

Commissioner of Customs: October 5, 1995.

Docket Number: 95-096. *Applicant:* Arizona State University, Botany Department, Life Sciences Building - E Wing Rm 218, Tempe, AZ 85287-1601. *Instrument:* Fluorescence Measuring System, Model PAM 101. *Manufacturer:* Heinz Walz GmbH, Germany. *Intended Use:* The instrument will be used to measure the kinetics of Q_A reduction and reoxidation in wild-type and genetically engineered mutants of a cyanobacterium, in which photosystem II, the part of photosynthesis with which Q_A is associated, has been altered. A major objective of this work is to elucidate how specific changes in the protein environment surrounding Q_A alter the properties of this cofactor. In addition, the instrument will be used for graduate education in the courses BOT 592 and 792 and MCB 592 and 792. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95-097. *Applicant:* Johns Hopkins University, 3400 N. Charles Street, Baltimore, MD 21218. *Instrument:* Stopped-Flow Spectrophotometer, Model SX.17MV. *Manufacturer:* Applied Photophysics Ltd., United Kingdom. *Intended Use:* The instrument will be used to study the structure and function of a set of three bacterial heat shock proteins that act as molecular chaperones in mediating several aspects of protein metabolism, including protein folding, protein transport, and assembly and disassembly of protein complexes. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95-098. *Applicant:* Research Foundation of SUNY at Albany, AD 335, 1400 Washington Avenue, Albany, NY 12222. *Instrument:* Formaldehyde Monitor. *Manufacturer:* Aero Laser GmbH, Germany. *Intended Use:* The instrument will be used to measure ambient concentrations during regional pollution episodes in rural locations of the northeastern U.S. In this research program both undergraduate and graduate students in atmospheric chemistry will study the formation of formaldehyde and its role in atmospheric photooxidation processes leading to ozone formation. In addition, the instrument will be used to train undergraduate students and technicians in its use and application in quality monitoring networks. *Application Accepted by Commissioner of Customs:* October 12, 1995.

Docket Number: 95-099. *Applicant:* National Institute of Standards and Technology, Building 222, Room A113, Gaithersburg, MD 20899. *Instrument:*

Rotating Sample Stage for Ion Microscope. *Manufacturer:* Kore Technology, United Kingdom. *Intended Use:* The instrument is an accessory for a Cameca ion microscope which will be used to improve the depth resolution of secondary ion mass spectrometry sputter depth profiles. *Application Accepted by Commissioner of Customs:* October 12, 1995.

Docket Number: 95-101. *Applicant:* Rutgers University, P.O. Box 69999, Piscataway, NJ 08855. *Instrument:* Chlorophyll Fluorescence Measuring System, Model PAM 101. *Manufacturer:* Walz (Mess- und Regeltechnik), Germany. *Intended Use:* The instrument will be used to characterize the kinetics of fluorescence for chlorophyll a in whole cells of microalgae in studies of how photosynthetic light reactions are modulated by stochastic light environment. The instrument will also be used in undergraduate courses in marine microbiology and primary productivity in the world's ocean to demonstrate the dramatic physiological plasticity of the microalgae which is central to understanding the dynamic ocean environment in which they live. *Application Accepted by Commissioner of Customs:* October 13, 1995.

Frank W. Creel
Director, Statutory Import Programs Staff
[FR Doc. 95-28094 Filed 11-13-95; 8:45 am]
BILLING CODE 3510-DS-F

**University of Rhode Island, et al.;
Notice of Consolidated Decision on
Applications for Duty-Free Entry of
Scientific Instruments**

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 95-081. *Applicant:* University of Rhode Island, Narragansett, RI 02882-1997. *Instrument:* ICP Mass Spectrometer, Model Element. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 60 FR 50554, September 29, 1995. *Reasons:* The foreign instrument

provides a double focusing magnetic sector analyzer with a sensitivity of 2.0×10^7 ions per second per ppm of indium at resolution 300.

