

months of June and July. A second study would be conducted on loggerhead sea turtles in Florida Bay and in a nearby laboratory: annually, up to 50 adult loggerhead sea turtles would be captured by hand, measured, weighed, examined for tumors, photographed, PIT and flipper tagged, skin and blood sampled, and marked on the carapace with a white laminating gel in the field. The turtles would then be transported by boat to the Keys Marine Lab and held for a maximum of 24 hours. During this time, the researchers would perform ultrasounds, testicular biopsies, and laparoscopy. The turtles would then be transported back to the capture site and released. A subset of 15 sea turtles would also be tagged with a combination of a satellite, sonic and temperature-depth recorder. This research would be conducted for five years from issuance of the permit during the months of February and March.

File No. 1506: Dr. Witherington seeks authorization to study neonate and juvenile sea turtles in the waters of the Gulf of Mexico and the Atlantic Ocean off the coast of Florida. Annually, up to 250 neonate and juvenile loggerheads, 10 neonate and juvenile greens, five neonate and juvenile hawksbill, two neonate and juvenile Kemp's ridley, and two neonate and juvenile leatherback (*Dermochelys coriacea*) sea turtles would be captured via long-handled dip nets, handled, measured, and released. A subset of up to 50 neonate and juvenile loggerhead sea turtles would be transported less than five hours to a nearby port, held for 12 hours, and then transported less than four hours to an imaging center where they would be held for no more than four days and examined for plastic and tar loads with either a veterinary high-resolution magnetic resonance interferometry instrument or a computerized tomography. The turtles would then be returned to the point of capture and released. Feces samples would also be collected during the holding period. These activities would be authorized for five years from permit issuance.

Dated: October 1, 2004.

Carrie W. Hubbard,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 04-22730 Filed 10-7-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 2004-P-047]

Grant of Interim Extension of the Term of U.S. Patent No. 4,567,264; Ranolazine

AGENCY: United States Patent and Trademark Office.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a second one-year interim extension of the term of U.S. Patent No. 4,567,264.

FOR FURTHER INFORMATION CONTACT: Karin Ferriter by telephone at (571) 272-7744; by mail marked to her attention and addressed to Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571) 273-7744, or by e-mail to Karin.Ferriter@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On March 29, 2004, patent owner Roche Palo Alto LLC, timely filed an application under 35 U.S.C. 156(d)(5) for a second interim extension of the term of U.S. Patent No. 4,567,264. The patent claims the active ingredient ranolazine (Ranexa™). The application indicates, and the Food and Drug Administration (FDA) has confirmed, that a New Drug Application for the human drug product ranolazine has been filed and is currently undergoing regulatory review before the FDA for permission to market or use the product commercially.

Review of the application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Since it is apparent that the regulatory review period will continue beyond the extended expiration date of the patent (May 18, 2004), the term of the patent will be extended under 35 U.S.C. 156(d)(5) for an additional year.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No.

4,567,264 is granted for an additional period of one year from the extended expiration date of the patent, *i.e.*, until May 18, 2005.

Dated: September 17, 2004.

Jon W. Dudas,

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

[FR Doc. 04-22705 Filed 10-7-04; 8:45 am]

BILLING CODE 3510-16-P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 05-C0001]

Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc., a Corporation, Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20. Published below is a provisionally-accepted Settlement Agreement with Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc., containing a civil penalty of \$500,00.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by October 25, 2004.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 05-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Michelle F. Gillice, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7667.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: October 4, 2004.

Todd A. Stevenson,
Secretary.

In the Matter of Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc.; Settlement Agreement and Order

[CPSC Docket No. 05-C001]

1. Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc. and (hereinafter,