

fish exposed to stress during bypass, collection, and transportation activities at the dams. The research will benefit the listed species by helping determine what effects the dams and their associated structures and management activities transportation, in particular have on the outmigrating salmonids and using that information modify those factors in ways that increase salmonid survival.

#### Permit 1465

The Idaho Department of Environmental Quality (IDEQ) is requesting a 5-year permit to annually take juvenile threatened SR steelhead, fall chinook salmon, spr/sum chinook salmon, and endangered SR sockeye salmon during the course of two research projects designed to ascertain the condition of many Idaho streams and determine the degree to which they meet certain critical stream health parameters. The fish will largely be captured using backpack electrofishing equipment (though boat electrofishing equipment may also be used), weighed and measured (some may be anesthetized to limit stress), and released. The IDEQ does not intend to kill any of the fish being captured, but a small percentage may die as an unintended result of the research activities.

The purposes of the research are to (a) determine whether aquatic life is being properly supported in Idaho's rivers, streams and lakes, and (b) assess the overall condition of Idaho's surface waters. The fish will benefit from the research because the data it produces will be used to inform decisions about how and where to protect and improve water quality in the State.

#### Permit 1469

The Ecosystems Research Institute (ERI) is requesting a 2-year research permit to annually handle threatened juvenile SONCC coho salmon in the Applegate River. The purpose of the research is to measure outmigration rates from the Applegate Reservoir to determine current fish entrainment and mortality. The ERI is proposing to construct a hydroelectric power plant on the Applegate Dam. The study is needed to determine the impacts the project's hydroelectric turbines would have on outmigrating reservoir fish. The research will benefit natural SONCC coho by providing current outmigration estimates of artificially propagated coho and gamefish that may affect the SONCC population through genetic introgression and by predation. The ERI proposes to capture the fish (using a screw trap), anesthetize them, check

them for the presence of an adipose clip, measure them, allow to them recover, and release them. The ERI does not intend to kill any of the fish being captured, but a small percentage may die as an unintended result of the research activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 8, 2004.

**Phil Williams,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 04-5696 Filed 3-11-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Patent Appeals and Interferences

**ACTION:** New collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on this new information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 11, 2004.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, 703-308-7400, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Attn: CPK 3 Suite 310; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at 703-308-7407.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the attention of Richard Torczon, 703-308-9797; or by e-mail at [BPAT.Rules@uspto.gov](mailto:BPAT.Rules@uspto.gov) with "Paperwork" in the subject line.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The United States Patent and Trademark Office (USPTO) established the Board of Patent Appeals and Interferences (BPAI or Board) under 35 U.S.C. 6(b). This statute directs BPAI to "on written appeal of an applicant, review adverse decisions of examiners upon applications for patent and shall determine priority and patentability of invention in interferences." BPAI has the authority under 35 U.S.C. 134, 135, 306, and 315 to review ex parte and inter partes appeals and interferences. In addition, 35 U.S.C. 6 establishes the membership of BPAI as the Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the Administrative Patent Judges, one of which serves as the Chief Judge and another as the Vice Chief Judge. Each appeal and interference is heard by a merits panel of at least three members of the Board.

Under the statute, the Board's two main responsibilities include the review of ex parte appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied applicant, and the administration of interferences to "determine priority" (or decide who is the first inventor) whenever an applicant claims the same patentable invention that is already claimed by another applicant or patentee. In inter partes reexamination appeals, BPAI reviews decisions adverse to a patent owner or a third-party requestor.

BPAI does not currently collect appeal and interference information electronically, but is working on a pilot program that would provide electronic filing in contested cases. Once the pilot program is completed, the results of this program will be analyzed to determine whether electronic filing will be beneficial enough to deploy a production system. BPAI disseminates opinions and decisions to the public through the USPTO's Web site, as well as disseminating them through various publications and databases.

Publication of opinions and binding precedent is governed by BPAI's Standard Operating Procedure 2 (Revision 4) for the "Publication of Opinions and Binding Precedent," effective March 29, 2000. Opinions are categorized as either precedential opinions, which when published provide the criteria and authority that BPAI uses to determine all related cases (unless overruled or changed by statute), or as non-precedential opinions that the authoring judge or panel determines may be published. These opinions are not binding on BPAI, and the authoring

judge or panel can also decide that they should not be published. Since public policy favors a widespread publication of opinions, BPAI publishes many of its opinions, even those that are not binding precedent.

Certain opinions and decisions in decided appeals and interference cases are published. Public availability to records involved in terminated and pending cases varies, depending upon statute and regulation. The public can inspect terminated interference files and application and patent files involved in terminated interferences subject to statutory and regulatory limitations on their availability. Pending interference files are not available to the public (although pending application files may be available, subject to eighteen-month publication requirements).

The USPTO has determined that the forms for the Requests for Oral Hearing Before the Board of Patent Appeals and Interferences (PTO/SB/32) and the Notices of Appeal (PTO/SB/31), which are currently approved by OMB under 0651-0031 Patent Processing (Updating), should be moved into this new collection since these forms are used for requesting appeals and interferences. Therefore, the USPTO requests that these forms be moved into this new collection. In addition, this new collection contains two requirements, Extensions of Time on a Showing of Good Cause and Requests for Interferences, which have not

previously been submitted separately to OMB for review and approval.

There are no forms associated with the Extensions of Time on a Showing of Good Cause or the Requests for Interference. However, both are governed by rules, specifically 37 CFR 1.136(b), 1.604, and 1.607. Failure to comply with the appropriate rule may result in dismissal or denial of the paper.