Docket Number: 95-083. *Applicant:* Continuous Electron Beam Accelerator Facility, Newport News, VA 23606. *Instrument:* Gas Cherenkov Counters for Hall A Magnetic Spectrometers. *Manufacturer:* CEA/DSM, France. *Intended Use:* See notice at 60 FR 50554, September 29, 1995. *Reasons:* The foreign instrument provides specially designed counters for atomic particle identification with an efficiency of 99.9%.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel
Director, Statutory Import Programs Staff
[FR Doc. 95-28095 Filed 11-13-95; 8:45 am]
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**National Institute of Standards and
Technology**

**Visiting Committee on Advanced
Technology; Meeting**

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Institute of Standards and Technology's Visiting Committee on Advanced Technology (NIST) will meet on Tuesday, December 5, 1995, from 1:00 a.m. to 5:00 p.m., and on Wednesday, December 6, 1995, from 8:30 a.m. to 11:45 a.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. On December 5, 1995, the agenda will include presentations of

NIST programs; the facilities construction program; the strategic planning for the Information Technology Laboratory; and a laboratory tour. On December 6, 1995, the agenda will include presentations on Investing in Public Technology Companies; report of the Board on Assessment on NIST programs; and a report on the NIST Laboratory Role.

DATES: The meeting will convene December 5, 1995, at 1:00 p.m. and will adjourn at 11:45 a.m. on December 6, 1995.

ADDRESSES: The meeting will be held in Lecture Room A (seating capacity 70, includes 36 participants), Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Chris E. Kuyatt, Visiting Committee Executive Director, NIST, Gaithersburg, Maryland 20899, telephone number (301) 975-6090.

Dated: November 7, 1995.

Samuel Kramer,

Associate Director.

FR Doc. 95-28083 Filed 11-13-95; 8:45 am]

BILLING CODE 3510-13-M

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 Wednesday, November 29, 1995, from 9:00 a.m. until 1:00 p.m., and Thursday, December 7, 1995, 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 Monday, November 27, 1995, for the November 29 hearing, or Tuesday, December 5, 1995, for the December 7 hearing.

Speakers may provide a written copy of their testimony for inclusion in the

record of the proceedings no later than Monday, December 18, 1995.

Written comments will be accepted by the PTO until December 18, 1995.

Written comments and transcripts of the hearings will be available for public inspection on or about Monday, January 22, 1996.

ADDRESSES: The November 29 hearing will be held from 9:00 a.m. until 1:00 p.m. at the University of California, San Diego, The Mandeville Auditorium/Recital Hall, Muir Campus, La Jolla, California.

The December 7 public hearing will be held from 9:00 a.m. until 1:00 p.m. in Suite 912, Commissioner's Conference Room, Crystal Park Building No. 2, 2121 Crystal Drive, Arlington, Virginia.

Requests to testify should be sent to Esther Kepplinger by telephone at (703) 306-2714, by facsimile transmission at (703) 308-6879, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box DAC, 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 DAC, Washington, D.C. 20231, marked to the attention of Esther Kepplinger. Comments may also be submitted by facsimile transmission at (703) 308-6879, with a confirmation copy mailed to the above address, or by electronic mail over the Internet to "sequence@suspto.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: sequence@suspto.gov).

FOR FURTHER INFORMATION CONTACT: Esther Kepplinger by telephone at (703) 306-2714, by facsimile transmission to (703) 308-6879, by electronic mail at ekepplin@uspto.gov, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

I. Background

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. These sequences typically encode known proteins or proteins for which applicant discovered a function. Scientific and technological advances have permitted researchers to identify large numbers of gene fragments rapidly. Armed with databases containing the sequences of known genes, they can identify a novel sequence. The ease of 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. This is a serious problem for the PTO. While the PTO has recently acquired sophisticated and costly hardware and software necessary to search applications containing such sequences, their examination will significantly burden the existing system and may necessitate the acquisition of many additional, expensive, massively parallel processor computers to complete examination in a reasonable time.

PTO estimates that the computer search time for one hundred sequences is about fifteen hours and the examiner time for evaluating the sequence search results is about sixty-five hours. The estimated cost for computer search time for one hundred sequences is \$1500. Although the number of cases involving large numbers of sequences presented before the PTO is small, it is estimated that the cost to search and examine these cases will be \$8 million. These estimates represent searches by a massively parallel processor computer of commercially available databases.

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.

An additional issue has been raised relating to what is known as the Human Genome Initiative (HGI).

The HGI is a project to obtain the entire DNA sequence in the human genome. Many of the benefits expected from the HGI are due to the characterization of expressed nucleic acid sequences in the human genome and their protein products.

Some individuals believe that expressed nucleic acid sequences in the human genome should not be patentable because of the possibility that a patent to a gene fragment could preclude future use of the gene or its protein product. This, it is argued, could inhibit future research efforts to isolate the entire gene or to develop medically beneficial protein compounds. Others believe that