courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

Panel Decision: On December 1, 2004, the Binational Panel remanded the Department of Commerce's final countervailing duty determination on remand. The following issues were remanded to the Department:

(1) The Department is directed to reinstate the C$3.46 profit figure in computing the log-seller profit in Alberta.

(2) The Department is directed to include in the Quebec benchmarks the volume of logs for which the Syndicate data does not indicate prices, or to explain why it should not do so, or why it cannot do so.

(3) The Department is directed to adjust the Quebec benchmarks by deducting log-seller profit from both the import and Syndicate prices.

(4) The Department is directed to consider the conversion factor to be used to convert Syndicate prices in Quebec to cubic meters where the data is reported in other forms.

(5) The Department is directed to include Balsam Fir and Larch in the Ontario SPF benchmark.

(6) The Department is directed to correct the clerical error in the import statistics for Ontario which grossly inflated the benchmark.

(7) The Department is directed to examine the issue of log-seller profit in Ontario. If the Department determines that it is appropriate to use a surrogate profit figure from some other province, it is directed to explain its choice.

(8) The Department is directed to redetermine the net benefit for Ontario.

(9) The Department is directed to recalculate the British Columbia benchmark taking into account actual market conditions in that province. In so doing, the Department must perform separate benefit calculations for the Coast and for the Interior using data available for each region.

(10) The Department is directed to apply recalculated profit figures for Alberta and Quebec in calculating British Columbia stumpage benefits.

(11) The Department is directed to eliminate the import data in the surrogate benchmarks for Saskatchewan and Manitoba.

(12) If the Department's benchmark calculations result in a higher benefit for Quebec or Ontario, the Department is directed to exclude additional sales that might erroneously be attributed to Bois Omega.

The Investigating Authority is directed to complete its remand determination by January 24, 2005.

Dated: December 2, 2004.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. E4–3512 Filed 12–6–04; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 2004–P–050]

Changes to Patent Fees Under the Consolidated Appropriations Act, 2005

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: If enacted in its present form, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), will revise patent fees in general, including maintenance fees, and will provide for a search fee and examination fee that are separate from the filing fee, during fiscal years 2005 and 2006. This notice provides advance notice to the public of the changes to patent fees in the Consolidated Appropriations Act. In particular, with respect to maintenance fees, this notice advises the public to remain vigilant as to the effective date of the Consolidated Appropriations Act and to consider paying maintenance fees early or taking other appropriate steps to ensure that their patents remain in force.

FOR FURTHER INFORMATION CONTACT: The Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7701 or by electronic mail message over the Internet at *PatentPractice@USPTO.gov*.

SUPPLEMENTARY INFORMATION: H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) would, upon enactment, revise certain patent application and maintenance fees; provide separate fees for a basic filing fee, a search fee, and an examination fee; and require an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee).

The new patent fees become effective on the date the President signs the Consolidated Appropriations Act. The fees will remain in effect during the remainder of fiscal year 2005 and during fiscal year 2006. The USPTO expects the Consolidated Appropriations Act to be signed by the President in December.

The patent maintenance fee changes apply to any maintenance fee payment made on or after the date of enactment of the Consolidated Appropriations Act, regardless of the filing or issue date of the patent for which the fee is submitted. The revised maintenance fees take effect on the date the Consolidated Appropriations Act is signed by the President. For example, if the President signs the Consolidated Appropriations Act at noon on December 8, 2004, any maintenance fee paid at any time on December 8, 2004, or thereafter, would be subject to the revised maintenance fee amounts set forth in the Consolidated Appropriations Act, regardless of whether the President signs the Consolidated Appropriations Act before or after the payment is made. For this reason, persons paying the second and third maintenance fees may want to consider: (1) Authorizing payment of any deficiency from a deposit account; or (2) paying the maintenance fee with sufficient time remaining in the payment window to allow for a timely payment of any fee deficiency due to the enactment of the Consolidated Appropriations Act. This is especially important if paying via the USPTO's Internet Web site since there may be some delay in updating maintenance fee information on the USPTO's Office of Finance On-Line Shopping Web page and maintenance fees must be timely paid in the appropriate amount to avoid expiration of a patent.

The new basic filing fee (or national fee), search fee, examination fee, and application size fee will apply to national patent applications filed on or after the date of enactment of the Consolidated Appropriations Act and to international patent applications in which the basic national fee is paid on or after the date of enactment. The filing fee (or national fee), search fee, and examination fee are due on filing. If the filing fee (or national fee) is paid on filing, but the search fee and/or examination fee is missing, the USPTO will issue a notice requiring that any missing search fee and examination fee (but no surcharge until further notice) be paid within a specified period of time in order to avoid abandonment. Thus, if at least the full basic filing fee in effect on the date of enactment of the Consolidated Appropriations Act is paid

on or after the date of enactment of the Consolidated Appropriations Act, the USPTO will issue a notice requiring any balance of the search fee and the examination fee (but no surcharge).

