Act, section 309(a), the table below provides preliminary statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980. Final statistics on the level of U.S. recreational and commercial catch of Atlantic yellowfin tuna since 1980 will be published within 140 days of enactment of the Fisheries Act of 1995.

Dated: March 8, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

U.S. YELLOWFIN TUNA LANDINGS BY GEAR TYPE, 1980–1994

[In metric tons]

	Longline	Rod and Reel	Handgear	Pair trawl	Troll	Purse seine	Other [1]	Total
1980	24.00	.....	.....	.....	.....	473.00	1621.00	2118
1981	43.00	.....	.....	.....	.....	322.00	1501.00	1866
1982	0	.....	.....	.....	.....	82.00	801.00	883
1983	76.00	.....	7.00	.....	31.00	112.00	.....	226
1984	113.00	.....	20.00	.....	39.00	1080.00	.....	1252
1985	1654.00	30.00	184.00	.....	.....	4387.00	4.00	6259
1986	3784.00	1163.00	173.00	.....	.....	647.00	7.00	5774
1987	4681.91	3590.95	315.93	.....	386.72	81.70	0.93	9058
1988	8418.33	1304.68	166.08	.....	334.64	42.00	2.45	10268
1989	6418.48	1676.49	72.81	.....	132.39	35.11	14.79	8350
1990	4420.35	388.37	23.09	.....	280.91	266.73	26.17	5406
1991	4276.95	1274.75	87.19	32.42	186.88	996.00	1.98	6856
1992	5607.76	949.59	76.61	13.06	103.42	375.95	32.00	7158
1993	3351.54	1411.01	56.94	41.83	112.70	208.39	16.63	5199
1994	2899.07	[2] 5103.53	13.45	34.33	16.85	24.60	2.03	[2] 8094

[1] Other includes trawl, handgear, gillnet, harpoon, trap, unclassified.
[2] Under revision.

[FR Doc. 96–6015 Filed 3–12–96; 8:45 am]
BILLING CODE 3510–22–P

Patent and Trademark Office

Notice of Hearings and Request for Comments on Issues Relating to Patent Protection for Therapeutic and Diagnostic Methods

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 therapeutic and diagnostic methods. 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: A public hearing will be held on Thursday, May 2, 1996, starting at 9:00 a.m. and ending no later than 5:00 p.m.

Those wishing to present oral testimony at the hearing must request an opportunity to do so no later than Friday, April 26, 1996.

Written comments on the topics presented in the supplementary information section of this notice will be accepted by the PTO until Friday, May 17, 1996.

Written comments and transcripts of the hearing will be available for public inspection on or about June 14, 1996. They will be maintained for public inspection in Room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

ADDRESSES: The hearing will be held from 9:00 a.m. to 5:00 p.m. in Suite 912, Commissioner's Conference Room, Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

Requests to testify should be sent to Richard Wilder by telephone at (703) 305–9300, by facsimile transmission at (703) 305–8885, or by mail marked to his attention addressed to the U.S. Patent and Trademark Office, Office of Legislative and International Affairs, Box 4, Washington, D.C. 20231.

Written comments should be addressed to Richard Wilder, U.S. patent and Trademark Office, of Legislative and International Affairs, Box 4, Washington, D.C. 20231. Comments may also be submitted by facsimile transmission at (703) 305–8885, with a confirmation copy mailed to the above address.

FOR FURTHER INFORMATION CONTACT: Richard Wilder by telephone at (703) 305–9300, by facsimile transmission to (703) 305–8885, or by mail marked to his attention addressed to the Office of Legislative and International Affairs, Box 4, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1995, H.R. 1127, the ''Medical Procedures Innovation and Affordability Act,'' was introduced. H.R. 1127 would exclude from patentability any technique, method, or process for performing a surgical or medical procedure, administering a surgical or medical therapy, or making a medical diagnosis. In this notice, the foregoing subject matter is referred to collectively as ''therapeutic and diagnostic methods.'' The bill would, however, allow claims to such techniques, methods, or processes that are performed by or as a necessary component of a machine, manufacture, or composition of matter that is otherwise patentable. On October 19, 1995, the Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives (''Congressional Hearing'') held a hearing on H.R. 1127.

On October 18, 1995, S. 1334, the ''Medical Procedures Innovation and Affordability Act'', was introduced. While S. 1334 would not exclude subject matter from patentability, as would H.R. 1127, it would grant limited immunity from patent infringement to certain persons. S. 1334 provides that a patient, physician, or other licensed health care practitioner, or a health care entity with which a physician or licensed health care practitioner is professionally affiliated, would be free to use or induce others to use a patented technique, method, or process for performing a surgical or medical procedure, administering a surgical or medical therapy, or making a medical diagnosis. This immunity would not extend, however, to the ''use of, or inducement to use, such a patented technique, method, or process by any person engaged in the commercial manufacture, sale, or offer for sale of a drug, medical device, process, or other product that is subject to regulation under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.''

The critics of the patenting and/or enforcement of surgical and medical procedure patents believe that ''it is unethical for physicians to seek, secure or enforce patents on medical procedures.'' ''Report 1 of the Council on Ethical and Judicial Affairs (A–95), Patenting of Medical Procedures,'' p. 9, the American Medical Association (1995) (''AMA Report''). The bases for this belief are that such patents restrict access to patented procedures, increase costs of medical care, and interfere with patient confidentiality. See, AMA Report, pp. 3–6.

It is not the purpose of the PTO hearing to discuss the ethics of patenting therapeutic and diagnostic method patents. Nor is it the purpose of the hearing to consider economic analyses of patenting therapeutic and diagnostic method patents. Rather, the purpose of the hearing is to consider whether the problems identified by the proponents of H.R. 1127 and S. 1334, some of which are discussed above, can be solved administratively, rather than legislatively. In this regard, the AMA Report draws a distinction between inventions in the field of therapeutic and diagnostic methods that are ''worthy'' of patent protection and those that are not. The Report states, at p. 8, that

> rigorous application of the standard [of obviousness] would not only remove the procedures which are currently causing an uproar in the medical community from patent protection but would ensure that procedures worthy of patent protection could come into existence. It seems reasonable to assert that generally the producers which were non-obvious would be the ones that required additional incentives and economic investment.

The requirement of non-obviousness, along with novelty, is one of the basic requirements to be met prior to a patent being granted. The novelty requirement ensures that a patent is not granted when the claimed invention is identical to an invention found in the ''prior art.'' The purpose of the obviousness standard is to ensure that an invention, even though novel, is not granted patent protection if it would have been obvious at the time the invention was made to a person of ordinary skill in the art or technology to which the invention pertains.

Accordingly, at the Congressional Hearing, the Administration offered to hold hearings at the PTO to determine the extent to which and how the problems presented by the patenting of therapeutic and diagnostic methods can be solved by changes in standards and practices within the PTO. In a letter from The Honorable Carlos J. Moorhead, Chairman of the Subcommittee on Courts and Intellectual Property, House Committee on the Judiciary, to PTO Commissioner Bruce Lehman, Chairman Moorhead requested the PTO to convene hearings ''to determine