

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV03-930-1C]

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Continuation Referendum; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order; correction.

SUMMARY: This document contains two corrections to the referendum order published in the **Federal Register** on March 3, 2003 (68 FR 9944), concerning tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. This action corrects the referendum period and the date by which ballots must be postmarked to be considered valid listed in the **SUPPLEMENTARY INFORMATION** section. The referendum period is from March 17 through 28, 2003, and the date by which ballots must be postmarked to be considered valid is March 28, 2003.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, DC Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, Suite 2A04, Unit 155, Room 2A38, 4700 River Road, Riverdale, Maryland 20737; telephone: (301) 734-5243, Fax: (301) 734-5275; or Melissa Schmaedick, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 1035, Moab, UT 84532; telephone: (435) 259-7988, Fax: (435) 259-4945.

SUPPLEMENTARY INFORMATION:

Background

A referendum order published in the **Federal Register** on March 3, 2003, (68 FR 9944) directed that a continuance referendum be conducted among eligible growers and processors of tart cherries in the States of Michigan, New

York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin to determine whether they favor continuance of the marketing order regulating the handling of tart cherries grown in the production area. The referendum order was issued under Marketing Order No. 930, as amended (7 CFR Part 930). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Need for Correction

As published, the referendum period and date by which ballots must be postmarked to be considered valid in the **SUPPLEMENTARY INFORMATION** section are incorrect.

Correction of Publication

Accordingly, the **SUPPLEMENTARY INFORMATION** section in the publication of the referendum order (Docket No. FV03-930-1) is corrected as follows:

1. On page 9944, column 2, line 13, the dates "March 10 through March 21, 2003" is corrected to read "March 17 through 28, 2003."
2. On page 9944, column 3, line 9, the date "March 21, 2003" is corrected to read "March 28, 2003."

Dated: March 14, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03-6666 Filed 3-19-03; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 12 and 24

RIN 1515-AC93

Patent Surveys

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to eliminate patent surveys. After careful review, Customs questions the worthiness of continuing the patent survey program given lack of demand for the program, stemming in part from the program's apparent lack of effectiveness within the current

statutory scheme, and other changed circumstances.

DATES: Written comments must be received on or before May 19, 2003.

ADDRESSES: Written comments may be submitted to the U.S. Customs Service, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Ave., NW., Washington, DC 20229. Submitted comments may be inspected at the U.S. Customs Service, 799 9th Street, Washington, DC, during regular business hours. Arrangements to inspect comments should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: George McCray, Branch Chief, Intellectual Property Rights Branch (202) 927-2330.

SUPPLEMENTARY INFORMATION:

Background

Under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337; hereafter, section 1337), concerning unfair practices in import trade, it is unlawful to, among other things, import merchandise into the United States that infringes a valid and enforceable United States patent. Under the statute, the International Trade Commission (the Commission), after conducting a proper investigation, is authorized to exclude patent-infringing merchandise from entry into the United States. (19 U.S.C. 1337(a)(1)(B)(i) and 19 U.S.C. 1337(d).) The statute also authorizes the Commission, under certain circumstances, to issue cease and desist orders, impose civil penalties, and order seizure and forfeiture relative to unlawful acts under the statute.

Customs plays a supporting role with respect to patent infringement cases under section 1337. For example, where the Commission has determined that merchandise infringes a patent and has ordered that the patent-infringing merchandise be excluded from entry, Customs will refuse entry of the merchandise covered by the order after notification by the Commission (see 19 CFR 12.39). In addition to enforcing Commission exclusion orders, Customs enforces Commission seizure/forfeiture orders (19 U.S.C. 1337(i)(2)) and certain court orders.

Patent Surveys

In 1956, while under no statutory mandate to do so, Customs promulgated