Since the changes to the patent fees take effect on the date the Consolidated Appropriations Act is signed by the President, there will be applications filed on or after the effective date that may not include the revised fees set forth in the Consolidated Appropriations Act. For example, if the President signs the Consolidated Appropriations Act at noon on December 8, 2004, any application filed (before or after noon) on December 8, 2004, or thereafter, would be subject to the basic filing fee, search fee, examination fee and the revised patent application fees set forth in the Consolidated Appropriations Act.

The remaining patent application fee changes, including the excess claims fees, extension of time fees, and appeal fees, apply to any fee payment made on or after the date of enactment of the Consolidated Appropriations Act, regardless of the filing date of the application for which the fee is submitted.

The USPTO will post additional information on its Internet Web site (*http://www.uspto.gov*) as soon as possible after enactment of the Consolidated Appropriations Act. USPTO customers should monitor the USPTO's Internet Web site frequently for current patent fee information.

Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.

Dated: December 2, 2004.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 04–26853 Filed 12–3–04; 9:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China

December 2, 2004.

AGENCY: The Committee for the Implementation of Textile Agreements (the Committee)

ACTION: Solicitation of public comments concerning a request for safeguard action on imports from China of other synthetic filament fabric (Category 620).

SUMMARY: The Committee has received a request from the National Council of Textile Organizations, the National Textile Association, the American Manufacturing Trade Action Coalition, and UNITE HERE! (Requestors) asking the Committee to limit imports from China of other synthetic filament fabric in accordance with the textile and apparel safeguard provision of the Working Party on the Accession of China to the World Trade Organization (the Accession Agreement). The Committee hereby solicits public comments on this request.

FOR FURTHER INFORMATION CONTACT: Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

BACKGROUND:

The textile and apparel safeguard provision of the Accession Agreement provides for the United States and other members of the World Trade Organization that believe imports of Chinese origin textile and apparel products are, due to market disruption, threatening to impede the orderly development of trade in these products to request consultations with China with a view to easing or avoiding the disruption. Pursuant to this provision, if the United States requests consultations with China, it must, at the time of the request, provide China with a detailed factual statement showing ''(1) the existence or threat of market disruption; and (2) the role of products of Chinese origin in that disruption.'' Beginning on the date that it receives such a request, China must restrict its shipments to the United States to a level no greater than 7.5 percent (6 percent for wool product categories) above the amount entered during the first 12 months of the most recent 14 months preceding the request. If exports from China exceed that amount, the United States may enforce the restriction.

The Committee has published procedures (the Procedures) it follows in considering requests for Accession Agreement textile and apparel safeguard actions (68 FR 27787, May 21, 2003; 68 FR 49440, August 18, 2003), including the information that must be included in such requests in order for the Committee to consider them.

On November 8, 2004, the Requestors asked the Committee to impose an Accession Agreement textile and apparel safeguard action on imports from China of other synthetic filament fabric (Category 620) on the ground that an anticipated increase in imports of other synthetic filament fabric after January 1, 2005, threatens to disrupt the U.S. market for other synthetic filament fabric. For a list of the products included in Category 620, see ''Textile Correlation'' at **http://otexa.ita.doc/corr.htm**. The request is available at **http://otexa.ita.doc.gov/Safeguard__intro.htm**. In light of the considerations set forth in the Procedures, the Committee has determined that the Requestors have provided the information necessary for the Committee to consider the request.

The Committee is soliciting public comments on the request, in particular with regard to whether there is a threat of disruption to the U.S. market for other synthetic filament fabric and, if so, the role of Chinese-origin other synthetic filament fabric in that disruption. To this end, the Committee seeks relevant information addressing factors such as the following, which may be relevant in the particular circumstances of this case, involving a product under a quota that will be removed on January 1, 2005: (1) Whether imports of other synthetic filament fabric from China are entering, or are expected to enter, the United States at prices that are substantially below prices of the like or directly competitive U.S. product, and whether those imports are likely to have a significant depressing or suppressing effect on domestic prices of the like or directly competitive U.S. product or are likely to increase demand for further imports from China; (2) Whether exports of Chinese-origin other synthetic filament fabric to the United States are likely to increase substantially and imminently (due to existing unused production capacity, to capacity that can easily be shifted from the production of other products to the production of other synthetic filament fabric, or to an imminent and substantial increase in production capacity or investment in production capacity), taking into account the availability of other markets to absorb any additional exports; (3) Whether Chinese-origin other synthetic filament fabric that is presently sold in the Chinese market or in third-country markets will be diverted to the U.S. market in the imminent future (for example, due to more favorable pricing in the U.S. market or to existing or imminent import restraints into third country markets); (4) The level and the extent of any recent change in