## II. Method of Collection

By mail or hand delivery when parties file Notices of Appeal, Requests for Oral Hearings Before the Board of Patent Appeals and Interferences, Requests for Extensions of Time on a Showing of Good Cause, or Requests for an Interference.

## III. Data

*OMB Number:* 0651-00XX.

*Form Number(s):* PTO/SB/31 and PTO/SB/32.

*Type of Review:* New information collection.

*Affected Public:* Individuals or households; business or other for profit; not-for-profit institutions; Federal Government; and State, local or tribal Government.

*Estimated Number of Respondents:* 17,410 total responses per year. Of this total, it is estimated that 750 Requests for Oral Hearings Before the Board of Patent Appeals and Interferences, 16,500 Notices of Appeal, 10 Extensions of Time on a Showing of Good Cause,

and 150 Requests for an Interference will be submitted per year.

*Estimated Time Per Response:* The USPTO estimates that it will take approximately 12 minutes (0.20 hours) each to complete the Requests for Oral Hearings Before the Board of Patent Appeals and Interferences, and Notices of Appeal, 4 hours to complete the Extensions of Time on a Showing of Good Cause, and 16 hours to complete Requests for an Interference.

*Estimated Total Annual Respondent Burden Hours:* 5,890 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$1,838,140. The USPTO believes that the Requests for Oral Hearings Before the Board of Patent Appeals and Interferences, the Notices of Appeal, the Extensions of Time on a Showing of Good Cause, and the Requests for an Interference will be completed by associate attorneys. The USPTO estimates that the typical professional hourly rate for the associate attorneys completing the Requests for Oral Hearings Before the Board of Patent Appeals and Interferences, the Notices of Appeal, and the Extensions of Time on a Showing of Good Cause will be \$286, and that the professional hourly rate for the associate attorneys completing the Request for an Interference will be \$350. Therefore, the USPTO estimates that the salary costs for the attorneys completing these requirements will be \$1,838,140 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Requests for Oral Hearing Before the Board of Patent Appeals and Interferences .....	12 minutes .....	750	150
Notices of Appeal .....	12 minutes .....	16,500	3,300
Extensions of Time on a Showing of Good Cause .....	4 hours .....	10	40
Requests for an Interference .....	16 hours .....	150	2,400
Totals .....	.....	17,410	5,890

*Estimated Total Annual Non-Hour Respondent Cost Burden:* \$5,000,847. There are postage costs and filing fees associated with this information

collection. This collection has no capital start-up, operation or maintenance costs.

There are postage costs of \$8,547 for mailing the requirements in this collection to the USPTO.

Item	Responses (yr) (a)	Postage costs (b)	Total cost (yr) (a × b)
Requests for Oral Hearing Before the Board of Patent Appeals and Interferences .....	750	\$0.49	\$368.00
Notices of Appeal .....	16,500	\$0.49	8,085.00
Extensions of Time on a Showing of Good Cause .....	10	\$0.37	4.00
Requests for an Interference .....	150	\$0.60	90.00
Totals .....	17,410	.....	8,547.00

There are filing fees associated with the Requests for an Oral Hearing Before

the Board of Patent Appeals and Interferences and the Notices of Appeal;

the Extensions of Time on a Showing of Good Cause and the Requests for an

Interference do not have filing fees. The total filing fees associated with this information collection are \$4,992,300.

Item	Responses (yr) (a)	Filing Fees (b)	Total Cost (yr) (a × b)
Requests for Oral Hearing Before the Board of Patent Appeals and Interferences .....	600	\$290.00	\$174,000.00
Requests for Oral Hearing Before the Board of Patent Appeals and Interferences (small entity) .....	150	145.00	21,750.00
Notices of Appeal .....	12,570	330.00	4,148,100.00
Notices of Appeal (small entity) .....	3,930	165.00	648,450.00
Extensions of Time on a Showing of Good Cause .....	10	0.00	0.00
Requests for an Interference .....	150	0.00	0.00
Totals .....	17,410	.....	4,992,300.00

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, *e.g.*, the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 5, 2004.

**Susan K. Brown,**

*Records Officer, Patent and Trademark Office, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 04-5616 Filed 3-11-04; 8:45 am]

**BILLING CODE 3510-16-P**

#### COMMISSION OF FINE ARTS

##### Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 18 March 2004 at 10:00 am in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site [www.cfa.gov](http://www.cfa.gov). Inquiries regarding the agenda and requests to submit written

or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 28 February 2004.

**Charles H. Atherton,**  
*Secretary.*

[FR Doc. 04-5645 Filed 3-11-04; 8:45 am]

**BILLING CODE 6330-01-M**

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Federative Republic of Brazil

March 8, 2004.

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

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting a limit.

**EFFECTIVE DATE:** March 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.cbp.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

##### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854);

Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 363 is being decreased for carryforward applied in 2003.

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 69 FR 4926, published on February 2, 2004). Also see 68 FR 63070, published on November 7, 2003.

**James C. Leonard III,**

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

##### Committee for the Implementation of Textile Agreements

March 8, 2004.

*Commissioner,  
Bureau of Customs and Border Protection,  
Washington, DC 20229*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 3, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on March 12, 2004, you are directed to decrease the current limit for Category 363 to 44,916,055 numbers<sup>1</sup>, as provided for under the Uruguay Round Agreement on Textiles and Clothing.

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,

**James C. Leonard III,**  
*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E4-548 Filed 3-11-04; 8:45 am]

**BILLING CODE 3510-DR-S**

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 2003.