abandonment. An applicant simply has the opportunity to file a petition, but need not take action, in response to a ''Notice of Omitted Items.'' Thus, the timeliness of any such petition is governed by 37 CFR 1.181(f). 37 CFR 1.181(f) provides that any petition not filed within two months from the action complained of may be dismissed as untimely.

Establishing prior receipt in the PTO of the page(s) or drawing(s) at issue or submitting the omitted page(s) or drawings(s) and accepting the date of such submission as the application filing date would result in an addition to the papers constituting the original disclosure of the application, and submitting the omitted page(s) or drawings(s) and accepting the date of such submission as the application filing date would result in a change in application filing date. As a change in either the original disclosure or filing date of an application would interfere with the examination of the application for compliance with 35 U.S.C. 102, 103, and 112, the PTO will not forward an application in which a ''Notice of Omitted Items'' has been mailed for examination until it is apparent that the applicant has not responded to the ''Notice of Omitted Items.'' Thus, a nonprovisional application will not be processed for examination, and the examination of the application will be delayed, until the expiration of two months from the mailing date of ''Notice of Omitted Items.'' The two-month period set forth in 37 CFR 1.181(f) is considered an appropriate balance between providing an applicant sufficient time to take action in response to a ''Notice of Omitted Items'' and avoiding unnecessary delays in the examination of the application, which would be undesirable in view of 35 U.S.C. 154 as amended by Public Law 103–465. While an applicant willing to accept a nonprovisional application as deposited in the PTO need not respond to the ''Notice of Omitted Items,'' the filing of an express communication to that effect would permit the PTO to proceed with the processing of the application for examination, and, as such, may reduce the delay in the examination of the application.

While a ''Notice of Omitted Items'' is not an action within the meaning of 35 U.S.C. 133, the principles regarding nonreceipt or delayed receipt of a ''Notice of Omitted Items,'' due either to a failure on the part of the PTO to properly mail such notice or a failure on the part of the U.S. Postal Service to deliver such notice to the correspondence address in a timely manner, are applicable to the nonreceipt or delayed receipt of a ''Notice of Omitted Items.'' Applicants are directed to the Notice entitled ''Withdrawing the Holding of Abandonment when Office Actions Are Not Received,'' published in the PTO *Official Gazette* at 1156, *Off. Gaz. Pat. Office* 53 (November 16, 1993), for the evidence necessary to establish nonreceipt of a ''Notice of Omitted Items,'' and the Notice entitled ''Procedures For Restarting Response Periods,'' published in the PTO *Official Gazette* at 1160 *Off. Gaz. Pat. Office* 14 (March 1, 1994), for the evidence necessary to establish delayed receipt of a ''Notice of Omitted Items.''

Comment (10): One comment suggested that while the proposed procedure is an improvement, it still conflicts with 35 U.S.C. 112 and 113. The comment specifically argues that the sufficiency of an application is a matter for determination by an examiner skilled in the subject matter of the application, in that Congress did not intend that the sufficiency of an application be determined by the Initial Patent Examination Division.

Response: The adopted procedure will accord a filing date to any application that contains something that can be construed as a written description, any necessary drawing, and, in a nonprovisional application, at least one claim. This procedure is consistent with the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113. 35 U.S.C. 113, second sentence, contemplates that drawings may be filed after the filing date of an application. 35 U.S.C. 113, however, provides that an ''application shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented,'' and 35 U.S.C. 111(a)(4) and 111(b)(4) each provide, in part, that the ''filing date * * * shall be the date on which * * * any required drawing are received in the Patent and Trademark Office.'' As such, the PTO has the statutory authority, and responsibility, to determine whether a drawing is necessary under 35 U.S.C. 113 in an application filed without drawings prior to according a filing date to that application.

There is nothing in 35 U.S.C. 111, 112, or 113 that limits the authority of the Commissioner to delegate the determination of whether or when any application meets the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113. In any event, filing date issues are, as discussed *supra*, ultimately decided by Office of the Deputy Assistant Commissioner for Patent Policy and Projects on the basis of whether and when the application meets the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113, and not on the basis of who made the initial decision not to accord a filing date to the application.

Comment (11): One comment suggested that the proposed procedure be adopted by rulemaking. Another comment suggested that the proposed procedure either be adopted by rulemaking or clearly set forth in the MPEP.

Response: 37 CFR 1.53(b)(1) provides that the ''filing date of an application for patent filed under this section, except for a provisional application, is the date on which a specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41.'' 37 CFR 1.53(b)(2) provides that the ''filing date of a provisional application is the date on which: a specification as prescribed by 35 U.S.C. 112, first paragraph; and any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41.'' Thus, no change to the rules of practice is necessary to adopt the procedure set forth in this notice.

It should be noted that the MPEP 608.01 sets forth the former procedure for treating an application filed without all of the pages of specification or filed under 35 U.S.C. 111(a) without at least one claim. Likewise, MPEP 608.02 sets forth the former procedure for treating an application filed without drawings or all of the figures of drawings.

The next revision of the MPEP will incorporate the change in procedure set forth in this notice.

Dated: June 5, 1996.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96–15049 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–16–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of a Guaranteed Access Levels for Certain Cotton Textile Products Produced or Manufactured in Guatemala

June 6, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: June 10, 1996.

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); Uruguay Round Agreements Act.

On the request of the Government of Guatemala, the U.S. Government agreed to increase the 1996 Guaranteed Access Level for Categories 347/348.

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 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

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.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

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 November 29, 1995, 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 Guatemala and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 10, 1996, you are directed to increase the Guaranteed Access Level for Categories 347/348 to 1,600,000 dozen [1].

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,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14947 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1995.

Adjustment of Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

June 6, 1996.

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

ACTION: Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

EFFECTIVE DATE: June 6, 1996.

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 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); Uruguay Round Agreements Act.

On the request of the Government of Jamaica, the U.S. Government agreed to increase the 1996 Guaranteed Access Levels for Categories 338/339/638/639 and 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 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

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.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

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 January 11, 1996, 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 Jamaica and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 6, 1996, you are directed to increase the Guaranteed Access Levels for the following categories:

Category	Guaranteed Access Level
338/339/638/639	4,000,000 dozen.
352/652	13,000,000 dozen.

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,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14946 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

June 6, 1996.

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

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

EFFECTIVE DATE: June 10, 1996.

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